



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

23 December 2020

Forward Planning Unit,  
Development Plan Review,  
Louth County Council,  
Town Hall,  
Crowe Street,  
Dundalk,  
Co. Louth  
A91 W20C.

**Re: Draft Louth County Development Plan 2021-2027**

A chara,

Thank you for your authority's work in preparing the draft Louth Development Plan 2021 - 2027 (the draft plan).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authority has put in to the preparation of the draft plan against the backdrop of an evolving national and regional planning policy and regulatory context, which includes taking account of the National Planning Framework (NPF), the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly area, and the establishment of the Office.

More recently, you will have been notified of the Ministerial Circular relating to *Structural Housing Demand in Ireland and Housing Supply Targets*, and the associated Section 28 Guidelines: *Housing Supply Target Methodology for Development Planning*. Your planning authority will be required to review the draft plan, and in particular the core strategy, in the context of this guidance which issued subsequent to the draft plan. Further advice is given in relation to this matter under 'Core Strategy' below.

As your authority will be aware, one of the key functions of the Office includes strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements

relating to planning. The Office has evaluated and assessed the draft plan, under the provisions of sections 31AM(1) and (2) of the Act.

### **General Comments**

The draft plan is being prepared at a crucial time following the preparation of the National Planning Framework (NPF) and the Regional Economic and Spatial Strategy (RSES) which seek to promote the rebalancing of regional development in a sustainable manner.

Louth, due to its location on the Dublin-Belfast Economic Corridor, its cross-border links, and the designation of Drogheda and Dundalk as Regional Growth Centres, will be critical to the successful implementation of the NPF and the RSES. The Office supports the overall approach of the draft plan in terms of the primary focus of population and economic growth on these two centres.

The key challenge will be that such growth takes place in a compact and sequential manner that facilitates active and sustainable transport modes. This will be particularly important in relation to Dundalk where there has been a gravitational pull south along the M1 in recent years rather than focussing on more sustainable and sequential development closer to the town centre and railway station.

Due to the proximity of Dublin and the M1 corridor, in addition to the presence of two large urban centres in the county, Louth is under strong urban pressure for rural housing. The facilitation of urban generated rural housing has the potential to undermine the vitality and vibrancy of small towns and rural villages, to contribute to traffic congestion, and adversely affect the natural environment. Proactive measures to ensure that small towns and villages and other settlements provide an attractive alternative to urban generated rural housing must therefore be prioritised by the planning authority.

It is within this context the submission below sets out recommendations and observations under following seven key themes:

1. Core strategy and settlement hierarchy;
2. Compact growth, regeneration and approach to land use zoning;
3. Rural housing and regeneration;
4. Economic development and employment (including retail);
5. Sustainable transport and accessibility;
6. Climate action and energy;
7. Environment, heritage and amenities; and
8. General and procedural matters.

## **1. Core strategy and settlement hierarchy**

### **1.1 Recent revisions to policy context**

The Ministerial Circular relating to *Structural Housing Demand in Ireland and Housing Supply Targets*, identifies a pressing need to increase the supply of housing across Ireland to 33,000 new households per annum from 2020-2031. Disaggregated figures have been provided for each local authority area to provide an annual average housing supply target to 2031, set out in Appendix 1 to the circular, underpinned by the Section 28 Guidelines: *Housing Supply Target Methodology for Development Planning*.

Notwithstanding that the plan review process has commenced for Louth, the guidelines specify that it will be necessary to demonstrate general consistency with the NPF and ESRI NPF housing demand scenario, including at chief executive's report and at material alterations stages. A methodology is set out in section 4.0 of these guidelines, and within the parameters of potential adjustment to 2026.

#### **Recommendation 1:**

*The planning authority is required to review the proposed Core Strategy, including the population and housing allocations, and to revise as necessary to comply with the requirements of the Section 28 Guidelines: Housing Supply Target Methodology for Development Planning and Appendix 1 of the accompanying Circular.*

*The planning authority is required to amend the core strategy and housing demand figures accordingly, as appropriate including the approach to zoning for residential use and for a mixture of residential and other uses, as necessary to accommodate the overall altered housing supply target consistent with the requirements of compact growth. Without prejudice to the approach to be proposed by the planning authority, the application of phasing in accordance with the sequential approach may be appropriate.*

### **1.2 Settlement hierarchy**

The proposed Core Strategy is considered generally consistent with the NPF Implementation Roadmap in terms of total population growth for Louth. The upper tiers of the proposed settlement hierarchy reflect that of the NPF and the RSES, in particular in relation to the two Regional Growth Centres (RGCs) of Drogheda and Dundalk. The lower tiers, in general, are consistent with the Settlement Typology approach and guiding principles set out in the RSES.

### 1.3 Core Strategy Population distribution

The Office welcomes the clear focus on the Regional Growth Centres (RGCs) of Drogheda and Dundalk (>69% allocated to tier 1), in line with National Policy Objective (NPO) 2b and NPO 7 to support and prioritise the regional roles of these settlements. It is the vision and a key priority under the RSES for Drogheda and Dundalk to both reach a target population in the region of 50,000 by 2031. Taking account of the additional growth for Drogheda environs falling within county Meath, the draft Core Strategy appears consistent with this objective.

However the growth rate for both RGCs is in the region of 20%, compared to over 33% and 51% for the self-sustaining growth towns (SSGTs) of Ardee and Dunleer. Neither Ardee nor Dunleer have been identified for significant growth under the RSES and therefore are bound by the limit of 30% growth (from 2016-2040). This limit does not apply to Drogheda and Dundalk.

The Office has concerns about the ability of Ardee and Dunleer to accommodate sustainable development. The provision of infrastructure, services and amenities in tandem and commensurate with the intended level of population growth would present very significant challenges. In particular, neither Ardee nor Dunleer are served by quality public transport<sup>1</sup> and the population growth would, therefore, be heavily dependent on the road network and private cars, which would undermine the objectives for sustainable settlement and transport strategies required under section 10(2)(n) of the Act.

#### Recommendation 2:

*The planning authority is required to revise the Core Strategy concerning the high level of population growth proposed for Ardee and Dunleer, at 33.6% and 51.6%, respectively, to ensure consistency with NPO 9 of the NPF to limit population growth of those two settlements to 2040 to 30% above the 2016 population baseline figure.*

*Having regard to the settlement characteristics of the County, the planning authority should give consideration to reallocating the excess population growth to the Regional Growth Centres of Dundalk and Drogheda. This would be consistent with the objectives of the NPF to support and prioritise the regional roles of these settlements (NPO 2b and NPO 7) and the key priorities under the RSES.*

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<sup>1</sup> Although Dunleer is situated on the Dublin-Belfast railway line, it does not have an operable station, which is long closed to traffic.

## **2. Compact growth, regeneration and approach to land use zoning**

It is an objective of the NPF (NPO 3c) and RSES (RPO 3.2) that 30% of all new homes are to be delivered within the existing built up footprint of settlements. This is supported by several other objectives in the NPF including NPO 6 and NPO 7 (regeneration) and NPO 13 (development standards) and are further refined in the RSES (RPO 3.3, RPO 4.8 and Guiding Principles).

### **2.1 Compact Growth: Housing demand**

*Occupancy rate / Household size:* The assessment and evaluation of this issue by the office has been superseded by the Housing Supply Targets set out in the Ministerial circular and accompanying guidelines. It would appear, however, that the housing allocation for the 2021 -2027 period (8,278) set out in Table 2.14 of the draft plan exceeds the NPF housing supply targets for Louth in Appendix 1 of the circular.

As per Recommendation 1 above, this will require a substantive review of the Core Strategy, and associated quantity of lands required to be zoned, particularly for the rural area, small towns and the Self-Sustaining Towns of Castlebellingham / Kisanan and Tullyallen where very low occupancy rates have been applied in the existing Core Strategy.

### **2.2 Compact growth - Housing Demand and Housing Land Requirements:**

Demand for zoning of new residential lands is also dependent on assumptions for brownfield development, mixed use development and residential density.

*Brownfield/infill development:* It is an objective of the NPF (NPO3c) and the RSES (RPO 3.2) to achieve a target of at least 30% brownfield/infill development. The RSES (RPO 3.3) requires core strategies to identify urban regeneration areas and set specific objectives for delivery of urban infill and brownfield regeneration sites in line with the RSES Guiding Principles (p.39) at increased densities.

The planning authority is strongly commended for the inclusion of very ambitious targets in its Core Strategy for brownfield housing yields (c.57% for Drogheda and c.67% for Dundalk), notwithstanding that these figures would appear to encompass infill sites, also.

**Observation 1:**

*In order to ensure that the delivery of 30% of all new homes targeted within settlements is provided within their existing built-up footprints, and for consistency with NPO 3 and RPOs 3.2 and 3.3, the planning authority is required to:*

- (i) define in its development plan the areas within the county's settlements that will contribute to this target.*

*In this context, the planning authority should have regard to the definition of brownfield and the range of infill development provided for under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009).*

- (ii) Clarify how the guiding principles for brownfield and infill development have been applied in the preparation of the Core Strategy, including in particular the establishment of strategic brownfield and infill sites as part of the Active Land Management process, provision for pilot projects for re-use of brownfield sites and setting of measures to reduce vacancy of units.*

*Mixed Use Development:* The quantum of zoned land set out in the Core Strategy (table 2.14) relates only to new residential land. No account is taken of the potential housing yield on lands proposed to be zoned for a mixture of residential and other uses (including for example, C1 mixed use, B1 town or village centre) as required under section 10(2A)(d), or on land already so zoned as required under section 10(2A)(c).

**Recommendation 3:**

*The planning authority is required to determine the projected housing yield on those proposed to be zoned for a mixture of residential and other uses lands, in addition to that of any lands already so zoned.*

*Residential density assumptions:* The application of appropriate residential density is essential to the achievement of compact growth. The draft development plan includes appropriate policy and standards concerning residential density. However the area of new residential land zoning, for almost every settlements, would appear to greatly exceed that necessary to accommodate housing growth. The resulting gross densities would potentially be very low, and inconsistent with the *Sustainable Residential Development in Urban Areas: Cities, Towns and Villages (2009) (SRDUA)* and other relevant guidelines on urban development, and incompatible with the achievement of compact growth.

**Recommendation 4:**

*The planning authority is required to review the proposed land use zoning proposed under the Core Strategy table 2.14, , or as revised subsequent to the review as per Recommendation 1 above, to ensure that the quantum of new residential lands proposed is fully justified on the basis of and consistent with residential densities recommended in the Sustainable Residential Development in Urban Areas: Cities, Towns and Villages, Guidelines for Planning Authorities (2009), having regard to the housing yield to be achieved on brownfield land and infill sites and on mixed use land use zones.*

The Office notes the development management standards in table 13.3 of the draft plan applies maximum density to the land use zone B1 Town or Village Centre. The application of maximum densities in town centres of larger towns, in particular, is inconsistent with SRDUA Guidelines .

The Office also notes the requirement (section 13.8.13) for provision of at least one single-storey unit per 100 residential units to meet the needs of older people. The initiative to make explicit provision for the elderly in line with NPO 30 and RPO 9.1 is broadly welcomed, however single storey 'bungalows' are not the sole means of meeting this need and the proposed requirement may undermine other policy requirements within the plan, including compact growth.

A more flexible approach is required in this regard to ensure that suitable accommodation is provided in all schemes and at an appropriate to accommodate the growing elderly population.

**Observation 2:**

*It is advised that the provisions of the draft plan are revisited to ensure;*

- (i) Full consistency with the section 28 guidelines for planning authorities on Sustainable Residential Development in Urban Areas: Cities, Towns and Villages, Guidelines for Planning Authorities (2009) in terms of residential densities;*
- (ii) A flexible approach is included to provide a range of suitable residential accommodations to facilitate housing demand from the projected growth in the elderly population*

**2.3 Compact Growth – Implementation:**

*Land use zoning:* The Office has concerns about the approach to the zoning in certain settlements. The zoning of residential lands in Dundalk does not follow the sequential required under the *Development Plan Guidelines (2007)*. Extensive lands are proposed to be zoned in Blackrock, at a distance south of Dundalk's town centre and railway station. Lands have also been zoned for

residential use north of the river, including zoning for an inappropriately isolated retirement village subject of spot object SO 3. More favourably located lands to the west of the centre are proposed to be zoned L1 Strategic Reserve. This would undermine the national objectives for compact growth and the provision of a sustainable settlement strategy (under section 10(2)(n) of the Act) for Dundalk.

The Office has similar concerns regarding the zoning of residential land on the southeast side of Dunleer, which is not sequentially located, being more remote from the centre than other potential sites and would not contribute to compact growth of the town. Access to the southeast of the settlement is also severely restricted by the railway and currently serves the school and an industrial facility.

#### **Recommendation 5:**

*It is recommended that the residential land use zoning in the draft plan be amended, to more demonstrably comply with the sequential approach and with the national objective for compact growth, as follows:*

- (i) The provisions for land use zoning to accommodate new residential development in Dundalk should be refocused onto lands which are most proximate to Dundalk town centre and its railway station, as opposed to less favourably located lands in Blackrock to the south;*
- (ii) The proposed isolated residential land use zoning objective subject of a spot objective SO3 should be removed, inclusive of the spot objective;*
- (i) The proposed residential land use zone to the southeast of Dunleer should be removed. The provision of an alternative, sequentially favourable site should only be considered for inclusion where necessary under the Core Strategy, as revised in accordance with other recommendations and observations in this submission.*

*Land use zoning for associated facilities:* The planning authority should satisfy itself that sufficient provision has been made in the draft plan for school facilities, in particular in regional growth centres of Drogheda and Dundalk.

*Tiered approach to zoning:* The Office strongly commends the planning authority for its carrying out of an Infrastructure Assessment and Land Use Evaluation (IALUE) for the main settlements in County Louth. This is an innovative, evidenced-based approach which allows for systematic appraisal of the suitability of lands for development, reflective of the Tiered Approach to Zoning (TAZ) required to be applied under NPOs 72a-c.



The IALUE does not, however, differentiate between tier 1 and tier 2 lands as required by NPO 72a, a key element of the TAZ, and the following inconsistencies with that objective are also noted:

- Proposals to zone lands which it would not appear feasible to service during the plan period (e.g. residential site 2, Omeath; employment sites 5-7, Collon; employment site 3, Dundalk).
- The low likelihood of certain tier 2 lands being serviced during the plan period (e.g. wastewater service constraints for site 8, Dundalk),
- Some sites identified as 'serviced' for wastewater are listed as having significant wastewater constraints (e.g. site 9, Mount Pleasant, Dundalk).

At a more general level, the Office also considers that the scope of the IALUE is unduly limited in respect of Drogheda, compared to Dundalk. It excludes many new residential zonings and does not consider the extensive zonings for other uses, such as employment.

In addition, NPO 72b requires the planning authority, when considering zoning land, to make a reasonable estimate of the full cost of delivery of the specified services required and prepare a report detailing the cost at draft and final plan stages. No estimates appear to have been included.

**Recommendation 6:**

*The planning authority is required to review its Infrastructure Assessment and Land Use Evaluation (IALUE) and its proposed land use zonings in order to accord with the requirements of NPO 72a (and Appendix 3), NPO 72b and NPO 72c of the NPF, concerning the Tiered Approach to Zoning.*

*(a) The IALUE is required to:*

- (i) provide for a clear, evidence-based conclusion on lands which are determined to be tier 1 and land which are determined to be tier 2;*
- (ii) assess all lands which are being considered for land use zoning for new development under the plan, not just residential, including for Drogheda; and*
- (iii) include a reasonable estimate of the full cost of delivery of the specified services for each site identified as tier 2 land.*

*(b) The proposed land use zonings are required to be amended to align with the conclusions of the IALUE and to exclude any lands which cannot feasibly be serviced within the plan period in accordance with NPO 72c*

**Active Land Management:** The Office notes the provisions of the draft plan relating to Active Land Management (ALM), including the identification of regeneration areas and the application of the

Vacant Sites Register, consistent with the Guiding Principles of the RSES and RPO 3.3. A range of other measures are relevant, such as provision of services and infrastructure through government funding initiatives, use of compulsory purchase orders (CPOs), derelict sites register, development contribution scheme, pilot projects, masterplans and alternative development management standards. To ensure effective implementation, the setting of site prioritisation, measurable targets and timelines against which the implementation can be monitored and measured would be appropriate.

**Observation 3:**

*The planning authority should consider including a clear objective to implement an Active Land Management strategy, including the expansion of the measures to be included as part of its strategy.*

*The ALM strategy should include site prioritisation, measurable targets (perhaps by settlement at the upper levels) and timelines against which the implementation of its Active Land Management strategy can be monitored and measured.*

**3. Rural housing and regeneration**

The development plan is required to include objectives for sustainable settlement and transport strategies for rural areas under section 10(2)(n). The NPF recognises as unsustainable the largely private, urban generated housing pressure in rural areas and the related, ongoing decline of rural towns and villages, which are a focus for social housing.

It provides the basis for the inclusion of strong policy framework within the development plan to direct private urban generated development into the rural towns and villages, to provide socially balanced, vibrant rural communities with the economic basis to sustain services and amenities.

This is of particular importance to Louth due to the high pressure for urban generated rural housing due to the proximity to Dublin, and the presence of significant centres of employment in Dundalk and Drogheda.

**3.1 Rural housing demand**

NPO 20 requires the *need for single housing in the countryside to be projected through the Housing Need Demand Assessment (HNDA) tool*. The planning authority's HNDA considers rural housing as percentage of all residential units permitted per annum from 2006-2019 (from 5.6% to c.92%) which averaged 13.3%. However, it would appear to makes no projections for rural housing demand. The Core Strategy allocates 10% (or 2,053 persons) of total population growth is allocated to the open countryside.

**Observation 4:**

*It is advised that a clear rationale for the allocation of population and housing growth to the open countryside, outside of settlements, under the Core Strategy is provided in line with the requirements of NPO 20.*

The Office welcomes, as an improvement in evidence-based planning consistent with NPO 36, the inclusion in the draft plan of Policy Objective HOU 6 to monitor and maintain a record of all residential development permitted in settlements. It would be appropriate to extend these provisions to include the development of houses in open countryside outside of settlement, to ensure an integrated approach to housing provision for all communities.

**Observation 5:**

*It is advised that the provisions of Policy Objective HOU 6 are extended to include for the monitoring and maintaining of a record the development of all housing in the open countryside outside of settlements.*

**3.2 Rural housing policy**

The draft plan includes a significant change to the Louth rural housing policy, with rural housing zones reduced from six to two zones, consistent with NPO19. The entire county is defined as under stronger urban influence, with the vast majority of the county within Zone 2, where a relatively relaxed rural housing policy would apply. Additional restrictions would apply in areas of significant landscape value, Zone 1, which is of limited extent.

The qualifying criteria for rural housing within Zone 1 and Zone 2 provide policy support for applications for rural housing for 'native' residents of the area concern. The inclusion of such policy statements would appear to be inconsistent with the findings from the Flemish Decree ECJ case<sup>2</sup> and also conflicts with the provisions of NPO 19 of the NPF and RPO 4.7 and RPO 4.8 of the RSES.

**Recommendation 7:**

*The planning authority is required to review the qualifying criteria for its two rural housing zones with a view to omitting potential conflicts with the Flemish Decree, having regard to*

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<sup>2</sup> The condition that there exists a 'sufficient connection' between the prospective buyer of immovable property and the target commune was found to constitute an unjustified restriction on fundamental freedoms under EU treaties.

*the restricting of consideration to persons who are native to the area, and to more fully align the rural housing with the provisions of NPO 19.*

The additional wording inserted to the rural housing Zone 1 qualifying criteria through a Member's Motion (highlighted **bold**), which states '*Permission will be considered **for 2no. dwellings, in addition to the family home, for a son or daughter...***' could be interpreted either as allowing for two houses per son or daughter, or as preventing a third qualifying sibling from being considered for a dwellinghouse.

The qualifying criteria for Zone 2 are very extensive, with eight qualifying categories. In view of the national planning objective for compact growth it is considered necessary that areas around the main settlements are subject of increased restrictions similar to those of proposed for Zone 1 to avoid the exacerbation of the existing, unsustainable form of development surrounding those settlements.

#### **Recommendation 8:**

*It is recommended that the rural housing policy be amended*

- (i) To omit the following wording from rural housing policy Zone 1, qualifying criteria point 2 - '**for 2no. dwellings, in addition to the family home,**'*
- (ii) To provide for a more restrictive qualifying criteria (similar to proposed Zone 1 criteria) to be applied around the main settlements of the county (similar in extent to Zone 4 under the current plan, but extended to all settlements Levels 1-4), to avoid the exacerbation of existing urban sprawl evident around those settlements, having regard to the national objective for compact growth.*

### **3.3 Level 5 settlements**

The core strategy and rural housing policy provide for level 5 settlements (villages), which appear to comprise areas of unserviced one-off housing ribbon development not recognisable village settlements. To avoid confusion, having regard to the definitions under the *Sustainable Residential Development in Urban Areas: Cities, Towns and Villages* (2009), it would be advisable to term level 5 settlements as rural nodes.

The purpose of the level 5 settlement designations are unclear, as applicants (and/or purchasers of property in a multi-unit development) are required under the plan to comply with the rural housing needs criteria. The purpose and effectiveness of this policy approach, and the potential implications of densification of such unserviced areas in terms of groundwater quality, road safety and sustainable transport, warrant a review of this policy approach.

The Office is also concerned with reference to multi-unit developments under section 3.17.6 Development in Level 5 Settlements, and in Policy Objective HOU 42, which would suggest that such development is supported by the policy objectives of the draft plan. There would appear to be no policy objectives in the draft plan that would support multi-unit development within Level 5 Settlements and/or in the open countryside or. Policy support for such development would undermine national and regional policy objectives for the regeneration of small towns and villages and undermine the implementation of sustainable settlement strategies through the development plan.

**Observation 6:**

- (i) *It is advised that, should level 5 settlement be included in the development plan, they be termed rural nodes.*
- (ii) *It is advised that all references and policy support for the provision of multi-unit development within Level 5 settlements and/or in the open countryside are excluded from the development plan.*

**Recommendation 9:**

*It is required that the decision to include level 5 settlements should be informed by an evidence-based review to consider:*

- (i) *The purpose and effectiveness of these settlements; and*
- (ii) *The potential implications of the policy, through densification of such unserviced areas, in particular in terms of groundwater and surface water quality, road safety and sustainable transport.*

**3.4 Backland development**

The OPR has serious concerns regarding the provision for backland development in rural areas as would be facilitated under section 13.9.43. Such development is considered haphazard development that is inconsistent with recommendations of the *Sustainable Rural Housing Guidelines for Planning Authorities* (2009) (SRHG). The Strategic Environment Assessment (SEA) has highlighted the potential for significant adverse environmental effects arising from the proposed policy approach.

**Recommendation 10:**

*The planning authority is required to remove the provisions regarding accommodation of backland development under section 13.9.43 of the plan.*

### **3.5 Small towns and rural villages:**

The wording of Policy Objective HOU 39 to support a 'new homes in small towns and villages' initiative within 'the existing footprint of rural settlements' is inconsistent with NPO 18b as it suggests that the opportunities be provided in proposed Level 5 settlements. The policy should be rephrased to align with NPO 18b and to secure the revitalisation of rural towns and villages as per NPO 6, NPO 16 and NPO 18a, and to ensure compact growth.

#### **Observation 7:**

*It is advised that Policy Objective HOU 39 be rephrased from 'within the existing footprint of rural settlements' to 'within the existing footprint of small towns and villages'.*

The SRHG advises that development plans include measures to facilitate an appropriate level of housing options in smaller settlements in areas under strong urban pressure. They also suggest small villages and towns are selected to pilot combined public-private investment to stimulate individual housing or private site developments.

The provision of a coherent strategy to develop or facilitate the development of housing in small towns and villages, as an alternative to one-off rural housing, would help the planning authority to meet its obligations under 10(2)(n) for rural areas.

#### **Observation 8:**

*It is advised that the development plan include a more proactive strategy for the regeneration of rural towns and villages in order to provide for, facilitate and support those who wish to build their own house within the settlement boundaries of a small town or village, and to ensure that such locations are an attractive alternative to one-off housing in the countryside.*

*The planning authority should consider what objectives can be included in this regard and what measures are feasible as commitments in the plan, including a range of appropriate active land management measures. The inclusion of clear targets and provisions for monitoring and reviews of the strategy should also be considered.*

## **4. Economic development and employment (including retail)**

The Office welcomes the approach to economy and employment under the draft plan, which provides for the focus of development within the two Regional Growth Centres, on the Dublin - Belfast Economic Corridor, consistent with the provisions of the RSES. The chapter also appropriately addresses the potential economic development of lower tier settlements and the rural economy in appropriate detail.

The Office also welcomes the inclusion of the Louth Retail Strategy as part of the plan (appendix 4). The overall approach to retail development under the plan, which adopts an appropriate retail hierarchy (consistent with the RSES), prioritises the provision of retail in the town centre and other relevant centres and promotes the sequential approach, and includes an appropriate range of policy objectives, consistent with the *Retail Planning Guidelines* (2012). The Office would, however have reservations about the proposed Mixed Use zone (C1) located between Dundalk and Blackrock, the objective of which is 'to provide for commercial, business and supporting residential uses' and would accommodate a range of retail uses and sizes. These lands are currently zoned Employment and Business under the extant Dundalk and Environs Plan 2009-2015.

**Observation 9:**

*The planning authority should satisfy itself that the proposed Mixed Use zone (C1) located between Dundalk and Blackrock will not have a significant adverse retail impact on Dundalk town.*

**5. Sustainable transport and accessibility**

The overall the approach to transport, under Chapter 7 Movement, is positive and includes a commitment to work with the NTA to support the delivery of a high quality, climate resilient and sustainable transport network in the county, and is supported by appropriate policy objectives.

The inclusion of objective MOV 4 to prepare Local Transport Plans (LTPs) for Drogheda and Dundalk as part of the preparation of Local Area Plans / Urban Area Plans is welcomed, in particular.

However, the planning authority's movement and transport strategy fails to reference the requirement to promote reductions in energy use and GHG emissions required under section 10(2)(n) of the Act through sustainable transport strategies for urban and rural areas (a reduction in 'carbon emissions' does form part of the overall vision). Clear reference to these requirements, supported by specific objectives to achieve energy use and GHG emissions, would provide a far stronger focus for the making of any revisions to the strategy and improve its overall effectiveness.

Any revisions to the strategy should be informed by the Avoid-Shift-Improve Framework<sup>3</sup>, which out a strategic, hierarchical approach to devising integrated sustainable settlement and transport strategies to maximise reductions in GHG emissions.

In particular, a coherent sustainable transport strategy is required for rural areas, in addition to urban areas, which should focus on the provision, improvement and/or facilitation of sustainable modes.

**Observation 10:**

*The planning authority is requested to review the movement and transport strategy under Chapter 7 of the draft plan to appropriately reference and implement through the development plan the requirements under section 10(2)(n) of the Act.*

The planning authority is commended for providing baseline data on current travel patterns to inform its plan. However, it is apparent that baseline data at individual settlement level (or at aggregate level for small towns and villages and the open countryside), is necessary to determine achievable modal share targets for different areas under the plan and to facilitate implementation and monitoring (RPO 3.6 of RSES, refers). Relevant baseline data is available through the POWSCAR. Realistic targets for modal share for each settlement can then be set based on the objectives for sustainable settlement and transport strategies under the development plan, in consultation with the National Transport Authority (NTA).

**Recommendation 11:**

*In order to ensure the effective planning, implementation and monitoring of the development plan requirements under section 10(2)(n), the planning authority is required, in consultation with the NTA, to include:*

- (i) Appropriate existing baseline figures for modal share at individual settlement level for the higher order settlements, and at aggregate level for rural villages and the open countryside, as identified in the Core Strategy.*
- (ii) Realistic targets for modal change against the baseline figures provided under (i), above, to form a basis for an effective monitoring regime for the implementation of the planning authority's sustainable transport strategy and its climate change strategy.*

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<sup>3</sup> The ASI Framework is now a standard recognised by, inter alia, the Intergovernmental Panel on Climate Change and the European Environmental Agency, and by the Climate Change Advisory Council in Ireland. It is acknowledged by the Department of Transport, Tourism and Sport as best practice<sup>3</sup> (EPA, November 2020).



The Office also considers that the movement and transport strategy could more strongly acknowledge and support the role of transport demand management as a key element of its strategy.

The tiered approach to parking standards provided under the plan (section 13.14.11 and 13.14.12) has the potential to be an effective demand management tool if it applied to all use types, except where otherwise determined through an evidence-based approach, on performance-based criteria (NPO 13, refers).

In this regard the *Transport Strategy for the Greater Dublin Area 2016-2035* (NTA, 2016)<sup>4</sup>, the SRDUA guidelines (section 5.8) and the *Development Plan Guideline for Planning Authorities* (2007) (section 4.21) provide that maximum car parking standards should apply in town and settlement centres (Area 1) and within proximity to public transport facilities (Area 2).

Provision should also be made to accommodate development in such locations without any parking under certain circumstances, within the Regional Growth Centres in particular.

**Observation 11:**

*It is advised that the movement and transport strategy appropriately acknowledge and support the role of transport demand management. In addition:*

- (i) The car parking standards under table 13.11 should be reviewed through an evidence-based approach, in consultation with the NTA to ensure that the standards to apply to each tier and for each use are justified;*
- (ii) The parking standards should be set as maximum standards in Areas 1 and 2; and*
- (iii) Provision should be made to accommodate development with no parking requirement under certain circumstances, in appropriate locations.*

It will be critical to the effective implementation of sustainable transport (and settlement) strategies, that appropriate design standards are applied to future development.

In particular, the draft plan should clearly identify the *Design Manual for Urban Roads and Streets* (DMURS) as the appropriate road design standard in urban areas (of all sizes) where the 60kph speed limit or lower applies (the standards under section 13.14.17 and table 13 13 are incompatible

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<sup>4</sup> Although the TSGDA does not technically include Louth, it includes objectives for transport infrastructure within the county.

with DMURS). TII standards should also be correctly referenced and applied through the development plan.

**Observation 12:**

*The planning authority is requested to amend the development management standards and any other such references in the plan to:*

- (i) To ensure the plan is consistent with the requirements of the Design Manual for Urban Roads and Streets (2019), making clear that the said standards apply to all development within urban areas within the 60kph and 50kph zones;*
- (ii) To make clear that the standards under section 13.14.17 and in table 13.13 do not apply in locations referred to under (i); and*
- (iii) To appropriately reference the appropriate road design standards including DMURS and TII's road design standards and the locational contexts to where they will apply.*

This provisions of section 7.9 Protected National and Regional Routes appear inconsistent with the provisions of section 2.6 of the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)*, which provides that planning authorities may identify stretches of national roads where a less restrictive approach may be applied under the development plan.

**Recommendation 12:**

*It is recommended the provisions of section 7.9 of the plan are revised, in consultation with TII and in accordance with their advice, so as to be consistent with the provisions of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012).*

**6. Climate action and energy**

The Office welcomes the inclusion of a standalone chapter on climate action (chapter 12). In particular the linking of the policy objectives of the draft plan to the various targets of the Climate Action Plan 2019, in Table 12.1, provides a good overview of the climate action credentials of the plan.

Having regard to the definitions for climate change mitigation and climate change adaption under the plan, the Office would suggest that it would be more consistent to locate sections 12.7.3.1 Integrating Land Use Planning, 12.7.3.4 Urban and Rural Regeneration, and 12.7.3.5 Renewable Energy under section 12.7.1 Climate Change Mitigation.

In addition, Section 12 should provide appropriate cross-referencing to key elements of climate adaptation referenced elsewhere in the plan in view of the requirements of section 10(2)(n). For example, Sustainable urban Drainage Systems which is addressed under chapter 10 Infrastructure and Public Utilities (e.g. IU 18).

Reference to the National Mitigation Plan (NMP) 2017 should also be omitted as it the plan was quashed by the High Court.

### **6.1 Sustainable settlement and transport strategies**

These strategies are required to address the necessity of climate change adaption under section 10(2)(n) of the act. In this regard, the key issues are flood risk, water supply and wastewater capacity.

It is evident from the SFRA that flood risk is a highly significant issue in the county, in particular for coastal settlements. The draft plan provides for the zoning of lands at risk of flooding, throughout the county which requires further consideration in the context of the requirements of the *Planning Authorities and Flood Risk Management Guidelines (2009)*, as revised by *Circular PL 2/2014*, that development should be avoided in areas at risk of flooding through the application of the sequential approach. The application of the Justification Test should also be applied where required.

#### **Recommendation 13:**

*The planning authority is required to review the Strategic Flood Risk Assessment, in consultation with the OPW, to ensure consistency with the Flood Risk Planning Authorities and Flood Risk Management Guidelines (2009), as revised. The land use zoning objectives under the draft plan are also required to be reviewed and amended, having regard to the revised SFRA, and in accordance with the application of the sequential approach, and the Justification Test where appropriate.*

### **6.2 Renewable energy**

The provisions and policy objectives of the draft plan concerning renewable energy, including map 10.1 *Areas suitable for wind development* are, in general, welcomed by the Office as consistent with the national policy objectives of the NPF and consistent with the regional policy objectives of the RSES. The provision of Policy Objective CS 5, to vary the development plan, if appropriate, to ensure consistency with the approach to climate action in any revised Development Plan Guidelines, is noted.

The Office welcomes Policy Objective IU 47, to produce a Renewable Energy Strategy, but would advise that it should be prioritised by the inclusion of an appropriate time limit.

The provisions and policy objective relating to districting heating, while positive, need to be more directive and should be informed by the use of heat mapping and the carrying out of a feasibility study by the planning authority, as required by RPO 7.38.

The draft plan would not appear to take account of the Specific Planning Policy Requirement (SPPR) in the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change* (2017) that must be implemented by the planning authority in the carrying out of its functions. The draft development plan is inconsistent with the above SPPR as it does not:

- Acknowledge the full extent of national policy on renewable energy; and
- Indicate how the implementation of the development plan will contribute to realising national targets on renewable energy and climate change mitigation and in particular wind energy production and the potential wind energy resource in megawatts.

**Recommendation 14:**

*In accordance with the provisions of section 28(1C) of the Act, the planning authority is required to amend the draft development plan in order to fully implement the Specific Planning Policy Requirement contained in the Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change.*

**7. Environment, heritage and amenities**

**7.1 Natural and built heritage**

The provisions the draft plan (and its relevant associated appendices / volumes) for the protection of natural heritage (as set out under chapter 8, Natural Heritage, Green Infrastructure and Biodiversity), and for the protection of built heritage (as set out under chapter 9, Built Heritage and Culture) are considered positive and sufficient, in general, to ensure the protection of same.

However, the Office has concern about the inadequate level of detail included in the plan concerning proposed greenways. Proposed routes for the greenways, including those proposed to be integrated into proposed flood defences should be included as part of the plan. This would assist the relevant authorities in determining the potential for significant effects to arise on European sites in carrying out its Appropriate Assessment for the development plan.

**Observation 13:**

*It is advised that appropriate details and maps of the intended routes for proposed greenways should be included in the development and the planning authority should satisfy itself the these details are fully taken into account as part of the Appropriate Assessment of the plan.*

**7.2 Environmental reports**

The role of this Office is not as an environmental authority under article 6(4) of the SEA directive, however within the context of the section 28 guidelines on SEA it is appropriate and relevant to comment upon the environmental reporting.

The SEA is considered comprehensive in scope and detail and addresses the extensive requirements under the guidelines. It includes a detailed assessment of the provisions of the plan and the provisions for mitigation of potential impacts, although it does not appear to include a final summary conclusion.

Subject to the implementation of the proposed mitigation measures, the SEA environmental report does not identify any significant negative or adverse impact on environmental resources within the county arising from the implementation of the draft plan, excepting those arising from Members' Motions adopted against the advice of officials.

In this regard, the Office's submission includes a recommendation to omit the proposed rezoning at Dundalk Racecourse; an observation to omit the provisions for rural backland development; and a recommendation to omit the wording (concerning the permitting of 2no. houses) under the qualifying criteria for rural housing policy zone 1.

The Office would suggest that the SEA is subject of review in tandem with the review of the SFRA, as recommended, above.

The Natura Impact Report concludes the draft plan will not give rise to any significant effects on designated European Sites, along or in-combination with other plans or projects, in view of the conservation objectives of the habitats or species for which they have been designated. It is understood that the Development Applications Unit (NPWS) has raised concern that the potential for significant effects on European Sites arising from the proposed greenways under the draft plan.

The Office would suggest that the planning authority satisfies itself that the relevant provisions of the plan are subject to Appropriate Assessment consistent with the requirements of the Habitats Directive.

### **8. General and procedural matters**

The written statement, volume 1, extends to almost 500 pages. The Office would advise, in the interest of improving the accessibility of the plan to the general public, that the planning authority review the written statement with a view to providing a more concise document.

The Office would acknowledge the procedures and facilities put in place by the planning authority to promote and facilitate public consultation of the plan during the difficult pandemic period, including virtual planning clinics by an online video call system and the availability of all documentation online in an accessible format.

### **Summary**

The Office requests that your authority addresses the recommendations outlined above. The report of the chief executive of your authority prepared for the elected members under section 12 of the Act must summarise these recommendations and the manner in which they will be addressed.

Your authority is required to notify this Office within **five working days** of the decision in relation to the draft plan. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations made by this Office, then the chief executive shall inform the Office and give reasons for this decision.

The Office acknowledges that meeting the requirements of the above recommendations and observations will require a lot of work. That work is required and should be prioritised to ensure that this Office can conclude that its adoption is in alignment with your authority's wider statutory obligations.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through [plans@opr.ie](mailto:plans@opr.ie).

Yours sincerely,

A handwritten signature in black ink that reads "AM O'Connor". The signature is written in a cursive style with a diagonal slash at the end of the last name.

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**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluations

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