



## NOTICE OF DRAFT DIRECTION IN ACCORDANCE WITH SECTION 31(7) OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) BY THE MINISTER OF STATE FOR LOCAL GOVERNMENT AND PLANNING TO FINGAL COUNTY COUNCIL AS REGARDS THE MAKING OF THE FINGAL DEVELOPMENT PLAN 2023-2029

Notice is hereby given that on Tuesday 4th April 2023, Fingal County Council received notification from the Minister of State for Local Government and Planning of his intention to issue a Direction pursuant to Section 31 of the Planning and Development Act 2000 (as amended). The Draft Ministerial Direction related to the adoption of the Fingal Development Plan 2023-2029.

### The reasons given for the Draft Direction are as follows:

- I. The Development Plan as made includes significant land zoned for General Employment, Rural Business, and Food Park outside of the Dublin City and suburbs boundary or any settlement boundary and at locations remote from high quality public transport and outside the designated strategic employment development areas identified in the RSES for the Dublin Metropolitan Area inconsistent with the National Strategic Outcomes for compact growth, sustainable mobility and transition to a low carbon and climate resilient society, NPO 62 to strengthen the value greenbelts and green spaces at a regional and city scale, as well as the sequential approach and planning for future development in a manner that facilitates sustainable transport patterns consistent with the Greater Dublin Area Transport Strategy 2022 - 2042 (Measure PLAN 4), Regional Policy Objectives 5.3, 5.6, and 8.4 in the RSES.
- II. The Development Plan as made includes land zoned for General Employment to the east of the M2 at Junction 2 at St Margaret's in close proximity to a Junction of the M2 national road network inconsistent with the Greater Dublin Area Transport Strategy 2022 - 2042 (Measure ROAD 2), and Regional Policy Objectives 8.3 and 8.4, and where the planning authority has not demonstrated that the rezoning satisfies the criteria in Section 2.7 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) regarding development at national road interchanges or junctions.
- III. The Development Plan does not include a strategy for employment development to inform the zoning of further land for employment purposes at Junction 2 of the M2 at St Margaret's, lands located south of Coolquay village, lands south east of Junction 5 on the M1 at Courtlough south of Balbriggan, and lands at Newtown St Margaret's which fails to have regard to the Ministerial Guidelines issued under Section 28 of the Act, specifically the requirement that the evidence and rationale underpinning the zoning of land for employment purposes must be clear and strategic in nature under Section 6.2.5 (zoning for employment uses) in the Development Plans, Guidelines for Planning Authorities (2022).
- IV. The Development Plan as made includes provisions that recognise the inadequacy of the proposed noise insulation scheme to protect the health of those affected by aircraft noise and that it is an objective to take measures including the expansion of noise insulation to ensure noise levels produced by aircraft during night time are reduced to below 40 dB Lnight, which matters are subject to a separate statutory code which includes the designation of a separate action planning authority, the Aircraft Noise Competent Authority, and the preparation of a Noise Action Plan. The inclusion of matters which should be determined through the appropriate statutory process, including the Noise Action Plan, is therefore inconsistent with NPO 65.
- V. No adequate reasons nor explanations relating to the proper planning and sustainable development of the area have been provided to explain why lands have been zoned in such a way and how this approach (involving a failure to demonstrate a strategic rationale to underpin the zoning of further land for employment purposes zoned lands and to a failure to have regard to the Development Plan Guidelines and to satisfy the criteria for development at national road interchanges or junctions) is consistent with an overall strategy for the proper and sustainable development of the area.
- VI. The Development Plan has not been made in a manner consistent with, and has failed to implement, the recommendations of the Office of the Planning Regulator under Section 31AM of the Act.
- VII. In light of the matters set out at I-VI above, the Minister is of the opinion that the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.
- VIII. In light of the matters set out at I to VI, above, the Development Plan is not in compliance with the requirements of the Act.

The Draft Direction is available for public inspection from Tuesday 18th April 2023 to Tuesday 2nd May 2023 (each day excluding weekends and public holidays during office opening hours), at the following locations:

Fingal County Council Offices:

- County Hall, Main Street, Swords, Co. Dublin
- Civic Offices, Grove Road, Blanchardstown, Dublin 15  
(Mon-Thurs 9.00am – 5pm & Fri 9.00am to 4.30pm)
- Online at <https://consult.fingal.ie>

### Making a Submission or Observation:

Written submissions or observations in respect of the Draft Direction may be made to the Planning Authority during the consultation period. All submissions or observations must be received no later than Tuesday 2nd May 2023 at 11.59pm. Late submissions will not be accepted.

### Written submissions or observations may be made in one of the following ways:-

- Online at <https://consult.fingal.ie>
- In writing to the Senior Executive Officer, Development Plan Team, Fingal County Council, County Hall, Main Street, Swords, Co. Dublin, K67 X8Y2.

### NOTE:

Please make your submission by **one** medium only, i.e. hard copy or web submission.

Submissions will be accepted from **9.00am Tuesday 18th April 2023 to 11.59pm Tuesday 2nd May 2023 inclusive**.

Please note that all submissions or observations **must** include:

- Full Name & Address of person making submission/observation
- Details of organisation/community group/company which you represent where relevant

**In accordance with the requirements of the Planning and Development Act, 2000 (as amended), all submissions/observations received will be published online.**

**Submissions or observations in respect of the draft direction made to the planning authority shall be taken into consideration by the Office of the Planning Regulator before it makes a recommendation to the Minister on the matter.**

**You should ensure that no vexatious, defamatory or confidential information, including confidential information relating to a third party (in respect of which the third party has not, expressly, or impliedly in the circumstances, consented to its disclosure) is included in your submission. The Planning Authority reserves the right to redact any submission or part thereof that does not comply with this requirement.**

**YOU ARE STRONGLY ADVISED TO MAKE YOUR SUBMISSION/OBSERVATION AS EARLY AS POSSIBLE, LATE SUBMISSIONS/OBSERVATIONS WILL NOT BE ACCEPTED.**

**Matthew McAleese, Director of Planning & Strategic Infrastructure**

**Dated: 18/04/2023**