

**PLANNING SUBMISSION TO
PROPOSED MATERIAL ALTERATIONS OF
DRAFT FINGAL DEVELOPMENT PLAN 2023 - 2029**

December 2022



AKM Design

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Job Title: Material Alterations Draft Fingal County Development Plan

Report Title: Planning Submission

Job Number: 220111

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Revision	Issue Date	Description	Prepared	Reviewed	Approved
-	21/12/2022	First Draft	JK	JK	
-	22/12/2022	Final Draft	JK	JK	JF GH

1.0 Introduction

AKM Design were commissioned by Glenveagh Properties PLC of Digital Office Centre, Block B, Maynooth Business Campus, Straffan Road, Maynooth, Co Kildare W23W5X7 to make a submission to the Proposed Material Alterations to the Draft Fingal Development Plan 2023-2029.

We wish to state that this submission is solely relates to Proposed Material Alterations contained in the Draft Plan.

Our submission focuses on the following Proposed Material Alteration sections:

- Section 14.11.2 Age Friendly Housing
- Section 14.17.5 Road Network and Access
- Section 14.7.3 Internal Storage
- Material Alterations Zoning Map Sheet 12

1.1 Age Friendly Housing

PA CH 14.5: Section 14.11.2 Age Friendly Housing, page 537

Insert new objective after section 14.11.2 of the Draft Plan as follows:

Objective DMSOXX – Age Friendly Housing

Require new residential developments in excess of 100 units provide 10% of the units as age friendly accommodation.

The Material Alteration to the Draft Fingal Development Plan 2023-2029 includes the provision of 10% of units in excess of 100 to provide for age-friendly accommodation. While my client are in favour of the allocation of age friendly units, we consider this figure set at 10% is too high. Flexibility needs to be provided for the allocation of these units, especially in larger developments where 10% of units may not be feasible due to density constraints.

We ask the planning authority to consider Adaptable Units are an alternative to specifically age-friendly units. This could allow for the adaptation of family homes to provide, for example, ground floor bedrooms, units which could be extended easily and further easy integration of other age-friendly unit requirements while still providing a unit that is suitable for any age.

1.2 Road Network and Access

PA CH 14.12: Section 14.17.5 Road Network and Access, page 584

Amend Objective DMSO117 as follows:

Objective DMSO117 - **Motorway Access** *National Road Access*

'Prohibit development requiring *new or intensified* access onto a **motorway national road** and seek to reserve the capacity, efficiency and safety of National Road infrastructure including junctions *in accordance with the provisions* **and presume against access onto National Primary routes** *of the Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012).*

Amendment OBJ DMSO117 seeks to prohibit development that would require new or intensified access onto a national road. This material alteration is unnecessarily stringent on access to national roads. If a developer is prohibited from both creating a new access or creating a connection to an existing access to a national road, it could result in considerable amounts of lands deemed undevelopable.

The Spatial Planning and National Roads Guidelines for Planning 2012 does not prohibit development that requires new or intensified access onto national roads, but requires the following:

3.2 Development Applications and National Roads

The Planning and Development Regulations 2001, as amended, require that valid planning applications are referred to the National Roads Authority where:

- *the development consists of or comprises the formation, laying out or material widening of an access to a national road (as defined in Section 2(1) of the Roads Act, 1993 (No. 14 of 1993)), or,*
- *The development might give rise to a significant increase in the volume of traffic using a national road.*

Although regional and local roads are favourable for access to developments, there are lands which are only accessible from national roads. We request the wording of this objective should be amended to favour regional and local roads, but not entirely prohibit, access onto national roads.

1.3 Internal Storage

PA CH 14.3: Section 14.7.3 Internal Storage, page 522

Amend Section 14.7.3 Internal Storage as follows:

Internal storage within an apartment unit shall be provided in accordance with the [Sustainable Urban Housing Design Standards for New Apartments as set out in Appendix 1 and Section 3.30 to 3.34](#).

~~Storage should be additional to kitchen presses and bedroom furniture. " Hot press/boiler space will not count as general storage. " No individual storage room should exceed 3.5 sq. m. Apartment schemes should provide storage for bulky items outside individual units (i.e. at ground or basement level). Secure, ground floor storage space allocated to individual apartments and located close to the entrance to the apartment block or building should be provided. This form of storage may be used for equipment such as, for example, bicycles or bicycle equipment, children's outdoor toys or buggies. This form of storage does not satisfy bicycle parking requirements for the apartment scheme.~~

We are in support of the material alteration to align storage requirements with national guidelines.

1.4 Material Alterations Zoning Map Sheet 12

Map Sheet no. 12: Blanchardstown North (Dated November 2022) is within the Proposed Material Alterations to Draft Final Development Plan 2023-2029.

We ask the planning authority to review Zoning Map Sheet 12 – we make specific reference to the Specific Objective designation 'Subject to Local Area Plan'. Our client RA lands are identified in red on the excerpt of the map below.

While all the lands are zoned RA– Residential Area to *Provide for new residential communities subject to the provision of the necessary social and physical infrastructure* an area of my clients lands are further identified as being “Subject to Local Area Plan” as a ‘*Specific Objective*’. This wording infers any development is subject to a Local Area Plan. We ask this designation on my client lands ‘LAP 12B’ should be removed from the Material Alterations Zoning Map Sheet no. 12.

We ask the planning authority to consider that the lands are already zoned RA. The lands are already subject to the current Kilmartin Local Area Plan. The lifetime of the Kilmartin LAP is extended to 2023. (Any end date is also extended by a further 9 days Per Year subject to the provisions of the Planning and Development Act).

The inflexibility of the precise wording of the designation “*Subject to Local Area Plan*” is not consistent with my clients legitimate expectation of the operation of the extant Kilmartin Local Area Plan. The Specific Objective designation is therefore unwarranted and irrelevant and therefore should be removed.

The workability of the designation is not consistent with the provisions of the Planning and Development Act or the Local Area Plan Guidelines 2013 issued under Section 28 of the Planning and Development Act. Planning authorities and An Bord Pleanála are required to have regard to the Guidelines in the performance of their functions under the Planning Acts.

The Kilmartin Local Area Plan is fully consistent with the Draft Fingal Development Plan 2023-2029. 6 new Local Area Plans are due to commenced as part of the new Plan. The majority of Kilmartin LAP lands have already been developed and are now subject to existing planning permissions that can be built. The Kilmartin LAP is therefore not scheduled to be reviewed as part the new Plan.

This designation could unintentionally inhibit development on my clients lands. Subject to the provisions of Planning and Development Act, the planning authority is allowed to revoke, modify or amend a Local Area Plan at any time. The wording of the Specific Objective is in direct conflict with inherit flexibility of planning legislation. The designation is not required and is therefore objectionable in that it infers that the lands can only be developed subject to a Local Area Plan.

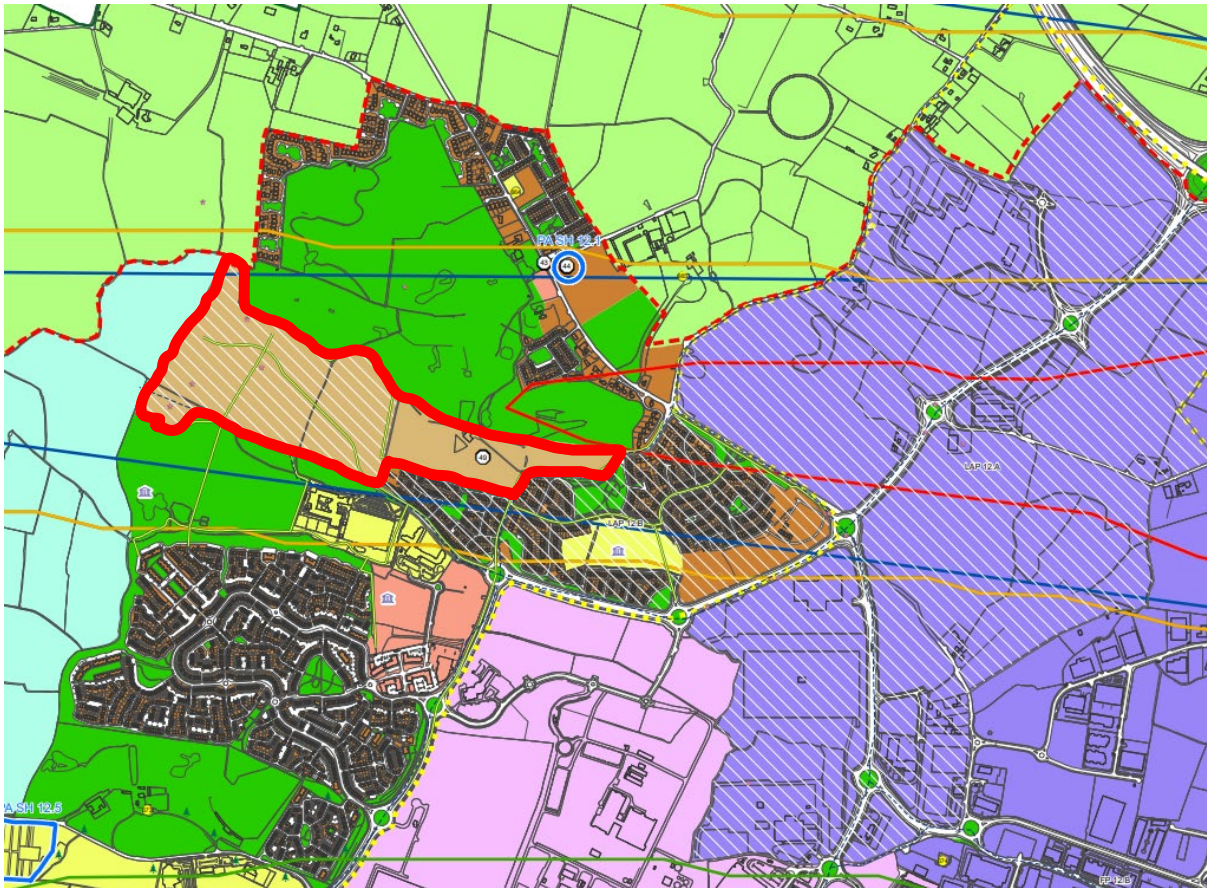
The operational Local Area Plan (Kilmartin) is a mandatory planning consideration for the planning authority. The Draft Plan including Material Alterations must give proper acknowledgement and consideration to the existing operational Kilmartin Local Area Plan.

We ask the planning authority to amend the Material Alterations Zoning Map Sheet 12 in the following way:

- **Remove the designation ‘Subject to Local Area Plan’ from the Map Sheet 12.**

Or

- **Amend the Special Objective wording on Sheet no 12 to state ‘Implement the Operational Kilmartin Local Area Plan’ on these lands.**



Material Alterations Zoning Map Sheet 12 (November 2022)

1.5 Material Alterations Specific Objectives Timeframes

The Draft Plan sets out the Council's vision and strategic overview, including policies and objectives that will guide the sustainable future growth of Fingal. The Material Alterations Draft Fingal Development Plan contains Specific Objectives on the zoning maps including the Material Alterations Zoning Map Sheet 12.

All Specific Objectives identified in the Draft Development Plan are subject to long term review timeframes. 'Specific Objectives' are due to be reviewed at the 2 Year Progress Review Report of Fingal County Development Plan (after the adoption of the Draft Plan) where Specific Objectives are identified and progress on the implementation of same is then recorded.

It is already known that the Kilmartin LAP is not scheduled to be reviewed over the new Development Plan 2023-2029 period. The Specific Objective 'Subject to Local Area Plan' on our clients lands will therefore not be subject to any review. The review timeframe does not align with the 'Subject to Local Area Plan' Specific Objective. This is confusing and the designation should be clearly removed due to this timeframe conflict.

1.6 Local Area Objectives

Part of our client lands are identified with a Local Area Objective no. 49:

GAA Pitches and Associated Development

Local Area Objectives are outlined in the Appendix 8 in the Draft Fingal Development Plan 2023-2029 and are shown on the Material Alteration Zoning Map Sheet 12.

Local Area Objective 49 states as follows:

Provide a recreational facility for the Dublin G.A.A. County Board, through the provision by them of a 2.5ha playing pitch and local recreational community facility including a clubhouse, related ancillary facilities and car and cycle parking.

It has come to our attention that the location of the Local Area Objective is not correct on the Material Alteration Sheet 12 map. The position of the Local Area Objective 49 needs to be shifted north into the Open Space Lands to coincide with the planning application for the proposal (FW22A/0098). Permission has been granted and at time of writing there is no appeal.

We ask that this matter be clarified on the Map Sheet 12.

2.0 Summary

We ask the planning authority to review our submission to the Proposed Material Alterations to the Draft Fingal Development Plan 2023-2029.

We ask you to consider our submission on above sections including Age Friendly Housing, Road Network and Access, Internal Storage sections.

The proposed amendments we request are not material changes in context of the Draft Fingal Development Plan 2023-2029.

An operational Local Area Plan (Kilmartin) is a mandatory planning consideration for the planning authority. The Draft Plan including Material Alterations must give proper acknowledgement and consideration to the existing operational Kilmartin Local Area Plan.

The Kilmartin Local Area Plan shall not be reviewed under this new Development Plan. Therefore the designation 'Subject to Local Area Plan' does not align to this fact and is therefore considered unnecessary and should be removed.

The designation 'Subject to Local Area Plan' could negatively affect the delivery of new housing that forms central part of the core strategy of the Development Plan. We ask you to amend the Material Alterations Zoning Map Sheet 12 to remove the 'Subject to Local Area Plan' designation or Amend the Special Objective wording on Sheet no 12 to state 'Implement the Operational Kilmartin Local Area Plan' on these lands.

We ask you to amend the Local Area Objective 49 on Material Alterations Zoning Map Sheet 12.

Jong Kim
Director of Planning
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