

Development Plan Team,  
Planning and Strategic Infrastructure Department,  
Fingal County Council,  
County Hall,  
Main Street,  
Swords,  
Co. Dublin

20<sup>th</sup> December 2022

**RE: Submission to Material Alterations of Draft Fingal County Development Plan 2023-2029**

Dear Sir / Madam,

## 1.0 Introduction

In accordance with Sections 9, 10, 11 and 12 of the Planning and Development Act, 2000 (as amended), Downey Planning, Chartered Town Planners, 29 Merrion Square, Dublin 2, wish to make this submission on the proposed Material Alterations to 'Draft Fingal County Development Plan 2023-2029 to Fingal County Council.

This written submission is made in response to an invitation for comments from interested parties by Fingal County Council. This submission is being made within the specified timeframe for submissions i.e., 22<sup>nd</sup> December 2022, as set out on the Council's website.

This written submission relates to the proposed material alteration PA SH. 13.10, which adds a new local specific objective as follows:

*"Include a local specific objective to show an ecological corridor free of new housing development with a buffer consisting of a minimum width of 30 metres from the top of each bank of the Canal".*

## 2.0 Planning Legislation Context

The process for the preparation of the Draft Development Plan is contained within Section 11 of the Planning and Development Act, 2000 (as amended) and the consultation process of the Draft Development Plan is contained within section 12 of the Planning and Development Act, 2000 (as amended), which states:

“12 - (7) (ad) (ii) “that written submissions or observations with respect to the proposed material alteration or an assessment referred to in paragraph (aa) and made to the planning authority within a stated period shall be taken into account by the authority before the development plan is made”.

This submission to the Material Alteration stage of the draft of the Development Plan is being made in accordance with Section 12 (7) (ad) (ii) of the Planning and Development Act, 2000 (as amended) and is being submitted within the specified timeframe (22<sup>nd</sup> December 2022) as set out on the website of the Fingal Development Plan 2023-2029.

### 3.0 Grounds of Submission

This written submission relates to the proposed Material Alteration PA SH. 13.10, which adds a new local specific objective as follows:

*“Include a local specific objective to show an ecological corridor free of new housing development with a buffer consisting of a minimum width of 30 metres from the top of each bank of the Canal”.*

We note that this is being proposed as a Material Alteration to the Draft Development Plan following a Councillor Motion (Motion AI081802) during the Council meetings on the Draft Development Plan. The Motion was objected to by the Executive of Fingal County Council who did not support the Councillor that it was required, and Downey would concur with the view and opinion of the Executive in this regard.

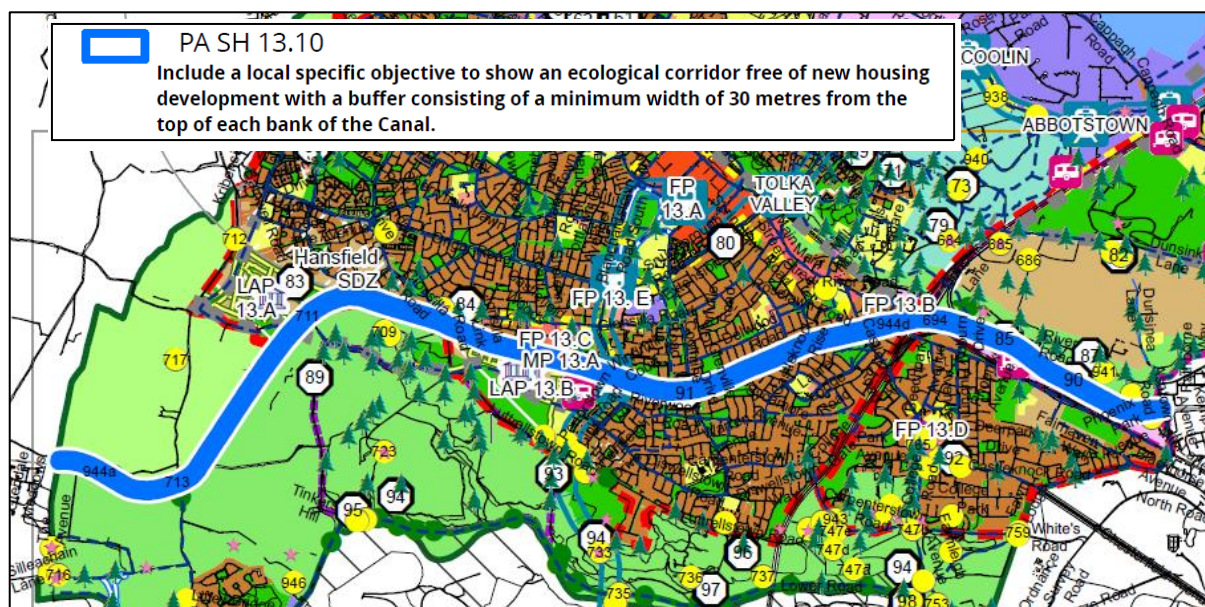
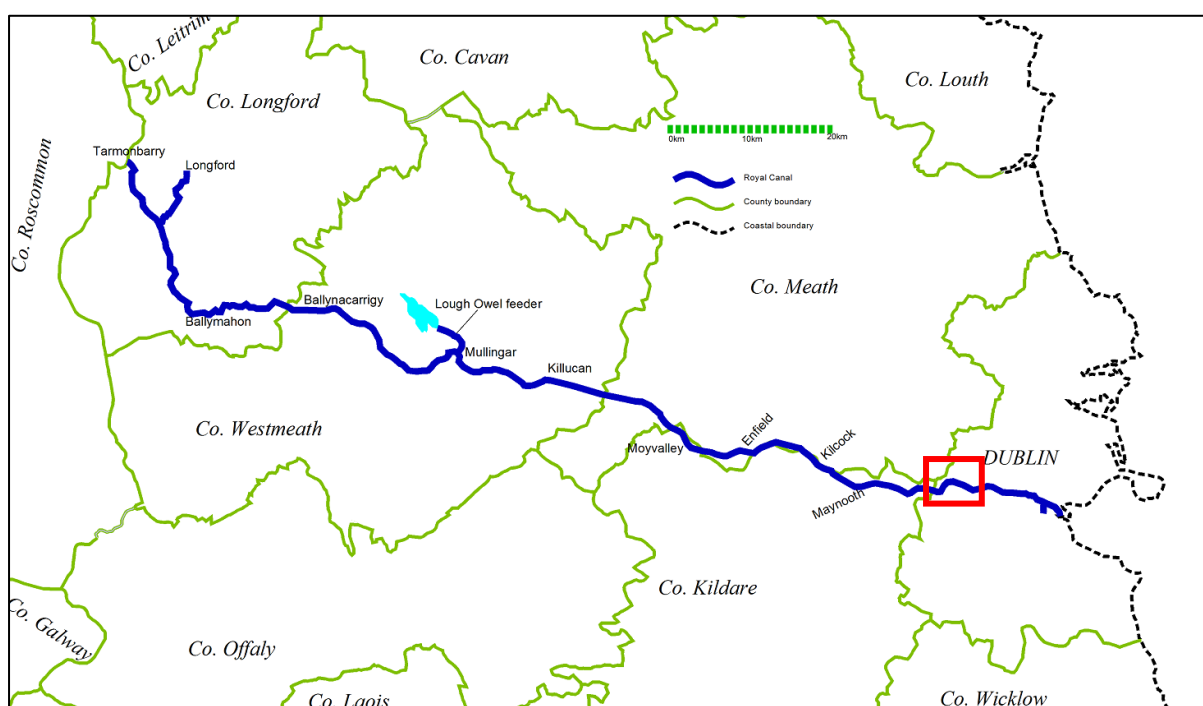


Figure 1. Proposed Material Alteration PA SH 13.10

The Royal Canal itself stretches approximately 140km from Dublin to the River Shannon at Longford and as such is a national body of water that is managed by Waterways Ireland. It is not limited to Fingal. The reality of the proposed Material Alteration is that it is a very limited objective that solely seeks to prevent housing in Fingal, while other land uses could be permitted within the 30-metre distance that is referenced. Furthermore, a similar restricting objective does not pertain to the other Development Plans that affect the length of Royal Canal, particularly with regard to the neighbouring counties of Kildare, Meath and Dublin. We note that Waterways Ireland did not propose such a submission and nor did any other Statutory Bodies that would be concerned with biodiversity and water bodies.



**Figure 2. Royal Canal (red box shows approximate extent of Royal Canal within Fingal)**

It is stated within the National Planning Framework (NPF) that, *“a major new policy emphasis on renewing and developing existing settlements will be required, rather than continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages.”*

As NPO 3a of the NPF states, it is the objective of the NPF to:

*‘Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.’*

The NPF targets a significant proportion of future urban development on infill / brownfield development sites within the built footprint of existing urban areas. This is applicable to all scales of settlement, from the largest city to the smallest village. This means encouraging more people, jobs, and activity generally within our existing urban areas, rather than mainly 'greenfield' development and requires a change in outlook. In particular, it requires well-designed, high-quality development that can encourage more people, and generate more jobs and activity within existing cities, towns and villages. This is provided that development meets appropriate standards to achieve targeted levels of growth. It also requires active management of land and sites in urban areas.

As NPO 11 states:

*'In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.'*

It is respectfully submitted that the Proposed Material Alteration in this instance materially contravenes the NPF as it will have the effect of preventing residential development from taking place on otherwise zoned and serviced land that is located within the Metropolitan Area of Dublin. It is noted that there are such zoned lands adjacent to the Royal Canal that are ideal for residential development given their proximity to existing residential areas and services and also high-quality public transport, which will encourage a sustainable residential community in line with the NPF.

The Draft Development Plan is generally consistent with the NPF and the RSES in terms of its Objectives for housing delivery that is contained within the Written Statement. The following Objectives are clear examples of this:

Objective SPQHP10 – Support Compact Growth:

*"Support the implementation of and promote development consistent with the National Strategic Outcome of Compact Growth as outlined in the NPF and the Regional Strategic Outcome of Compact Growth and Regeneration as set out in the RSES".*

Objective SPQH08 – Consolidated Residential Development:

*"Consolidate within the existing urban footprint, by ensuring 50% of all new homes within or contiguous to the built-up area of Dublin City and Suburbs and 30% of all new homes are targeted within the existing built-up areas to achieve compact growth of urban settlements, as advocated by the RSES".*



Objective SPQH09 – New Residential Development:

*“Focus new residential development on appropriately zoned lands within the County, within appropriate locations proximate to existing settlement centres where infrastructural capacity is readily available, and along existing or proposed high quality public transport corridors and active travel infrastructure in a phased manner alongside the delivery of appropriate physical and social infrastructure”.*

It is evident therefore, that the proposed Material Alteration PA SH 13.10 would also materially conflict with the above 3 Objectives that are contained within the 2023-2029 Fingal Development Plan as it would force residential development away from appropriately zoned lands that are serviced and contiguous to existing developments and public transport corridors.

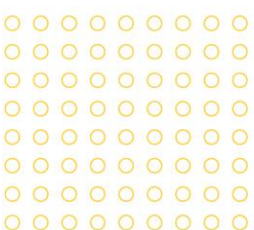
Should the proposed Material Alteration (PA SH 13.10) be adopted as part of the new Plan and subsequently an application for residential development be refused permission as a result, then it brings into question whether or not such an affected applicant would seek and be entitled to compensation from the Planning Authority under Section 192 of the Planning and Development Act, 2000 (as amended).

#### **4.0 Conclusion**

This submission has been prepared by Downey Planning, regarding the proposed Material Alterations PA SH. 13.10 to the Draft Fingal Development Plan 2023-2029, which sets out a local specific objective to show an ecological corridor free of new housing development with a buffer consisting of a minimum width of 30 metres from the top of each bank of the Canal.

Downey considers that the proposed Material Alteration effectively seeks to dezone by stealth large swathes of otherwise zoned land from Metropolitan Dublin. There is no basis for such a draconian objective to be included in the Plan, particularly given the fact that there are existing objectives relating to European sites, NHA’s and riparian corridors and watercourses. This proposed local objective goes way above this and brings the Development Plan into direct conflict with higher tier plans, such as the National Planning Framework and the Regional Economic and Spatial Strategy, which seeks to focus housing development and urban growth within the Metropolitan area and especially on zoned and serviced lands beside high quality public transport.

In light of the foregoing, Downey Planning, on behalf of our client, respectfully request that Fingal County Council consider the grounds of this submission to the Proposed Material Alterations to the



Draft Fingal Development Plan 2023-2029 and do not adopt proposed Material Alteration PA SH 13.10 in the new Fingal Development Plan.

We would be grateful for a written acknowledgement of this submission at your convenience.

Yours sincerely,



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Donal Duffy MIPI  
Director  
*For and on behalf of DOWNEY*

