

Senior Executive Officer
Planning Department
Meath County Council
Buvinda House
Navan
County Meath

28 June 2021

**Re: Draft Meath County Development Plan 2021-2027
Lands at Bracetown and Gunnocks, Dunboyne, County Meath
Submission on behalf of Hickwell Limited, Hickcastle Limited. & Hub Management
Company Limited By Guarantee, Bracetown Business Park, Dunboyne, County Meath**

Dear Sir/Madam

This submission is made on behalf of Hickwell Ltd. Hickcastle Ltd. & Hub Management Company Limited By Guarantee in response to Meath County Council's request for submissions to the Amendments to the Draft Meath County Development Plan 2021-2027 (MCDP).

The submission has been prepared by Declan Brassil & Co., Chartered Planning Consultants; and, TrafficWise, Transportation Consultants.

This submission relates to **Proposed Dunboyne/Clonee/Pace Amendment No. 5**. The proposed amendment amends the Land Use Zoning map (Sheet 13(a)) to *'to correctly show the indicative road routes through MP2 and MP3'* (Figure x below).

Hickwell Ltd. Hickcastle Ltd. (HLHL) made a submission to the Draft Meath County Development Plan dated 3 March 2020, requesting that the road route be realigned to minimise the impact of the proposed route on their zoned employment lands, as identified in Figures 4 and 5 below¹. However, rather than amending the route as requested to minimise the impact on the landholding, the indicative route has been amended on an alignment that is severely prejudicial to the planning status and development potential to HLHL's zoned and serviced landbank.

This submission requests that proposed Amendment No. 5 is further amended to omit the indicative route alignment through HLHL's lands, as identified on Figure 2 below

Figure 1 is an excerpt from the Land Use Zoning Map illustrating proposed Amendment No. 5. The

¹ A copy of the submission of 3 March 2020 is attached as Appendix A. That submission sets out why the alignment as previously proposed in the Draft Plan was undeliverable, and why the proposed realignment was the preferred option.

indicative alignment as included in the Draft Plan is illustrated on the left, and the proposed amended route alignment on the right.

Figure 1: Indicative Route Alignment as included in the Draft Plan on the left, and as proposed to be Amended under Amendment No. 5 on the right.

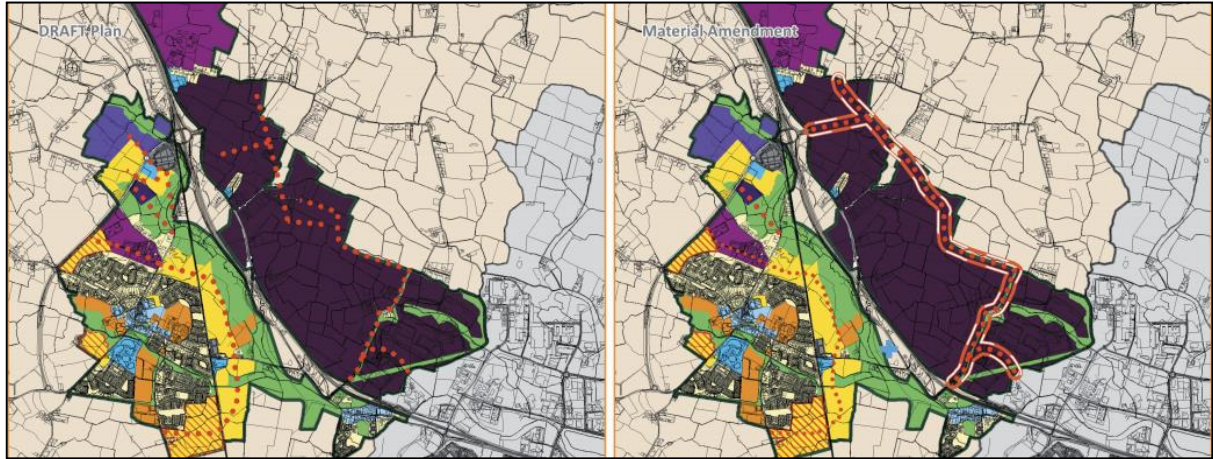
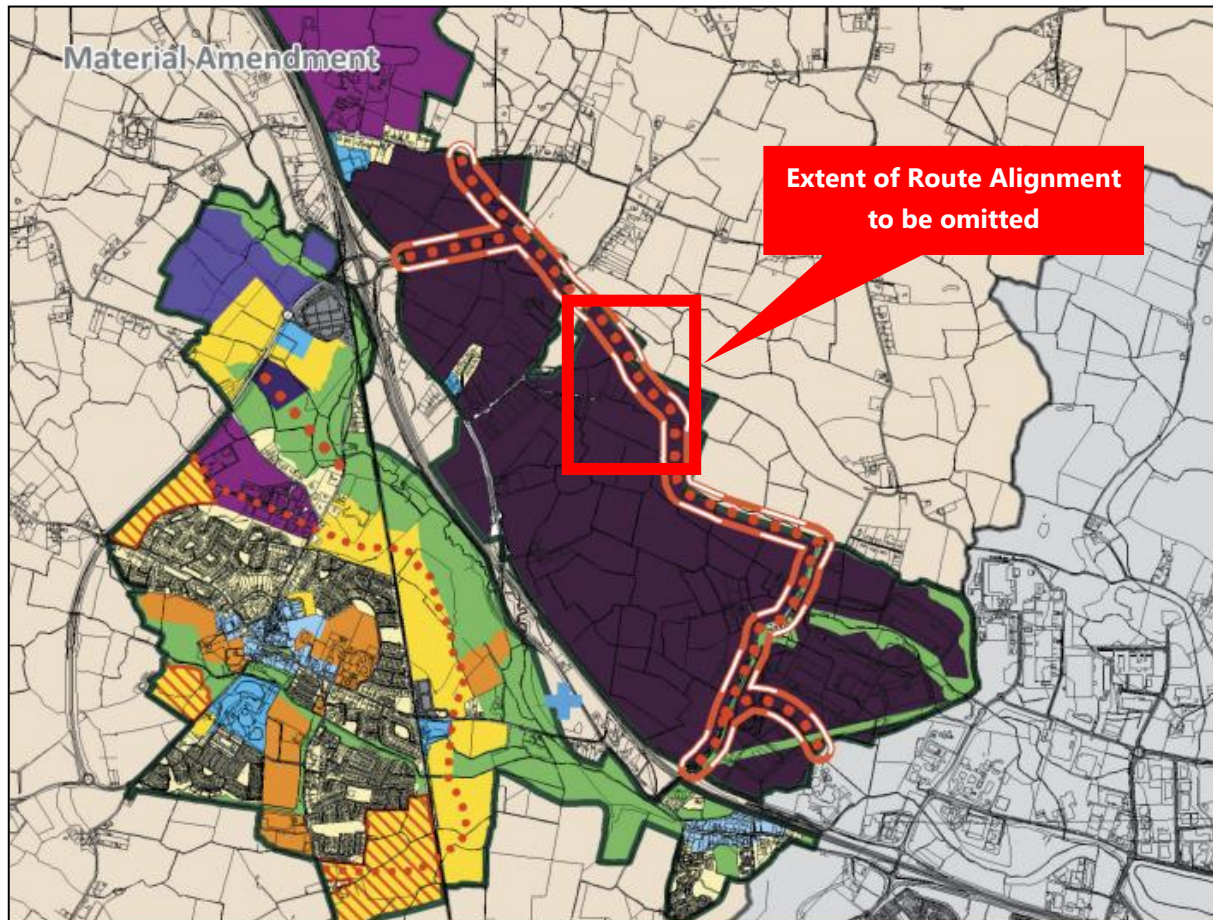


Figure 2 illustrates the proposed amendment to omit the indicative alignment through HLHL's lands.

Figure 2: Proposed Amendment to the Indicative Route Alignment



1. Planning Status of HLHL's Lands

HLHL owns and operates The Hub Logistics Park located on the E2/E3 landbank to the south of the Kilbride Road and accessing to the Kilbride Road. Development commenced in 2006 on The Hub Logistics Park under MCC Ref. DA50233 that permitted six logistics/light industrial units of 18,788 sq m serviced by an internal distributor road servicing the totality of the HLHL landbank (Figure 4, below), accessed to the Kilbride Road.

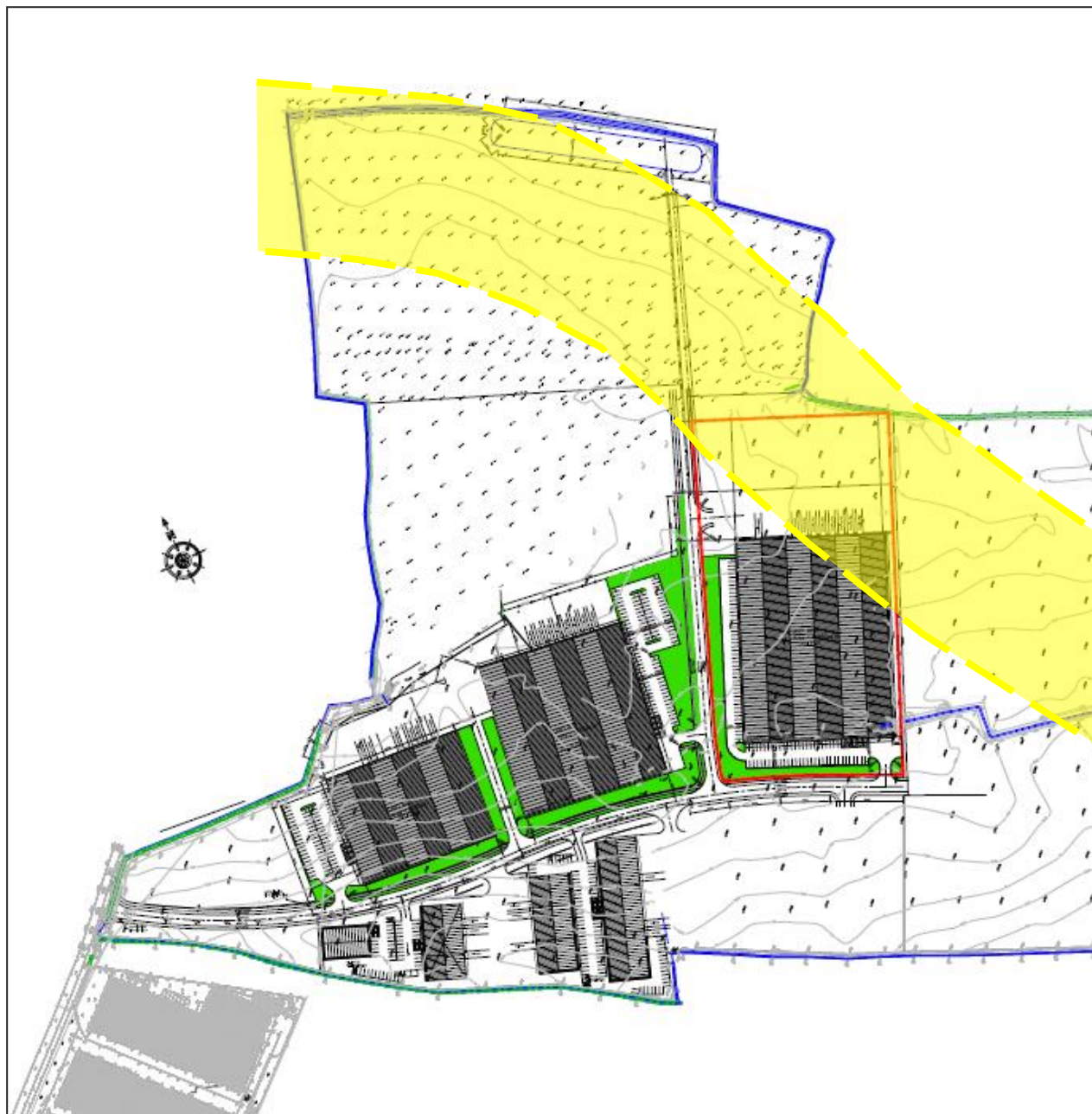
A further three units were permitted in 2015 under RA/150972 with a combined area of 28,944 sq m. A 10-year permission was granted. Unit A02 (9,792 sq m) has been completed and the Commencement Notice has been issued for the construction of Unit A01 (6,480 sq m). Discussions are ongoing with National Retailer for Unit A03 (12,672) and development will commence immediately upon an agreement being concluded.

The proposed Amendment No. 5 Corridor Alignment is illustrated on Figures 3 and 4, clearly illustrating the sterilising impact on that part of the site.

Figure 3 HLHL Landownership and Bracetown Business Park (Proposed Amendment No. 5 corridor identified in yellow outline)



Figure 4 Permitted Site Layout under Ref. RA/150972 (Proposed Amendment No. 5 corridor identified in yellow outline)



2. Planning and Transportation Rationale for the Omission of the Link Through HLHL's Lands

Sheet 13(a) 'Dunboyne-Clonee-Pace Land Use Zoning Map' includes roads objective to link the MP2 and MP3 landbanks to north of the M3 Motorway. These landbanks are located to the north and south of the Kilbride Road (L1010, formerly the CR580). The purpose of the objective is to facilitate the development of employment zoned landbanks designated to the north of the M3 Motorway.

TrafficWise Transportation Consultants has undertaken a review of all published and available transportation assessments and data, and has undertaken a review of permissions granted and development commenced since the adoption of the Dunboyne/Clonee/Pace LAP in **2009**. The Report

concludes that on the basis of permissions granted and implemented on the Engine Node and Facebook sites that those facilities are serviced from the existing roads and don't require the proposed link road, and that the requirement to link the MP2 and MP3 land banks through the HLHL lands is now obsolete and unnecessary. The Report states:

'We can find no evidence of an appropriate integrated land use and transportation study to justify the proposal to connect the MP3 and MP2 lands through 'The Hub' Logistics Park.

'Without the link through the HLHL lands and without the crossing of the L1010 Kilbride Road, the MP2 lands to the south and the MP3 lands to the north of Bracetown would both have satisfactory access to the R147 which serves as the primary distributor road infrastructure in the area and is consistent with the Transportation Study at Dunboyne & Environs.

'The zoned lands at Bracetown that include 'The Hub' and Bracetown Business Park are similarly provided with appropriate access to the R147 via L1010 Kilbride Road.

'It follows that the principal function of CER OBJ 3 to provide access to zoned lands is achieved without the need to traverse the HLHL lands.

'There is no evidence to justify the connection of L5028 Portan Road, to L1010 Kilbride Road and the R147 roundabout at Pace. Such a connection would serve to provide a disjointed route paralleling the R147.

'Given the emphasis placed on investment and enhancement of the distributor function of the R147 corridor as set out in the Transportation Study at Dunboyne & Environs the duplication of this infrastructure is irrational. There is no necessity to duplicate the distributor function of the R147 by connecting the MP2 and MP3 lands which are identified as having 'low employment' density and it follows that they have correspondingly low traffic demand.

'Providing a parallel route to the R147 through lands with low traffic generation has the potential to attract undesirable rat running traffic and has the potential to give rise to the disbenefits associated with anti-social behaviour and long-term parking.

'The R147 is the primary distributor road serving the MP2 and MP3 lands and the modest traffic arisings should reasonably and appropriately be directed to the R147 corridor as envisaged in the Transportation Study at Dunboyne & Environs.'

A copy of TrafficWise's Report is attached as Appendix B.

The proposed indicative alignment also has a significant adverse impact on the planning status and development potential of the ongoing development of The Hub Logistics Park. As illustrated on Figures 4 and 5 above, the alignment and width of the route corridor extends over an extensive area of the zoned and serviced HLHL landbank. In the absence of any identified need for this link there is little if any certainty that the provision of this link will be progressed by the Council or any third party over the life of the Development Plan. This link is of no benefit and is not required for the ongoing development of The Hub Logistics Park and will not be provided by HLHL.

On that basis, the presence of the objective on the lands will have the effect of sterilising HLHL's zoned employment landbank for the life of the Development Plan.

The Planning and Development Act and Guidelines made by the Minister for Housing pursuant to section 28 of that Act place an obligation on MCC to take such steps within its powers as may be necessary to secure the objectives of the development plan. Section 15 of the Planning and

Development Act, 2000, as amended, requires the planning authority to take steps to achieve the objectives of the Plan. Paragraph 1.8 of the Ministerial Guidelines for Planning Authorities on the preparation of Development Plans (2008) states: '**a planning authority has a *specific duty to ensure that the objectives set out in the development plan are secured*. In this regard, plans should be grounded in financial reality and *should set realistic objectives that can be achieved* through public, local or private resources'. [Emphasis added]**

This is achievable only where Plans are evidence based and grounded in reality. The inclusion of major roads and infrastructure objectives should be supported by needs and transportation assessments that are publicly available for scrutiny by affected parties. No evidence of any need for the link through the HLHL lands, or the proposed roadway itself, is included in the Draft Development Plan, in the accompanying documents, or in any publicly available documents prepared by MCC. Furthermore, the provision for this roadway through the HLHL lands will preclude the objectives of development plan to make these lands available for employment generating uses, which the planning authority is obliged to secure in the development plan.

As noted, TrafficWise Transportation Consultants have undertaken an assessment and concluded:

'The objective of facilitating the development of the zoned lands between Portan, Clonee and Bracetown can be achieved, and indeed is already being achieved, without the need to traverse the HLHL lands with the proposed roadway. Indeed, using these very same zoned lands for the purpose of providing a superfluous new section of road will serve to sterilise a large area of these lands so as to prevent their development, and so act contrary to the zoning objectives of the Draft Meath County Development Plan 2020-2026.

'Insofar as the draft plan promotes the objective of re-routing the CER OBJ 3 road to be consistent with the 'Master Plan for Lands Between Portan Clonee and Bracetown, Co. Meath (Project Runways Expansion)', we submit that since the HLHL lands are already suitably accessed it would be logical to terminate the proposed route at the earliest point possible without trespassing on the HLHL lands.

'Given the absence of any objective justification for the proposed roadway through the HLHL lands and given the very serious negative impact on the development potential, use and value of those lands the proposed Draft Development Plan objective of achieving a roadway through these lands is irrational.

'We respectfully invite Meath County Council to agree that the current proposal that would duplicate the function of the R147 by connecting the MP2 and MP3 fails in providing a balanced approach to the forward planning of transportation demands, the provision of access to zoned lands and the optimum use of zoned lands. Accordingly, we invite Meath County Council to amend the current proposal to exclude the section of the route that is a through route of the Hickwell Ltd. Hickcastle Ltd. and Hub Management Company lands.'

Having regard to the foregoing, the Council is requested to remove the link from the HLHL lands, as identified on Figure 2.

The continuing inclusion of the link on the HLHL lands as proposed in Proposed Amendment No. 5 would represent material failures to comply with the Council's basic statutory obligations under the Planning and Development Act, basic principles of administrative law, and the Council's obligation to vindicate HLHL's constitutional property rights.

I trust that the Council will afford due regard to the matters raised in this submission and I look forward to a favourable outcome in the draft Plan when published.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Declan Brassil', with a long horizontal stroke extending to the right.

Declan Brassil

Declan Brassil & Co.

Appendix A

Submission to the Draft Meath County Development Plan 2021-2027, dated 3 March 2020

Appendix B

TrafficWise Transportation Consultants Report, dated 26 June 2021