



Senior Executive Officer,  
Planning & Strategic Infrastructure Department,  
Fingal County Council,  
County Hall,  
Main Street,  
Swords,  
Co. Dublin.

5<sup>th</sup> February 2020

**Comments on Variation No.2 of Fingal Development Plan 2017-2023 in response to the publication of the National Planning Framework and the Regional Spatial and Economic Strategy (RSES)**

Dear Sirs,

I am confused by the following paragraph on page 2 of the Variation and ask if it is a satisfactory approach to aligning the Development Plan with the NPF and RSES .

*'It should be noted that this Variation is proposed within the context of the commencement of the upcoming review of the Fingal Development Plan (which will commence formally in March 2021). The Development Plan review in 2021 will address the longer term objectives and policies of both the NPF and the RSES within a wider review process and only these elements which are considered immediately necessary or legally required are proposed at this stage.'*

This suggest that the full alignment of the NPF & RSES will not be done until the next Fingal Development Plan is completed.

However the Amendment of Section 11 of the principal Act states as follows :-

*11(1)( b)(iii)(I) – give notice of a development plan variation in accordance with Section 13, or  
(II) – give notice of a development plan review.*

As Fingal chose to do a variation we must refer to Section 13 of the Act which states the following  
*Section 13(i) insert the following subsection (14)*

*In this section ' statutory obligations' includes, in relation to a local authority, the obligation to ensure that the development plan is consistent with*

- (a) The National and Regional Development Objectives specified in*
- (i) The National Planning Framework. (NPF)*
- (ii) The Regional Spatial & Economic Strategy (RSES).*

Therefore , it is quite clear that the Act as amended does not allow a Local authority to align its Development Plan with just 'some' of the NPF & RSES and to then come back and do the rest in a couple of years time. This is a 'laissez faire' approach to the review and will leave the Fingal Development plan in 'limbo' for the next 2-3 Years and deem it unworkable as Planning Applications that are constructed to be in compliance with the NPF & RSES , run the risk of not being in compliance with the Development plan and being refused. But on appeal to An Bord Pleanala they would likely be overturned if compliance with the NPF & RSES was shown. Or vice-versa, an application that complies with the NPF & RSES policies may be refused by Fingal County Council for non-compliance with the Development Plan but will then be overturned on Appeal to An Bord Pleanala when it is shown the proposal complies with the NPF & RSES.

The only way to avoid this likely confusion and contradictions is to fully align the Development Plan at this stage and not to push it back, because the longer it is pushed back, the longer serious inconsistencies will exist between the Development Plan and the National & Regional Documents.

I was also expecting an increase in housing unit allocations for Towns within the MASP area and a decrease in projected housing allocations for towns in the Core Region, however the projected figures are the same / no change.

Yours Sincerely,



Kevin Tolan DipArchtech