



Oifig an  
Rialaitheora Pleanála  
Office of the  
Planning Regulator

**OPR Ref: MA-018-23**

13<sup>th</sup> January 2025

Senior Executive Planner,  
Forward Planning Section,  
Louth County Council,  
Town Hall,  
Dundalk,  
Co Louth,  
A91 W20C.

**Re: Material Alterations to Draft Dundalk Local Area Plan 2024-2030**

A chara,

Thank you for your authority's work in preparing the proposed Material Alterations to the draft Dundalk Local Area Plan 2024-2030 (material alterations).

As your authority is aware, a core function of the Office of the Planning Regulator (the Office) is the strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. This includes a requirement to make submissions on statutory plans, including any observations or recommendations the Office considers necessary to ensure the effective co-ordination of national, regional and local planning requirements.

The Office has evaluated and assessed the proposed material alterations under the provisions of sections 31AO(1) and 31AO(2) of the Planning and Development Act 2000, as amended (the Act), and within the context of the Office's earlier recommendations and observations.

The Office's evaluation and assessment of the proposed material alterations has regard to the Louth County Development Plan 2021-2027 (County Development Plan), the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly and relevant section 28 guidelines.

## Overview

The Office acknowledges the very extensive work undertaken by Louth County Council (the Planning Authority) in responding to the issues raised by the Office in its recommendations and observations, which it has undertaken in a very positive and constructive manner.

In particular, the Office welcomes the proposed material alterations which address a number of recommendations made to the Dundalk Local Area Plan 2024-2030 (draft Local Area Plan), including the additional Town Centre First policies to support the delivery of compact growth (Recommendation 2 (ii)). The Office also notes MA 6, MA 16 and MA 20 where policy objectives to prepare a masterplan for the plan-led development of Mount Avenue are proposed (Recommendation 2 (iii)). MA 63 which further supports and enhances active travel measures and MA 73 which incorporates a policy objective relating to Sustainable urban Drainage Systems (SuDS) measures (Recommendation 8 (v)) are also noteworthy additions to the draft Local Area Plan, though it is noted that the Office of Public Works highlights the opportunity presented to the Planning Authority to consider site-specific SuDS solutions. The policy objective to link the delivery of community facilities to the provision of housing more generally in the town (MA 9, MA 19 and MA 32) is also noted and particularly welcomed.

As outlined in the Office's submission to the draft Local Area Plan, the Office's recommendations and observations largely focussed on supporting the delivery of the vision for Dundalk and building on the ambition of the RSES and the County Development Plan. The Office subsequently made eight (8) recommendations and six (6) observations on the draft Local Area Plan to enhance its alignment with the County Development Plan, the objectives of the RSES and section 28 guidelines in relation to the settlement strategy, flood risk management, infrastructure delivery and economic development, transport and land-use planning and monitoring and implementation of the Local Area Plan.

Notwithstanding the above, however, the Office is of the view that the focus of the draft Local Area Plan to develop well serviced, well connected and sustainable neighbourhoods could have come across even stronger in the Local Area Plan with the inclusion of a development hierarchy and a phasing programme for the delivery of necessary infrastructure at key residential development areas as well as the

inclusion of guidance in relation to the most appropriate locations for higher densities and higher buildings. Similarly, the draft Local Area Plan would have also benefitted from key land activation measures and details surrounding the timely delivery of infrastructure to facilitate the development of key employment locations.

However, having regard to the material alterations, the submission below sets out two (2) recommendations and one (1) observation under the following themes:

<b>Key theme</b>	<b>Recommendation</b>	<b>Observation</b>
<a href="#">Residential zoning</a>	<a href="#">MA Recommendation 1</a>	-
<a href="#">Flood risk management</a>	<a href="#">MA Recommendation 2</a>	-
<a href="#">Implementation and monitoring</a>	-	<a href="#">MA Observation 1</a>

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the Planning Authority is requested to implement or address recommendations made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The Planning Authority is advised by the Office to action an observation.

A submission can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The Planning Authority is advised by the Office to give full consideration to the advice contained in a submission.

## **1. Residential zoning**

Dundalk is classified as a Regional Growth Centre in the RSES where, as set out in table 3.4 of the Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities (2024) (Compact Settlements Guidelines), lands at Blackrock (to which MA 136 refers and which are located within the CSO

settlement boundary<sup>1</sup>) may be classified as Centre and Urban Neighbourhood. At such locations, densities of 50-150dph (net) shall generally be applied. The Office estimates that the subject lands total approximately 14 hectares which, even at the lower range, could result in the development of 700 units (net) and would lessen the pressure for development in other less sustainable areas.

It is a key priority for Regional Growth Centres (such as Dundalk) as set out in the Compact Settlements Guidelines to 'deliver sequential and sustainable urban extensions at suitable locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built-up footprint of the settlement'.

It is noted that permission was refused on appeal by An Bord Pleanála for a Large Scale Residential Development of 502 units on the subject lands in June 2024. The refusal reason related to deficiencies in sewerage facilities in the area. However, having recently consulted with Uisce Éireann, the Office understands that the subject lands, while not currently serviced, can be serviced during the lifetime of the plan therefore capable of being regarded as Tier 2 - Serviceable Zoned Lands in accordance with appendix 3 of the National Planning Framework (NPF).

The subject lands were also identified as Tier 2 (Serviceable) in the Settlement Capacity Audit that informed the draft Local Area Plan and the development of these lands for housing would also directly benefit from a number of proposed active travel measures as set out in the Dundalk Local Transport Plan (2024) that accompanied the draft Local Area Plan including existing and proposed bus routes, cycle networks and a greenway.

Having regard to all of the above and also to the fact that there are no flooding concerns with respect to the subject lands, the Office is strongly of the view that the New Residential land use zoning objective should be retained as it represents compact, sequential, sustainable growth for the town of Dundalk which aligns with the principles of the NPF, the RSES and the County Development Plan, particularly in relation to the delivery of housing at sustainable, serviceable locations.

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<sup>1</sup> This means within the existing built-up footprint of all sizes of urban settlement, as defined by the CSO in line with UN criteria i.e. having a minimum of 50 occupied dwellings, with a maximum distance between any dwelling and the building closest to it of 100 metres, and where there is evidence of an urban centre (shop, school etc.).

## MA Recommendation 1 – Residential zoning

Having regard to the compact and sequential growth of the Blackrock area, the opportunities for sustainable mobility, and the co-ordination of land use zoning and infrastructure services over the lifetime of the draft Dundalk Local Area Plan 2024-2030 (draft Local Area Plan), and in particular to:

- the strategy for Regional Growth Centres as set out in section 3.3.2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024);
- RPO 3.2 (Compact Growth), RPO 3.7 (Sustainable Growth) and RPO 8.1 (Integration of transport and land use planning) of the RSES; and
- Policy Objectives CS 1 (Core Strategy and Settlement Strategy), CS 2 (Compact Growth), CS 3 (Sustainable Development), MOV 2 (Climate Action) and MOV 14 (Sustainable Travel) of the Louth County Development Plan 2021-2027,

the Office recommends that the Planning Authority makes the Local Area Plan without MA 136.

## 2. Flood risk management

The Office continues to have concerns in relation to how flood risk management is addressed in the draft Local Area Plan. Recommendation 8 (iv) of the Office's submission to the draft Local Area Plan requested the Planning Authority to 'review the Plan Making Justification Test (Justification Test) for zoned land in areas at risk of flooding'. With reference to undeveloped lands along Point Road as an example, the Chief Executive's response determined that the subject lands are under-utilised and adjoin the core of Dundalk. While the amended wording of Policy Objective INF 21 of the draft Dundalk Local Area Plan is noted and is considered reasonable for already developed lands, the zoning of lands within Flood Zone A and B for vulnerable and/or highly vulnerable uses where the Justification Test cannot be passed is inconsistent with the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines).

The proposed material alterations include three zoning amendments on lands that are vulnerable to flooding:

- MA 133 rezones lands near Old Golf Links Road from H1 Open Space to A1 Existing Residential on lands that overlap with Flood Zone A;
- MA 134 (site B) rezones lands from H1 Open Space to E1 General Employment where the majority of the lands overlap with Flood Zone A while most of the remaining lands overlap with Flood Zone B; and
- MA 142 rezones lands from L1 Strategic Reserve to A1 Existing Residential on lands that overlap with Flood Zone A.

The Planning Authority will be aware that this approach is inconsistent with the requirements of the Flood Guidelines and may place people and property at unnecessary risk from future flood events.

### MA Recommendation 2 – Flood risk management

Having regard to flood risk, and in particular to:

- RPO 7.12 (Flooding) of the RSES;
- Policy Objectives IU 26 and IU 27 of the Louth County Development Plan 2021-2027 to implement the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) (Flood Guidelines); and
- the provisions of the Flood Guidelines,

the Office recommends that the Planning Authority:

- (i) makes the Local Area Plan without the following:
  - a) MA 133;
  - b) MA 134 (site B);
  - c) MA 142; and
  - d) MA 143; and
- (ii) includes a new policy objective in section 9.6.2 with respect to lands identified as MA 130 (adjacent to Hill Street Bridge) in order to prohibit highly vulnerable uses on lands that overlap with Flood Zone A. The Zoning and Flood Zones Map should also include a similar reference to the subject lands.

### 3. Implementation and monitoring

In accordance with section 6.5 of the Local Area Plans, Guidelines for Planning Authorities (2013), planning authorities are encouraged to review the success or otherwise of the implementation of the policies and objectives of a local area plan within the life of the plan by effective monitoring systems.

While it is noted that a new policy objective is proposed to be included in the Implementation and Monitoring chapter (MA 89) whereby a progress report will be prepared within six months of all Census publications for Census 2027, this does not provide for a systematic approach to assisting the Planning Authority in determining how or if the key objectives / actions of the Local Area Plan are being implemented.

It is acknowledged that Census publications assist with monitoring of statutory plans, however, it is not necessary that any such monitoring strategy is required to be directly associated with such specific publications.

As such, the Office advises that an amendment is made to MA 89 to ensure that the monitoring and implementation strategy of the Local Area Plan will develop in a timely manner in close cooperation with all relevant departments, agencies and stakeholders involved in securing the delivery of the formulation, adoption, implementation and monitoring of the policies and objectives of the Local Area Plan.

#### MA Observation 1 – Implementation and monitoring

The Planning Authority is advised to make a minor amendment to MA 89 to prepare an Implementation and Monitoring Strategy within six months of the adoption of the Dundalk Local Area Plan 2024-2030 to include the following:

- (i) the relevant lead department / stakeholder with responsibility for ensuring the delivery of each of the policies and objectives;
- (ii) other key departments / stakeholders that would also have a role to play in the delivery of the policies and objectives;
- (iii) a realistic timeframe for the delivery of each policy and objective, for example:
  - a) short (1-3 years);

- b) medium (4-5 years);
  - c) long term (6+ years); and
  - d) ongoing; and
- (iv) delete the reference to linking the progress report to census publications.

#### 4. Other matters

The Planning Authority is reminded to:

- (i) update table 2.5 (as per MA 2 and MA 3) to reflect agreed amendments to land areas and associated potential capacity of lands in Dundalk post the adoption of the Local Area Plan; and
- (ii) update maps 2 and 3 to reflect the agreed changes to the zoning maps post the adoption of the Local Area Plan.

#### Summary

The Office requests that your authority addresses the recommendations and observation outlined above. As you are aware, the report of the Chief Executive of your authority prepared for the elected members under section 20 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your authority is required to notify this Office within **five working days** of the making of the Local Area Plan under section 31AO(5) of the Act. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the Local Area Plan in such a manner as to be inconsistent with the recommendations of the Office, the chief executive must, in the notice letter, inform the Office accordingly and state the reasons for the decision of the Planning Authority.

The Office will then consider the response of the Planning Authority in the Local Area Plan, as made, to the recommendations made by the Office at draft and at material alterations stages, to determine whether a recommendation to the Minister is warranted.

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).



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A handwritten signature in black ink, reading "Niall Cussen", is displayed on a light beige rectangular background.

**Niall Cussen**

Planning Regulator

Designated Public Official under the Regulation of Lobbying Act 2015

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