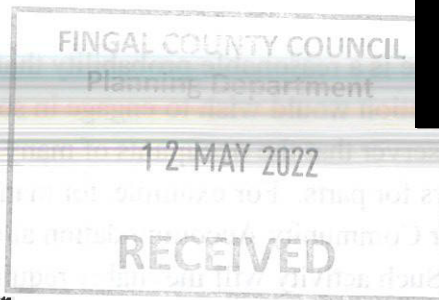


c/o KEARNEY'S



11/5/22

Senior Executive Officer,  
Planning and Strategic Infrastructure Department,  
Fingal County Council,  
County Hall,  
Main Street,  
Swords.  
Co. Dublin. KG7 X8Y2.

**Re: Draft Fingal County Development Plan 2023 - 2029**

Dear Sir/Madam

With reference to the Draft Development Plan 2023-2029 I wish to make the following observations with respect to the proposal to provide Traveller Accommodation at Dubber Cross.

**Safety**

The proposed site for the Traveller Accommodation lies within a few metres of a very busy junction where Dubber Lane meets the R122 (St Margaret's Road). In recent years the R122 has become increasingly busy as motorists utilise it as a back road to and from the airport, the M50, Swords, Charlestown Shopping Centre, Finglas, Ballymun, etc. Positioning the Traveller Community Accommodation at the proposed location will inevitably lead to an increase in traffic attempting to cross that junction thus increasing the danger of serious traffic accidents.

Despite being zoned a Rural Cluster, in reality Dubber Lane is far from bucolic. It hosts a significant industrial presence, chiefly located in Williamsville Industrial Estate but there are also a number of enterprises situated along the Lane which generate a substantial volume of traffic in their own right. This traffic comprises of a wide diversity of vehicles, ranging from the smallest to the largest. Not all drivers adhere to the speed limit and significant danger is posed to pedestrians and other road users by speeding cars and very large lorries.

While it is impossible to say with certainty, it is reasonable to assume that families housed in any proposed Traveller Community Accommodation will include children of various ages. I would suggest that the dangers posed to these children, given the volume of traffic on the road, would be significant. The proximity of the proposed site to the junction with the R122

poses another substantial threat to the safety of children. That is not to say that adults would be exempt from these same dangers.

While nobody can say for certain, there is a reasonable probability that any future residents in the Traveller Community Accommodation would wish to engage in some form of enterprise. It is clear to even the most casual observer that the occupants of many existing sites are engaged in the breaking of motor cars for parts. For example, for many years the people occupying the now-defunct Traveller Community Accommodation at Collinstown were involved in just such an enterprise. Such activity will inevitably require the loading and off-loading of vehicles in the vicinity of the Traveller Community Accommodation, thus posing a danger to passing traffic. Furthermore, people seeking to purchase motor parts will increase the volume of traffic and, in parking in the area, will cause obstruction to pedestrians and passing traffic.

### Existing Facilities

If one were to take a compass and draw a circle with a half kilometre radius it would encompass an existing Traveller Community Accommodation site, the Baleskin Reception Centre (Direct Provision) and a facility provided by Fingal County Council for the use of the Ballymun Horse Owners Association. I think a point has to be reached where an area becomes overburdened by social projects. The practice of seeing Dubber Cross and its environs as an easy target for such facilities shows little or no respect for the existing occupants in the area, many of whom are aging or elderly and do not have the mental or physical capacity to mount adequate opposition to attempts to diminish their quality of life. Throughout the text of the Draft Development Plan references to a need/responsibility to cater for all aspects of society are evident. I would suggest that, in this vein, the needs of the people living in the Dubber Cross community be given prominent consideration.

Given its proposed position at the entrance to Dubber Lane and Meakstown Cottages, many residents will be required to walk past the site of the proposed Traveller Community Accommodation. Many would argue that the mere presence of a Traveller Community Accommodation site is not a cause for anxiety and they would be correct, however, this will do little to assuage the fear experienced by those people who perceive, rightly or wrongly, that a threat to their wellbeing exists. These fears cannot be ignored.

### Re-Zoning

It is difficult to understand why it is necessary to place the proposed Traveller Community Accommodation at Dubber Cross as there are a number of Planning Objectives which allow for Traveller Community Accommodation without the necessity to change zoning. Some of these are LC (Local Centre), MC (Major Town Centre), ME (Metro Economic Corridor), RA (Residential Area), RS (Residential), RV (Rural Village) and TC (Town and District Centre). Even a casual survey of the draft development maps reveals that there is a plethora of such areas within the administrative area of Fingal County Council.

In the current Development Plan the land upon which it is proposed to situate the Traveller Community Accommodation at Dubber Cross are zoned "GE" (General Employment). The Draft Plan clearly states that in those areas with Objective GE Traveller Community

Accommodation falls within the “Not Allowed” designation. The Councils solution to this problem seems to be to simply re-zone the required amount of land to RC (Rural Cluster), thus expanding the Dubber Cross RC. However, any attempt to provide Traveller Community Accommodation in a Rural Cluster must surely contravene the objective stated in paragraph 14.12.1 of the Draft Plan:

“Rural Clusters, with the zoning objective Rural Cluster (RC) seek to “Provide for small scale infill development serving local needs while maintaining the rural nature of the cluster”. Sensitive layout and design of new houses within the Rural Clusters will ensure that they contribute positively to the rural character of the area. The layout and design of new housing within the Rural Clusters should be consistent with Design Criteria for Housing in the Countryside.”

Most sites with Traveller Community Accommodation consist of gated compounds surrounded by high walls containing dwellings which seldom, if ever, blend in with the surrounding architecture. It is clear to even the most casual observer that existing Traveller Community Accommodation does not conform to the philosophy expounded above. In the first instance any attempt to provide Traveller Community Accommodation at Dubber Cross will not simply be a “small scale infill development”; it will be a significant and unsightly addition which will do nothing to enhance whatever is left of the rural nature of the area. Further, there can be no basis for a suggestion that any development of Traveller Community Accommodation will serve any local needs. There is no need within the Dubber Cross area that the provision of a Traveller Community Accommodation will address. To suggest that the Traveller Community Accommodation currently provided by local authorities is sensitively laid out or designed would be to stretch the description to breaking point. It would be in unequivocal conflict with the established architecture and design of the area.

On page 483 of the Draft Development Plan the following is stated:

## **ZONING OBJECTIVE “RC” RURAL CLUSTERS**

### **Objective**

Provide for small scale infill development serving local needs while maintaining the rural nature of the cluster.

### **Vision**

Provide a viable alternative to settlement in the open countryside, *and support small-scale infill development by providing the rural community with an opportunity to choose more rural-style housing than is provided within the Rural Villages, and by facilitating the development of small scale and home-based enterprise among members of the rural community.*

*{emphasis added}*



In this statement of the vision for Objective “RC” it is obvious that the concept of small scale infill development is uppermost in the minds of the author(s). This is consistent with the issues discussed above in relation to paragraph 14.12.1 of the Draft Development Plan.

In the tables provided under this objective I note that “Residential” is a ‘use class’ which is permitted. It is however subject to a footnote (i.e. footnote 4) which states:

<sup>4</sup> Subject to compliance with the Rural Settlement Strategy

It would be too time-consuming to pursue and discuss all the references to a Rural Settlement Strategy in the Draft Development Plan but suffice to say that it is clear that significant and onerous conditions apply.

Traveller Community Accommodation is not included in either of the tables under Objective “RC”, however, I note that in the table headed “Not Permitted” both Retirement Villages and Sheltered Accommodation are included, i.e. they are not permitted. It is surely incongruous that such developments are not allowed in circumstances where Fingal County Council is proposing to situate Traveller Community Accommodation.

Following the tables provided under Objective “RC” the following note appears:

**Note:** Uses which are neither “Permitted in Principle” nor “Not Permitted” will be assessed in terms of their contribution towards the achievement of the Zoning Objective and Vision and their compliance and consistency with the policies and objectives of the Development Plan.

I submit that the provision of Traveller Community Accommodation at Dubber Cross would violate Objective “RC” in the sense that any development in such a zone is required to be small in scale and to serve local needs. Traveller Community Accommodation does not meet these criteria.

### **Lack of Clarity on Draft Map**

One matter which disturbs me is the manner in which the Draft Plan (i.e. draft\_sheet-11-fingai-south) was presented for public scrutiny. In this map the first three letters of the label “Dubber Cross RC” obscure, almost in its entirety, the symbol which denotes Traveller Accommodation. All that remains to provide any clue for someone examining the map is a ‘halo’ of colour with no detail which might provide an indication of the intent of the Council. I have taken the trouble to examine the previous version of the map (i.e. in the current development plan) and I note that not only has the label been moved from its previous location but that the font size has been altered. Given the well-known sensitivity associated with the provision of Traveller Community Accommodation it is difficult to avoid a conclusion that a deliberate attempt to obfuscate and cause confusion is being undertaken.

I visited the consultation event in Balbriggan and I was surprised to see that the label on the display map had been moved so as not to obscure the Traveller Community Accommodation symbol. However I had previously visited the library in Blanchardstown to examine the documents there and I found that their map reflected what was available online, i.e. the

symbol was obscured. I brought this to the attention of the courteous gentleman with whom I spoke at the Balbriggan event and he suggested that this issue was one which had no real relevance in the context of the current element of the consultation process. I would respectfully disagree in the sense that the Council are obliged by law to present their plans for perusal by the public. In order to do this in a clear, transparent and unambiguous way it is necessary for the public to clearly see all aspects of the proposals being put forward by the Council. This is not the case in this instance; the symbol was and remains obscured in the online documentation. While this might be dismissed as some form of oversight it is reasonable to assume that many people might view this online version of the map and fail to see the symbol because it is obscured, as, indeed, I experienced myself. In failing to see the symbol some people who may otherwise take issue might, through lack of knowledge, fail to take action in the form of lodging an objection or an observation and would thus be deprived of their statutory/regulatory rights.

While I am cognisant of the fact that this is not a matter which you might consider in the context of this submission, I believe it is important to draw attention to it in the event that the matter proceeds to another forum or tribunal.

In conclusion I would suggest that a local authority must surely abide by its own rules unless there is a very pressing and genuine need to behave otherwise. In this case there are a significant number of alternative locations within the administrative area of Fingal County Council where the Traveller Community Accommodation could be situated without the need for re-zoning. As you might appreciate, it is matter of extreme frustration among the residents of Dubber Cross and Meakstown Cottages that, due to the intransigence of the Council, they cannot advance their own ambitions to obtain planning permission to provide accommodation for family members while Fingal County Council appear to be able to advance their own agenda with no apparent restriction or oversight.

Yours faithfully,



PATRICK CUNNINGHAM,

