

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

22nd 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, D02 RW64, on behalf of our client, Birchwell Developments Ltd., Kinsealy Hall, Kinsealy, Malahide, Co. Dublin, hereby 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., 22nd December 2022, as set out on the Draft Development Plan's website.

This written submission relates to the proposed amendment to insert a new map-based local objective at Back Lane, Malahide, to provide for a new primary school, under proposed Material Alteration PA SH 9.12.

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 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 (22nd December 2022) as set out on the website of the Fingal County Development Plan 2023-2029.

3.0 Grounds of Submission

This submission, on behalf of our client, Birchwell Developments Ltd., relates to the proposed Material Alteration PA SH 9.12, which inserts a new map-based local objective at Back Lane, Malahide, to provide for a new primary school on our client’s lands.

It must be recognised that our client is actively pursuing planning permission for a residential development on the lands subject to this proposed primary school objective. The lands are zoned for residential development under the current and draft Fingal Development Plan. There is a live Strategic Housing Development (SHD) application for 415 no. residential units and a creche (Case reference: TA06F.313361) pertaining to the subject lands which was submitted to An Bord Pleanála on the 19th of April 2022 which was due for decision on the 8th of August 2022. This decision has however been delayed due to the significant backlog of cases currently before the Board. The proposed Strategic Housing Development is in keeping with the zoning objective pertaining to the lands, the increasingly growing demand for housing in the area, and the pattern of development in Malahide south, where recent development both ongoing and proposed is estimated to provide for an additional population increase of c. 4,000 people in this area.

An insight to the household formation in the area reveals that with an average household size of 2.8, there were 8,043 private households in Malahide in 2016. As shown in the Table below, nearly 67% of the households residing in this area in 2016 were small sized households ranging from 1- to 3-person households (5,370 households).

It is important to note that the average household size in the area slightly increased from 2.7 in 2011 to 2.8 in 2016. While average household size in Malahide West stood at 2.9 during the intercensal period and slightly increased from 2.6 to 2.7 in Malahide East, it increased from 2.6 to 2.9 in Kinsaley.

Table 1. Private Households in Malahide Area by Household Size, 2016

Size of household	Kinsaley ED	Malahide West ED	Malahide East ED	Total	%
1-person Households	538	349	546	1,433	17.8
2-person Households	911	683	904	2,498	31.1
3-person Households	632	351	456	1,439	17.9
4-persons Households	676	459	470	1,605	20.0
5-person and over Households	436	306	326	1,068	13.3
Total	3,193	2,148	2,702	8,043	-

Source: CSO StatBank



In terms of primary school provision, there is a total of 8 no. registered primary schools functioning within 2.5km radius of the lands subject to this submission. According to the available data from the Department of Education and Skills (DoES), these schools recorded a combined total enrolment of 3,822 pupils for the academic year 2021-2022.

As illustrated below, the historical trending of enrolments, however, demonstrates that despite a constant growth over 2015-2020, this increase is characterised by a declining growth rate which led to a slight decrease over 2020-2021, followed by a marginal growth over 2021-2022.

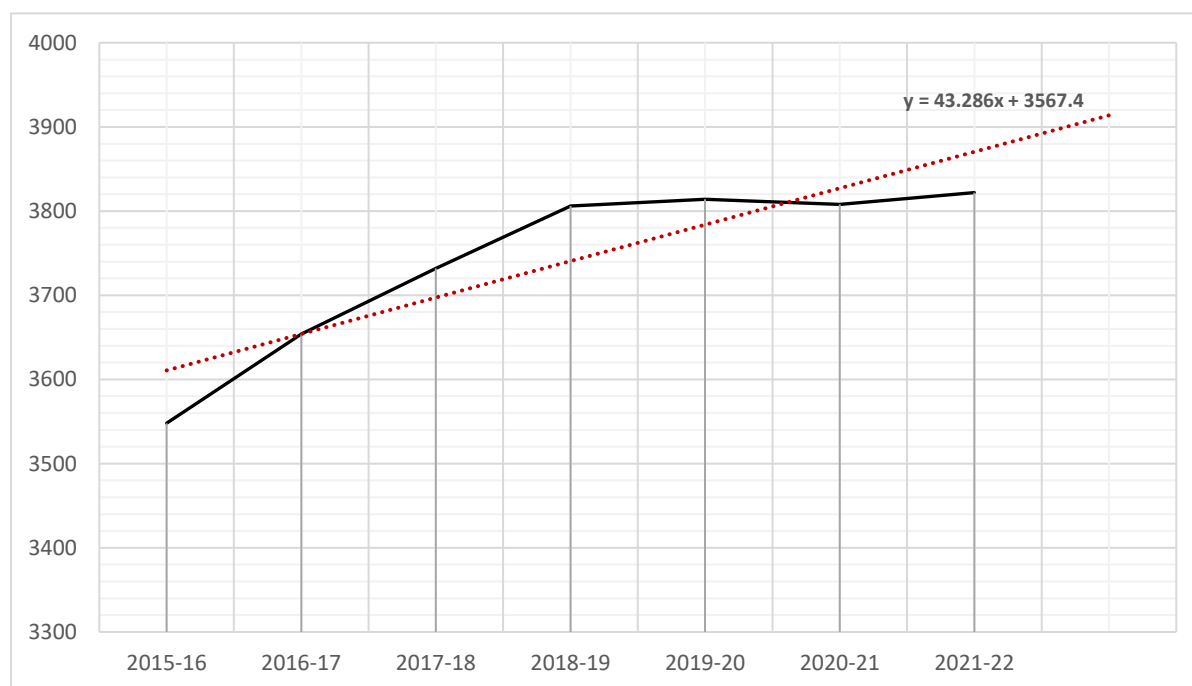
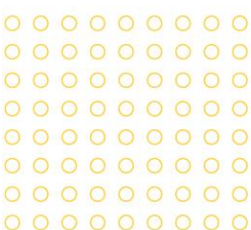


Figure 1. Primary School Enrolments in the Area since 2015 (source: DoES)

With respect to the above, despite a growing demand for primary schools, this has slowed down since 2018; coupled with the household formation in the area characterised by shrinking household sizes, it is expected the demand to follow a modest growth, similar to the past few years.

In terms of accessibility, our walkability assessment exercise as illustrated in the Figure below, shows that the existing schools are evenly distributed across the town, providing for an appropriate level of accessibility for residents. Moreover, the evenly distribution of existing schools in the wider Malahide area facilitated access to the schools in tandem with housing delivery/provision and where it is more accessible for residents. It is suggested that this is a successful pattern which can be duplicated across Malahide south, providing for a balanced and sustainable development of the area, in adherence with the concept of 15-minute city. In this regard, it must be recognised that provision for a new primary school in Malahide south is in the advanced stages of planning procurement and is being delivered by



The Department of Education and Skills (DoES) on the immediately adjoining site at Back Road, the site as identified in amendment PA SH 9.2 of the material alterations to the Draft Fingal Development Plan. This would expand this walkability buffer zone towards the area where most recent developments are taking place in Malahide, corresponding to and appropriately addressing the emerging demand in this area.

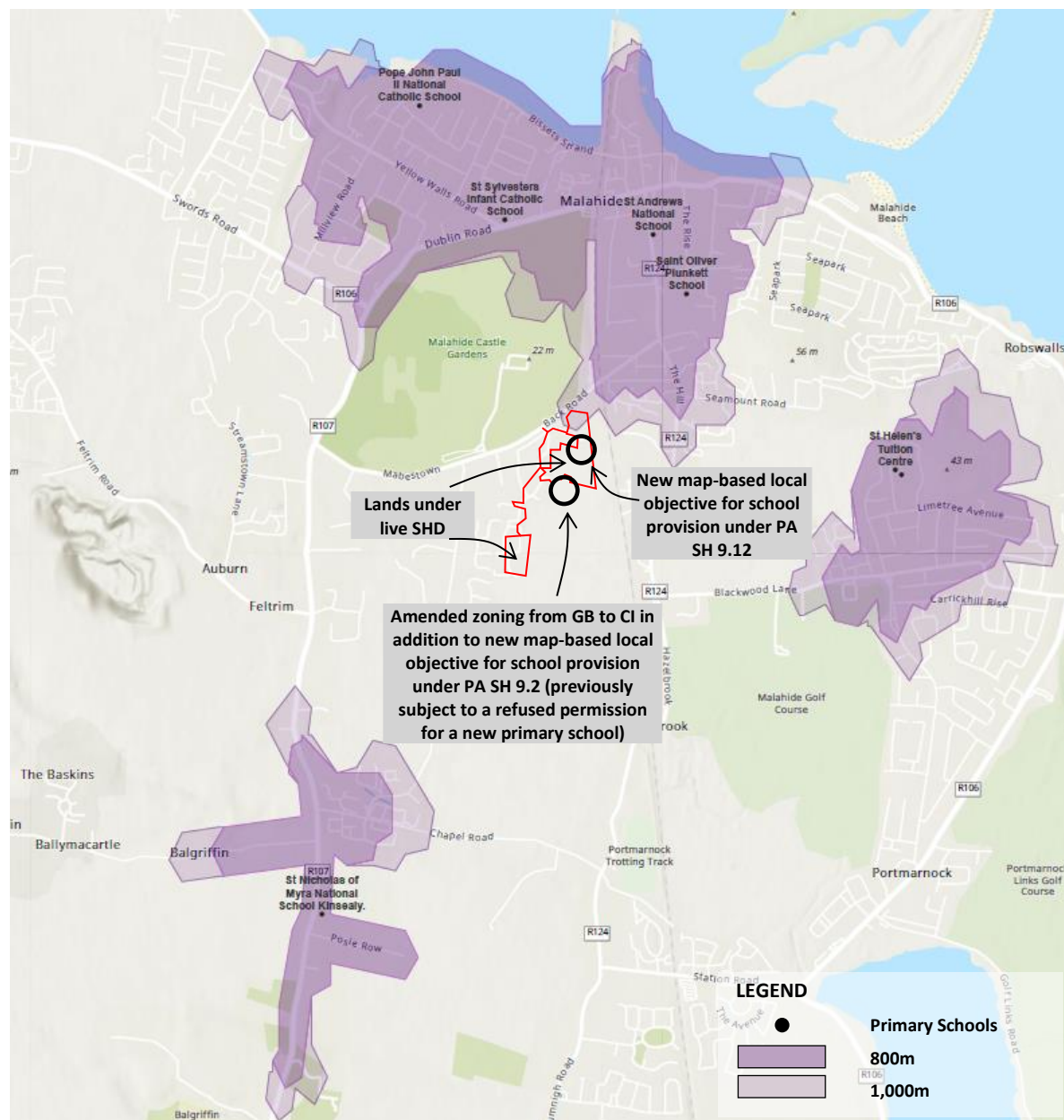


Figure 2. Spatial distribution of primary schools, their walkability catchment area defined in 800-1,000m buffer zones on the street network, along approximate location of lands subject to the live SHD (TA06F.313361), and the two map-based local objectives for primary school provision, under PA SH 9.2 and PA SH 9.12

It is important to note that there is also a planning history on the Department's proposed school site, whereby under Reg. Ref. F22A/0105 planning permission was sought by the DoES for "development comprises the building of a new 2 storey, 16 classroom primary school (roll number 20445D), including a multi-purpose hall, a 2 classroom special education needs unit, an associated staff car park, delivery/drop-off areas, ball courts/play grounds, a litter bin/storage site, covered parking units for bicycles, boundary treatments, landscaping site lighting, a link to public services and all associated site works. The proposed project encompasses a new site access route to the estate road that already exists." Whilst the application was refused in light of the land use zoning pertaining to the lands under the current Development Plan, it is understood that a second application will be lodged by the DoES for a primary school in the immediate future noting the proposed amendments to the site's zoning under the Draft Fingal Development Plan.

Our client is generally supportive of this school provision on the immediately adjoining site at Back Lane, Malahide, under PA SH 9.2, i.e. on the Department of Education's lands. Our client is also liaising with the DoES regarding the provision of consent to facilitate access to this school site through our client's lands via Back Road/Ashwood Hall and also works to our client's existing infrastructure including works to the existing attenuation on our client's lands. This emerging school as well as the existing schools that have been studied on a backdrop of the demographic profile of the area, in particular the households' formation and historical trending of school age population, indicates a sufficient level of educational facilities in the area is being delivered.

In light of this, it is submitted that the proposed second map-based primary school objective immediately adjoining this primary school site, (i.e. proposed Material Alteration PA SH 9.12 which is proposed on residential zoned lands pending an overdue decision by the Board for an SHD comprising of 415 no. residential dwellings), would be serving the same residential area on Back Road which would represent overprovision for the area, and would adversely affect the traffic in this residential area off Back Road. **It must be stressed that the Department of Education and Skills' submission to the Proposed Material Alterations to the Draft Fingal Development Plan 2023-2029, dated 21st December 2022, also makes specific reference to the two objectives proposed in such close proximity.** The submission states that:

"It is possible that due to future population growth and other related factors that the overall need for two schools in the Malahide-Portmarnock area may materialise. However, that projected future demand may not be best served by two primary schools in such close proximity off Back Road, Malahide. The Department would like to state that in its efforts to address current school place requirements, its site preference for the provision of a new school in the immediate future is the site as identified in amendment PA SH 9.2".

In light of the foregoing and given that the Department are actively pursuing planning permission for a primary school on the adjoining site (as confirmed in the Department's submission dated 21st



December 2022), 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 as such remove the map-based primary school objective PA SH 9.12 from our client's lands at Broomfield, Malahide accordingly. An extract of the amended zoning of the lands from the Material Alterations Map Sheet 9 outlining the site at Broomfield, Back Road, is provided below.



4.0 Conclusion

This submission has been prepared by Downey Planning on behalf of our client, Birchwell Developments Ltd., regarding the proposed Material Alteration PA SH 9.12, which inserts a new map-based local objective at Back Lane, Malahide, to provide for a new primary school.

The subject lands are privately owned lands and as such there is no obligation of the landowner, our client, to deliver a school on the site. The Department have not approached our client regarding seeking to purchase the site for a second primary school. Such an objective would essentially sterilise the lands and as such would directly conflict with Section 28 Guidelines and the Government's recent 2022 Circular regarding the rezoning of zoned and serviceable lands.

Downey Planning, on behalf of our client, highlights the close proximity of this PA SH 9.12 objective to a similar map-based local objective proposed on PA SH 9.2 on immediately adjoining lands, whereby it is proposed to amend the zoning from "GB – Green Belt" to "CI – Community Infrastructure" and includes for the insertion of a new map-based local objective for a primary school on the lands, as follows: provide for a new primary school at this location, subject to provision of adequate access arrangements, at Broomfield, Malahide.

As outlined in this submission, our client is generally supportive of the school provision on the adjoining site at Back Lane, Malahide, under PA SH 9.2, i.e. on the Department of Education's lands. Our client is liaising with the DoES regarding the provision of consent to facilitate access via our client's lands via Back Road/Ashwood Hall to the school site and also works to our client's existing infrastructure including works to the existing attenuation on our client's lands. This emerging school as well as the existing schools that have been studied on a backdrop of the demographic profile of the area, in particular the households' formation and historical trending of school age population, indicates a sufficient level of educational facilities in the area is being delivered.

In addition, the close proximity of the two map-based primary school objectives on adjoining lands serving the same residential area on Back Road would represent overprovision for the area, and would adversely affect the traffic in this residential area off Back Road. It must be stressed that the Department of Education and Skills' submission to the Proposed Material Alterations to the Draft Fingal Development Plan 2023-2029, dated 21st December 2022, makes specific reference to the two objectives proposed in such close proximity. The submission states that:

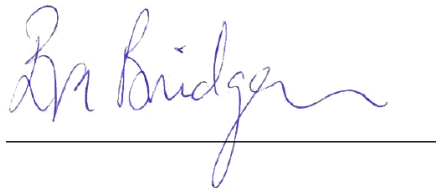
"It is possible that due to future population growth and other related factors that the overall need for two schools in the Malahide-Portmarnock area may materialise. However, that projected future demand may not be best served by two primary schools in such close proximity off Back Road, Malahide. The Department would like to state that in its efforts to address current school place

requirements, its site preference for the provision of a new school in the immediate future is the site as identified in amendment PA SH 9.2”.

In light of the foregoing and noting that the Department are actively pursuing planning permission for a primary school on the adjoining site (as confirmed in the Department’s submission dated 21st December 2022), 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 as such remove the map-based primary school objective PA SH 9.12 from our client’s lands at Broomfield, Malahide accordingly.

We look forward to acknowledgement of receipt of this submission in due course. Please revert with any queries on this submission to the undersigned.

Yours sincerely,



Eva Bridgeman MIPI
Director
For and on behalf of DOWNEY

