



Notice in accordance with Section 31 AM (6) of the Planning and Development Act 2000 (as amended)

Anne Marie O'Connor
Deputy Director
The Office of the Planning Regulator
Fourth Floor (West Wing), Park House
Grangegorman
191-193A North Circular Road
Dublin 7, D07 EWW4

Wednesday, 1st March 2023

Dear Ms. O'Connor,

Re: Notice in accordance with Section 31 AM(6) of the Planning and Development Act 2000 (as amended) having regard to the requirement of the Planning Authority to notify the Office of the Planning Regulator of the making of the Fingal Development Plan 2023-2029

Purpose of this Correspondence

Section 31P (1) of the Planning and Development Act, 2000 (as amended) sets out the functions of the Office of the Planning Regulator (OPR) which include at Section 31P (a)(i) the evaluation and assessment of Development Plans, including draft Development Plans, and the provision of observations and recommendations to the Planning Authority as appropriate.

Section 31 AM (6) states that a Planning Authority shall notify the OPR within 5 working days of the making of a development plan and send a copy of the written statement and maps as duly made.

This provision also requires that where the Planning Authority (a) decides not to comply with any recommendations made in the relevant report of the Office, or (b) otherwise make the plan in such a manner as to be inconsistent with any recommendation made by the Office, the Chief Executive shall inform the OPR accordingly in writing, stating reasons for the decision of the Planning Authority.

This notice is hereby issued to the OPR in accordance with the provisions of Section 31 AM (6) of the Act as outlined above in that it sets out how the Planning Authority has or has not complied with recommendations issued by the OPR while also providing as well as reasons for not complying with any such recommendation.



The Fingal County Development Plan

The Chief Executive's Draft Fingal Development Plan was prepared and circulated to the Elected Members of Fingal County Council in December 2021. The CE's Draft Plan was considered and agreed by the Members in January and February 2022 and the Draft Plan went on public display on the 24th February 2022 for a period of 12 weeks (concluding on the 12th May 2022). A total of 1,937 no. submissions and observations were received during the prescribed period in response to this stage of public consultation.

A Chief Executive's Report on submissions to the Draft Fingal Development Plan was prepared in accordance with Section 12(4) of the Planning and Development Act 2000 (as amended), which summarised the submissions received between February and May 2022 and provided the response and recommendations of the Chief Executive for the consideration of the Elected Members.

The Chief Executive's report on the submissions received was considered by the Elected Members at Special Council Meetings held in September and October 2022, where it was resolved to amend the Draft Plan. The proposed Material Alterations originated from the consideration of the submissions received between February and May 2022 to the Draft Development Plan. Accordingly, the Proposed Alterations to the Draft Fingal Development Plan 2023-2029, Environmental Reports and SFRA were put on public display for a period which commenced on 11th November 2022 and ended on 22nd December 2022 at 12 noon. Written submissions and / or observations, with respect to the Proposed Amendments to the Draft Plan only, were invited during the consultation period, with a total of 197 no. submissions received.

In accordance with the provisions of Section 12 (8) of the Planning and Development Act 2000 as amended, the Chief Executive prepared a report on the submissions received on foot of the Proposed Material Alterations, the Environmental Reports, Natura Impact Report and Strategic Flood Risk Assessment, which was published on 15th January 2023.

Following four Special Council Meetings, the Elected Members, having considered the contents of the Chief Executive Report and having had regard to the proper planning and sustainable development of Fingal, the statutory obligations of the Local Authority, and the relevant policies or objectives of the Government or any Minister of the Government, made the 2023-2029 Fingal County Development Plan on Wednesday 22nd February 2023. Having regard to Section 12(17) of the Act, it is anticipated that the final Plan will come into effect on Wednesday 5th April 2023.

OPR Recommendations

It is acknowledged that the OPR has evaluated and assessed the Draft Fingal Development Plan 2023-2029 under the provisions of Sections 31AO(1) and 31AO(2) of the Planning and Development Act 2000 (as amended), and Fingal County Council notes receipt of the OPR submissions (dated 12th May 2022 - ref no. FIN-C453-1085 and 22nd December 2022 - ref. nos. FIN-C532-157 and FIN-C532-162) in this regard.

With regard to the submission received from the OPR in May 2022, it is noted that this submission contained 17 recommendations and 6 observations on the Draft Plan. It is further noted that in accordance with Section 12 (5) (aa) of the Planning and Development Act 2000 (as amended), Fingal County Council issued a notice to the OPR on 17th November 2022, setting out the text of each of the 17 recommendations, accompanied by a statement of how the planning



authority has or has not complied with each recommendation as well as reasons for not complying with the recommendation where relevant. A copy of this notice is provided as Appendix 2 to this document.

With regard to the submission received from the OPR in December 2022 which contains 6 additional recommendations and 2 observations, the Chief Executive's Report, published on 15th January 2023, recommended compliance with all the OPR's recommendations and observations.

This document, which is being submitted to the OPR in accordance with Section 31 AM(6) of the Act, sets out, in tabular form, the text of each recommendation and observation, outlines how Fingal County Council has or has not complied with recommendations and observations issued by the OPR and also provides planning reasons for not complying with any such recommendation or observation.

In the interests of clarity, the individual elements of each recommendation and observation listed in the table have been numbered with Roman numerals.

In instances where the Council has not agreed to a recommendation or observation of the OPR, the table indicates that planning reasons have been provided in support of each decision. In such cases, the table also indicates that and that the text of these reasons, as well as any additional text or supporting material is included in Appendix 1 to this notice document.

In conclusion, Fingal County Council acknowledges the valuable contribution of the Office of the Planning Regulator in ensuring that the Fingal Development Plan 2023-2029 fully complies with all national and regional planning policy and the Council welcomes the ongoing engagement of the OPR with the Development Plan making process for Fingal.

Yours sincerely,

pp *R Burke*

Matthew McAleese,

Director of Service, Planning & Strategic Infrastructure

Fingal County Council



OPR Recommendation on Proposed Material Alterations to the Draft Development Plan

<i>OPR Recommendation 1 – Tier 5 Towns and Villages</i>	
<i>Having regard to national and regional policy objectives NPO 3c, NPO 18a and RPO 4.83, section 4.4.3 of the Development Plans, Guidelines for Planning Authorities (2022), and section 10(2)(n) of the Planning and Development Act 2000, as amended, the Office considers that the following settlement boundary extensions proposed under the material amendments are inconsistent with the core strategy and/or contrary to the implementation of compact growth, sequential zoning and the provision of a sustainable settlement and transport strategy. The planning authority is therefore required to make the Plan without the following material amendments:</i>	
<i>(i) PA SH 3.2: Oldtown</i>	The Fingal County Development Plan 2023-2029 has been made without PA SH 3.2
<i>(ii) PA SH 3.3: Oldtown</i>	The Fingal County Development Plan 2023-2029 has been made with PA SH 3.3. The planning reason for this decision is set out in Appendix 1.
<i>(iii) PA SH 3.5: Coolquay</i>	The Fingal County Development Plan 2023-2029 has been made without PA SH 3.5.
<i>(iv) PA SH 9.6: Kinsealy</i>	The Fingal County Development Plan 2023-2029 has been made with PA SH 9.6. The planning reason for this decision is set out in Appendix 1.
<i>(v) PA SH 11.5: Airport Business Campus</i>	The Fingal County Development Plan 2023-2029 has been made with PA SH 11.5. The planning reason for this decision is set out in Appendix 1.



<i>OPR Recommendation 2 – Map Based Local Objectives</i>	
<i>Having regard to the provisions of Section 10(2)(a) of Planning and Development Act 2000, as amended, and section 6.2 of the Development Plans Guidelines for Planning Authorities (2022), the planning authority is required to make the Plan without the following material amendments:</i>	
<i>(i) PA SH 3.8: improved connectivity between Rowlestown and Swords</i>	The Fingal County Development Plan 2023-2029 has been made without PA SH 3.8
<i>(ii) PA SH 3.10: upgrade to Toberburr Road</i>	The Fingal County Development Plan 2023-2029 has been made without PA SH 3.10
<i>(iii) PA SH 5.1: site specific school objective</i>	The Fingal County Development Plan 2023-2029 has been made with PA SH 5.1. The planning reason for this decision is set out in Appendix 1.
<i>(iv) PA SH 12.1: Local Objective 44 at Hollystown</i>	The Fingal County Development Plan 2023-2029 has been made without PA SH 12.1
<i>(v) PA SH 12.2: Dunsoghly Castle</i>	The Fingal County Development Plan 2023-2029 has been made with PA SH 12.2. The planning reason for this decision is set out in Appendix 1.
<i>(vi) PA SH 12.6: Park and Ride Facility at Newtown, St Margaret's</i>	The Fingal County Development Plan 2023-2029 has been made without PA SH 12.6.
<i>(vii) PA SH 13.5 and PA CH 2.17: Knockmaroon House and Estate</i>	The Fingal County Development Plan 2023-2029 has been made without PA SH 13.5 and PA CH 2.17.
<i>(viii) PA SH 13.8: Connectivity across the canal and rail line in vicinity of Granard Bridge, Castleknock</i>	The Fingal County Development Plan 2023-2029 has been made with PA SH 13.8 as modified. The planning reason for this decision is set out in Appendix 1.
<i>(ix) PA SH 13.10: Canal Ecological Corridor</i>	The Fingal County Development Plan 2023-2029 has been made without PA SH 13.10.
<i>(x) PA SH 15.2: Wetland and River Protection Project for Delvin River</i>	The Fingal County Development Plan 2023-2029 has been made with PA SH 15.2 as modified.
<i>(xi) PA SH 15.3: Multi-function Green Infrastructure System</i>	The Fingal County Development Plan has been made with PA SH 15.3. The planning reason for this decision is set out in Appendix 1.





<p><i>OPR Recommendation 3 – Rural Landscapes</i></p>	
<p><i>Having regard to section 10(2)(f) of the Planning and Development Act 2000, as amended, the National Policy Objectives NPO 14 and NPO 62 to strengthen the value of greenbelts and green spaces, and section 9.7 of the Development Plans, Guidelines for Planning Authorities (2022) the planning authority is required to make the Plan without the following material amendments:</i></p>	
<p><i>(i) PA SH 5.4: Milverton Rural Cluster</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made with PA SH 5.4. The planning reason for this decision is set out in Appendix 1.</p>
<p><i>(ii) PA SH 6B.1: Rathartan</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made without PA SH 6B.1.</p>
<p><i>(iii) PA SH 7.4: Balcarrick</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made with PA SH 7.4. The planning reason for this decision is set out in Appendix 1.</p>
<p><i>(iv) PA SH 7.3: Corballis</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made with PA SH 7.3. The planning reason for this decision is set out in Appendix 1.</p>
<p><i>(v) PA SH 5.5: Balcunnin, Skerries Road, Lusk</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made without PA SH 5.5.</p>



<p><i>OPR Recommendation 4 – Rural Housing Policy</i></p>	
<p><i>Having regard to National Policy Objective (NPO) 19 of the National Planning Framework which requires that ‘...in rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area...’; and the planning authority’s intention to review its rural housing policy, the planning authority is required to make the Plan without PA CH 3.18 and PA CH 3.19 which are inconsistent with NPO 19 and premature pending a comprehensive review of the rural housing policy and the criteria for determining economic and social need.</i></p>	
<p>(i) <i>PA CH 3.18:Rural Clusters</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made without PA CH 3.18.</p>
<p>(ii) <i>PA CH 3.19:Rural Clusters</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made without PA CH 3.19.</p>



<p><i>OPR Recommendation 5 – Employment Zoned Land</i></p>	
<p><i>Having regard to National Strategic Outcome 1 (Compact Growth) and National Policy Objectives 11 and 62 of the National Planning Framework (NPF), Regional Policy Objectives 4.82 and 5.6 of the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly, and section 6.2.5 of the Development Plans, Guidelines for Planning Authorities (2022), the planning authority is required to make the Plan without the following material amendments:</i></p>	
<p><i>(i) PA SH 3.1: Westpalstown</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made with PA SH 3.1. The planning reason for this decision is set out in Appendix 1.</p>
<p><i>(ii) PA SH 3.4 and PA SH 3.6: Belinstown</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made with PA SH 3.4 and PA SH 3.6. The planning reason for this decision is set out in Appendix 1.</p>
<p><i>(iii) PA SH 7.1: Turvey Avenue, Donabate</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made with PA SH 7.1. The planning reason for this decision is set out in Appendix 1.</p>
<p><i>(iv) PA SH 7.2 and PA SH 7.6: Kilcreagh</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made without PA SH 7.2 and PA SH 7.6.</p>
<p><i>(v) PA SH 9.7: North-east of Kinsealy</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made with PA SH 9.7. The planning reason for this decision is set out in Appendix 1.</p>
<p><i>(vi) PA SH 11.6: Airport Business Campus</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made with PA SH 11.6. The planning reason for this decision is set out in Appendix 1.</p>
<p><i>(vii) PA SH 12.4 and PA SH 12.6: Newtown, St Margaret’s</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made with PA SH 12.4 as amended. The planning reason for this decision is set out in Appendix 1. The Fingal County Development Plan 2023-2029 has been made without PA SH 12.6.</p>



<p><i>OPR Recommendation 6 – Noise Standards</i></p>	
<p><i>Having regard section 10(2)(d) of the of Planning and Development Act 2000, as amended, and NPO 65 to promote pro-active management of noise and to support the Noise Action Plans, the planning authority is required to make the Plan without PA CH 8.1.</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made with PA CH 8.1 as modified. The planning reason for this decision is set out in Appendix 1.</p>
<p><i>OPR Recommendation 7 – Flood Risk Management</i></p>	
<p><i>Having regard to NPO 57 and to the provisions of The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) the planning authority is required to make the Plan without the following material amendments:</i></p>	
<p><i>(i) PA SH 3.5: Coolquay</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made without PA SH 3.5.</p>
<p><i>(ii) PA SH 7.1: Turvey Avenue, Donabate</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made with PA SH 7.1. The planning reason for this decision is set out in Appendix 1.</p>
<p><i>(iii) PA SH 7.2: Kilcreagh, Donabate</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made without PA SH 7.2.</p>
<p><i>(iv) PA SH 8.2: Pinnock Hill Roundabout, Swords</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made with PA SH 8.2. The planning reason for this decision is set out in Appendix 1.</p>
<p><i>(v) PA SH 8.3: Barrysparks, Swords</i></p>	<p>The Fingal County Development Plan 2023-2029 has been made without PA SH 8.3.</p>



<p>MA Observation 1 – Local Area Plans</p>	
<p>Having regard to the provisions of Section 19(2b) of the Planning and Development Act 2000, as amended (the Act), concerning the time limit for ensuring consistency between existing Local Area Plans and the development plan, the planning authority is advised to provide greater clarity and certainty for the public by introducing a minor modification to amend the wording proposed in Material Amendment PA CH 2.11 to make clear that where any objective of an LAP is no longer consistent with the development plan, the planning authority will as soon as may be (and no later than one year after the making of the development plan) amend the LAP to make it consistent.</p>	<p>The Fingal County Development Plan 2023-2029 has been made with PA CH 2.11 as modified.</p>
<p>MA Observation 2 – Belcamp</p>	
<p>The planning authority is requested to include Belcamp in the schedule of masterplans to be commenced over the plan period as a minor modification to Table 2.18</p>	<p>The Fingal County Development Plan 2023-2029 has been made without the inclusion of Belcamp within Table 2.18 -Schedule of Masterplans.</p>



**Appendix 1: Planning Reasons for Certain Decisions relating to
OPR Recommendation on Proposed Material
Alterations to the Draft Development Plan**



OPR Recommendation 1 (ii) PA SH 3.3: Oldtown

Planning Reason for Decision:

It is considered that proposed Material Alteration will facilitate the orderly and timely delivery of homes available to the members of the rural community residing both within the current RV zoned lands and the RU zoned lands.

The cohesive and strategic development of Oldtown Village will ease the pressure for multiple permissions within the RU lands while also providing additional footfall to support the development of a sufficient quantum to sufficiently proved economic activity to allow the village function in a sustainable manner. In doing so the Council considered the following points.

- The site, which is coterminous with the centre of the village, is ideally located to provide, along with a small increase in family housing, much needed recreational facilities and a business hub for the existing village community.
- While Irish Water recognises the need for Waste Water facility upgrade to support residential development they continue to fail to deliver an appropriate solution to service any increase in population. This failure has stalled the development of lands within the original RV Zoned area. Regrettably the owners of these lands have not proposed a workable interim solution to this impediment to the delivery of homes for the community. This proposed Material Alteration facilitates the installation of a temporary treatment plant at the Developers expense pending deliver by Irish Water on their commitment.
- Resulting from the confirmation of this Material Alteration which provides the opportunity to:
 - Allows for this infill site to deliver in a sequential manner the delivery of homes within the village envelope providing the opportunity for children of the community to remain within the village as they mature and form separate family units.
 - Provide for the development of a riverside linear walk providing a safe walkway linking the village in an environmentally friendly manner.
 - Supported by population increase the development will contribute to commercial activity within the village such as to allow for the development of a commercially viable corner shop outlet, Business hub facility and other related village commercial activity while also ensuring that the small primary school in the area will be populated in a manner that will guarantee its future.
 - Currently a Local Link bus service provides connectivity between the villages of the rural area of the North County this service struggles to be economically viable and requires the opportunity of an increase in population to provide payload to survive and develop the serve the villages and there hinterland.
 - The site is within the necklace of rural villages which if these are not permitted to provide for homes within the villages, such as to meet the current village and local demand will see their young people emigrate to these neighbouring villages or towns with the resultant loss of their valuable input into the Social, Commercial and Community development of their home village.



- Oldtown was the first rural village to benefit from rural electrification now the community want to take the opportunity to be part of new energy delivery and the inclusion of these lands for housing afford the subject site to develop using green technologies. This will also facilitate the retrofitting of such initiatives be rolled out at an economic price to the wider village community.
- The site is well-sited and will have minimal if any negative impact on the street scape which is currently fractured by the failure to develop this site which presents a broken link in the street scape.
- The road network serving the village is neither substandard nor dangerous. The development of these lands will facilitate road upgrades including provision of new footpaths and provide safe access/egress point with appropriate sightlines in accordance with Fingal County Council's standards.
- The change proposed will support and rationalise the objectives of the Planning Authority with regard to the village which is lacking in retail and commercial services, and which is contrary to the overall objectives and policies of national, regional, and local planning guidelines, where the key objective is to devise rational policies and land use objectives which would create sustainable land uses within the county, especially within rural villages and towns which lack the necessary public transport infrastructure to easily avail of centre city services.
- The review of the LAP of this and other villages taking account of the commitment within the Development Plan for the provision of new Community Hall facilities in both Ballyboughal and Naul in the lifetime of the plan, affords the opportunity to strengthen the community and services of each to be complimentary to each other. Thereby reducing the reliance of the rural community on Swords Ashbourne and Balbriggan.



OPR Recommendation 1 (iv) PA SH 9.6: Kinsealy

Planning Reason for Decision:

The land is adjacent to Kinsealy Village within the Dublin metropolitan area.

It is adjacent to Kinsealy village with shops restaurants, commercial and community facilities all of which are accessible by potential occupants, staff, visitors.

Public Transport: It is served on Malahide Road by Malahide bus services which serve the Kinsealy village.

There is a strong need for more nursing home capacity and it is Government policy to facilitate and encourage the construction of more nursing homes particularly in the Dublin Metropolitan region.

It is considered that this site is very suitable for a nursing home.

A further planning reason in addition to the one set out above is as follows:

The Subject Site represents a sustainable infill development opportunity - it adjoins the Kinsealy village zoning boundary to the east and existing residential development to the west.

The Chief Executive's report page 230 states:

Best practice dictates that residential care, retirement and nursing homes should be located in built up areas, should be located close to shops and other community facilities required by the occupants and should be easily accessible to visitors, staff and servicing traffic.

This site adjoins Kinsealy metropolitan village.

It is an infill site between existing residential development on Baskin lane.

It is adjacent to Kinsealy village with shops restaurants, commercial and community facilities all of which are accessible by potential occupants, staff, visitors and servicing traffic. It is served on Malahide Road by Malahide bus services which serve the Kinsealy village.

- It is considered that it should be included within the 'RV' rural village zoning boundary (which it currently adjoins) in order to facilitate the delivery of a long-standing local objective for the provision of an elderly care facility, or other appropriate healthcare services, at this location.
- The Subject Site has an extensive planning history – permission was first granted for a residential care home development at this location over 20 years ago.
- Local Objectives for Nursing Home development on the Subject Site were contained in both the 2005 and 2011 CDPs.

The long standing planning history (20 years), local objective and Fingal Council executive, commitment to retaining the nursing home/care home objective at this location are detailed in the attached Appendix containing the submission to the DFD in May 2022.



OPR Recommendation 1 (v) PA SH 11.5: Airport Business Campus

Planning Reason for Decision:

The planning reason for the decision is presented on the following pages.

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

27th January 2023

RE: Planning Reasons to Support Material Alterations PA SH 11.5 and PA SH 11.6 to the Draft Fingal Development Plan 2023-2029

Dear Sir / Madam,

1.0 Introduction

This written report has been prepared to provide the necessary planning reasons supporting proposed Material Alterations PA SH 11.5 and PA SH 11.6 at Airport Business Campus, Swords Road, Santry, Co. Dublin.

This written submission relates to the proposed material alteration of the zoning from HT-High Technology to RA-Residential Area at Airport Business Campus under Material Alteration PA SH 11.5 and the material alteration of the zoning from HT-High Technology to LC-Local Centre under proposed Material Alteration 11.6.

I welcome the proposed **Material Alterations PA SH 11.5 and 11.6**, which would rezone the subject lands from HT-High Technology to RA-Residential Area and HT-High Technology to LC-Local Centre and respectfully request that the proposed alterations be accepted by the Council and adopted as part of the Fingal Development Plan 2023-2029.

The lands themselves are too small to accommodate a purpose-built campus environment, which is the vision for HT lands as High Technology only works on large campus style settings where synergies with other IT manufacturers etc., are created. The subject site is approximately 4 hectares and is isolated from other IT manufacturing facilities. The site is simply too small and therefore will not attract High Technology based tenants. Despite what was previously stated by the Planning Department at the Council meeting to discuss the motion proposing the change in zoning of the lands, none of the buildings located within the Airport Business Campus are in High Technology use and they are at an 'end of life' phase while the campus itself is in need of regeneration and redevelopment. However, there is no 'Regeneration' land use zoning contained within the Development Plan, despite the recommendation for such a zoning to be in development plans (as set out in the Development Plan Guidelines for Planning Authorities) and therefore the purpose of rezoning the lands to

residential and local centre is to accommodate a mixed-use regeneration of the lands that will support a sustainable community within the suburbs of Dublin City.

The site is fully serviced and served by key public transport infrastructure. The Bus Connects corridor will have a stop at the entrance to the site and multiple bus routes pass the front of the site. The site is optimally located to avoid a reliance on car usage. Thus, now is the optimum time to rezone the lands to facilitate its redevelopment. In light of this, I welcome the proposed Material Alterations as they relate to this site.

2.0 Planning Reasons in Support of Proposed Material Alterations

This submission welcomes the proposed Material Alterations PA SH **11.5 and 11.6** for the proposed alterations of the zoning from HT-High Technology to RA-Residential Area and HT-High Technology to LC-Local Centre at Airport Business Campus.

The lands themselves are too small to accommodate a purpose-built campus environment, which is the vision for HT lands. High Technology only works on large campus style settings where synergies with other IT manufacturers etc., are created. The site is approximately 4 hectares and is isolated from other IT manufacturing facilities. The site is simply too small and therefore will not attract HT tenants.

None of the buildings located within the Airport Business Campus are in High Technology use and are at an 'end of life' phase and the campus needs regeneration and redevelopment. The site is classified as brownfield and underutilised with all buildings at end of life. The lands are presently zoned inappropriately with HT, and this is a barrier to developing the site.

The site is fully serviced and served by key public transport infrastructure. The Bus Connects corridor will have a stop at the entrance to the site and multiple bus routes pass the front of the site. The site is optimally located to avoid a reliance on car usage.

Thus, now is the optimum time to rezone the lands to facilitate its redevelopment. In light of this, I welcome the proposed Material Alterations as they relate to this site.

It is important to note that the owner of the lands also own adjoining lands at Northwood and therefore there is the opportunity to create a direct link into Northwood from a redeveloped/regenerated Airport Business Campus.

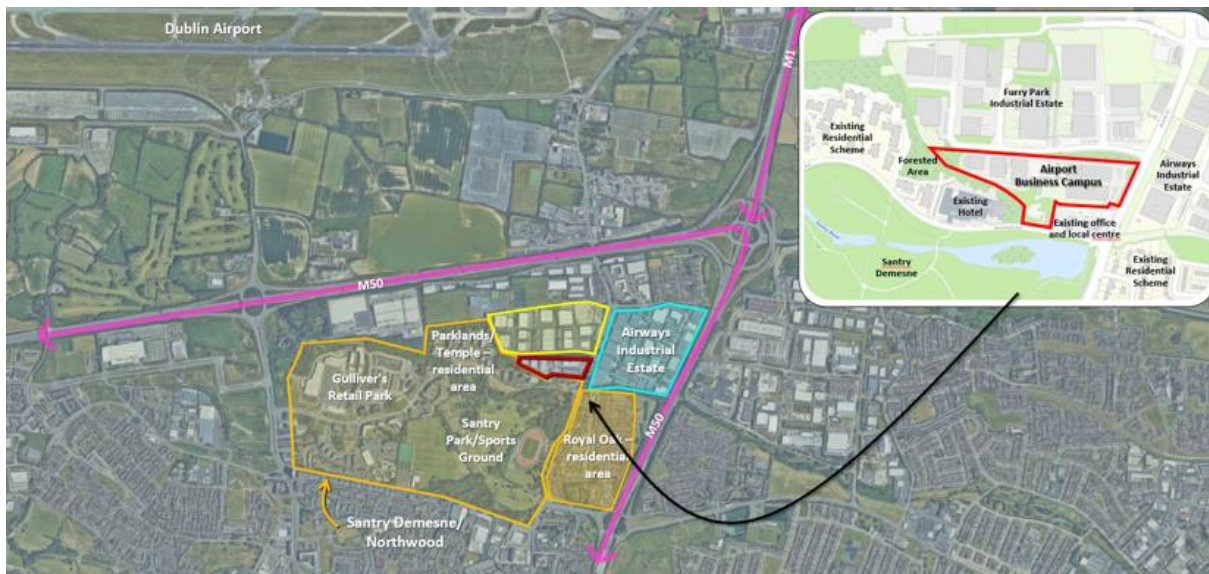


Fig. 1 – Images of Airport Business Campus

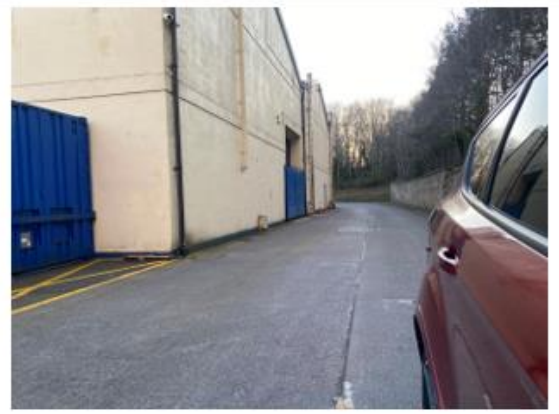
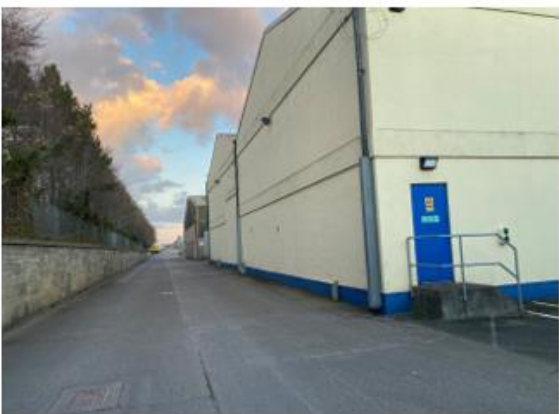


Fig. 2 – Images of condition of existing units at Airport Business Campus

2.1 Proposed Material Alteration 11.5 – Rezoning from HT to RA

The amendment of the zoning from HT-High Technology to RA-Residential Area at the Airport Business Campus will help to facilitate the County in achieving its population and housing targets to provide for compact and sustainable growth on what are currently underutilised brownfield lands within the M50 corridor, which would facilitate the Council to comply with Objective RPO 3.2 of the Regional Spatial and Economic Strategy, which states:

‘Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.’

The rezoning of these lands would be consistent with the ‘Recommendation 6 – Compact and Sustainable Growth’, which was contained within the Office of the Planning Regulator’s (OPR) submission to the Chief Executive in May 2022. There is a shortfall of housing in the Fingal area and the rezoning of the lands can help to meet some of this demand. These lands will facilitate the redevelopment and regeneration of underutilised brownfield lands that are within the M50 corridor and a suburb of Dublin City.

It was a surprise to see that the OPR submission to the Material Alterations included these lands, which are serviced, currently zoned (as HT) and located along a high-quality public transport corridor, in the same grouping as more rural and village orientated sites, such as Coolquay, Oldtown and Kinsealy. This is, in my opinion, misleading as it would otherwise indicate that the lands are similarly rural in nature, which they are certainly not. **In fact, the OPR’s submission incorrectly labels the lands at Santry as being a Tier 5 Town and Village and therefore their reference to NPO3c is completely without basis as the site in this instance is within Dublin City’s suburbs and therefore NPO 3a is the relevant Objective. Similarly, RPO 4.83 does not apply to Airport Business Campus as RPO 4.83 relates to towns and villages (i.e., more rural and regional areas). I would state therefore that the OPR’s submission, as it relates to the land at Airport Business Campus, Santry is factually and materially incorrect.**

Secondly, the OPR state that: *“These brownfield lands are surrounded by intensive commercial activity and the evidence to rezone the lands as Residential is not clear”*. This is simply not the case. The lands, which are brownfield and serviced, are not surrounded by intensive commercial activity. While there are commercial/industrial lands to the north, there is existing residential areas to the east and to the southwest of the site. Santry Demesne/Northwood is also located to the immediate south of the lands, which offer high-quality Class 1 public open space, which could be enjoyed by future residents. Furthermore, the owners of Airport Business Campus also own a significant piece of land at Santry Demesne, which could facilitate the direct connection between the 2 as part of any future regeneration/redevelopment of the site.

The OPR's submission goes on to state:

"Instead of focusing on building up local communities through sensitive infill development, reuse of existing buildings, these amendments will instead tend to encourage piecemeal additions to sensitive local communities that have access to limited services and infrastructure which is contrary to the obligations on all local authorities to secure compact forms of urban development and contrary to the implementation of sequential and public transport and active travel centred housing delivery locations".

I would stress that firstly, there is no opportunity to reuse these buildings as they are now at an end-of-life condition and the leases on them are also expiring. Therefore, they would be unable to accommodate even industrial type uses in their current condition, but rather would have to be demolished and new buildings constructed. To adopt the Plan with proposed Material Alteration 11.5 (Rezoning from HT to RA) will facilitate the regeneration of these lands in a planned, coordinated and sustainable manner that will ensure future residents are served by high-quality and high-capacity public transport, employment, retail, commercial and amenity facilities. This is not piecemeal development and sequentially the lands are the closest available lands for residential development that are available beside Dublin City. Indeed, Santry is a suburb of Dublin City and being within the M50 and on a high-quality and high-capacity public transport corridor are the optimal type of lands for residential development.

The amendment of the zoning from HT-High Technology to RA-Residential Area at the Airport Business Campus will help to facilitate the County in achieving its population and housing targets to provide for compact and sustainable growth on what are currently underutilised brownfield lands within the M50 corridor, which would facilitate the Council to comply with following national and regional planning objectives:

National Planning Framework:

- **National Policy Objective 3a:** *"Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements."*

Regional Spatial and Economic Strategy:

Objective RPO 3.2: *"Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas".*



Fig. 3 – Material Alteration PA SH 11.5 – Amend the zoning from HT – High Technology to RA – Residential Area at Airport Business Campus

2.2 Material Alteration 11.6 – Rezoning HT to LC

The rezoning of these lands from HT to LC, as proposed under Material Alteration 11.6, will facilitate the redevelopment and regeneration of these underutilised, brownfield lands that are within the M50 Corridor and a suburb of Dublin City. The rezoning of the lands to LC, coupled with the adjoining RA rezoning proposed under Material Alteration PS SH11.5, is required in the absence of a ‘regeneration’ land use zoning in the Draft Plan, which is contrary to the Section 28 Development Plan Guidelines for Planning Authorities.

The rezoning of these lands would be consistent with the ‘Recommendation 6 – Compact and Sustainable Growth’, which was contained within the Office of the Planning Regulator (OPR) submission to the Chief Executive in May 2022.

The Chief Executive’s Report on submissions has concluded that the rezoning of nearby lands at Woodford Business Park from GE to HT would not be recommended as HT land banks being surrounded by GE zoned lands, would not be appropriate or be the most efficient use of land. In this regard, the current HT zoning at Airport Business Campus is an isolated HT landbank with large GE zoned lands to the north and LC lands to the south. Therefore, HT is not considered appropriate, using the same rationale as that of the Chief Executive, that similar sites in the area are also rezoned from HT to other, more appropriate land uses, including at Woodford Business Park.

It is noted that the Airport Business Campus lands represent just 0.5% of the overall HT landbank in Fingal and therefore the rezoning of these lands will have no negative impact on employment

generation in the County. On the contrary, the rezoning will help to facilitate the regeneration of the lands, thus increasing employment and economic activity.

Similarly, to what was discussed in section 2.1 above regarding the OPR's submission, the OPR has included the lands subject to proposed Material Alteration PA SH 11.6, which are serviced, currently zoned (as HT) and located along a high-quality public transport corridor, in the same grouping as more rural sites, such as Westpalstown, Belinstown and Kilcreagh. This makes absolutely no sense. This is, in my opinion, misleading as it would otherwise indicate that the lands are similarly rural in nature, which they are certainly not. **The national and regional planning objectives that the OPR reference does not relate to this site as it is within the suburbs of Dublin City. I would state therefore that the OPR's submission, as it relates to the land at Airport Business Campus, Santry is therefore factually and materially incorrect.**

In terms of providing justification for the proposed Material Alteration, the rezoning of these lands from HT to LC, as proposed under Material Alteration 11.6, will facilitate the redevelopment and regeneration of these underutilised, brownfield lands that are within the M50 Corridor and a suburb of Dublin City. The rezoning of the lands to LC, coupled with the adjoining RA rezoning proposed under Material Alteration PS SH11.5, is required in the absence of a 'regeneration' land use zoning in the Draft Plan, which is contrary to the Section 28 Development Plan Guidelines for Planning Authorities.

The rezoning of these lands would also be consistent with the 'Recommendation 6 – Compact and Sustainable Growth', which was contained within the OPR's submission to the Chief Executive of Fingal County Council in May 2022. The Intention of the proposed rezoning is not to compete with the Key Urban Village at Santry Park (which is outside the administrative boundary of Fingal County Council in any case), but rather to provide for sustainable mixed-use residential and employment area.



Fig. 4 – Material Alteration PA SH 11.6 – Amend the zoning from HT – High Technology to LC – Local Centre at Airport Business Campus

3.0 Conclusion

This submission has been prepared to support the proposed Material Alterations PA SH **11.5** and **11.6** to the Draft Fingal County Development Plan 2023-2029, which sets out the material alteration of the zoning from HT-High Technology to RA-Residential Area and HT-High Technology to LC-Local Centre at the Airport Business Campus.

I welcome and support the proposed material alterations of the zoning from HT-High Technology to RA-Residential Area and HT-High Technology to LC-Local Centre at the Airport Business Campus. The rezoning of these lands will not impact on the employment generation in the County. The rezoning will facilitate the regeneration of the lands, increasing employment and economic activity.

The site is optimally located to avoid a reliance on car usage as it is located along a high-quality public transport corridor, which is being further improved by way of BusConnects and MetroLink. Santry village is 10 minutes from the site and so the regeneration of this site as a mixed-use area is in keeping with the policy of a 10-minute village. The site is best suited to a mixed-use scheme where families can live and work and enjoy the ample parkland setting and extensive social amenities which adjoin the site. This site can create the desired vision of a sustainable community in a high-quality living environment. The site embodies all the characteristics set out by planning policy makers and all political parties.

The site, if rezoned, will be redeveloped within the lifetime of the Development Plan. All existing leases on the site expire within 12 months and the site is ready to go and will deliver residential units for Santry together with a large quantity of jobs. Over the past 6 years the owners have been actively preparing the site for the development of a mixed-use scheme and they are now ready to deliver the project.

In light of the foregoing, I 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 adopt the plan with these Material Alterations.

Appendix 1 – Copy of Submission to Draft Development Plan

DOWNEY

DRAFT DEVELOPMENT PLAN
SUBMISSION

DRAFT FINGAL DEVELOPMENT PLAN 2023-2029
(STAGE II CONSULTATION)

Proposal: RA – Residential Zoning &

LC – Local Centre Zoning

Address: Airport Business Campus, Swords Road,
Santry, Dublin 9

Client: Quanta Capital

May 2022



FINGAL DEVELOPMENT PLAN 2023-2029

DRAFT PLAN
24TH OF FEBRUARY 2022

WRITTEN STATEMENT

EXECUTIVE SUMMARY

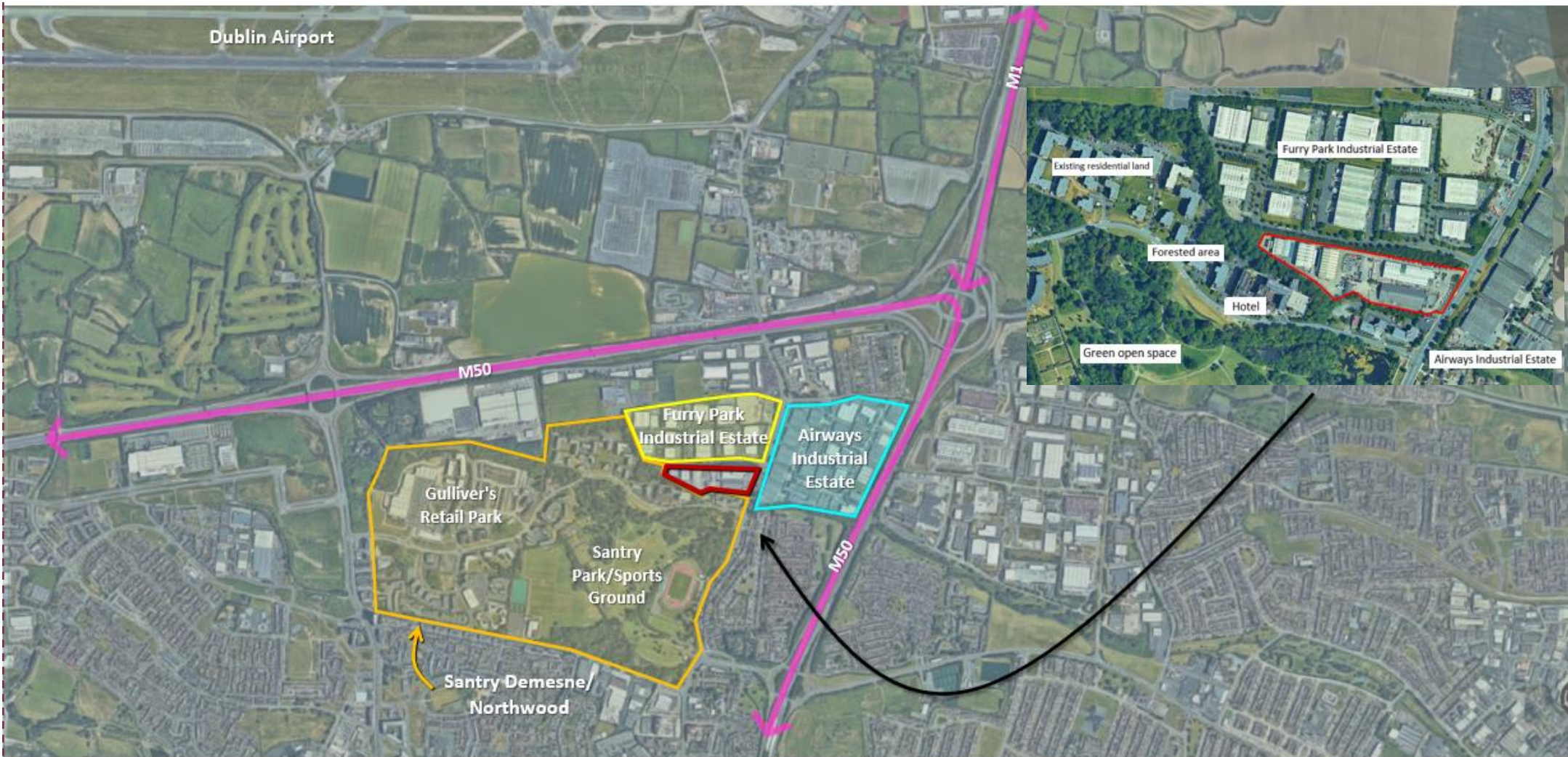
This submission is made by Downey Planning, on behalf of our client, Quanta Capital, and is submitted to Fingal County Council in the context of the Draft Fingal County Development Plan 2023-2029, which is currently on public call for submissions.

Santry is of strategic importance with respect to its locational attributes, i.e., access to M50 and M1 motorways, Port Tunnel, Dublin City Centre, Dublin Airport, and all national routes. Spatial distribution of population also indicates the area is experiencing a growing population driven from the outskirts of Dublin City towards northern ends.

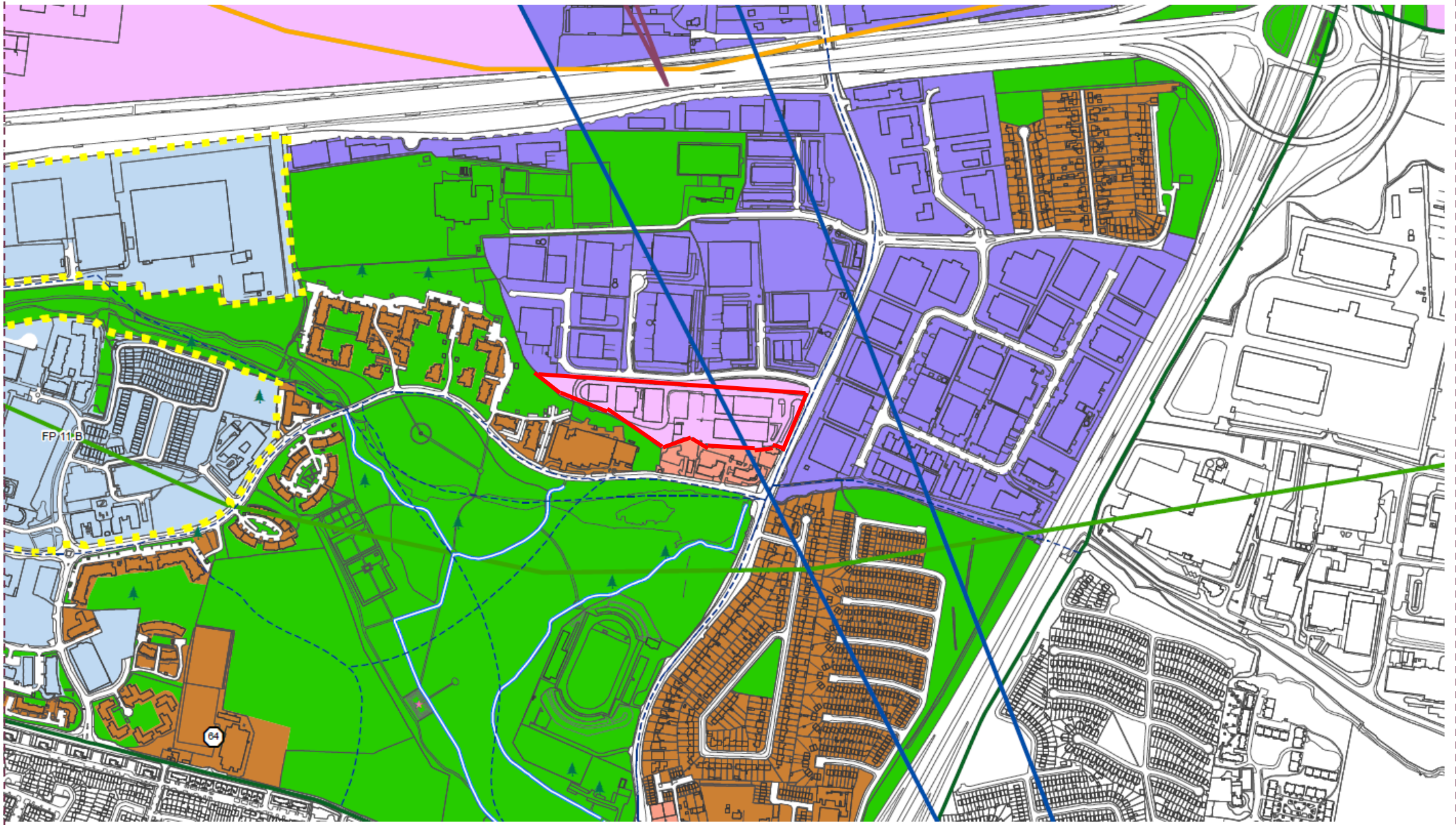
This submission relates to the key theme of “Employment, Economy and Dublin Airport”, and Core Strategy and Sustainable Placemaking under Thematic Area of “People and Place”, with reference to Residential Area zoning designation and Local Centre Zoning designation and is focussed on our client’s land at Airport Business Campus, Swords Road, Santry, Dublin 9.

This is not only to recognise and address the housing demand to coincide with the projected population increase of Fingal, but also is to better facilitate consolidated development of Santry by utilising an integrated pattern of land use and transportation planning, serving the concept of Urban Resilience which has gained significant momentum in recent times and is a measurable benefit of compact urban development.

It is suggested that the consolidation of this overall area for a balanced rationalised mix of employment and residential uses is required. This would be conducive to a sustainable compact development, assisting in the delivery of an appropriate quantum of residential development, while creating for a more transitional area along the edges of residential districts impacted by the existing low-intensity employment hubs for a large brownfield site.



Strategic Location of the Lands



Land Use Zoning of the Lands (lands subject to rezoning submission outlined in red)

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This planning submission is made in response to the statutory review of the Fingal County Development Plan. Stage 2, known as the 'Draft' stage, requires submissions to be of a site-specific nature. Accordingly, this submission has been prepared in the context of "Draft Fingal Development Plan" which sets out the vision for how Fingal should develop over the life of the Plan while ensuring compliance with national and regional policy. The Development Plan presents an opportunity for the public to shape Fingal for the future when it comes to important issues such as housing, economic development, community, and heritage. We would therefore respectfully request that Fingal County Council consider the content within this planning submission. Downey Planning would like to thank the Council for the opportunity to make this submission, on behalf of our client who is a strategic landowner and business operator in the Fingal and wider Dublin area.

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Downey Planning Document Control			
	Name	Date	Version
Prepared by	Elahe Saki Assistant Planner	02 May 2022	V_01_DRAFT
Prepared by	Donal Duffy MIPI Director	08 May 2021	V_02_DRAFT
	Donal Duffy MIPI Director	11 May 2022	FINAL
Approved by	John Downey MIPI MRTPI Managing Director	11 May 2022	Final

D O W N E Y

1.0 INTRODUCTION

Downey, Chartered Town Planners, 29 Merrion Square, D02 RW64, have prepared this submission to the Draft Fingal County Development Plan 2023-2029. This submission is made on behalf of our client, Quanta Capital, in relation to lands at Airport Business Campus, Swords Road, Santry, Dublin 9. 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., 12th May 2022, as set out on the Draft Development Plan’s website.

2.0 LEGISLATIVE BASIS

Section 9 of the Planning and Development Act, 2000 (as amended) provides that, subject to the requirements set out in Sections 9, 10, 11 and 12 of the Act, that a planning authority must adopt a new Development Plan every six years. The recommendations for the content of a Development Plan are set out within Section 10 of the Planning and Development Act, 2000 (as amended) and must include a strategy for the proper planning and sustainable development of the area of the Development Plan and shall consist of a written statement and a plan or plans indicating the development objectives for the area in question. 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 - (1) Where the Draft Development Plan has been prepared in accordance with section 11, the planning authority shall within two weeks of the period referred to in section 11(5)(c)—

(a) send notice and a copy of the Draft Development Plan to the Minister, the Board, the relevant regional authority, the prescribed rules, any town commissioners in the area and any city or county development boards in the area, and

(b) publish notice of the preparation of the draft in one or more newspapers circulating in its area.

(2) A notice under subsection (1) shall state that—

(a) a copy of the draft may be inspected at a stated place or places and at stated times during a stated period of not less than 10 weeks (and the copy shall be kept available for inspection accordingly), and

(b) written submissions or observations with respect to the draft made to the planning authority within the stated period will be taken into consideration before the making of the plan”.

3.0 SITE LOCATION & DESCRIPTION

The subject lands are located on the northern outskirts of Dublin City Centre, which is within the functional area of Fingal County Council. The lands extend to approximately 4.13 hectares and are situated along the Swords Road in Santry, approximately 7 kilometres from the City Centre and 2

kilometres from Dublin Airport. Our client also owns a portion of land to the south that includes the Gourmet Food Parlour at Northwood. That part of the landholding does not form part of this rezoning submission.

The site presently comprises several large industrial buildings, which are bounded to the east by the Swords Road (R132), to the west by a forested area with established mature trees and palisade fencing except for the portion fronting the Swords Road, and to the north by the Furry Park Industrial Estate. The existing buildings, which, respectfully, are quite dated, do not provide a high-quality aesthetic appearance to this key location on what is a strategic route between the city centre and Dublin Airport.

The surrounding built environment is characterised by a vibrant mix of residential, office, retail, and leisure amenities with a mix of building types. Furthermore, the Campus' neighbours include Furry Park, North Ring Business Park and Airways Industrial Estate all well-established trading locations. The land with its link into Santry Demesne enjoys locational and green attributes and access to pertinent social and physical infrastructure.

The lands are located c. 800 metres from Junction 2 of the M50 motorway providing excellent access to the M1 Motorway, Port Tunnel, Dublin City Centre, Dublin Airport and all national routes. There are bus stops (Route 132) with frequent bus services within proximity to the subject site, situated c. 500m to the east of the site (approx. 6 minutes walking distance) which provides access to the Dublin city centre in c. 30 minutes.

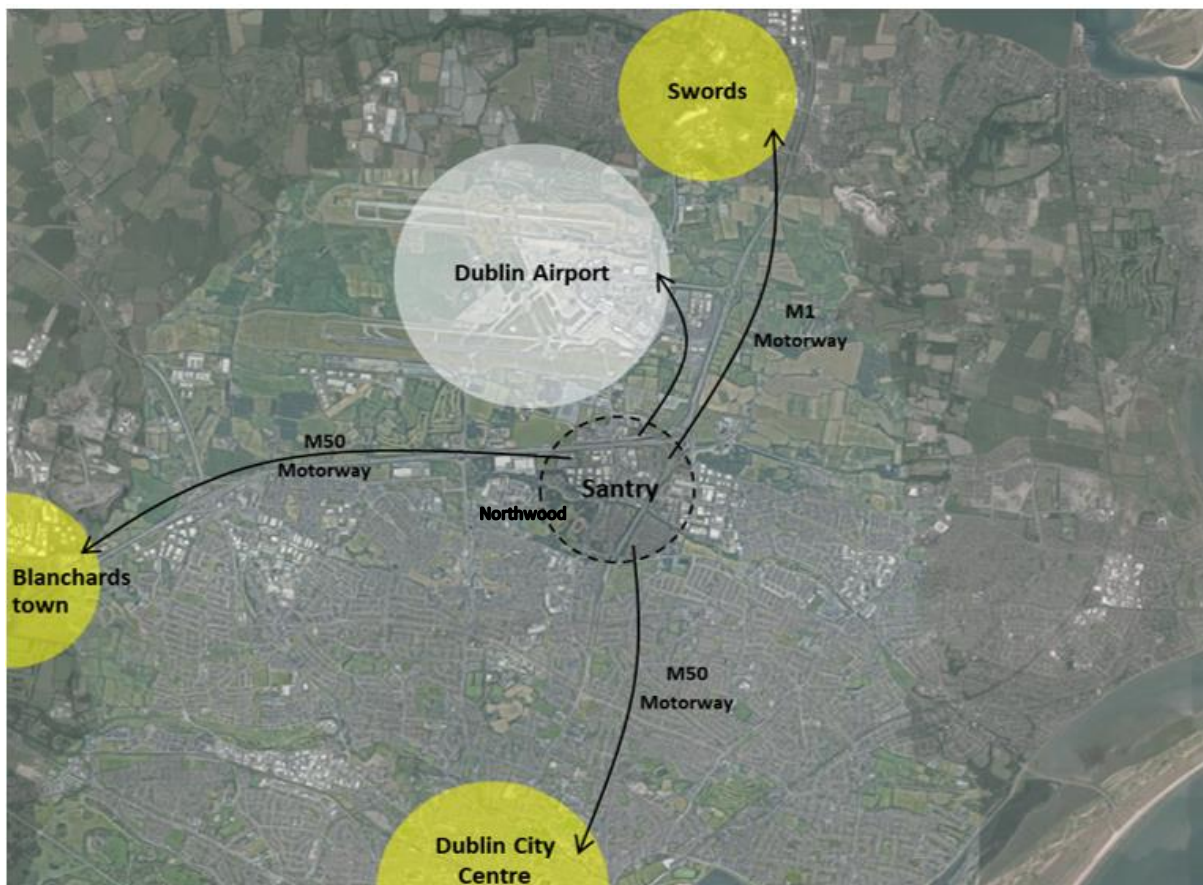


Figure 1: Strategic Location of Subject lands

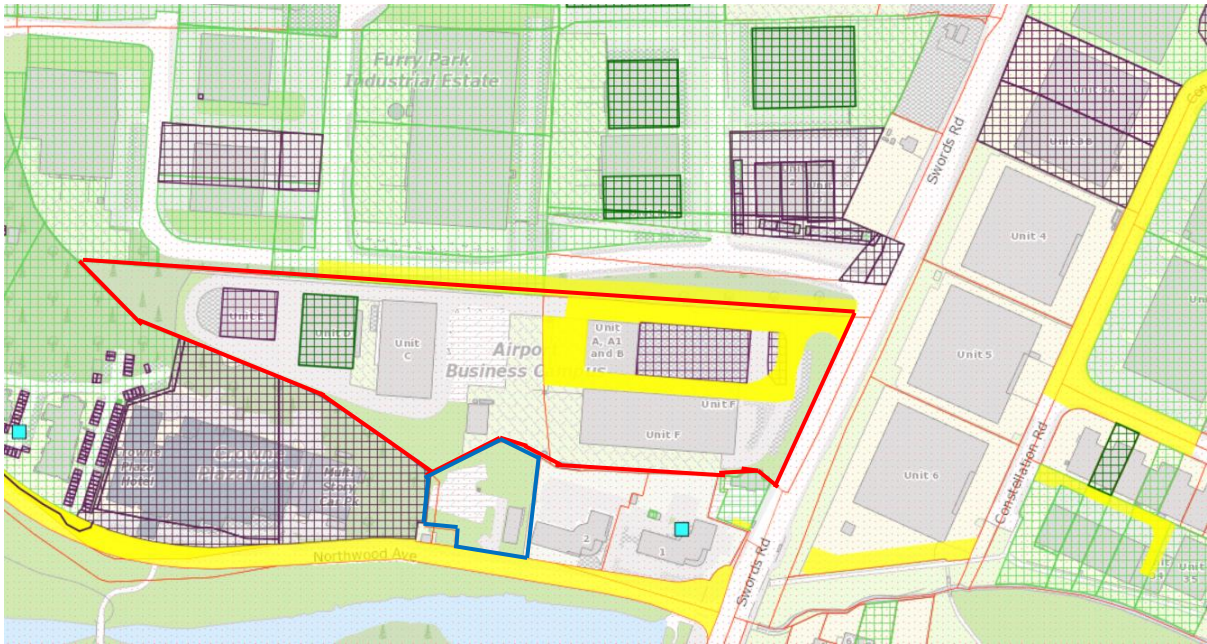


Figure 2: Overall Landholding at Airport Business Campus (lands subject to rezoning in red and adjoining lands owned by proposer outlined in blue)



Figure 3: Aerial view of Airport Business Campus

The site is presently underused and set in extensive hard standing areas, comprising six light-industrial units and two sites. The general appearance of the site is somewhat run-down, and the land use is incompatible with the surrounding environment. We note that the leases for all of the properties within Airport Business Campus are due to expire within the next 18 months and as such, the lands are considered as a ‘ready to go’ Tier 1 site, subject to any development proposal receiving the necessary planning permission.



Figure 4: Street level view of front of Airport Business Campus

Within the draft Development Plan, Santry is defined as being located within “Dublin City and Suburbs Consolidation Area” within the Metropolitan Area of Dublin.

4.0 PLANNING HISTORY

Downey Planning have carried out a detailed examination of the planning history of the subject site, which determined that there have been several planning applications made on the subject lands. The most relevant planning history is summarised as follows:

Subject Lands

- **Reg. Ref. F18A/0021.** By order dated 13th March 2018, Fingal County Council granted permission to Alltherm Build Limited for ‘construction of an 18.75 sqm. ESB substation with a height of 3.37m’ in Airport Business Campus, Old Swords Road, Santry, Dublin 9.
- **Reg. Ref. F00A/0931 (ABP Ref. PL.06F.123831).** By order dated 17th May 2002, An Bord Pleanála refused permission to Glandore House Ltd. for development in Airport Industrial Estate, Swords Road, Santry, Dublin 9. The proposed development consists of the following: ‘Demolish 3 industrial buildings and replace them with four 3-storey office buildings with a gross area of 14,620 sqm. with parking at lower ground floor level. Permission is also sought for the relocation of the entrance to the site.’ The decision of the Board was based on two reasons for refusal: the first relating to non-compliance with the Development Plan and the second relating to the effect of the proposed development on traffic generation causing congestion in the area.
- **Reg. Ref. F99A/0707.** By order dated 8th December 1999, Fingal County Council granted permission to Maxol Lubricants Ltd. for ‘five external lubrication oil storage tanks each with a capacity of 33,000 litres and associated bund area and pipework’ in Unit D Airport Industrial Estate, Santry, Co. Dublin.
- **Reg. Ref. F97A/0154.** By order dated 1st May 1997, Fingal County Council granted permission to Maxol Lubricants Ltd. for ‘offices, canopy and additional car parking spaces and to use premises for production, bulk storage and general storage’ in Unit D, Airport Industrial Estate, Santry, Co. Fingal (Dublin).

Lands to the immediate north

Additionally, there is relevant and recent planning history on the lands to the immediate north of the subject site that have been considered in this examination, this planning permissions are summarised as follows:

- **Reg. Ref. F99A/1589 (ABP Ref. PL 06F.118769).** By order dated 10th October 2000, An Bord Pleanála granted permission to Rohan Holdings Ltd. for erection of 5 no. warehouse buildings and office uses with ancillary development and access road on lands at Furry Park Industrial Estate, Santry, Dublin 9.
- **Reg. Ref. F00A/0171 (ABP Ref. PL.06F.119574).** By order dated 14th December 2000, An Bord Pleanála refused permission to Rohan Holdings Ltd. for three storey science and technology/office building on part of the site on lands at Furry Park Industrial Estate, Santry, Dublin 9.
- **Reg. Ref. F08A/1352.** By order dated 3rd February 2009, Fingal County Council granted permission to Rohan Holdings Ltd. for subdivision of existing warehouse building (previously granted under Reg. Ref. F96A/0411, F96A/0613 and F07A/0917) on lands at Unit F and G Furry Park Industrial Estate, Santry, Dublin 9.
- **Reg. Ref. F01A/1328.** By order dated 17th December 2001, Fingal County Council granted permission to Eason & Son Ltd. for additional office at second and associated modifications to west elevation to previously approved Unit A (previously granted under Reg. Ref. F95A/0876) on lands at Furry Park Industrial Estate, Santry, Dublin 9.

4.3 Lands to the immediate south

Additionally, there is relevant and recent planning history on the lands to the immediate south of the subject site that have been considered in this examination, this planning permissions are summarised as follows:

- **Reg. Ref. F98A/1328.** By order dated 22nd March 2000, An Bord Pleanála granted permission to Woodford Developments Ltd. for an integrated urban development project consisting of an apartments complex and associated amenity building, an offices complex, a hotel, an extensive public park, and all site development works on lands at Santry Demesne, Dublin 9.
- **Reg. Ref. F02A/1129.** By order dated 19th December 2002, Fingal County Council granted permission to Mr. William B. Kilmurray for construction of 2 no. 3 storey office buildings with gross area c. 1,698sqm each, plus a 2-storey restaurant c. 270sqm on lands at Santry Demesne (adjacent to Swords Road), Santry, Dublin 9.
- **Reg. Ref. F04A/0577.** By order dated 6th December 2004, Fingal County Council granted permission to Woodford Developments Ltd. for 4 storey Neighbourhood Centre over basement with a total gross area 8,041sqm, on part of lands at Santry Demesne (previously approved for office development, Blocks L & K under Ref. F98A/1328 and PL06F.112730).
- **Reg. Ref. F04A/0578.** By order dated 6th December 2004, Fingal County Council granted permission to Woodford Developments Ltd. for a 2-storey licensed restaurant with a total

gross area of 726sqm on part of lands at Santry Demesne, Santry, Dublin 9 (previously approved for office development, Blocks L & K under Ref. F98A/1328 and PL06f.112730).

- **Reg. Ref. F05A/1259.** By order dated 19th January 2006, Fingal County Council granted permission to Woodford Developments Ltd. for a residential development consisting of three apartment blocks with a total of 90 apartments with a total floor area of 7,323 sqm on lands at Santry Demesne, Santry, Dublin 9. This is behind Blackwood and adjacent to the Leisure Centre, within those lands previously approved for development under Ref. F98A/1328 PL06F.112730. The lands were re-zoned as residential under the 2005 Development Plan.

5.0 DRAFT FINGAL COUNTY DEVELOPMENT PLAN 2023-2029

The subject lands are zoned as 'HT – High Technology' under the Draft Fingal Development Plan 2023-2029. The Objective of the HT zoning, seeks to:

“Provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscape environment”.

The uses permitted in principle within the HT zoning is quite limited and consists of the following:

Enterprise Centre, High Technology Manufacturing, Hospital, Industry-Light, Office Ancillary to Permitted Use, Office < 100 sq.m., Office > 100 sq.m. and <1,000 sq.m., Office > 1,000 sqm., Open Space, Research and Development, Restaurant/Café⁵, Retail-Local < 150 sq.m. NFA⁵, Sustainable Energy Installation³⁵, Telecommunications Structures, Training Centre, Utility Installations.

5 = To serve the local working population only.

35 = Ancillary to main use and of an appropriate scale.

It is evident that the matrix of permitted in principle uses is quite limited under the HT zoning and does not represent the most efficient use of these strategically serviced and located lands within the Metropolitan area of Dublin City.

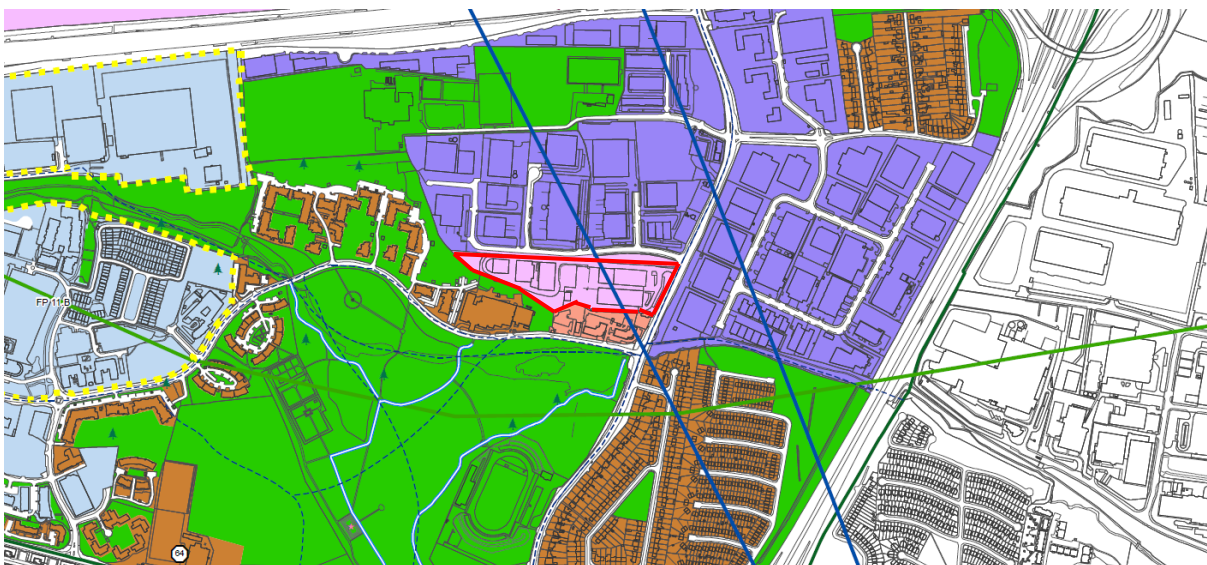


Figure 5: Land Use Zoning under the Draft Fingal County Development Plan 2023-2029 (site outlined in red)

This submission seeks to rezone the lands at Airport Business Campus from 'HT – High Technology', to 'RA – Residential Area' and 'LC – Local Centre'. Within this, approximately 3.3 hectares would be rezoned to Objective RA with approximately 0.83 hectares rezoned to Objective LC.

RA – Residential Area

The Objective for the RA zoning seeks to:

“Provide for new residential communities subject to the provision of the necessary social and physical infrastructure”.

The Vision is to:

“Ensure the provision of high quality new residential environments with good layouts and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities”.

As shall be outlined further in this submission, the Airport Business Campus lands can provide such a high-quality residential environment as they enjoy excellent services in terms of infrastructure and public transport and are located within easy distance of suitable community facilities.

LC – Local Centre

The Objective for the LC zoning seeks to:

“Protect, provide for and/or improve local centre facilities”.

The Vision is to:

“Provide a mix of local community and commercial facilities for the existing and developing communities of the County. The aim is to ensure local centres contain a range of community, recreational and retail facilities, including medical/dental surgeries and childcare facilities, at a scale to cater for both existing residential development and zoned undeveloped lands, as appropriate, at locations which minimise the need for use of the private car and encourage pedestrians, cyclists and the use of public transport. The development will strengthen local retail provision in accordance with the County Retail Strategy”.

It is respectfully submitted that the rezoning of approximately 0.83 hectares of the Airport Business Campus lands as Local Centre will help to achieve this vision and will support future residential development of the remainder of the lands. Furthermore, it will strengthen the local retail offering that is provided for at the south of the lands. This shall be outlined in more detail later in this submission. It is important to note that our client also owns adjoining land to the south, occupied by the Gourmet Food Parlour, which is also zoned as a Local Centre. This proposal will therefore compliment their existing LC zoned lands.

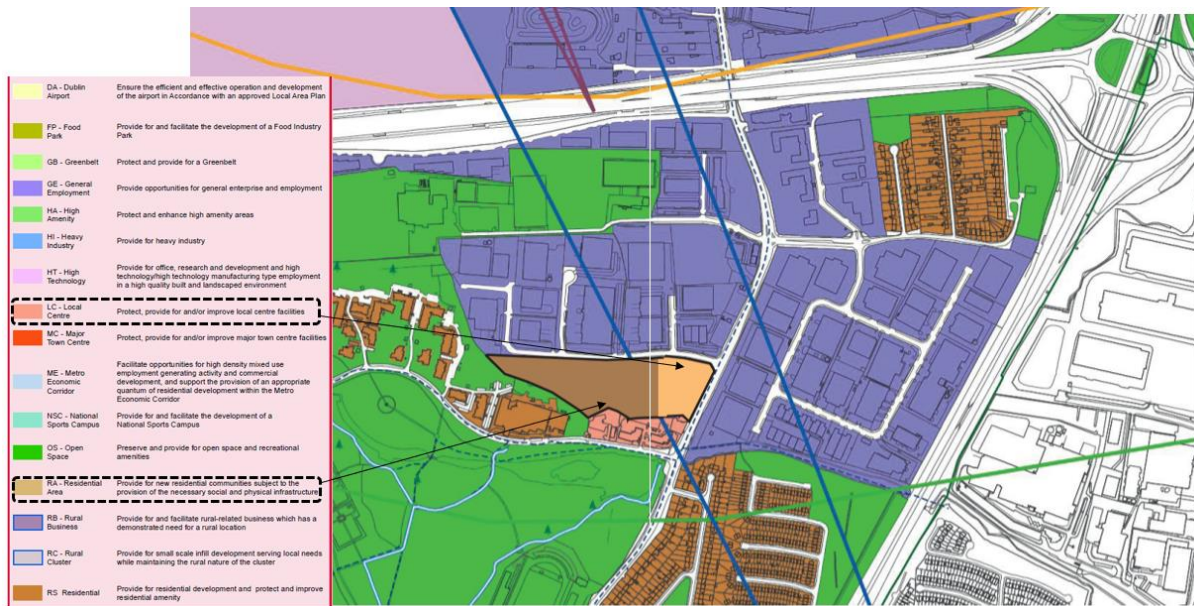


Figure 6: Proposed Land Use Zoning as Submitted within this rezoning proposal.

6.0 PLANNING CONTEXT

6.1 National Planning Framework

The National Planning Framework is “the Government’s high-level strategic plan for shaping the future growth and development of our country out to the year 2040”. It is a Framework to guide public and private investment, to create and promote opportunities for our people, and to protect and enhance our environment - from our villages to our cities and everything in between. It is stated within the National Planning Framework 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”. It is also stated that there will be an ongoing shift in population and jobs to the east within the Dublin Region in particular. The NPF will support the future growth and success of the Dublin Region as Ireland’s leading global city of scale, by better managing the Dublin Region’s growth to ensure that more of it can be accommodated within and close to the city.

According to the National Planning Framework, the Dublin Region needs to accommodate a greater proportion of the growth it generates within its metropolitan boundaries and to offer improved housing choice, transport mobility and quality of life. Dublin’s continued performance is critical to Ireland’s competitiveness.

The NPF states that, “the long-term vision for Ireland’s housing future aims to balance the provision of good quality housing that meets the needs of a diverse population, in a way that makes our cities, towns, villages and rural areas good places to live now and in the future.”

It is outlined within the Plan that future homes are required to be located where people have the best opportunities to access a high standard quality of life. In Ireland, the location of housing has taken on

a dispersed and fragmented character which has led to people living further away from their jobs and often being at a sizeable remove from important services such as education and healthcare. It is stated that it is important to “prioritise the location of new housing provision in existing settlements as a means to maximising a better quality of life for people through accessing services, ensuring a more efficient use of land and allowing for greater integration with existing infrastructure.”

The NPF has a number of national policy objectives which are relevant to this application, which include:

- **National Policy Objective 3a:** *“Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.”*
- **National Policy Objective 4:** *“Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.”*
- **National Policy Objective 6:** *“Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.”*
- **National Policy Objective 11:** *“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.”*
- **National Policy Objective 13:** *“In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.”*
- **National Policy Objective 33:** *“Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”*
- **National Policy Objective 35:** *“Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.”*

Assessment: The site adjoins a high-capacity and high-frequency QBC bus route, which is to be upgraded further under the BusConnects network. The proposed Metro North will be approximately 1.2km to the west of the site, when that becomes operational. Given that this is one of the few areas of Fingal that is located within the M50 and is an existing suburb of Dublin City, then the rezoning of the lands would be consistent with the above NPO’s, including NPO3a and will critically facilitate the site-based regeneration of the subject lands in accordance with NPO35.

6.2 Housing for All

The Housing for All: A New Housing Plan for Ireland states that Ireland’s housing system is not meeting the needs of enough of our people, and therefore, it needs to increase new housing supply to an average of at least 33,000 new units per year over the next decade. This will include over 10,000 social

homes each year over the next five years, with 9,500 of these being new-builds, and an average of 6,000 affordable homes for purchase or rent. As per, Housing for All provides four pathways to achieving four overarching objectives:

- Supporting home ownership and increasing affordability;
- Eradicating homelessness, increasing social housing delivery, and supporting social inclusion
- Increasing new housing supply; and
- Addressing vacancy and efficient use of existing stock.

Outlined in the Plan, the State must act decisively to increase supply of both private and public housing. An average of 33,000 homes must be provided every year between now and 2030. Increased housing output is needed in all sectors - private, affordable, and social - to meet the needs of people in a wide variety of circumstances.

Assessment: It is submitted that the provision of residential units, along with a local centre, on the Airport Business Campus site will help the Government to achieve the objectives of the Housing for All Plan by adding to the choice and variety of sites available in Santry and Dublin City during the plan period to ensure that the targets for housing can be met. Thus, it is submitted that the proposed development is consistent with the development framework in this regard.

6.3 Regional Spatial and Economic Strategy

The Regional Spatial and Economic Strategy (RSES) was published by the Eastern and Midland Regional Assembly. The RSES outlines the long-term regional level strategic planning and economic framework in support of the National Planning Framework for the period 2019-2031. The RSES identifies regional assets, opportunities, pressures, and constraints and provides a framework for investment to better manage spatial planning and economic development throughout the Eastern & Midland Region. The RSES is tasked with the development of planning policy for future housing needs in the region upon consideration of the availability of land, resources, environment, and infrastructure capacity.

In conjunction with the NPF, the RSES predicts Dublin City and Suburbs to experience continued population growth over the period 2019-2031 with a predicted increase of 220,000. The NPF targets 50% of all housing to be provided within or contiguous to the built-up area of Dublin city and suburbs. To combat and provide for compact residential development, the RSES outlines a number of key Regional Policy Objectives that pertain to the NPF targets. The key Regional Policy Objectives applicable to the development proposal is the following:

- **Regional Policy Objective (RPO) 5.4** - *“Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for New Apartments’ Guidelines, and ‘Urban Development and Building Heights Guidelines for Planning Authorities.’”*
- **Regional Policy Objective (RPO) 5.5** - *“Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line*

with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.”

Assessment: The development supports the Regional Plan by providing residential development at a strategic location of the greater Dublin Region to make an early and significant contribution to the housing land supply. The provision of part of the lands as a Local Centre will also support the residential rezoning of the lands as it will provide for complimentary and supporting services as well as providing for an active street frontage along the Swords Road. This will also assist in high-quality placemaking for any future development on the lands.

6.4 Transport Strategy for the Greater Dublin Area (2016 to 2035)

This transport strategy provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA). The purpose of the Strategy is: *“To contribute to the economic, social and cultural progress of the Greater Dublin Area by providing for the efficient, effective and sustainable movement of people and goods.”*

The core of the strategy seeks the better integration of land use planning and transport planning. This can be achieved through the consolidation of development into higher order centres. In terms of the provision of housing, the strategy seeks to directly enable the sustainable development of strategically important residential sites, particularly in Metropolitan Dublin, where demand is highest.

Assessment: The development proposal will bring together new residential development at an appropriate density, with complimentary and supporting services along an existing high-capacity and high-frequency public transport corridor within the M50 ring of Dublin City. This ensures that land use and transportation can be planned together to *“contribute to the economic, social and cultural progress of the Greater Dublin Area by providing for the efficient, effective and sustainable movement of people and goods.”*

7.0 JUSTIFICATION & GROUNDS OF SUBMISSION

7.1 Core strategy: Population allocation

According to Census data, Fingal remains the third most populous local authority in Ireland (after Dublin City and Cork County) with a total of 296,020 residents in 2016 and accounting for 22% of Dublin's overall population. Between 2006 and 2016, the population of Fingal increased by 23.3% or by just over 56,000 people. The county saw a population growth of 8% since the preceding Census in 2011 (22,029 persons), a growth rate which was considerably higher than the national average growth rate of 3.8% for the same period.

The NPF estimates that the population of the county will grow by 490,000–540,000 by the year 2040. In line with this, the EMRA RSES has a projected target growth for Fingal of between 340,000–349,000. Since the publication of the RSES, EMRA has allocated Fingal a population (high) of 369,000 for 2031 as per the MASP transitional population document. This includes the MASP allocation of an additional 20,000 for Swords. This will see Fingal's population increase to 369,000 by 2031.

It is important to note that while these figures are useful indicators of past trends, they are entirely problematic when used to project future growth.

This is because the draft Plan is based on 2016 census information which in the context of the soon-to-be-published 2022 census is out of date. Using an out-of-date base to forecast population and housing demand has significant implications, not least because the plan is unable to incorporate with accuracy the new population associated with developments completed in the Santry area since 2016. The Dublin Housing Taskforce completion data (2020) suggests that the population may have increased by 11.95% since the 2016 census, meaning that a greater population has been absorbed into the locality while the need for associated services such as schools, creches, shops and services are forecast from a base which assumed they are not yet in existence.

To address these issues, Downey advises that the draft Plan should be revised to take account of the following points and any consequential amendments to the housing strategy should be incorporated into the draft Plan during the Amended Draft Development Plan Stage (expected to be c. November 2022):

1. The 2022 Census is scheduled for full publication in April 2023 and, based on the current timetable for adoption ('early 2023'), the draft Plan will be brought into force without this up-to-date census information. This means that the Plan will fail to align with its demographic base over the vast majority of its plan period. To address this issue, the Plan's population figures should be assessed against the preliminary census information due to be published on 24th June 2022 and an early review of the Plan should be conducted to reflect the final census information. The Amended Draft Development Plan (scheduled for public consultation in November 2022) should build in the requisite flexibility to ensure this alignment.
2. Downey further notes that by the end of May 2022, it is estimated that 33,000 Ukrainian refugees will have arrived in Ireland and the Government has confirmed that there is no cap on the number of refugees that can enter the country. An interdepartmental government committee has been set up to manage the housing arrangements arising. The implications of the resettlement programme on the draft Plan should be tested, to assess the downstream impacts on the private housing market and considered as part of the Amended Draft Development Plan (November 2022).

7.2 Housing target and housing supply

Downey notes that the current adopted Plan (2017 to 2022) has failed to meet its housing targets having seen annual under-delivery of between 19% and 42% against NPF targets (Fingal Housing Strategy, Table 6.4.3.1). The county has seen a significant non-activation rate for planning permissions (40% or 5,707 dwellings) according to pg. 38 of the Draft Plan, and a stark house price increase over the term of the Plan of 14.3% (CSO Residential Property Price Index, February 2022). This now makes Fingal, together with the Dublin regions, 'seriously unaffordable' according to The Demographia

International Affordability Survey¹. Downey would very much like to see these issues addressed comprehensively during the upcoming draft Plan period, from 2023 to 2029.

Downey notes that the 2017 to 2023 Development Plan reports 40% non-activation rate of planning applications. While we are of the view that this is likely attributable to several factors², chief amongst them is the composition of the Fingal's housing supply which relies significantly on strategic site delivery. The Draft Plan (pages 37-38) confirms a county-wide average of between 110 and 308 units per site, with 14,130 units granted on 128 sites, a third of which were on SHDs (4,499 units granted on 17 no. SHD applications). By their nature, strategic sites take longer to deliver, reflective of issues of site assembly, funding, remediation, and other issues associated with strategic land banks. These longer lead-in times are reflected in the longer planning permission periods granted for strategic sites, which can include 10-year permissions straddling multiple 6-year County Development Plan periods.

To address these issues, Downey advises that the draft Plan should be revised to take account of the following points and any consequential amendments to the housing strategy should be incorporated into the draft Plan during the Amended Draft Development Plan Stage (c. November 2022):

1. At a county level, it is critical that further flexibility should be provided in terms of the county wide housing figures to allow for a significant amount of non-activated planning applications in the county.
2. At a local level, it is critical that our client's land is zoned in order to diversify the zoned land delivering housing in the district, which strategically is one of the few areas of Fingal that is located within the M50 corridor and is a suburb of Dublin City. National Policy dictates that this type of area should be developed ahead of more distant sites.

It is therefore proposed to prioritise the Tier 1 lands, defined as Serviced Zoned Lands, which are able to connect to existing development services, i.e., road and footpath access including public lighting, foul sewer drainage, surface water drainage and water supply, for which there is service capacity available, and can therefore accommodate new development.

The re-zoning of the area to "RA – New Residential Area and LC – Local Centre" will potentially assist in the delivery of an appropriate quantum of residential development utilising a Serviced Zoned Land, which would also be fundamental to accomplish the 30% target for new homes within the County. However, if the existing land use zoning is retained, then this potential cannot be achieved on a site that is well-connected and readily available for development.

¹ This survey uses median house price data and median household income to categorise cities as 'affordable' (a score of 3.0) to 'seriously unaffordable' (a score of 5.0). The Dublin regions have seen an increase of 0.9 points during the plan period, from a low of 4.8 in 2017 to a high of 5.7 in 2022, at which point the Dublin Region became categorised as 'severely unaffordable'.

² It is worth noting that, in relation to the Covid-19 pandemic specifically, the County saw more units completed during the pandemic than during the preceding two years. According to the Fingal Housing Strategy, an average of 1,634 units were completed in 2017/18 compared to 1,721 units during the pandemic in 2019/20.

7.3 Analysis of Urban Capacity Assessment in Draft Plan

We note that an Urban Capacity Assessment (UCA) was prepared as part of the preparation of the Draft Development Plan. This reviewed and assessed the capacity of existing urban areas to facilitate future growth. While this is a welcomed initiative, it is noted that in the case of Santry, it solely looked at greenfield sites, as opposed to the potential for underutilised brownfield lands to be redeveloped, which is more consistent with NPO 35 of the National Planning Framework. In this regard, the UCA identified greenfield lands within the Santry area of being able to accommodate an additional 686.63 housing yield. It is noted that many of the sites identified in the UCA are within the Metro Economic zoning and are subject to the delivery of Metrolink North, which has already been delayed. In this regard, the deliverability of those lands must be questioned.

Downey would submit that the redevelopment of our client's site at Airport Business Campus could, in a more sustainable manner, provide for at least 200 units based at a net density of 50 units per hectare. It is respectfully submitted that the regeneration of existing brownfield, light industrial lands, which are at the end of their normal life-expectancy and in need of redevelopment, should be prioritised ahead of greenfield lands.

7.4 Locational Attributes of Airport Business Campus

Located on the northside of Dublin City along the R132 Swords bordering Coolock, Glasnevin, Kilmore and Ballymun, the lands at Airport Business Campus straddle the boundary of Dublin City Council and Fingal County Council jurisdictions. Providing secondary access to the Dublin Airport, the lands are enjoying a pivotal location in the periphery of Dublin City Centre. This gateway location of the lands provides an opportunity for framing the entrance to the Dublin City Centre with a landmark development, enhancing the legibility of the Swords Road.

As noted previously, the submission area is characterised by existing industrial estates and buildings, many of which are at or nearing their end of life and as such are in somewhat of a run-down appearance. This contrasts with the landscaped setting and high-quality public transport and hard infrastructure as well as social and community infrastructure that serves the area. In this regard, the area is ideally located for significant redevelopment with high-quality mixed-used developments that would revitalise the area.

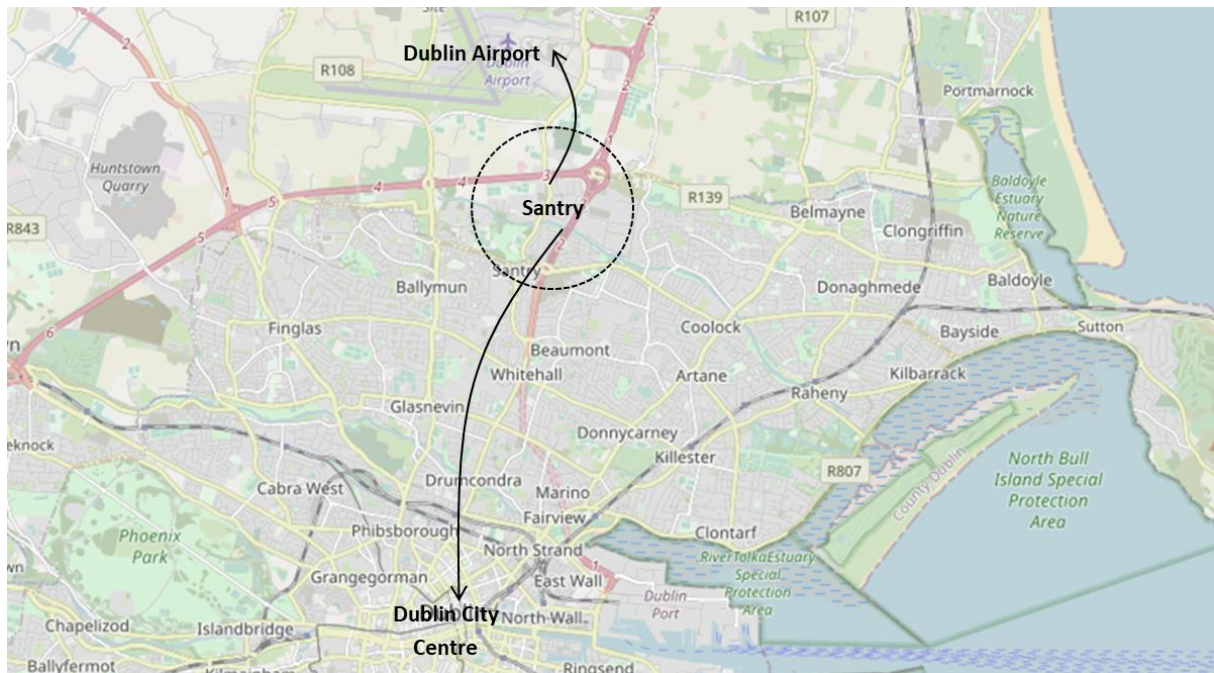


Figure 7. Strategic Location of the submission area

7.5 Connectivity and Accessibility of the Lands

The Airport Business Campus lands are located along the Swords Road in Santry on the northern outskirts of Dublin City Centre. The site is strategically located close to Dublin Airport and the M50 thus providing access to all the radial national routes. In addition, the area has immediate access to numerous bus services (namely 16, 27b, 33, 33e, 41, 41b, 41c and 41d) connecting the site to the city centre, Dublin Airport, and other locations.

Under Bus Connects, the bus service on the Swords Road, which serves the general area, is due to be upgraded to form Corridor 2 - Swords to City Centre. In addition, the site is an 8-minute walk of the new Metro Corridor. As seen below, our client's lands at Airport Business Campus are of strategic importance for the overall development of area noting the location of the lands directly off the Swords Road in Santry and within c. 800 metres from Junction 2 of the M50 motorway.

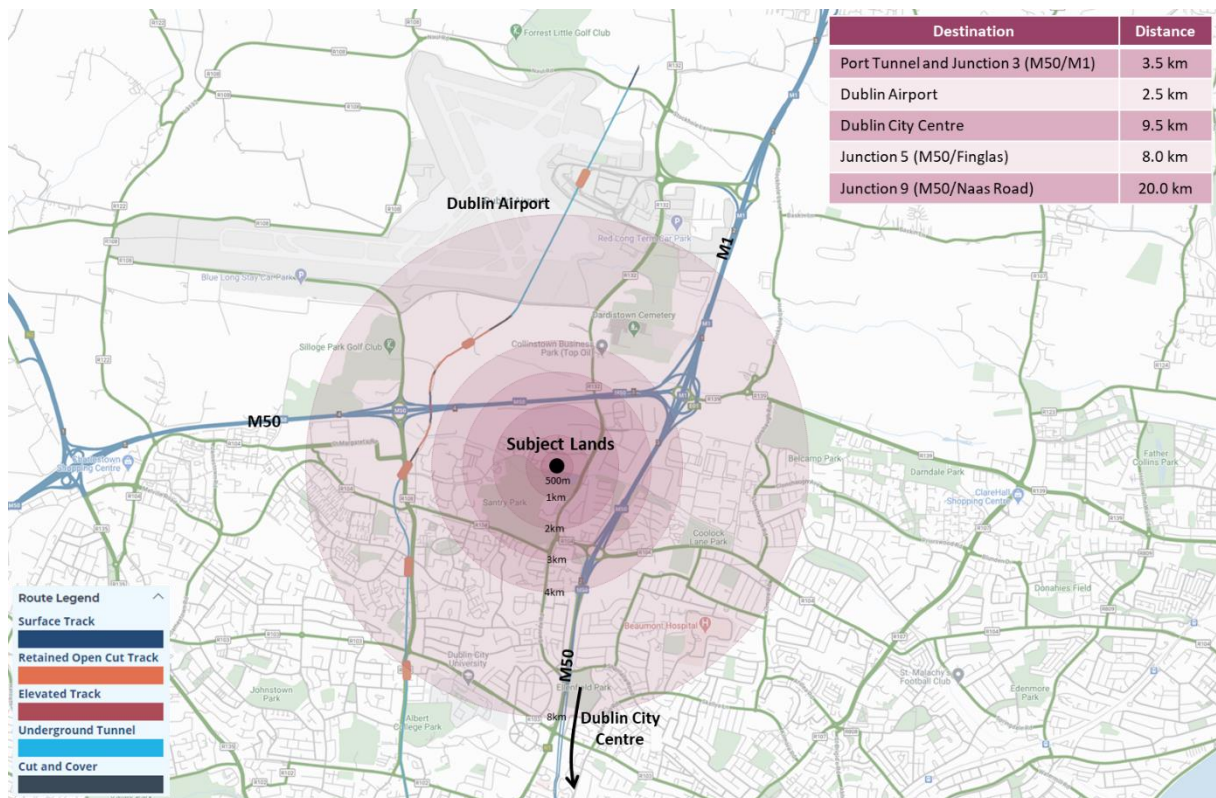


Figure 8. Strategic Location of the Subject Lands with Multiple Buffer Zones of 500 metres

With the delivery of Metrolink, the strategic location of the subject lands is providing opportunities to not only address the requirements for employment opportunities of Fingal, but also to better facilitate consolidated development of Santry.

To consolidate and augment the existing built-up area of Dublin Suburbs and to further prevent urban sprawl outside the development boundary of the city, this submission proposes to provide for a Metro Economic Corridor in the Santry area, which is within the existing Metropolitan area. The proposed zoning objectives facilitates for a quantifiable sustainable mixed-use area with high employment supporting the provision of an appropriate quantum of residential development.

7.6 Existing Local Strengths and Amenities

As illustrated in the Figure below, there is a wide range of community and local amenities in close proximity to Airport Business Campus. This includes educational facilities, retail and shopping centres, and open spaces and parks which supports Santry as its immediate area. This local structure has provided the capacity to establish for sustainable development interventions to achieve a consolidated self-sustaining community in Santry.

Many of these facilities and social infrastructure are located in the nearby Northwood and Santry Demesne, which is just south of the Airport Business Campus lands. It is our considered opinion that the rezoning of these lands will compliment Northwood and that improved connectivity to Northwood can be facilitated, particularly in light of the fact that our client’s own adjoining property to the south, through which access could be provided.

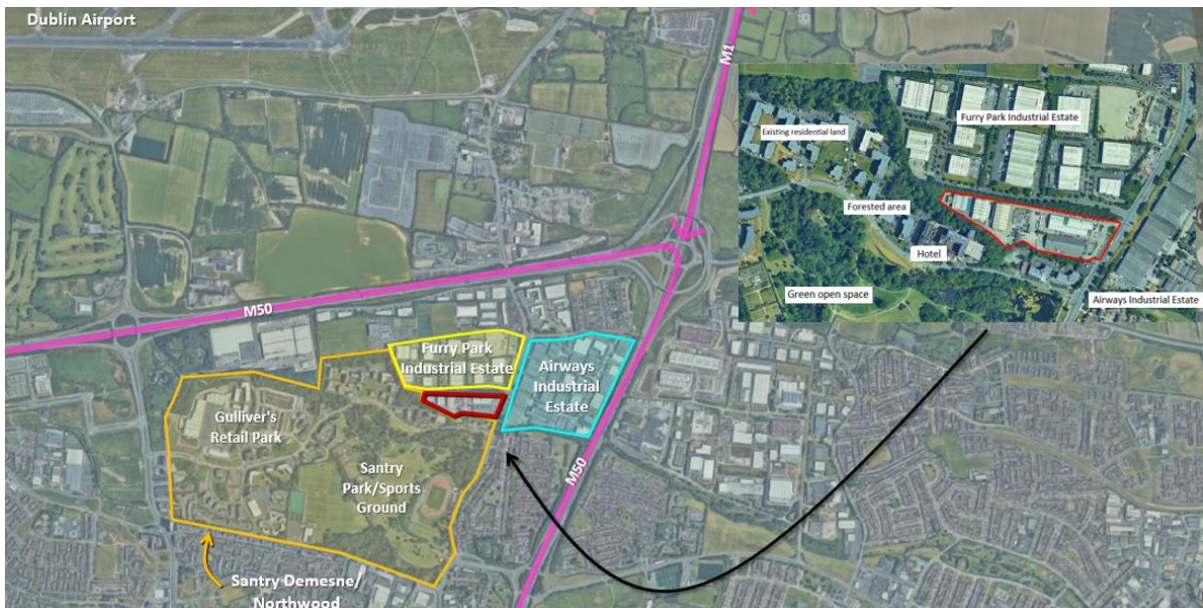


Figure 9. Existing Community Infrastructure in the Context of Santry

7.7 Changing Character and Development of the Area

The Furry Park is designated as “GE - General Employment”, which ‘Provide opportunities for general enterprise and employment’. We note that Fingal County Council granted permission to Rohan Holdings Ltd. For the erection of 5 no. warehouse buildings and office, plus granted permission to Eason & Son Ltd. for additional offices on lands at Furry Park Industrial Estate, Santry, Dublin 9.

The Santry Park is designated as “RS - Residential”, which ‘Provide for residential development and protect and improve residential amenity’. Fingal County Council granted permission to Woodford Developments Ltd. for an integrated urban development project consisting of an apartments complex and associated amenity building, an offices complex, a hotel, and a public park, on lands at Santry Demesne, Dublin 9.

In addition, the Council granted permission for a 4 storey Neighbourhood Centre, a 2-storey restaurant, and a residential development consisting of three apartment blocks with a total of 90 apartments. Also, the Council granted permission for 2 no. 3 storey office buildings on lands at Santry Demesne Santry, Dublin 9. This indicates that the lands to the south-west of the subject site is a mixed-use development, which includes for residential development.



Figure 10. Context and Changing Character of the Submission Area

As shown in *Figure*, the existing HT lands bridge the two above-mentioned sites, i.e., linking the office district to the residential site. In this regard, a juxtaposition of the RA and LC land use zoning objectives for the Airport Business Campus lands would serve the following functions:

- (1) Support the office district to the north of the subject lands with regards to its employment generating nature and the traffic volume it can bring to the area;
- (2) Facilitate the natural expansion of the Northwood development as a vibrant mixed-use urban district which is currently constrained; and,
- (3) Provide for creating a more floating area that facilitates a transition along the edges of residential areas impacted by the Furry Park employment hub and its volume of traffic.

While HT zoning facilitates opportunities for major office, science and technology, and research and development-based employment within campus style settings. With respect to the existing context, Downey Planning are of the professional opinion that the RA and LC zoning objectives better facilitates the above-mentioned functions by allowing to create for a mixed-use development that are compatible with neighbouring uses. It is noted that the impacts of COVID-19 and remote working which puts more emphasis on Resilience Planning also highlights an urgent need to revise the spatial planning prioritising the locality and creating liveable towns.

7.8 Quantum of HT Zoned Lands in Fingal

As outlined in the Fingal County Development Plan 2017-2023, the purpose of the High Technology (HT) zoning is to facilitate opportunities for major office, science and technology, and research and development-based employment within high quality, highly accessible, campus style settings. The HT zoning is one of the most important economic development zonings in Fingal with just over 685 hectares of HT zoned lands located principally in Blanchardstown and Swords (see *Table*).

As set out earlier, this submission extends to approximately 4 hectares, which is equivalent to 0.5 percent of the overall lands zoned as ‘HT’ under the Fingal Development Plan 2017-2023. Therefore, a reduction of this amount will not have any material impact on the quantum of lands designated for this purpose.

Zoning	Objective	Total Amount Zoned (Ha)
DA – Dublin Airport	<i>Ensure the efficient and effective operation and development of the airport in accordance with an approved Local Area Plan.</i>	1024
FP – Food Park	<i>Provide for and facilitate the development of a Food Industry Park.</i>	192
GE - General Employment	<i>Provide opportunities for general enterprise and employment.</i>	1850
HI - Heavy Industry	<i>Provide for heavy industry</i>	293
HT - High Technology	<i>Provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment.</i>	685
ME – Metro Economic Corridor	<i>Facilitate opportunities for high density mixed use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor.</i>	390
RB – Rural Business	<i>Provide for and facilitate rural-related business which has a demonstrated need for a rural location.</i>	92
RW – Retail Warehousing	<i>Provide for retail warehousing development</i>	30
WD – Warehousing and Distribution	<i>Provide for distribution, warehouse, storage and logistics facilities which require good access to a major road network within a good quality environment.</i>	18

Table 1. Quantum of Lands Designated as Economic Development Zonings

7.9 Site-Based Regeneration of Brownfield Lands

The Airport Business Campus site is presently underutilised and set in extensive hard standing areas, comprising six light-industrial units and two sites. The general appearance of the site is somewhat run-down, and the land use is incompatible with the surrounding environment. As stated earlier in this submission, the leases for all of the properties within Airport Business Campus are due to expire within the next 18 months and as such, the lands are considered as a ‘ready to go’ Tier 1 site, subject to any development proposal receiving the necessary planning permission.

Therefore, there is a perfect opportunity to facilitate the site-based regeneration of these lands, which would bring forward significant investment and economic activity to the area. Such a regeneration and redevelopment of the area would compliment what has happened at Santry Demesne and Northwood to the south of the site and be consistent with NPO35 of the National Planning Framework, which seeks to:

“Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.”

Such an approach is also consistent with Section 6.4 of the Draft Development Plan Guidelines for Planning Authorities (2021) and also Section 10(2)(h) of the Planning and Development Act, 2000 (as amended), which requires that a development plan shall include objectives for:

“(h) the development and renewal of areas, identified having regard to the core strategy, that are in need of regeneration, in order to prevent –

- (i) Adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land,*
- (ii) Urban blight and decay,*
- (iii) Anti-social behaviour, or*
- (iv) A shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses”.*

7.10 Possible Adverse Impact of ‘HT’ Zoning on Traffic

As outlined in Section 4, the current zoning objectives cater for employment opportunities across economic sectors, and principally permitted uses include a range of high-impact offices, utilities, and supporting retail.

It is considered that the permitted in principle developments under the current zoning objective, by reason of their nature and expected scale would change the pattern of trip generation and distribution in the area and adversely affect the use of the road network. However, permitted uses under RA – New Residential Areas and LC – Local Centre zoning objectives would ensure an orderly mixed-use sustainable development, as set out below, that can support a modal shift away from car-based trips on the road network:

- **Residential:** It can support a high-quality residential scheme within a high-quality environment.
- **Retail/Restaurant:** It can deliver a small retail/restaurant scheme to support the employment base and existing Northwood residential developments.
- **Employment:** with easy access to Dublin Airport and the City Centre and set within a parkland environment will ensure an attractive environment for a large office development.

This would result in a more effective use of the subject sites capabilities, optimizing benefits of its connectedness to the adjacent properties.

8.0 CONCLUSION

Downey, Chartered Town Planners, 29 Merrion Square, D02 RW64, have prepared this submission to the Draft Fingal County Development Plan 2023-2029. This submission is made on behalf of our client, Quanta Capital, in relation to lands at Airport Business Campus, Swords Road, Santry, Dublin 9.

The rezoning of subject lands as LC Local Centre and RA – Residential Area will allow for the regeneration and sustainable development of the Airport Business Campus land bank and present an opportunity to meet the needs of the wider City in creating employment opportunities and provide greater choice for housing close to employment locations.

The existing HT zoning is simply not fit for purpose at this location, and it is not feasible or viable to provide for an appropriate HT campus environment at the site.

It is respectfully submitted that for the reasons set out in this statement, our client's property is entirely appropriate for the RA – New Residential Area Zoning and LC – Local Centre Zoning and should revert to this as part of the Fingal County Development Plan 2023-2029, under the terms set out in this submission.

Section 7 of this submission has identified that the re-zoning of the lands to RA and LC zoning objective is in accordance with national, regional, and local planning policy. Furthermore, the re-zoning of the subject lands is justified on the following grounds:

- Gateway location of the lands securing an opportunity for a landmark development to highlight R132 Swords at the entrance to the Dublin City Centre.
- Prominent location of the subject site with access to all the radial national routes, numerous bus services, and the new Metro Corridor provided an opportunity for delivery of high-quality, vibrant, and healthy community.
- Existing local amenities and strength building up the capacity to establish for sustainable development interventions in order to achieve a consolidate self-sustaining community in Santry.
- The permitted uses under “RA and LC” would facilitate the creation of a mixed-use development that would be more compatible with existing neighbouring uses, with more active uses being located along the main Swords Road element of the site with the residential area being to the west of the site.
- The rezoning of the lands would reduce just 0.5 percent of the overall lands zoned as “HT - High Technology” under Fingal Development Plan 2017-2023. Therefore, a reduction of this amount will not have any material impact on the quantum of lands designated for this purpose.
- Should the lands be zoned as “RA – New Residential Area, along with LC – Local Centre” then it will potentially assist in the delivery of an appropriate quantum of residential development, which would be fundamental to accomplish the 30% target for new homes within the County. However, if the subject lands are designated as “HT - High Technology”, this potential cannot be achieved on a site that is well-connected and readily available for development.

- The rezoning will facilitate the site-based regeneration of existing brownfield lands, which is consistent with NPO35 of the National Planning Framework.

Downey trust that you will take the grounds of this submission into consideration when reviewing submissions to the Draft Plan and in the preparation of the Fingal County Development Plan 2023-2029.



OPR Recommendation 2 (iii) PA SH 5.1: site specific school objective

Planning Reason for Decision:

To facilitate the development of a school at this location, where a very clear case has been made for the need for a particular school at this location and to bring certainty to the planning process that a school is suitable at this location, and facilitate road access to that school site.

The site is contiguous to an existing community structure in the village of Loughshinny.

The school is also adjacent to the village centre and a public transport bus route.



OPR Recommendation 2 (v) PA SH 12.2: Dunsoghly Castle

Planning Reason for Decision:

The amendment clearly sets out the purpose of the local objective to support the conservation of Dunsoghly Castle and sympathetic and appropriate development of the surrounding lands. There are many elements of the objective that restrict the development of the surrounding area, and it compels consideration and regard for the protected structure and national monument status, which will be assessed under the development management stage should that arise. The site is zoned GB – Green Belt in the Draft Plan and the purpose of the objective is to adhere to what is appropriate development on GB zoned sites. Under the Land Use Zoning Objective GB contained in the Draft Written Statement, there is a variety of development allowed in principle on GB zoned lands, including agri-tourism, restaurant/café (under conversion of buildings). Any other proposed development would be a material contravention of the Plan. Therefore, the concerns outlined in the OPR submissions and echoed by the CE's response, that the local objective is in conflict with the GB zoning, and where it is recommended to adopt the Plan without the inclusion of the local objective because of that, are without foundation.



OPR Recommendation 2 (viii) PA SH 13.8: Connectivity across the canal and rail line in vicinity of Granard Bridge, Castleknock

Planning Reason for Decision:

The OPR argues that there is a lack of clarity as to how the proposed pedestrian and cycle linkage will complement public infrastructure projects in the wider area. A sound planning rationale exists for this Local Objective which was deemed acceptable by the Chief Executive in the previous stage, due both to the specific characteristics of this location (a dangerous bridge which lacks adequate space for pedestrians and cyclists) and the strategic relevance of ensuring connectivity across the canal and rail line.

The proposed Local Objective is designed to facilitate the proposed Blanchardstown to Phoenix Park cycle track which is contained within the Fingal capital programme. Such a linkage will be complementary to the established bus corridor and will facilitate successful rollout of the DART+WEST project: in fact, such connectivity is necessary to facilitate safe passage of pedestrians and cyclists across Granard Bridge following increased traffic flow of vehicles across this bridge which will follow implementation of DART+WEST as acknowledged by Irish Rail.

This Local Objective is also complementary with the Royal Canal Greenway and indeed the design of any pedestrian bridge should assist cyclists in accessing the Greenway near the 12th Lock or Castleknock train station. This Local Objective is entirely consistent with and complementary to major infrastructural projects in the Dublin 15 area.



OPR Recommendation 2 (xi) PA SH 15.3: Multi-function Green Infrastructure System

Planning Reason for Decision:

The OPR Submission where it is stated that there may be a conflict with the land use zoning is incorrect as there is no development zoning on the subject lands. The lands are Green Belt lands and any objective that relates to a protection of the Green Belt is appropriate in these circumstances. In addition, the OPR is acting ultra vires by requiring the Plan to be adopted without the Map Based Objective, as the adoption of the Plan is a reserved function of the Elected Members.



OPR Recommendation 3 (i) PA SH 5.4: Milverton Rural Cluster

Planning Reason for Decision:

Noting the limited remaining capacity in this existing rural cluster, There is a need for

- Incremental addition to Milverton RC to facilitate local rural generated housing need
- To provide for an increase in the land at Milverton under Rural Cluster zoning, for sustainable development on infill sites at 4 locations on a road with 32+ homes already built there.
- To provide an opportunity for family members of existing households within the cluster to build a new home.... noting that the majority of the extension of the Rural cluster is already occupied by rural homes and families, except for the 4 site locations.



OPR Recommendation 3 (iii) PA SH 7.4: Balcarrick

Planning Reason for Decision:

The material alteration seeks protection in the Development Plan of a bona fide rural cluster zoning extension on a small site area of circa 0.3 ha which is intrinsically linked to and forms a de facto part of the established rural cluster at this location.

The zoning would merely 'square up' the configuration of the cluster by accommodating one further housing unit for rural-generated housing need only within this totally screened backland brownfield area.

The recommendation of the Chief Executive and the OPR relates to an area having no strategic (national or regional) or indeed local significance and was accepted by the Chief Executive in the preparation of the Draft Plan as an insignificant minor extension to the established rural cluster.

The OPR quotes Section 9.7 of the Development Plan Guidelines relating to 'Landscape Protection and Management', that is, that a Development Plan shall include objectives for landscape protection in accordance with the relevant policies or objectives of the Government but also notes that there is no established written guidance on national or regional objectives for landscape protection in existence.

The recommendations to remove the small scale rural zoned addition, which is of no national, regional or local significance, appear to lack any strategic credibility.



OPR Recommendation 3 (iv) PA SH 7.3: Corballis

Planning Reason for Decision:

The material alteration seeks protection in the Draft Plan of a bona fide rural cluster zoning which would facilitate limited rural-generated housing under a controlled rural (that is, a non-urban) zoning.

Both the CE recommendation and OPR do not have adequate and fair regard to the higher-order National Planning Framework Policy NPO 15 and MASP Policy 4.80,

The motion lands comprise a historic pre-1963 brownfield infill rural housing settlement area - primarily backlands and is a 'de facto' rural cluster of 12 no. rural houses with no agriculture activity or valued landscape or habitats in the location.

The land area is slightly elevated and well-screened to the north of the adjoining Malahide Estuary and the Corballis Road and any controlled future housing would be set into a bowl behind the primary southern ridge with no visual impact on the brownfield backland landscape.

All existing housing is served by EPA-controlled wastewater systems with no current or historic reporting of any off-site environmental impacts. Any further limited infill rural housing would undergo rigorous compliance with EPA standards for wastewater drainage.

Without the inclusion of this rural zoning, the Draft Plan will make little or no provision within the metropolitan rural area of east Donabate for the accommodation of 'rural generated housing need' for members of the rural community.

This potential exclusion of the cluster designation would be materially at odds, and conflicts with, higher order NPF policy NPO 15 and policy 4.80 of MASP (Metropolitan Area Spatial Plan) - requiring Planning Authorities to (i) NPO 15 - 'support the sustainable development of rural areas by encouraging growth.. and by managing the growth of areas that are under strong urban influence to avoid overdevelopment, while sustaining vibrant rural communities, and (ii) MASP policy 4.80 - to facilitate genuine rural-generated housing need only.



OPR Recommendation 5 (i) PA SH 3.1: Westpalstown

Planning Reason for Decision:

Their current location is located amongst the agricultural fields supplying their factory.

The proximity of the subject site to the existing factory, stores and farmland, provides for a more sustainable agri-business model by reducing transport emissions.

The subject site and adjoining the factory are located within 1km of Oldtown village, 2.5 km of Ballyboughal village, and 6.4 km of Garristown and 6km of The Naul.

The subject site is also located within 5 km of rural clusters including Rolestown, Hazardstown and Knightstown.

Proximity of the factory and subject site provides employment in this rural area thus negating the need for local residents to commute further afield into Swords, Ashbourne and Dublin. This reduces traffic congestion and emissions in keeping with the Climate Action Plan 2023.

The subject site will be developed using green technologies providing for an energy efficient building in keeping with the Climate Action Plan 2023.

The proposed development of the site will use sustainable urban drainage systems, preventing any negative impacts on local groundwater.

A Visual Impact Assessment was carried out of the proposed development at the site and was found to have no negative consequences on the landscape.

The subject site was carefully chosen due to the lack of residential development in the vicinity, thus protecting any residential amenity currently enjoyed by dwellings in the area.

Concerns raised by the OPR had regard to the maximum speed limit of the road. It is submitted that any development of the subject site would facilitate road upgrades by providing safe access/egress point with appropriate sightlines in accordance with Fingal County Council's standards.

In addition to the above stated reason, a further reason for the decision is that it is considered that proposed Material Alteration will facilitate further growth of Keogh's Crisps and job creation in rural Fingal. In doing so the Council considered the following;

Planning and Environmental Benefits

- The proximity of subject site and the existing Keogh's factory next to the source of raw materials used in their products is considered essential. Their current location is located amongst the agricultural fields supplying their factory.
- The proximity of the subject site to the existing factory, stores and farmland, provides for a more sustainable agri-business model by reducing transport emissions and negating the need for cold storage transport of potatoes between farm and factory.
- The OPR were concerned that the subject site was not located in a settlement centre. The subject site and adjoining Keogh's factory are located within 1km of Oldtown village, 2.5 km of Ballyboughal village, 5 km of Rolestown, 6.4 km of Garristown and 6km of The Naul.



- There is an existing 'RB – Rural Business' zoned area across from the existing Keogh's factory. This area is already a rural employment hub and an economic location servicing the rural community and the agricultural sector.
- Proximity of the Keogh's factory and subject site provides employment in this rural area thus negating the need for local residents to commute further afield into Swords, Ashbourne, Dublin and beyond. This reduces traffic congestion and emissions in keeping with the Climate Action Plan 2023.
- The subject site will be developed using green technologies providing for an energy efficient building in keeping with the Climate Action Plan 2023.
- The proposed development of the site will use sustainable urban drainage systems, preventing any negative impacts on local groundwater.
- A Visual Impact Assessment was carried out of the proposed development at the site and was found to have no negative consequences on the landscape.
- The subject site was carefully chosen due to the lack of residential development in the vicinity, thus protecting any residential amenity currently enjoyed by dwellings in the area.

Concerns raised by the OPR had regard to the maximum speed limit of the road. It is submitted that any development of the subject site would facilitate road upgrades by providing safe access/egress point with appropriate sightlines in accordance with Fingal County Council's standards.



OPR Recommendation 5 (ii) PA SH 3.4 and PA SH 3.6: Belinstown

Planning Reason for Decision:

In relation to PA SH 3.4, the subject site enjoys the benefit of non-conforming use and has been permitted Agri-Business use by An Bord Pleanála. The objective is to expand the Rural Business usage of the company and to consolidate their vegetable processing and food production business.

In relation to PA SH 3.6, it is acknowledged by the OPR in its submission that there is already a commercial use on the site, in the form of a transport and logistics land usage. It is stated in the CE's Stage 3 Report that; The key strategic employment aims and objectives of the Draft Plan seeks to facilitate and channel employment growth within key strategic and accessible employment areas of the County, whilst having regard to the sequential approach as advocated at national level. This is only relevant in regard to new greenfield zonings. The site that is the subject of this Material Amendment is an already established transport and logistics business where the increase in development has taken place over a number of years and currently leaving no further scope for expansion, leading to stagnation in business. The current area of the site that is brownfield is approximately 2.19 hectares. This site area in addition to the 3.2 hectares equates to an overall site of approximately 5.39 hectares.

The business does not intend to relocate to any other part of the County as the cost to do so would not be financially viable. It is made clear in the graphic appended to this motion that the site has enjoyed the benefit of non-conforming use to get to where they now are. It is no longer sustainable to rely on the non-conforming use into the future as a requirement to acquire additional lands to facilitate growth of the business over the next ten years. This will benefit the substantial contribution Aramex makes to the economic development of Fingal.

Furthermore, the OPR submission and the CE's Report are linking the WD zoning to other zonings in the area which is inappropriate as each zoning should be held on its own merits. It would be incorrect to appraise a WD zoning with a RB zoning, as they are two distinctly different land use zoning proposals which seek to deliver distinctly different objectives.

The EMRA RSES are referenced by the OPR in its submission and subsequently by the CE's Report. It is notable that RPO 4.82 states: Local authorities shall ensure that economic development that is urban in nature should be in the first instance located in urban areas. This is applicable to new development but is irrelevant to well established development that has been in situ for over 30 years. To cite this Regional Policy Objective in relation to the Material Amendment is incorrect.

In addition, the OPR submission and CE's Report consider RPO 5.6 in their assessment of the Material Alteration that is the subject of this motion.

It must be noted that RPO 5.6 relates to MASP Employment lands and states:

RPO 5.6: The development of future employment lands in the Dublin Metropolitan Area shall follow a sequential approach, with a focus on the re-intensification of employment lands within the M50 and at selected strategic development areas and provision of appropriate employment densities in tandem with the provision of high quality public transport corridors.



It is unclear why the OPR and the CE's Report reference RPO 5.6 and consider this regional policy objective relevant to the Material Alteration that is the subject of this motion. RPO 5.6 is clear in its approach, which is specific to development of future employment lands and that it should follow the sequential approach. Owing to the fact that the subject lands are brownfield and the lack of WD zoned lands in the area, the sequential approach is irrelevant in these circumstances and the OPR submission and the references to same in the CE's Report should not be considered by the elected members.

Furthermore, Figure 5.1 of the RSES is put forward as another reason for not including the Material Amendment in the adoption of the Plan. It is true to say that the location of Belinstown in Ballyboughal, which is the location of the subject lands, is not in the Dublin City and Suburbs area but is unclear if it lies within the MASP boundary. There is a requirement to confirm if the Ballyboughal area is within the MASP area. If it is not, all MASP related regional policy objectives contained within the OPR and CE's Report are being applied incorrectly in this instance. This must be acknowledged by the Executive and clarified to the elected members.



The boundary of the existing site in yellow. The current area of which is approximately 2.19 hectares.



OPR Recommendation 5 (iii) PA SH 7.1: Turvey Avenue, Donabate

Planning Reason for Decision:

What this alteration seeks is not a rezoning but that the status quo remains and the lands outlined remain GE for this and the adjoining site. The subject lands have been zoned for development purposes since at least 2005. In the 2005- 2011 Development Plan, the zoning objective was 'GI' – "To facilitate opportunities for general industrial uses and related uses in industrial areas" and in the 2011-2017 and 2017-2023 Development Plans, the zoning objective was 'GE' "Provide opportunities for general employment".

On the issue of the site's planning history, in three of the cases FCC made a decision to grant permission for the subject development. It is also the case that the absence of sewerage facilities on-site and the inadequacy of the proposed wastewater systems was an issue not flooding, per se, for An Bord Pleanála in its decisions. In the most recent case, this issue has been resolved – it is a technical issue which was easily addressed

The motion is not for the rezoning of the subject lands, but to retain the GE land use zoning agreed unanimously at the last stage of the Development Plan for the restoration of the existing 'GE' – 'General Employment' land use zoning objective per the current Fingal Development Plan 2017-2023. It appears that a key factor in determining the Council's decision to recommend the proposed rezoning was based on a misinterpretation of An Bord Pleanála to refuse permission for development on the site (ABP-306013-19 (F19A/0417)). ABP's reason for refusing permission did not relate specifically to the flood risk of the proposed development, but rather to the ability of the proposed wastewater treatment system to operate effectively should it be inundated in the event of a flood.

In addition to the single reason for refusal, a note was appended to the decision which raised concerns around the capacity of the nearby junction with New Turvey Avenue to accommodate vehicles accessing the proposed development. ABP's decision to refuse permission on the application did not relate specifically to the flood risk but more to the ability of the proposed wastewater treatment system to operate effectively in the event of an unlikely flood.

In An Bord Pleanála's inspectors report it was stated that the conclusions of the flood risk assessment submitted were considered to be reasonable and it was not considered that the development would give rise to a risk of flooding.

These concerns have been the subject of extensive consultations with the Council, and the site is currently the subject of a live appeal to An Bord Pleanála, the planning application (F22A/0240) refused by FCC was done so on the grounds of noise and did not refer to any issues around flooding, the appeal to ABP includes an acoustic report which addresses the question of noise. The design of the on-site wastewater treatment system has been revised to take account of the winter water table levels on the site and to ensure that its operation will not be compromised in the event of an unlikely flood, this was accepted by FCC in the recent planning application.

The current 'GE' – 'General Employment' zoning objective promotes new local employment opportunities in accordance with regional planning guidelines and presents a more appropriate use of those lands, which is part of a larger GE zoned area. The planning history outlines the site suitability for development and the GE zoning should be applied.



OPR Recommendation 5 (v) PA SH 9.7: North-east of Kinsealy

Planning Reason for Decision:

Comments from Office of the Planning Regulator

It is noted that the OPR submission raises concerns with regard to a number of the proposed land use zonings in the Material Amendments. In the context of a number of employment zonings, including Material Amendment PA SH 9.7, the OPR notes that “the evidence and rationale underpinning the zoning is not clear or strategic in nature per section 6.2.5 of the Development Plan Guidelines”.

The OPR notes that Material Amendment PA SH 9.7 “would extend the boundary of Kinsealy beyond that of the CSO boundary and into the Greenbelt”.

The OPR also states that:

The Office considers that the proposed rezonings are contrary to compact growth and sequential development and would support unsustainable car dependant development at a greenfield location remote from high capacity public transport and in close proximity to a junction on the national road network

Evidence and Rationale in Support of this Zoning

It is considered that the purpose of this land use zoning is to provide for additional much needed local office employment opportunities for Kinsealy.

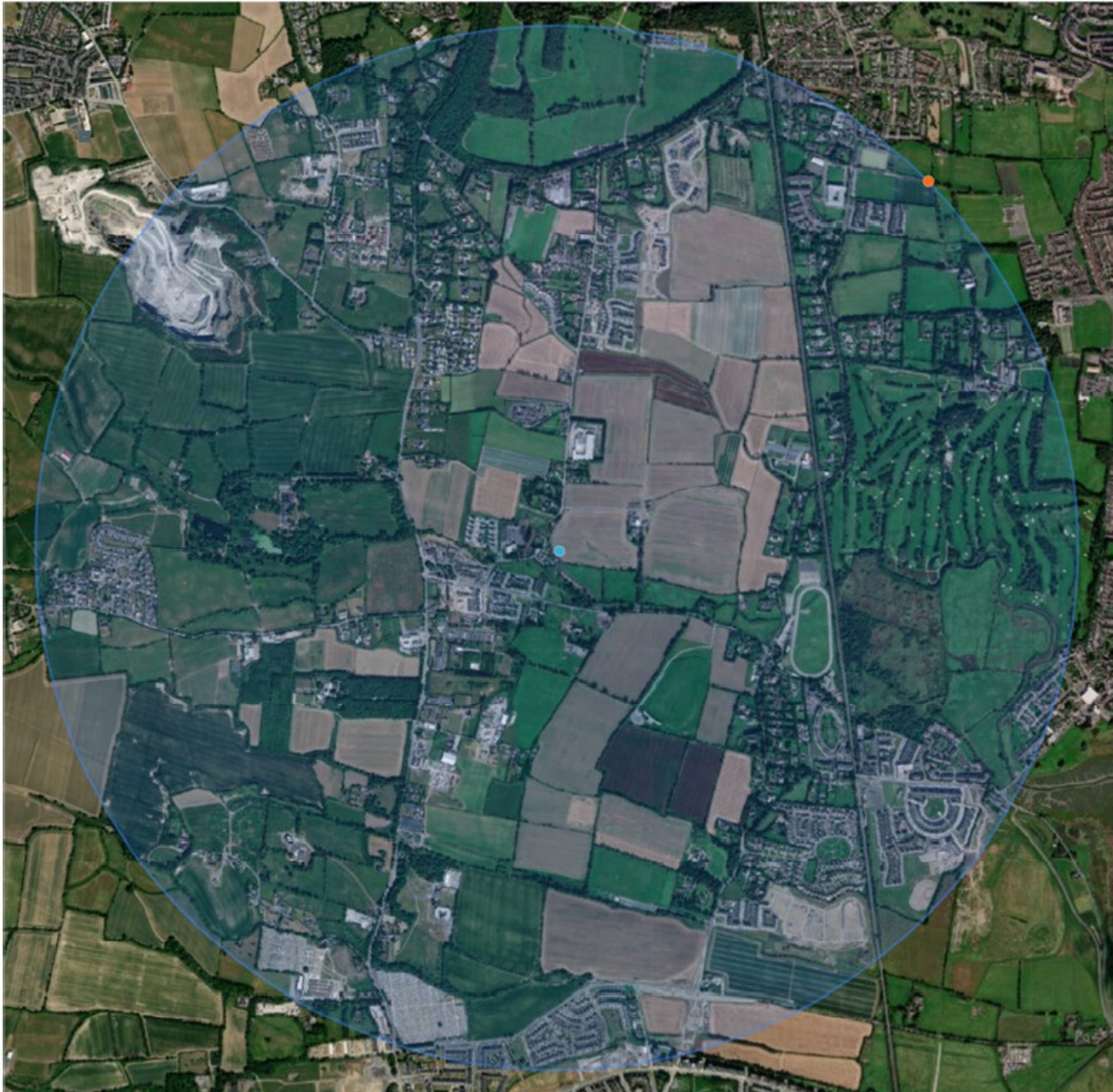
Following a review of land use zonings with a 1km and 2km distance of the subject lands which provide for employment uses, identified that the only zoning which provides for an office type development is the ‘RV’ zoning at Kinsealy. The Kinsealy LAP 2019 confirms that Development Area 4 – Malahide Road West is the only location in the village identified for development of any significant scale where uses other than residential is encouraged. Those lands have been identified for multiple Development Plan periods for such activity and have yet to come forward for development.

The RA – Residential zonings located within the 2km zone, at Portmarnock South, Broomfield and Streamstown, for example, also provide for office uses, but only in the context of being provided in a Local Centre. The Local Centre at Portmarnock South is now built and does not provide for office uses. There is no Local Centre planned in the Streamstown lands. The Broomfield LAP makes provision for ‘neighbourhood facilities’ on Back Road, with Objective UD4 of the LAP stating:-

To provide appropriate neighbourhood facilities including one or two small convenience shops and a creche

As such, there is no office type accommodation planned for the Broomfield lands either.

The existing Kinsealy Business Park off Kinsealy Lane has been trading very well for a number of years with little vacancy levels over that period. This points to demand for similar accommodation in Kinsealy being required.



2km Radius map of proposed location:

A similar exercise has been undertaken in respect of a resident population. The 2022 Census data for small areas is not yet available.

In 2016, Kinsealy was shown to have a total of 796 households. Since that time, there have been an additional 143 no. dwellings granted permission in Kinsealy, some of which are under construction at present.

In 2016, in the general area now referred to as Broomfield, Malahide, the small area statistics from the Census identified 353 households present. Developments at Hazelbrook and Castleway on Kinsealy Lane were ongoing at that time, but not accounted for in the Census.

Since 2016, there have been no additional dwelling units granted planning permission, but there are currently applications in the amount of 515 units currently with An Bord Pleanala.



The 2016 Census indicates that there were 325 households in an area approximating to Streamstown area of Malahide. Since 2016, there have been planning permission granted for 112 dwellings. There is also a further application with An Bord Pleanála at Auburn House for 411 dwellings.

These increases in housing units in the immediate area will result in an increased demand for local employment opportunities and further supports the basis and rationale for the zoning of a small 1.2Ha of lands under Material Amendment PA SH 9.7.

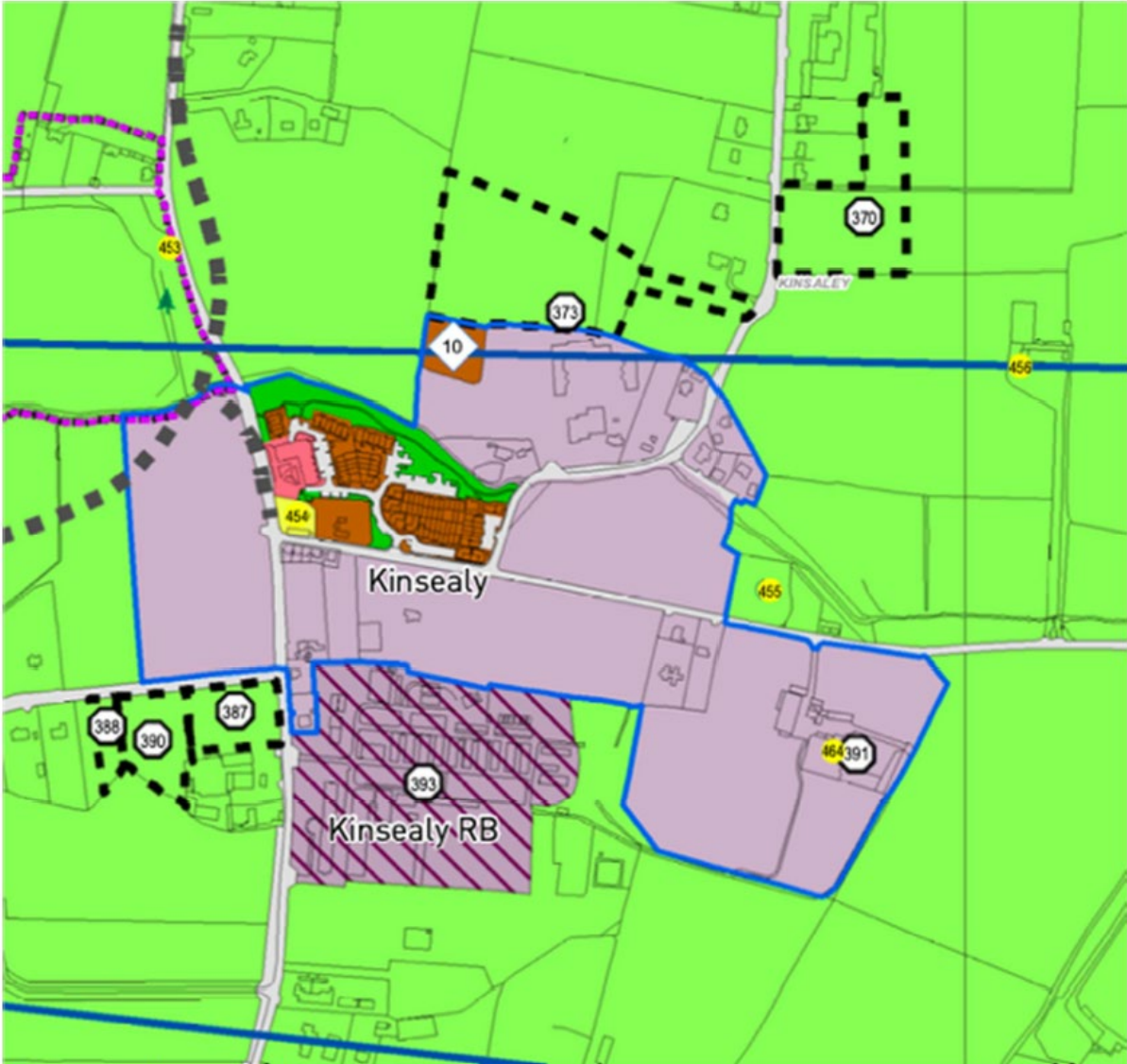
In addition, since the Covid-19 emergency the trend towards accommodating 'remote working' arrangements has been growing. The findings of the 'Our Lives Online' survey carried out in November 2021 can be found on the CSO web site (www.cso.ie). This provides evidence of the willingness and desire of the workforce to be provided with opportunities to work remotely. The provision of a business hub, for example, as part of any development of the subject lands could provide a local hub for people in the area to work remotely from.

CSO Boundary to Kinsealy

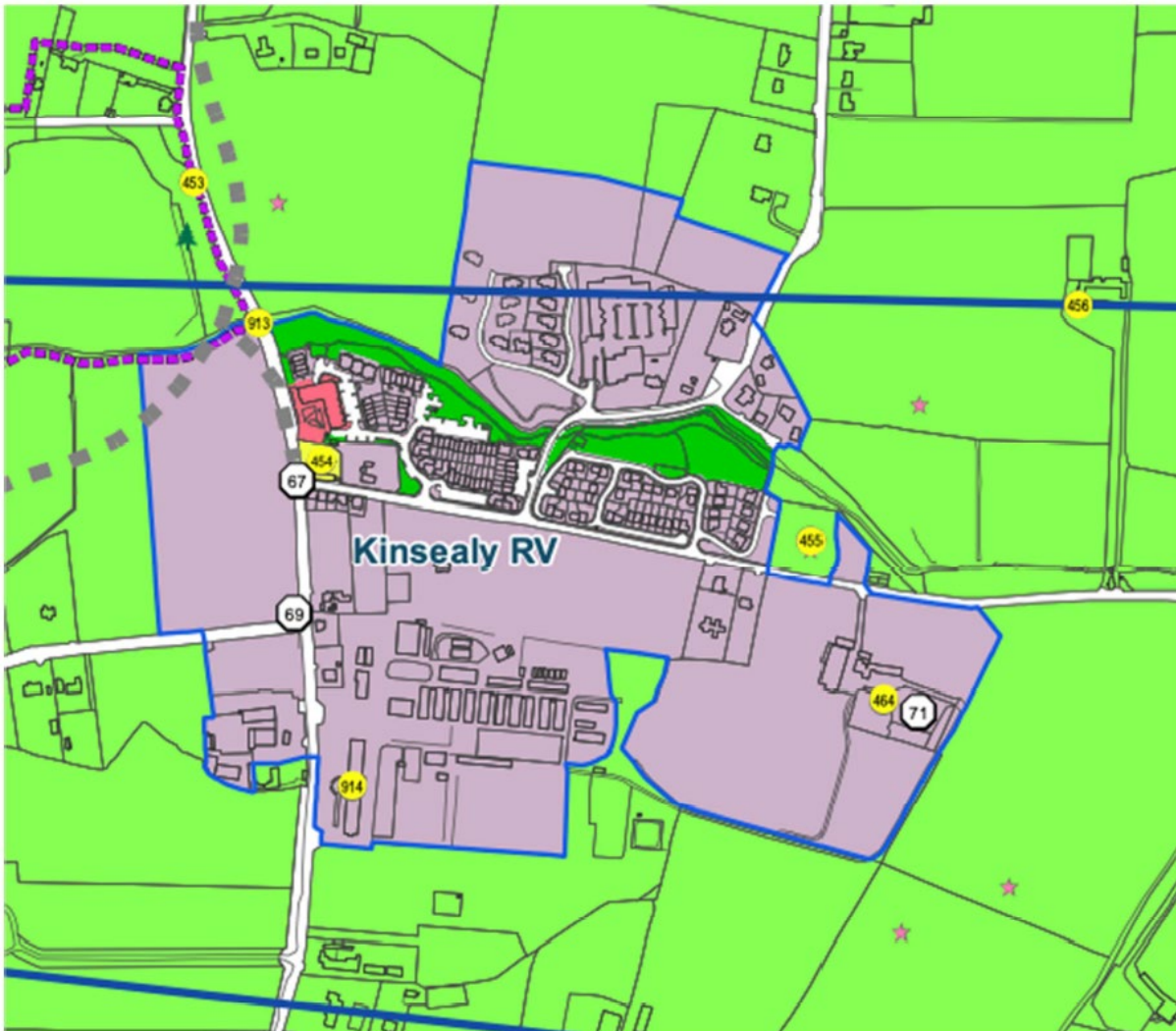
The proposal, whilst an extension of the development boundary of Kinsealy, is located immediately adjacent to the existing urban fabric of the Village, is south of the northern most area zoned residential and its access point off Kinsealy Lane (Development Area 1, Kinsaley LAP 2019-2025), is outside an area of flood risk, is in close proximity to the other amenities of the Village and on a road with access to services, being just 300-350m from the amenities on Chapel Road, or approx. 500m from the planned shops on the Malahide Road Compact Growth/Sequential Development

The NPF/RSES does not preclude the expansion of existing settlements.

There have been expansions to the village envelope in the past, so such an occurrence is not without precedent. Areas around Kinsealy have in the past been zoned that encroach in to green belt area to some degree. Development Area 1 in the current Kinsaley LAP 2019 was not zoned for development, or within the Development Boundary of Kinsealy in the 2011 County Development Plan, but was subsequently zoned in a later Development Plan. Also, a small site immediately north of the access to Kinsealy House on Chapel Road was also zoned from GB in 2017 and so was an area south of Baskin Lane. Note the blue line showing Development Boundary below in 2011.



2011 Development Plan Map



2017 Development Plan Map

These encroachments were not considered by Fingal County Council to have diminished the overall preservation of the clear separation between Kinsealy and Malahide through the retention of a significant area of green belt between the two settlements. The zoning of approximately 1.2Ha in this instance will not materially erode the green belt in this area as a result.

Unsustainable Car Dependent Development

The subject lands are located in close proximity to the other amenities of the Village and on a road with access to services, being just 300-350m from the amenities on Chapel Road, or approx. 500m from the planned shops on the Malahide Road.

The Kinsealy LAP 2019 confirms the plans by the Council to make improvements to Kinsealy Lane in order to provide new improved pedestrian facilities linking the northern extent of the Village (at the subject lands) back to the Village and to the services and facilities on the Malahide Road. As can be seen below, the network of primary and secondary connections proposed in the LAP for Kinsealy will make the subject lands accessible to all that reside in Kinsealy by foot or bicycle.



High Capacity Public Transport

In the first instance, the office accommodation is intended to cater for a local demand where reliance upon high capacity public transport would not be important due to the relative proximity of employees to the place of work.

Notwithstanding this, the Malahide Road provides a QBC link to Dublin City Centre. The No. 42 bus travels between Talbot Street, Dublin 1 and Sand’s Hotel Portmarnock. The frequency of service is identified below:-

Route No.	From	To	AM Weekday Frequency	PM Weekday Frequency
			(07:00 to 09:00)	(17:00 to 19:00)
42	Sand’s Hotel (Portmarnock)	Talbot Street	Every 20 minutes	Every 20 to 25 minutes
42	Talbot Street	Sand’s Hotel (Portmarnock)	Every 15 to 30 minutes	Every 20 to 25 minutes

Under the BusConnects project being proposed by the National Transport Authority (NTA), the Malahide Road is also to be used to cater for the No. 20 and 21 routes which will further enhance the capacity of the bus services close to the subject lands. The frequency of service of these additional routes is identified below:-



Route No.	From	To	AM Weekday Frequency (07:00 to 09:00)	PM Weekday Frequency (17:00 to 19:00)
20	Malahide	City Centre	Every 30 minutes	Every 30 minutes
21	Swords Business Park	City Centre	Every 30 minutes	Every 30 minutes

Close to Junction on a National Road Network

The lands in question are located off Kinsealy Lane and are not positioned close to a junction on the National Road Network.

Conclusion

It is considered that the above provides sufficient evidence and rationale underpinning the zoning.



OPR Recommendation 5 (vi) PA SH 11.6: Airport Business Campus

Planning Reason for Decision:

The planning reason for the decision is presented on the following pages.

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

27th January 2023

RE: Planning Reasons to Support Material Alterations PA SH 11.5 and PA SH 11.6 to the Draft Fingal Development Plan 2023-2029

Dear Sir / Madam,

1.0 Introduction

This written report has been prepared to provide the necessary planning reasons supporting proposed Material Alterations PA SH 11.5 and PA SH 11.6 at Airport Business Campus, Swords Road, Santry, Co. Dublin.

This written submission relates to the proposed material alteration of the zoning from HT-High Technology to RA-Residential Area at Airport Business Campus under Material Alteration PA SH 11.5 and the material alteration of the zoning from HT-High Technology to LC-Local Centre under proposed Material Alteration 11.6.

I welcome the proposed **Material Alterations PA SH 11.5 and 11.6**, which would rezone the subject lands from HT-High Technology to RA-Residential Area and HT-High Technology to LC-Local Centre and respectfully request that the proposed alterations be accepted by the Council and adopted as part of the Fingal Development Plan 2023-2029.

The lands themselves are too small to accommodate a purpose-built campus environment, which is the vision for HT lands as High Technology only works on large campus style settings where synergies with other IT manufacturers etc., are created. The subject site is approximately 4 hectares and is isolated from other IT manufacturing facilities. The site is simply too small and therefore will not attract High Technology based tenants. Despite what was previously stated by the Planning Department at the Council meeting to discuss the motion proposing the change in zoning of the lands, none of the buildings located within the Airport Business Campus are in High Technology use and they are at an 'end of life' phase while the campus itself is in need of regeneration and redevelopment. However, there is no 'Regeneration' land use zoning contained within the Development Plan, despite the recommendation for such a zoning to be in development plans (as set out in the Development Plan Guidelines for Planning Authorities) and therefore the purpose of rezoning the lands to

residential and local centre is to accommodate a mixed-use regeneration of the lands that will support a sustainable community within the suburbs of Dublin City.

The site is fully serviced and served by key public transport infrastructure. The Bus Connects corridor will have a stop at the entrance to the site and multiple bus routes pass the front of the site. The site is optimally located to avoid a reliance on car usage. Thus, now is the optimum time to rezone the lands to facilitate its redevelopment. In light of this, I welcome the proposed Material Alterations as they relate to this site.

2.0 Planning Reasons in Support of Proposed Material Alterations

This submission welcomes the proposed Material Alterations PA SH **11.5 and 11.6** for the proposed alterations of the zoning from HT-High Technology to RA-Residential Area and HT-High Technology to LC-Local Centre at Airport Business Campus.

The lands themselves are too small to accommodate a purpose-built campus environment, which is the vision for HT lands. High Technology only works on large campus style settings where synergies with other IT manufacturers etc., are created. The site is approximately 4 hectares and is isolated from other IT manufacturing facilities. The site is simply too small and therefore will not attract HT tenants.

None of the buildings located within the Airport Business Campus are in High Technology use and are at an 'end of life' phase and the campus needs regeneration and redevelopment. The site is classified as brownfield and underutilised with all buildings at end of life. The lands are presently zoned inappropriately with HT, and this is a barrier to developing the site.

The site is fully serviced and served by key public transport infrastructure. The Bus Connects corridor will have a stop at the entrance to the site and multiple bus routes pass the front of the site. The site is optimally located to avoid a reliance on car usage.

Thus, now is the optimum time to rezone the lands to facilitate its redevelopment. In light of this, I welcome the proposed Material Alterations as they relate to this site.

It is important to note that the owner of the lands also own adjoining lands at Northwood and therefore there is the opportunity to create a direct link into Northwood from a redeveloped/regenerated Airport Business Campus.

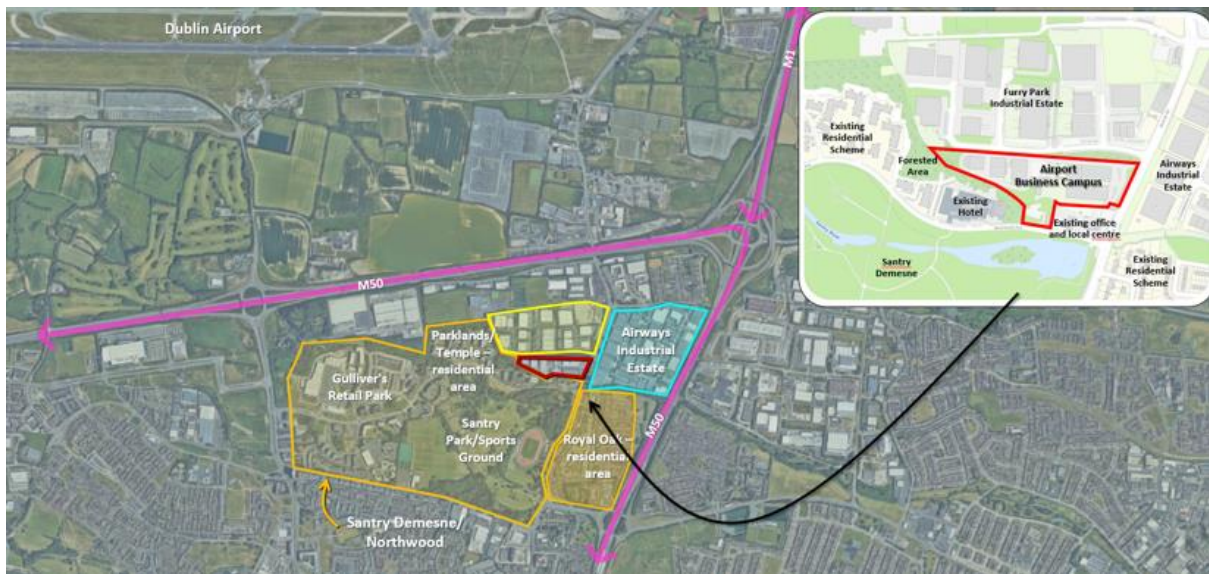


Fig. 1 – Images of Airport Business Campus

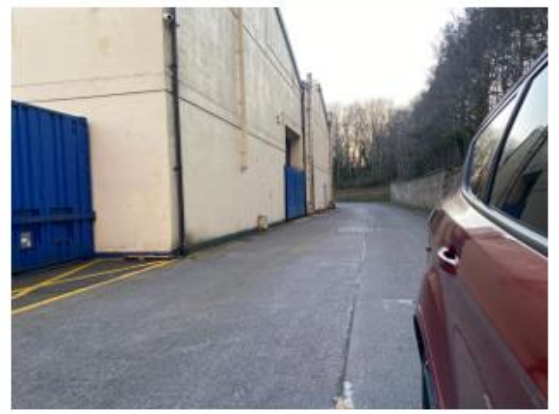
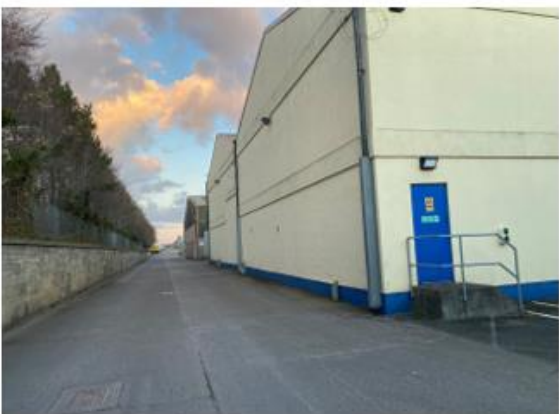


Fig. 2 – Images of condition of existing units at Airport Business Campus

2.1 Proposed Material Alteration 11.5 – Rezoning from HT to RA

The amendment of the zoning from HT-High Technology to RA-Residential Area at the Airport Business Campus will help to facilitate the County in achieving its population and housing targets to provide for compact and sustainable growth on what are currently underutilised brownfield lands within the M50 corridor, which would facilitate the Council to comply with Objective RPO 3.2 of the Regional Spatial and Economic Strategy, which states:

‘Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.’

The rezoning of these lands would be consistent with the ‘Recommendation 6 – Compact and Sustainable Growth’, which was contained within the Office of the Planning Regulator’s (OPR) submission to the Chief Executive in May 2022. There is a shortfall of housing in the Fingal area and the rezoning of the lands can help to meet some of this demand. These lands will facilitate the redevelopment and regeneration of underutilised brownfield lands that are within the M50 corridor and a suburb of Dublin City.

It was a surprise to see that the OPR submission to the Material Alterations included these lands, which are serviced, currently zoned (as HT) and located along a high-quality public transport corridor, in the same grouping as more rural and village orientated sites, such as Coolquay, Oldtown and Kinsealy. This is, in my opinion, misleading as it would otherwise indicate that the lands are similarly rural in nature, which they are certainly not. **In fact, the OPR’s submission incorrectly labels the lands at Santry as being a Tier 5 Town and Village and therefore their reference to NPO3c is completely without basis as the site in this instance is within Dublin City’s suburbs and therefore NPO 3a is the relevant Objective. Similarly, RPO 4.83 does not apply to Airport Business Campus as RPO 4.83 relates to towns and villages (i.e., more rural and regional areas). I would state therefore that the OPR’s submission, as it relates to the land at Airport Business Campus, Santry is factually and materially incorrect.**

Secondly, the OPR state that: *“These brownfield lands are surrounded by intensive commercial activity and the evidence to rezone the lands as Residential is not clear”*. This is simply not the case. The lands, which are brownfield and serviced, are not surrounded by intensive commercial activity. While there are commercial/industrial lands to the north, there is existing residential areas to the east and to the southwest of the site. Santry Demesne/Northwood is also located to the immediate south of the lands, which offer high-quality Class 1 public open space, which could be enjoyed by future residents. Furthermore, the owners of Airport Business Campus also own a significant piece of land at Santry Demesne, which could facilitate the direct connection between the 2 as part of any future regeneration/redevelopment of the site.

The OPR's submission goes on to state:

“Instead of focusing on building up local communities through sensitive infill development, reuse of existing buildings, these amendments will instead tend to encourage piecemeal additions to sensitive local communities that have access to limited services and infrastructure which is contrary to the obligations on all local authorities to secure compact forms of urban development and contrary to the implementation of sequential and public transport and active travel centred housing delivery locations”.

I would stress that firstly, there is no opportunity to reuse these buildings as they are now at an end-of-life condition and the leases on them are also expiring. Therefore, they would be unable to accommodate even industrial type uses in their current condition, but rather would have to be demolished and new buildings constructed. To adopt the Plan with proposed Material Alteration 11.5 (Rezoning from HT to RA) will facilitate the regeneration of these lands in a planned, coordinated and sustainable manner that will ensure future residents are served by high-quality and high-capacity public transport, employment, retail, commercial and amenity facilities. This is not piecemeal development and sequentially the lands are the closest available lands for residential development that are available beside Dublin City. Indeed, Santry is a suburb of Dublin City and being within the M50 and on a high-quality and high-capacity public transport corridor are the optimal type of lands for residential development.

The amendment of the zoning from HT-High Technology to RA-Residential Area at the Airport Business Campus will help to facilitate the County in achieving its population and housing targets to provide for compact and sustainable growth on what are currently underutilised brownfield lands within the M50 corridor, which would facilitate the Council to comply with following national and regional planning objectives:

National Planning Framework:

- **National Policy Objective 3a:** *“Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.”*

Regional Spatial and Economic Strategy:

Objective RPO 3.2: *“Local authorities, in their core strategies shall set out measures to achieve compact urban development targets of at least 50% of all new homes within or contiguous to the built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas”.*



Fig. 3 – Material Alteration PA SH 11.5 – Amend the zoning from HT – High Technology to RA – Residential Area at Airport Business Campus

2.2 Material Alteration 11.6 – Rezoning HT to LC

The rezoning of these lands from HT to LC, as proposed under Material Alteration 11.6, will facilitate the redevelopment and regeneration of these underutilised, brownfield lands that are within the M50 Corridor and a suburb of Dublin City. The rezoning of the lands to LC, coupled with the adjoining RA rezoning proposed under Material Alteration PS SH11.5, is required in the absence of a ‘regeneration’ land use zoning in the Draft Plan, which is contrary to the Section 28 Development Plan Guidelines for Planning Authorities.

The rezoning of these lands would be consistent with the ‘Recommendation 6 – Compact and Sustainable Growth’, which was contained within the Office of the Planning Regulator (OPR) submission to the Chief Executive in May 2022.

The Chief Executive’s Report on submissions has concluded that the rezoning of nearby lands at Woodford Business Park from GE to HT would not be recommended as HT land banks being surrounded by GE zoned lands, would not be appropriate or be the most efficient use of land. In this regard, the current HT zoning at Airport Business Campus is an isolated HT landbank with large GE zoned lands to the north and LC lands to the south. Therefore, HT is not considered appropriate, using the same rationale as that of the Chief Executive, that similar sites in the area are also rezoned from HT to other, more appropriate land uses, including at Woodford Business Park.

It is noted that the Airport Business Campus lands represent just 0.5% of the overall HT landbank in Fingal and therefore the rezoning of these lands will have no negative impact on employment

generation in the County. On the contrary, the rezoning will help to facilitate the regeneration of the lands, thus increasing employment and economic activity.

Similarly, to what was discussed in section 2.1 above regarding the OPR's submission, the OPR has included the lands subject to proposed Material Alteration PA SH 11.6, which are serviced, currently zoned (as HT) and located along a high-quality public transport corridor, in the same grouping as more rural sites, such as Westpalstown, Belinstown and Kilcreagh. This makes absolutely no sense. This is, in my opinion, misleading as it would otherwise indicate that the lands are similarly rural in nature, which they are certainly not. **The national and regional planning objectives that the OPR reference does not relate to this site as it is within the suburbs of Dublin City. I would state therefore that the OPR's submission, as it relates to the land at Airport Business Campus, Santry is therefore factually and materially incorrect.**

In terms of providing justification for the proposed Material Alteration, the rezoning of these lands from HT to LC, as proposed under Material Alteration 11.6, will facilitate the redevelopment and regeneration of these underutilised, brownfield lands that are within the M50 Corridor and a suburb of Dublin City. The rezoning of the lands to LC, coupled with the adjoining RA rezoning proposed under Material Alteration PS SH11.5, is required in the absence of a 'regeneration' land use zoning in the Draft Plan, which is contrary to the Section 28 Development Plan Guidelines for Planning Authorities.

The rezoning of these lands would also be consistent with the 'Recommendation 6 – Compact and Sustainable Growth', which was contained within the OPR's submission to the Chief Executive of Fingal County Council in May 2022. The Intention of the proposed rezoning is not to compete with the Key Urban Village at Santry Park (which is outside the administrative boundary of Fingal County Council in any case), but rather to provide for sustainable mixed-use residential and employment area.



Fig. 4 – Material Alteration PA SH 11.6 – Amend the zoning from HT – High Technology to LC – Local Centre at Airport Business Campus

3.0 Conclusion

This submission has been prepared to support the proposed Material Alterations PA SH **11.5** and **11.6** to the Draft Fingal County Development Plan 2023-2029, which sets out the material alteration of the zoning from HT-High Technology to RA-Residential Area and HT-High Technology to LC-Local Centre at the Airport Business Campus.

I welcome and support the proposed material alterations of the zoning from HT-High Technology to RA-Residential Area and HT-High Technology to LC-Local Centre at the Airport Business Campus. The rezoning of these lands will not impact on the employment generation in the County. The rezoning will facilitate the regeneration of the lands, increasing employment and economic activity.

The site is optimally located to avoid a reliance on car usage as it is located along a high-quality public transport corridor, which is being further improved by way of BusConnects and MetroLink. Santry village is 10 minutes from the site and so the regeneration of this site as a mixed-use area is in keeping with the policy of a 10-minute village. The site is best suited to a mixed-use scheme where families can live and work and enjoy the ample parkland setting and extensive social amenities which adjoin the site. This site can create the desired vision of a sustainable community in a high-quality living environment. The site embodies all the characteristics set out by planning policy makers and all political parties.

The site, if rezoned, will be redeveloped within the lifetime of the Development Plan. All existing leases on the site expire within 12 months and the site is ready to go and will deliver residential units for Santry together with a large quantity of jobs. Over the past 6 years the owners have been actively preparing the site for the development of a mixed-use scheme and they are now ready to deliver the project.

In light of the foregoing, I 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 adopt the plan with these Material Alterations.

Appendix 1 – Copy of Submission to Draft Development Plan

DOWNEY

DRAFT DEVELOPMENT PLAN
SUBMISSION

DRAFT FINGAL DEVELOPMENT PLAN 2023-2029
(STAGE II CONSULTATION)

Proposal: RA – Residential Zoning &

LC – Local Centre Zoning

Address: Airport Business Campus, Swords Road,
Santry, Dublin 9

Client: Quanta Capital

May 2022



FINGAL DEVELOPMENT PLAN 2023-2029

DRAFT PLAN
24TH OF FEBRUARY 2022

WRITTEN STATEMENT

EXECUTIVE SUMMARY

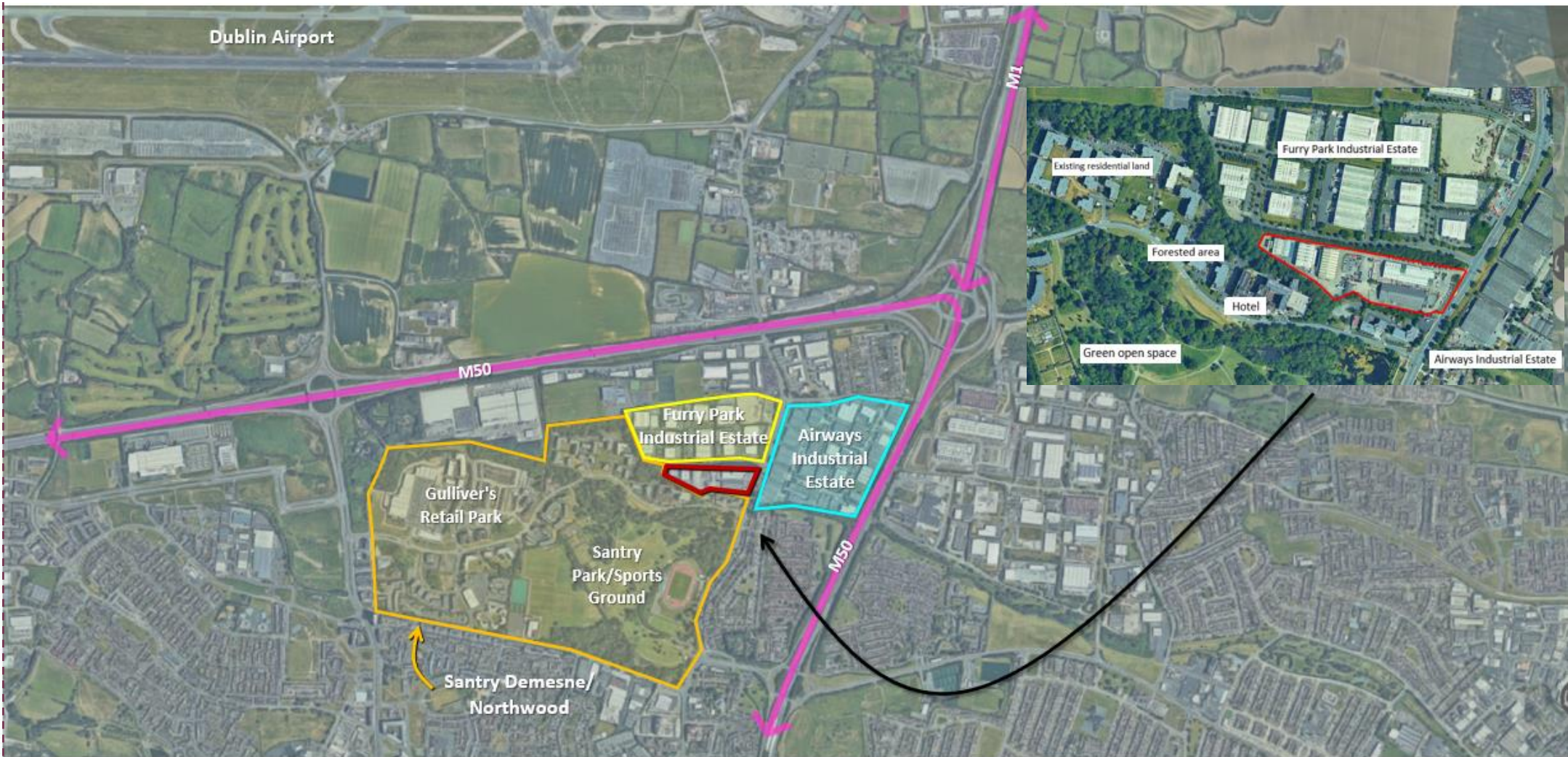
This submission is made by Downey Planning, on behalf of our client, Quanta Capital, and is submitted to Fingal County Council in the context of the Draft Fingal County Development Plan 2023-2029, which is currently on public call for submissions.

Santry is of strategic importance with respect to its locational attributes, i.e., access to M50 and M1 motorways, Port Tunnel, Dublin City Centre, Dublin Airport, and all national routes. Spatial distribution of population also indicates the area is experiencing a growing population driven from the outskirts of Dublin City towards northern ends.

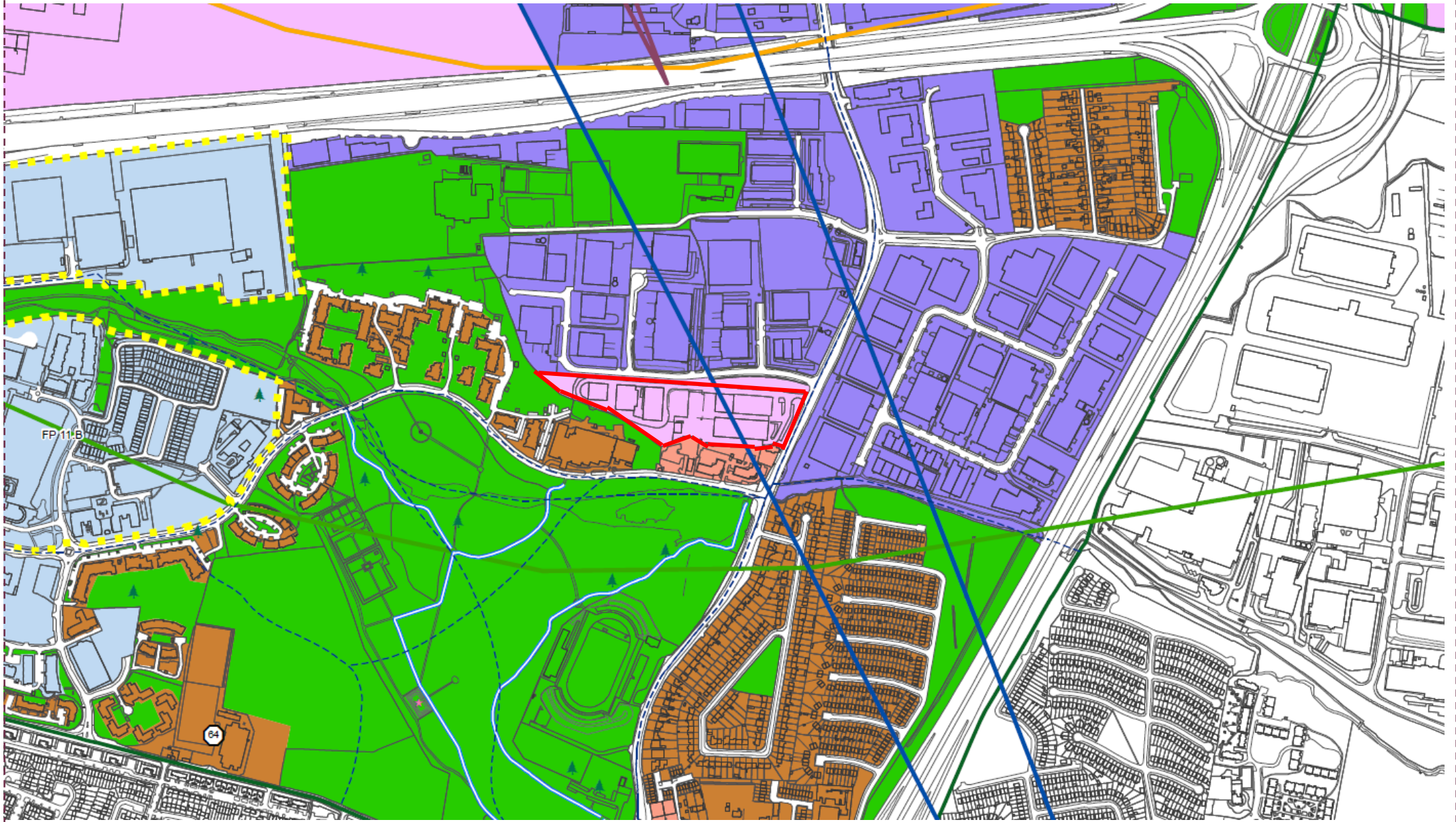
This submission relates to the key theme of “Employment, Economy and Dublin Airport”, and Core Strategy and Sustainable Placemaking under Thematic Area of “People and Place”, with reference to Residential Area zoning designation and Local Centre Zoning designation and is focussed on our client’s land at Airport Business Campus, Swords Road, Santry, Dublin 9.

This is not only to recognise and address the housing demand to coincide with the projected population increase of Fingal, but also is to better facilitate consolidated development of Santry by utilising an integrated pattern of land use and transportation planning, serving the concept of Urban Resilience which has gained significant momentum in recent times and is a measurable benefit of compact urban development.

It is suggested that the consolidation of this overall area for a balanced rationalised mix of employment and residential uses is required. This would be conducive to a sustainable compact development, assisting in the delivery of an appropriate quantum of residential development, while creating for a more transitional area along the edges of residential districts impacted by the existing low-intensity employment hubs for a large brownfield site.



Strategic Location of the Lands



Land Use Zoning of the Lands (lands subject to rezoning submission outlined in red)

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This planning submission is made in response to the statutory review of the Fingal County Development Plan. Stage 2, known as the 'Draft' stage, requires submissions to be of a site-specific nature. Accordingly, this submission has been prepared in the context of "Draft Fingal Development Plan" which sets out the vision for how Fingal should develop over the life of the Plan while ensuring compliance with national and regional policy. The Development Plan presents an opportunity for the public to shape Fingal for the future when it comes to important issues such as housing, economic development, community, and heritage. We would therefore respectfully request that Fingal County Council consider the content within this planning submission. Downey Planning would like to thank the Council for the opportunity to make this submission, on behalf of our client who is a strategic landowner and business operator in the Fingal and wider Dublin area.

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Downey Planning Document Control			
	Name	Date	Version
Prepared by	Elahe Saki Assistant Planner	02 May 2022	V_01_DRAFT
Prepared by	Donal Duffy MIPI Director	08 May 2021	V_02_DRAFT
	Donal Duffy MIPI Director	11 May 2022	FINAL
Approved by	John Downey MIPI MRTPI Managing Director	11 May 2022	Final

D O W N E Y

1.0 INTRODUCTION

Downey, Chartered Town Planners, 29 Merrion Square, D02 RW64, have prepared this submission to the Draft Fingal County Development Plan 2023-2029. This submission is made on behalf of our client, Quanta Capital, in relation to lands at Airport Business Campus, Swords Road, Santry, Dublin 9. 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., 12th May 2022, as set out on the Draft Development Plan’s website.

2.0 LEGISLATIVE BASIS

Section 9 of the Planning and Development Act, 2000 (as amended) provides that, subject to the requirements set out in Sections 9, 10, 11 and 12 of the Act, that a planning authority must adopt a new Development Plan every six years. The recommendations for the content of a Development Plan are set out within Section 10 of the Planning and Development Act, 2000 (as amended) and must include a strategy for the proper planning and sustainable development of the area of the Development Plan and shall consist of a written statement and a plan or plans indicating the development objectives for the area in question. 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 - (1) Where the Draft Development Plan has been prepared in accordance with section 11, the planning authority shall within two weeks of the period referred to in section 11(5)(c)—

(a) send notice and a copy of the Draft Development Plan to the Minister, the Board, the relevant regional authority, the prescribed rules, any town commissioners in the area and any city or county development boards in the area, and

(b) publish notice of the preparation of the draft in one or more newspapers circulating in its area.

(2) A notice under subsection (1) shall state that—

(a) a copy of the draft may be inspected at a stated place or places and at stated times during a stated period of not less than 10 weeks (and the copy shall be kept available for inspection accordingly), and

(b) written submissions or observations with respect to the draft made to the planning authority within the stated period will be taken into consideration before the making of the plan”.

3.0 SITE LOCATION & DESCRIPTION

The subject lands are located on the northern outskirts of Dublin City Centre, which is within the functional area of Fingal County Council. The lands extend to approximately 4.13 hectares and are situated along the Swords Road in Santry, approximately 7 kilometres from the City Centre and 2

kilometres from Dublin Airport. Our client also owns a portion of land to the south that includes the Gourmet Food Parlour at Northwood. That part of the landholding does not form part of this rezoning submission.

The site presently comprises several large industrial buildings, which are bounded to the east by the Swords Road (R132), to the west by a forested area with established mature trees and palisade fencing except for the portion fronting the Swords Road, and to the north by the Furry Park Industrial Estate. The existing buildings, which, respectfully, are quite dated, do not provide a high-quality aesthetic appearance to this key location on what is a strategic route between the city centre and Dublin Airport.

The surrounding built environment is characterised by a vibrant mix of residential, office, retail, and leisure amenities with a mix of building types. Furthermore, the Campus' neighbours include Furry Park, North Ring Business Park and Airways Industrial Estate all well-established trading locations. The land with its link into Santry Demesne enjoys locational and green attributes and access to pertinent social and physical infrastructure.

The lands are located c. 800 metres from Junction 2 of the M50 motorway providing excellent access to the M1 Motorway, Port Tunnel, Dublin City Centre, Dublin Airport and all national routes. There are bus stops (Route 132) with frequent bus services within proximity to the subject site, situated c. 500m to the east of the site (approx. 6 minutes walking distance) which provides access to the Dublin city centre in c. 30 minutes.

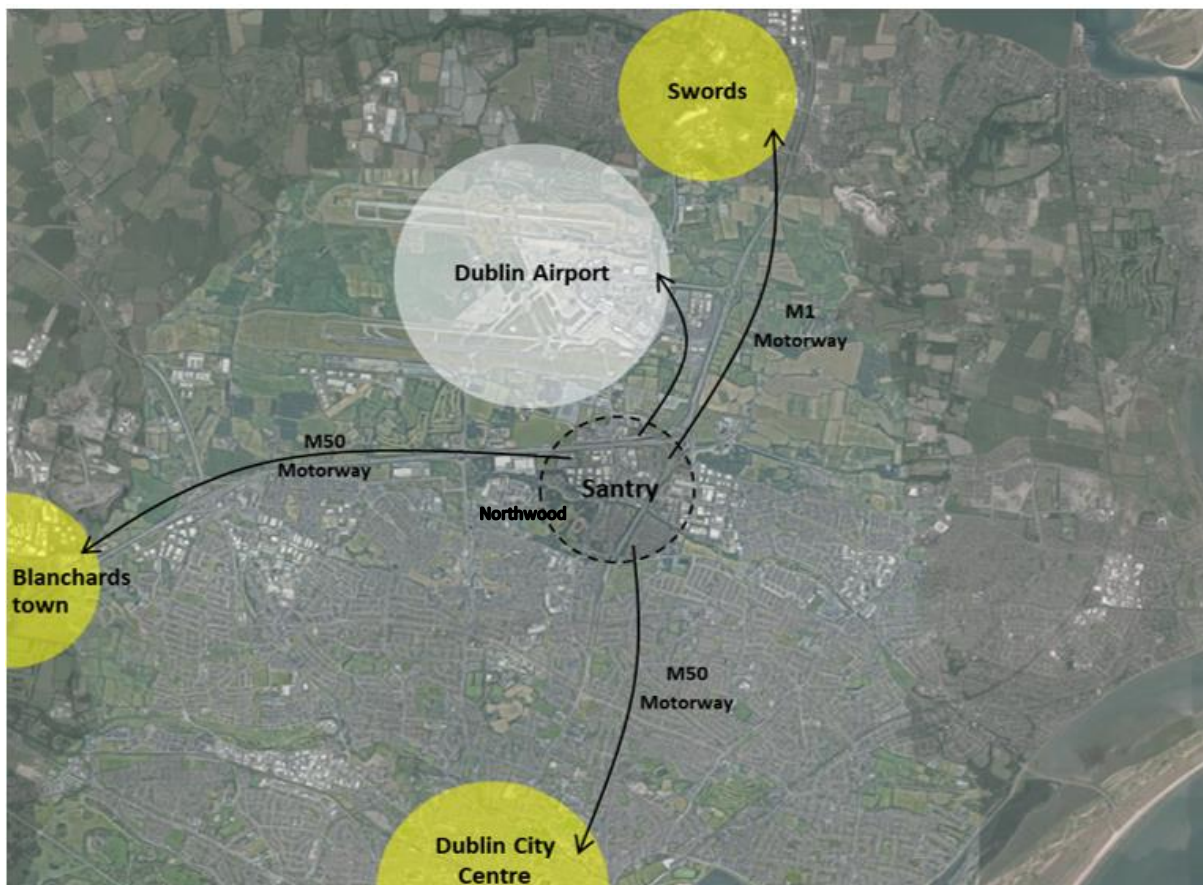


Figure 1: Strategic Location of Subject lands

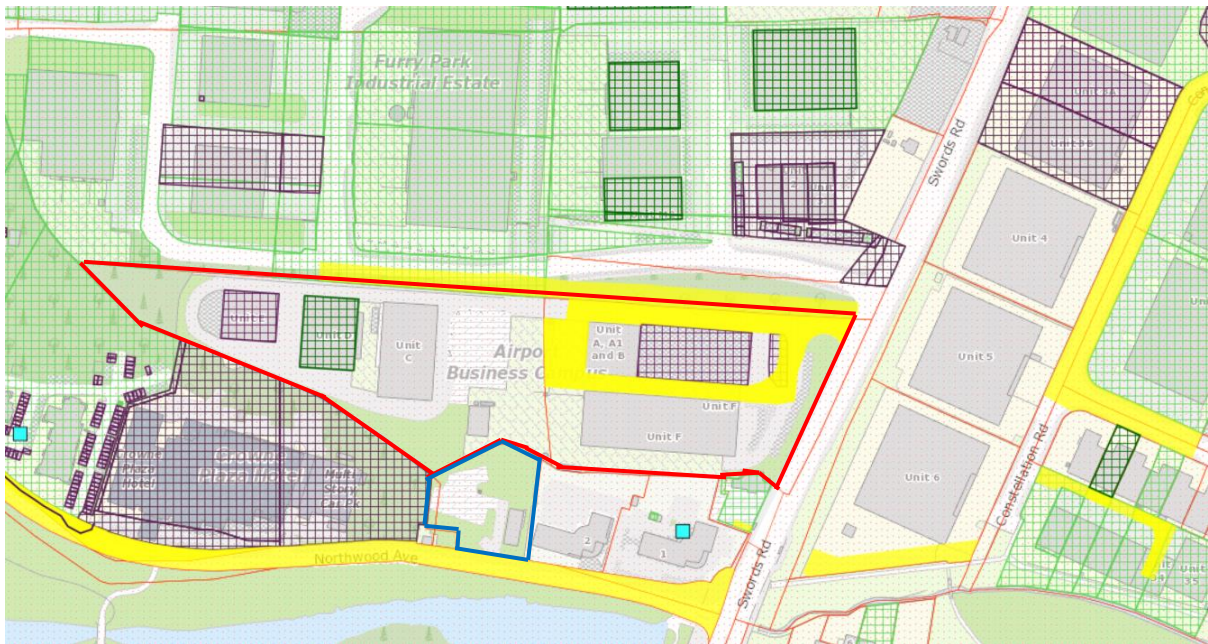


Figure 2: Overall Landholding at Airport Business Campus (lands subject to rezoning in red and adjoining lands owned by proposer outlined in blue)



Figure 3: Aerial view of Airport Business Campus

The site is presently underused and set in extensive hard standing areas, comprising six light-industrial units and two sites. The general appearance of the site is somewhat run-down, and the land use is incompatible with the surrounding environment. We note that the leases for all of the properties within Airport Business Campus are due to expire within the next 18 months and as such, the lands are considered as a ‘ready to go’ Tier 1 site, subject to any development proposal receiving the necessary planning permission.



Figure 4: Street level view of front of Airport Business Campus

Within the draft Development Plan, Santry is defined as being located within “Dublin City and Suburbs Consolidation Area” within the Metropolitan Area of Dublin.

4.0 PLANNING HISTORY

Downey Planning have carried out a detailed examination of the planning history of the subject site, which determined that there have been several planning applications made on the subject lands. The most relevant planning history is summarised as follows:

Subject Lands

- **Reg. Ref. F18A/0021.** By order dated 13th March 2018, Fingal County Council granted permission to Alltherm Build Limited for ‘construction of an 18.75 sqm. ESB substation with a height of 3.37m’ in Airport Business Campus, Old Swords Road, Santry, Dublin 9.
- **Reg. Ref. F00A/0931 (ABP Ref. PL.06F.123831).** By order dated 17th May 2002, An Bord Pleanala refused permission to Glandore House Ltd. for development in Airport Industrial Estate, Swords Road, Santry, Dublin 9. The proposed development consists of the following: ‘Demolish 3 industrial buildings and replace them with four 3-storey office buildings with a gross area of 14,620 sqm. with parking at lower ground floor level. Permission is also sought for the relocation of the entrance to the site.’ The decision of the Board was based on two reasons for refusal: the first relating to non-compliance with the Development Plan and the second relating to the effect of the proposed development on traffic generation causing congestion in the area.
- **Reg. Ref. F99A/0707.** By order dated 8th December 1999, Fingal County Council granted permission to Maxol Lubricants Ltd. for ‘five external lubrication oil storage tanks each with a capacity of 33,000 litres and associated bund area and pipework’ in Unit D Airport Industrial Estate, Santry, Co. Dublin.
- **Reg. Ref. F97A/0154.** By order dated 1st May 1997, Fingal County Council granted permission to Maxol Lubricants Ltd. for ‘offices, canopy and additional car parking spaces and to use premises for production, bulk storage and general storage’ in Unit D, Airport Industrial Estate, Santry, Co. Fingal (Dublin).

Lands to the immediate north

Additionally, there is relevant and recent planning history on the lands to the immediate north of the subject site that have been considered in this examination, this planning permissions are summarised as follows:

- **Reg. Ref. F99A/1589 (ABP Ref. PL 06F.118769).** By order dated 10th October 2000, An Bord Pleanála granted permission to Rohan Holdings Ltd. for erection of 5 no. warehouse buildings and office uses with ancillary development and access road on lands at Furry Park Industrial Estate, Santry, Dublin 9.
- **Reg. Ref. F00A/0171 (ABP Ref. PL.06F.119574).** By order dated 14th December 2000, An Bord Pleanála refused permission to Rohan Holdings Ltd. for three storey science and technology/office building on part of the site on lands at Furry Park Industrial Estate, Santry, Dublin 9.
- **Reg. Ref. F08A/1352.** By order dated 3rd February 2009, Fingal County Council granted permission to Rohan Holdings Ltd. for subdivision of existing warehouse building (previously granted under Reg. Ref. F96A/0411, F96A/0613 and F07A/0917) on lands at Unit F and G Furry Park Industrial Estate, Santry, Dublin 9.
- **Reg. Ref. F01A/1328.** By order dated 17th December 2001, Fingal County Council granted permission to Eason & Son Ltd. for additional office at second and associated modifications to west elevation to previously approved Unit A (previously granted under Reg. Ref. F95A/0876) on lands at Furry Park Industrial Estate, Santry, Dublin 9.

4.3 Lands to the immediate south

Additionally, there is relevant and recent planning history on the lands to the immediate south of the subject site that have been considered in this examination, this planning permissions are summarised as follows:

- **Reg. Ref. F98A/1328.** By order dated 22nd March 2000, An Bord Pleanála granted permission to Woodford Developments Ltd. for an integrated urban development project consisting of an apartments complex and associated amenity building, an offices complex, a hotel, an extensive public park, and all site development works on lands at Santry Demesne, Dublin 9.
- **Reg. Ref. F02A/1129.** By order dated 19th December 2002, Fingal County Council granted permission to Mr. William B. Kilmurray for construction of 2 no. 3 storey office buildings with gross area c. 1,698sqm each, plus a 2-storey restaurant c. 270sqm on lands at Santry Demesne (adjacent to Swords Road), Santry, Dublin 9.
- **Reg. Ref. F04A/0577.** By order dated 6th December 2004, Fingal County Council granted permission to Woodford Developments Ltd. for 4 storey Neighbourhood Centre over basement with a total gross area 8,041sqm, on part of lands at Santry Demesne (previously approved for office development, Blocks L & K under Ref. F98A/1328 and PL06F.112730).
- **Reg. Ref. F04A/0578.** By order dated 6th December 2004, Fingal County Council granted permission to Woodford Developments Ltd. for a 2-storey licensed restaurant with a total

gross area of 726sqm on part of lands at Santry Demesne, Santry, Dublin 9 (previously approved for office development, Blocks L & K under Ref. F98A/1328 and PL06f.112730).

- **Reg. Ref. F05A/1259.** By order dated 19th January 2006, Fingal County Council granted permission to Woodford Developments Ltd. for a residential development consisting of three apartment blocks with a total of 90 apartments with a total floor area of 7,323 sqm on lands at Santry Demesne, Santry, Dublin 9. This is behind Blackwood and adjacent to the Leisure Centre, within those lands previously approved for development under Ref. F98A/1328 PL06F.112730. The lands were re-zoned as residential under the 2005 Development Plan.

5.0 DRAFT FINGAL COUNTY DEVELOPMENT PLAN 2023-2029

The subject lands are zoned as 'HT – High Technology' under the Draft Fingal Development Plan 2023-2029. The Objective of the HT zoning, seeks to:

“Provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscape environment”.

The uses permitted in principle within the HT zoning is quite limited and consists of the following:

Enterprise Centre, High Technology Manufacturing, Hospital, Industry-Light, Office Ancillary to Permitted Use, Office < 100 sq.m., Office > 100 sq.m. and <1,000 sq.m., Office > 1,000 sqm., Open Space, Research and Development, Restaurant/Café⁵, Retail-Local < 150 sq.m. NFA⁵, Sustainable Energy Installation³⁵, Telecommunications Structures, Training Centre, Utility Installations.

5 = To serve the local working population only.

35 = Ancillary to main use and of an appropriate scale.

It is evident that the matrix of permitted in principle uses is quite limited under the HT zoning and does not represent the most efficient use of these strategically serviced and located lands within the Metropolitan area of Dublin City.

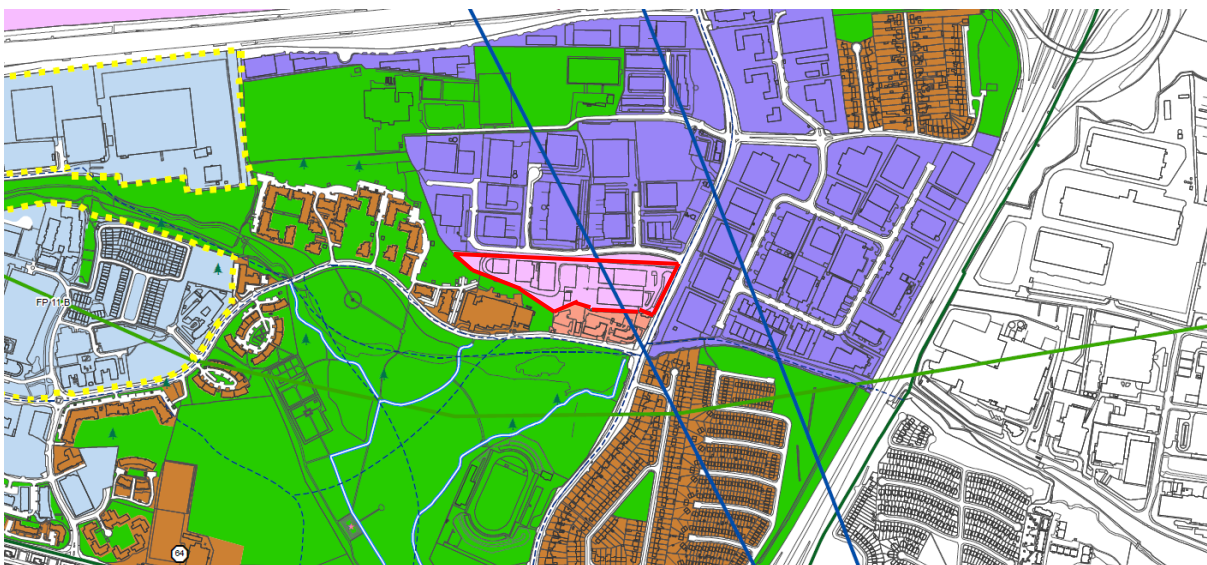


Figure 5: Land Use Zoning under the Draft Fingal County Development Plan 2023-2029 (site outlined in red)

This submission seeks to rezone the lands at Airport Business Campus from 'HT – High Technology', to 'RA – Residential Area' and 'LC – Local Centre'. Within this, approximately 3.3 hectares would be rezoned to Objective RA with approximately 0.83 hectares rezoned to Objective LC.

RA – Residential Area

The Objective for the RA zoning seeks to:

“Provide for new residential communities subject to the provision of the necessary social and physical infrastructure”.

The Vision is to:

“Ensure the provision of high quality new residential environments with good layouts and design, with adequate public transport and cycle links and within walking distance of community facilities. Provide an appropriate mix of house sizes, types and tenures in order to meet household needs and to promote balanced communities”.

As shall be outlined further in this submission, the Airport Business Campus lands can provide such a high-quality residential environment as they enjoy excellent services in terms of infrastructure and public transport and are located within easy distance of suitable community facilities.

LC – Local Centre

The Objective for the LC zoning seeks to:

“Protect, provide for and/or improve local centre facilities”.

The Vision is to:

“Provide a mix of local community and commercial facilities for the existing and developing communities of the County. The aim is to ensure local centres contain a range of community, recreational and retail facilities, including medical/dental surgeries and childcare facilities, at a scale to cater for both existing residential development and zoned undeveloped lands, as appropriate, at locations which minimise the need for use of the private car and encourage pedestrians, cyclists and the use of public transport. The development will strengthen local retail provision in accordance with the County Retail Strategy”.

It is respectfully submitted that the rezoning of approximately 0.83 hectares of the Airport Business Campus lands as Local Centre will help to achieve this vision and will support future residential development of the remainder of the lands. Furthermore, it will strengthen the local retail offering that is provided for at the south of the lands. This shall be outlined in more detail later in this submission. It is important to note that our client also owns adjoining land to the south, occupied by the Gourmet Food Parlour, which is also zoned as a Local Centre. This proposal will therefore compliment their existing LC zoned lands.

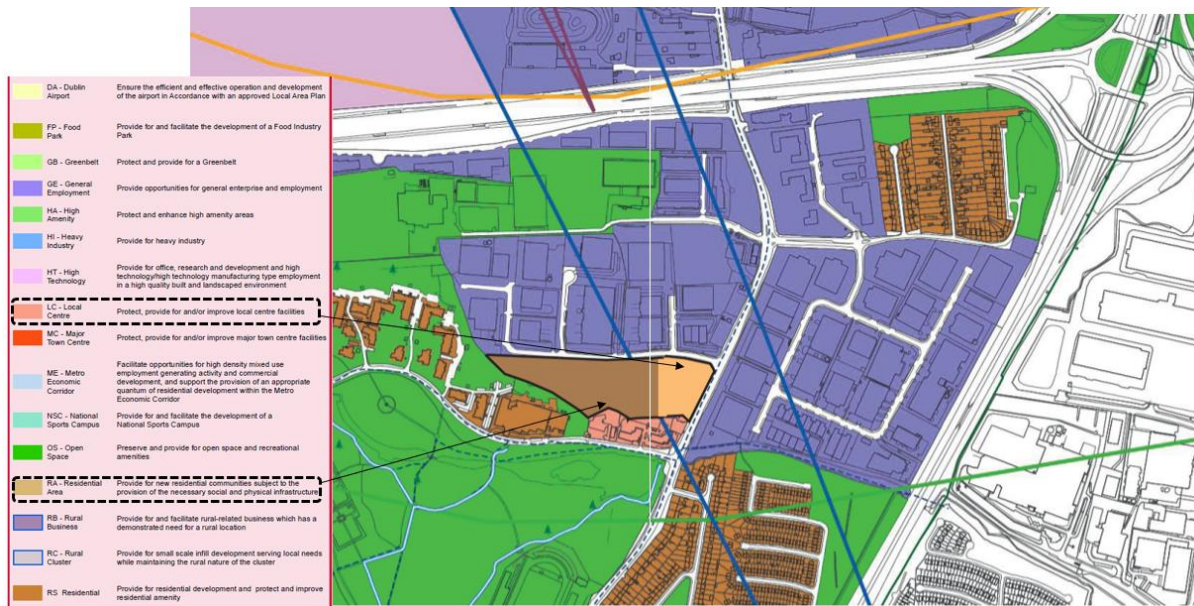


Figure 6: Proposed Land Use Zoning as Submitted within this rezoning proposal.

6.0 PLANNING CONTEXT

6.1 National Planning Framework

The National Planning Framework is “the Government’s high-level strategic plan for shaping the future growth and development of our country out to the year 2040”. It is a Framework to guide public and private investment, to create and promote opportunities for our people, and to protect and enhance our environment - from our villages to our cities and everything in between. It is stated within the National Planning Framework 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”. It is also stated that there will be an ongoing shift in population and jobs to the east within the Dublin Region in particular. The NPF will support the future growth and success of the Dublin Region as Ireland’s leading global city of scale, by better managing the Dublin Region’s growth to ensure that more of it can be accommodated within and close to the city.

According to the National Planning Framework, the Dublin Region needs to accommodate a greater proportion of the growth it generates within its metropolitan boundaries and to offer improved housing choice, transport mobility and quality of life. Dublin’s continued performance is critical to Ireland’s competitiveness.

The NPF states that, “the long-term vision for Ireland’s housing future aims to balance the provision of good quality housing that meets the needs of a diverse population, in a way that makes our cities, towns, villages and rural areas good places to live now and in the future.”

It is outlined within the Plan that future homes are required to be located where people have the best opportunities to access a high standard quality of life. In Ireland, the location of housing has taken on

a dispersed and fragmented character which has led to people living further away from their jobs and often being at a sizeable remove from important services such as education and healthcare. It is stated that it is important to “prioritise the location of new housing provision in existing settlements as a means to maximising a better quality of life for people through accessing services, ensuring a more efficient use of land and allowing for greater integration with existing infrastructure.”

The NPF has a number of national policy objectives which are relevant to this application, which include:

- **National Policy Objective 3a:** *“Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.”*
- **National Policy Objective 4:** *“Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.”*
- **National Policy Objective 6:** *“Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.”*
- **National Policy Objective 11:** *“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.”*
- **National Policy Objective 13:** *“In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.”*
- **National Policy Objective 33:** *“Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.”*
- **National Policy Objective 35:** *“Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.”*

Assessment: The site adjoins a high-capacity and high-frequency QBC bus route, which is to be upgraded further under the BusConnects network. The proposed Metro North will be approximately 1.2km to the west of the site, when that becomes operational. Given that this is one of the few areas of Fingal that is located within the M50 and is an existing suburb of Dublin City, then the rezoning of the lands would be consistent with the above NPO’s, including NPO3a and will critically facilitate the site-based regeneration of the subject lands in accordance with NPO35.

6.2 Housing for All

The Housing for All: A New Housing Plan for Ireland states that Ireland’s housing system is not meeting the needs of enough of our people, and therefore, it needs to increase new housing supply to an average of at least 33,000 new units per year over the next decade. This will include over 10,000 social

homes each year over the next five years, with 9,500 of these being new-builds, and an average of 6,000 affordable homes for purchase or rent. As per, Housing for All provides four pathways to achieving four overarching objectives:

- Supporting home ownership and increasing affordability;
- Eradicating homelessness, increasing social housing delivery, and supporting social inclusion
- Increasing new housing supply; and
- Addressing vacancy and efficient use of existing stock.

Outlined in the Plan, the State must act decisively to increase supply of both private and public housing. An average of 33,000 homes must be provided every year between now and 2030. Increased housing output is needed in all sectors - private, affordable, and social - to meet the needs of people in a wide variety of circumstances.

Assessment: It is submitted that the provision of residential units, along with a local centre, on the Airport Business Campus site will help the Government to achieve the objectives of the Housing for All Plan by adding to the choice and variety of sites available in Santry and Dublin City during the plan period to ensure that the targets for housing can be met. Thus, it is submitted that the proposed development is consistent with the development framework in this regard.

6.3 Regional Spatial and Economic Strategy

The Regional Spatial and Economic Strategy (RSES) was published by the Eastern and Midland Regional Assembly. The RSES outlines the long-term regional level strategic planning and economic framework in support of the National Planning Framework for the period 2019-2031. The RSES identifies regional assets, opportunities, pressures, and constraints and provides a framework for investment to better manage spatial planning and economic development throughout the Eastern & Midland Region. The RSES is tasked with the development of planning policy for future housing needs in the region upon consideration of the availability of land, resources, environment, and infrastructure capacity.

In conjunction with the NPF, the RSES predicts Dublin City and Suburbs to experience continued population growth over the period 2019-2031 with a predicted increase of 220,000. The NPF targets 50% of all housing to be provided within or contiguous to the built-up area of Dublin city and suburbs. To combat and provide for compact residential development, the RSES outlines a number of key Regional Policy Objectives that pertain to the NPF targets. The key Regional Policy Objectives applicable to the development proposal is the following:

- **Regional Policy Objective (RPO) 5.4** - *“Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for New Apartments’ Guidelines, and ‘Urban Development and Building Heights Guidelines for Planning Authorities.’”*
- **Regional Policy Objective (RPO) 5.5** - *“Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line*

with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.”

Assessment: The development supports the Regional Plan by providing residential development at a strategic location of the greater Dublin Region to make an early and significant contribution to the housing land supply. The provision of part of the lands as a Local Centre will also support the residential rezoning of the lands as it will provide for complimentary and supporting services as well as providing for an active street frontage along the Swords Road. This will also assist in high-quality placemaking for any future development on the lands.

6.4 Transport Strategy for the Greater Dublin Area (2016 to 2035)

This transport strategy provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA). The purpose of the Strategy is: *“To contribute to the economic, social and cultural progress of the Greater Dublin Area by providing for the efficient, effective and sustainable movement of people and goods.”*

The core of the strategy seeks the better integration of land use planning and transport planning. This can be achieved through the consolidation of development into higher order centres. In terms of the provision of housing, the strategy seeks to directly enable the sustainable development of strategically important residential sites, particularly in Metropolitan Dublin, where demand is highest.

Assessment: The development proposal will bring together new residential development at an appropriate density, with complimentary and supporting services along an existing high-capacity and high-frequency public transport corridor within the M50 ring of Dublin City. This ensures that land use and transportation can be planned together to *“contribute to the economic, social and cultural progress of the Greater Dublin Area by providing for the efficient, effective and sustainable movement of people and goods.”*

7.0 JUSTIFICATION & GROUNDS OF SUBMISSION

7.1 Core strategy: Population allocation

According to Census data, Fingal remains the third most populous local authority in Ireland (after Dublin City and Cork County) with a total of 296,020 residents in 2016 and accounting for 22% of Dublin's overall population. Between 2006 and 2016, the population of Fingal increased by 23.3% or by just over 56,000 people. The county saw a population growth of 8% since the preceding Census in 2011 (22,029 persons), a growth rate which was considerably higher than the national average growth rate of 3.8% for the same period.

The NPF estimates that the population of the county will grow by 490,000–540,000 by the year 2040. In line with this, the EMRA RSES has a projected target growth for Fingal of between 340,000–349,000. Since the publication of the RSES, EMRA has allocated Fingal a population (high) of 369,000 for 2031 as per the MASP transitional population document. This includes the MASP allocation of an additional 20,000 for Swords. This will see Fingal's population increase to 369,000 by 2031.

It is important to note that while these figures are useful indicators of past trends, they are entirely problematic when used to project future growth.

This is because the draft Plan is based on 2016 census information which in the context of the soon-to-be-published 2022 census is out of date. Using an out-of-date base to forecast population and housing demand has significant implications, not least because the plan is unable to incorporate with accuracy the new population associated with developments completed in the Santry area since 2016. The Dublin Housing Taskforce completion data (2020) suggests that the population may have increased by 11.95% since the 2016 census, meaning that a greater population has been absorbed into the locality while the need for associated services such as schools, creches, shops and services are forecast from a base which assumed they are not yet in existence.

To address these issues, Downey advises that the draft Plan should be revised to take account of the following points and any consequential amendments to the housing strategy should be incorporated into the draft Plan during the Amended Draft Development Plan Stage (expected to be c. November 2022):

1. The 2022 Census is scheduled for full publication in April 2023 and, based on the current timetable for adoption ('early 2023'), the draft Plan will be brought into force without this up-to-date census information. This means that the Plan will fail to align with its demographic base over the vast majority of its plan period. To address this issue, the Plan's population figures should be assessed against the preliminary census information due to be published on 24th June 2022 and an early review of the Plan should be conducted to reflect the final census information. The Amended Draft Development Plan (scheduled for public consultation in November 2022) should build in the requisite flexibility to ensure this alignment.
2. Downey further notes that by the end of May 2022, it is estimated that 33,000 Ukrainian refugees will have arrived in Ireland and the Government has confirmed that there is no cap on the number of refugees that can enter the country. An interdepartmental government committee has been set up to manage the housing arrangements arising. The implications of the resettlement programme on the draft Plan should be tested, to assess the downstream impacts on the private housing market and considered as part of the Amended Draft Development Plan (November 2022).

7.2 Housing target and housing supply

Downey notes that the current adopted Plan (2017 to 2022) has failed to meet its housing targets having seen annual under-delivery of between 19% and 42% against NPF targets (Fingal Housing Strategy, Table 6.4.3.1). The county has seen a significant non-activation rate for planning permissions (40% or 5,707 dwellings) according to pg. 38 of the Draft Plan, and a stark house price increase over the term of the Plan of 14.3% (CSO Residential Property Price Index, February 2022). This now makes Fingal, together with the Dublin regions, 'seriously unaffordable' according to The Demographia

International Affordability Survey¹. Downey would very much like to see these issues addressed comprehensively during the upcoming draft Plan period, from 2023 to 2029.

Downey notes that the 2017 to 2023 Development Plan reports 40% non-activation rate of planning applications. While we are of the view that this is likely attributable to several factors², chief amongst them is the composition of the Fingal's housing supply which relies significantly on strategic site delivery. The Draft Plan (pages 37-38) confirms a county-wide average of between 110 and 308 units per site, with 14,130 units granted on 128 sites, a third of which were on SHDs (4,499 units granted on 17 no. SHD applications). By their nature, strategic sites take longer to deliver, reflective of issues of site assembly, funding, remediation, and other issues associated with strategic land banks. These longer lead-in times are reflected in the longer planning permission periods granted for strategic sites, which can include 10-year permissions straddling multiple 6-year County Development Plan periods.

To address these issues, Downey advises that the draft Plan should be revised to take account of the following points and any consequential amendments to the housing strategy should be incorporated into the draft Plan during the Amended Draft Development Plan Stage (c. November 2022):

1. At a county level, it is critical that further flexibility should be provided in terms of the county wide housing figures to allow for a significant amount of non-activated planning applications in the county.
2. At a local level, it is critical that our client's land is zoned in order to diversify the zoned land delivering housing in the district, which strategically is one of the few areas of Fingal that is located within the M50 corridor and is a suburb of Dublin City. National Policy dictates that this type of area should be developed ahead of more distant sites.

It is therefore proposed to prioritise the Tier 1 lands, defined as Serviced Zoned Lands, which are able to connect to existing development services, i.e., road and footpath access including public lighting, foul sewer drainage, surface water drainage and water supply, for which there is service capacity available, and can therefore accommodate new development.

The re-zoning of the area to "RA – New Residential Area and LC – Local Centre" will potentially assist in the delivery of an appropriate quantum of residential development utilising a Serviced Zoned Land, which would also be fundamental to accomplish the 30% target for new homes within the County. However, if the existing land use zoning is retained, then this potential cannot be achieved on a site that is well-connected and readily available for development.

¹ This survey uses median house price data and median household income to categorise cities as 'affordable' (a score of 3.0) to 'seriously unaffordable' (a score of 5.0). The Dublin regions have seen an increase of 0.9 points during the plan period, from a low of 4.8 in 2017 to a high of 5.7 in 2022, at which point the Dublin Region became categorised as 'severely unaffordable'.

² It is worth noting that, in relation to the Covid-19 pandemic specifically, the County saw more units completed during the pandemic than during the preceding two years. According to the Fingal Housing Strategy, an average of 1,634 units were completed in 2017/18 compared to 1,721 units during the pandemic in 2019/20.

7.3 Analysis of Urban Capacity Assessment in Draft Plan

We note that an Urban Capacity Assessment (UCA) was prepared as part of the preparation of the Draft Development Plan. This reviewed and assessed the capacity of existing urban areas to facilitate future growth. While this is a welcomed initiative, it is noted that in the case of Santry, it solely looked at greenfield sites, as opposed to the potential for underutilised brownfield lands to be redeveloped, which is more consistent with NPO 35 of the National Planning Framework. In this regard, the UCA identified greenfield lands within the Santry area of being able to accommodate an additional 686.63 housing yield. It is noted that many of the sites identified in the UCA are within the Metro Economic zoning and are subject to the delivery of Metrolink North, which has already been delayed. In this regard, the deliverability of those lands must be questioned.

Downey would submit that the redevelopment of our client's site at Airport Business Campus could, in a more sustainable manner, provide for at least 200 units based at a net density of 50 units per hectare. It is respectfully submitted that the regeneration of existing brownfield, light industrial lands, which are at the end of their normal life-expectancy and in need of redevelopment, should be prioritised ahead of greenfield lands.

7.4 Locational Attributes of Airport Business Campus

Located on the northside of Dublin City along the R132 Swords bordering Coolock, Glasnevin, Kilmore and Ballymun, the lands at Airport Business Campus straddle the boundary of Dublin City Council and Fingal County Council jurisdictions. Providing secondary access to the Dublin Airport, the lands are enjoying a pivotal location in the periphery of Dublin City Centre. This gateway location of the lands provides an opportunity for framing the entrance to the Dublin City Centre with a landmark development, enhancing the legibility of the Swords Road.

As noted previously, the submission area is characterised by existing industrial estates and buildings, many of which are at or nearing their end of life and as such are in somewhat of a run-down appearance. This contrasts with the landscaped setting and high-quality public transport and hard infrastructure as well as social and community infrastructure that serves the area. In this regard, the area is ideally located for significant redevelopment with high-quality mixed-used developments that would revitalise the area.

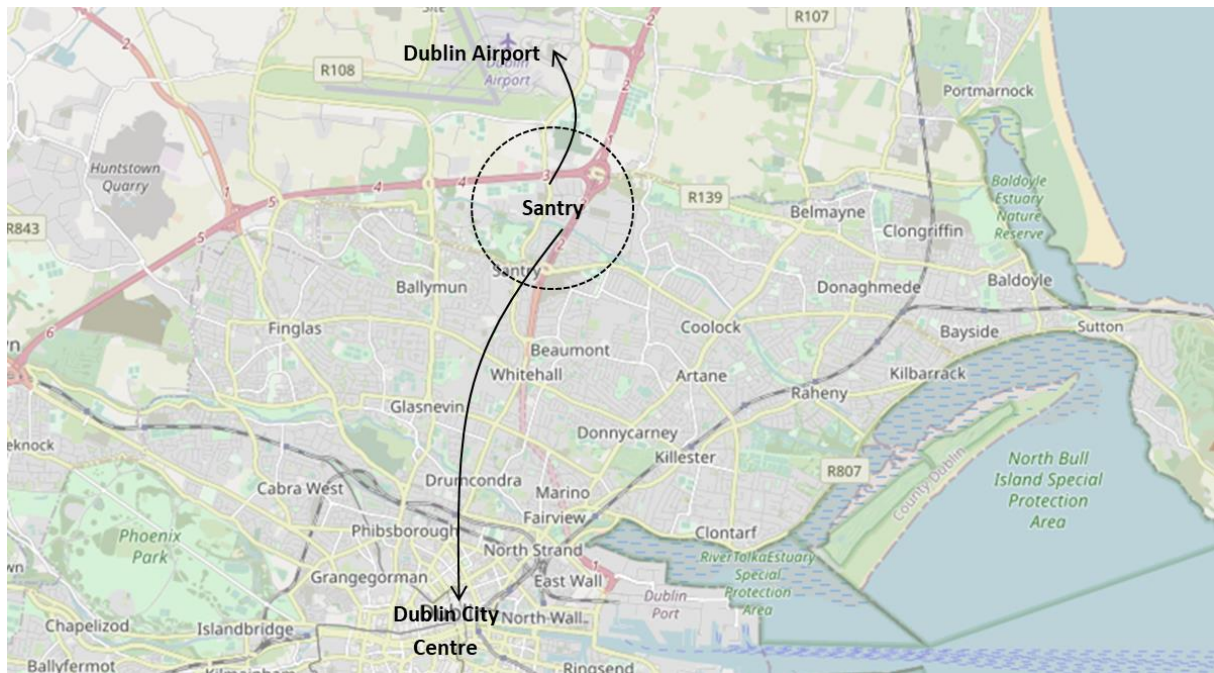


Figure 7. Strategic Location of the submission area

7.5 Connectivity and Accessibility of the Lands

The Airport Business Campus lands are located along the Swords Road in Santry on the northern outskirts of Dublin City Centre. The site is strategically located close to Dublin Airport and the M50 thus providing access to all the radial national routes. In addition, the area has immediate access to numerous bus services (namely 16, 27b, 33, 33e, 41, 41b, 41c and 41d) connecting the site to the city centre, Dublin Airport, and other locations.

Under Bus Connects, the bus service on the Swords Road, which serves the general area, is due to be upgraded to form Corridor 2 - Swords to City Centre. In addition, the site is an 8-minute walk of the new Metro Corridor. As seen below, our client's lands at Airport Business Campus are of strategic importance for the overall development of area noting the location of the lands directly off the Swords Road in Santry and within c. 800 metres from Junction 2 of the M50 motorway.

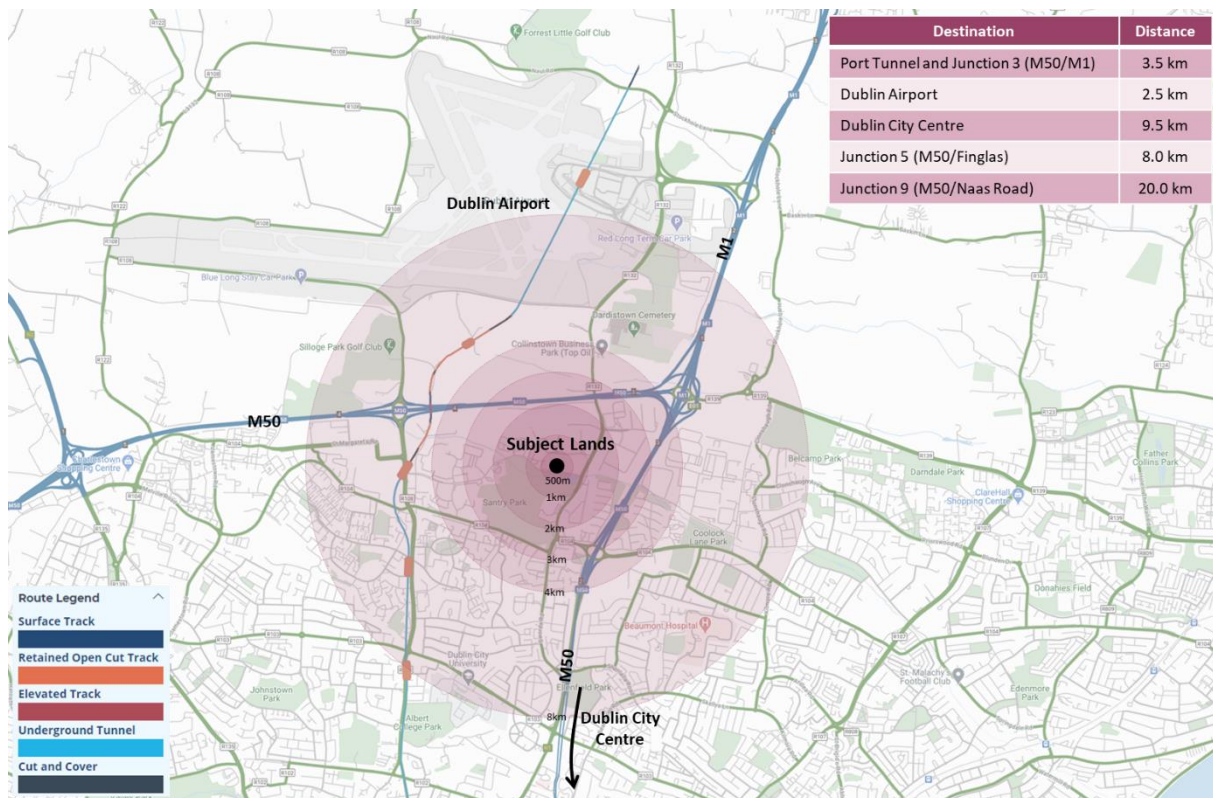


Figure 8. Strategic Location of the Subject Lands with Multiple Buffer Zones of 500 metres

With the delivery of Metrolink, the strategic location of the subject lands is providing opportunities to not only address the requirements for employment opportunities of Fingal, but also to better facilitate consolidated development of Santry.

To consolidate and augment the existing built-up area of Dublin Suburbs and to further prevent urban sprawl outside the development boundary of the city, this submission proposes to provide for a Metro Economic Corridor in the Santry area, which is within the existing Metropolitan area. The proposed zoning objectives facilitates for a quantifiable sustainable mixed-use area with high employment supporting the provision of an appropriate quantum of residential development.

7.6 Existing Local Strengths and Amenities

As illustrated in the Figure below, there is a wide range of community and local amenities in close proximity to Airport Business Campus. This includes educational facilities, retail and shopping centres, and open spaces and parks which supports Santry as its immediate area. This local structure has provided the capacity to establish for sustainable development interventions to achieve a consolidated self-sustaining community in Santry.

Many of these facilities and social infrastructure are located in the nearby Northwood and Santry Demesne, which is just south of the Airport Business Campus lands. It is our considered opinion that the rezoning of these lands will compliment Northwood and that improved connectivity to Northwood can be facilitated, particularly in light of the fact that our client’s own adjoining property to the south, through which access could be provided.

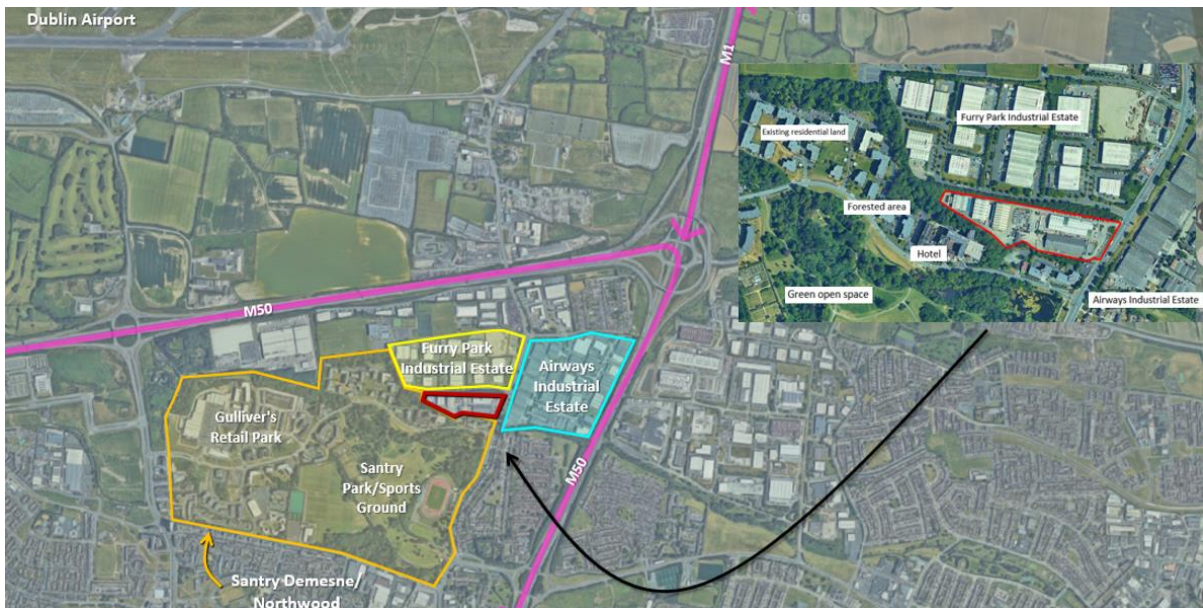


Figure 9. Existing Community Infrastructure in the Context of Santry

7.7 Changing Character and Development of the Area

The Furry Park is designated as “GE - General Employment”, which ‘Provide opportunities for general enterprise and employment’. We note that Fingal County Council granted permission to Rohan Holdings Ltd. For the erection of 5 no. warehouse buildings and office, plus granted permission to Eason & Son Ltd. for additional offices on lands at Furry Park Industrial Estate, Santry, Dublin 9.

The Santry Park is designated as “RS - Residential”, which ‘Provide for residential development and protect and improve residential amenity’. Fingal County Council granted permission to Woodford Developments Ltd. for an integrated urban development project consisting of an apartments complex and associated amenity building, an offices complex, a hotel, and a public park, on lands at Santry Demesne, Dublin 9.

In addition, the Council granted permission for a 4 storey Neighbourhood Centre, a 2-storey restaurant, and a residential development consisting of three apartment blocks with a total of 90 apartments. Also, the Council granted permission for 2 no. 3 storey office buildings on lands at Santry Demesne Santry, Dublin 9. This indicates that the lands to the south-west of the subject site is a mixed-use development, which includes for residential development.



Figure 10. Context and Changing Character of the Submission Area

As shown in *Figure*, the existing HT lands bridge the two above-mentioned sites, i.e., linking the office district to the residential site. In this regard, a juxtaposition of the RA and LC land use zoning objectives for the Airport Business Campus lands would serve the following functions:

- (1) Support the office district to the north of the subject lands with regards to its employment generating nature and the traffic volume it can bring to the area;
- (2) Facilitate the natural expansion of the Northwood development as a vibrant mixed-use urban district which is currently constrained; and,
- (3) Provide for creating a more floating area that facilitates a transition along the edges of residential areas impacted by the Furry Park employment hub and its volume of traffic.

While HT zoning facilitates opportunities for major office, science and technology, and research and development-based employment within campus style settings. With respect to the existing context, Downey Planning are of the professional opinion that the RA and LC zoning objectives better facilitates the above-mentioned functions by allowing to create for a mixed-use development that are compatible with neighbouring uses. It is noted that the impacts of COVID-19 and remote working which puts more emphasis on Resilience Planning also highlights an urgent need to revise the spatial planning prioritising the locality and creating liveable towns.

7.8 Quantum of HT Zoned Lands in Fingal

As outlined in the Fingal County Development Plan 2017-2023, the purpose of the High Technology (HT) zoning is to facilitate opportunities for major office, science and technology, and research and development-based employment within high quality, highly accessible, campus style settings. The HT zoning is one of the most important economic development zonings in Fingal with just over 685 hectares of HT zoned lands located principally in Blanchardstown and Swords (see *Table*).

As set out earlier, this submission extends to approximately 4 hectares, which is equivalent to 0.5 percent of the overall lands zoned as 'HT' under the Fingal Development Plan 2017-2023. Therefore, a reduction of this amount will not have any material impact on the quantum of lands designated for this purpose.

Zoning	Objective	Total Amount Zoned (Ha)
DA – Dublin Airport	<i>Ensure the efficient and effective operation and development of the airport in accordance with an approved Local Area Plan.</i>	1024
FP – Food Park	<i>Provide for and facilitate the development of a Food Industry Park.</i>	192
GE - General Employment	<i>Provide opportunities for general enterprise and employment.</i>	1850
HI - Heavy Industry	<i>Provide for heavy industry</i>	293
HT - High Technology	<i>Provide for office, research and development and high technology/high technology manufacturing type employment in a high quality built and landscaped environment.</i>	685
ME – Metro Economic Corridor	<i>Facilitate opportunities for high density mixed use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor.</i>	390
RB – Rural Business	<i>Provide for and facilitate rural-related business which has a demonstrated need for a rural location.</i>	92
RW – Retail Warehousing	<i>Provide for retail warehousing development</i>	30
WD – Warehousing and Distribution	<i>Provide for distribution, warehouse, storage and logistics facilities which require good access to a major road network within a good quality environment.</i>	18

Table 1. Quantum of Lands Designated as Economic Development Zonings

7.9 Site-Based Regeneration of Brownfield Lands

The Airport Business Campus site is presently underutilised and set in extensive hard standing areas, comprising six light-industrial units and two sites. The general appearance of the site is somewhat run-down, and the land use is incompatible with the surrounding environment. As stated earlier in this submission, the leases for all of the properties within Airport Business Campus are due to expire within the next 18 months and as such, the lands are considered as a 'ready to go' Tier 1 site, subject to any development proposal receiving the necessary planning permission.

Therefore, there is a perfect opportunity to facilitate the site-based regeneration of these lands, which would bring forward significant investment and economic activity to the area. Such a regeneration and redevelopment of the area would compliment what has happened at Santry Demesne and Northwood to the south of the site and be consistent with NPO35 of the National Planning Framework, which seeks to:

“Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.”

Such an approach is also consistent with Section 6.4 of the Draft Development Plan Guidelines for Planning Authorities (2021) and also Section 10(2)(h) of the Planning and Development Act, 2000 (as amended), which requires that a development plan shall include objectives for:

“(h) the development and renewal of areas, identified having regard to the core strategy, that are in need of regeneration, in order to prevent –

- (i) Adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land,*
- (ii) Urban blight and decay,*
- (iii) Anti-social behaviour, or*
- (iv) A shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses”.*

7.10 Possible Adverse Impact of ‘HT’ Zoning on Traffic

As outlined in Section 4, the current zoning objectives cater for employment opportunities across economic sectors, and principally permitted uses include a range of high-impact offices, utilities, and supporting retail.

It is considered that the permitted in principle developments under the current zoning objective, by reason of their nature and expected scale would change the pattern of trip generation and distribution in the area and adversely affect the use of the road network. However, permitted uses under RA – New Residential Areas and LC – Local Centre zoning objectives would ensure an orderly mixed-use sustainable development, as set out below, that can support a modal shift away from car-based trips on the road network:

- **Residential:** It can support a high-quality residential scheme within a high-quality environment.
- **Retail/Restaurant:** It can deliver a small retail/restaurant scheme to support the employment base and existing Northwood residential developments.
- **Employment:** with easy access to Dublin Airport and the City Centre and set within a parkland environment will ensure an attractive environment for a large office development.

This would result in a more effective use of the subject sites capabilities, optimizing benefits of its connectedness to the adjacent properties.

8.0 CONCLUSION

Downey, Chartered Town Planners, 29 Merrion Square, D02 RW64, have prepared this submission to the Draft Fingal County Development Plan 2023-2029. This submission is made on behalf of our client, Quanta Capital, in relation to lands at Airport Business Campus, Swords Road, Santry, Dublin 9.

The rezoning of subject lands as LC Local Centre and RA – Residential Area will allow for the regeneration and sustainable development of the Airport Business Campus land bank and present an opportunity to meet the needs of the wider City in creating employment opportunities and provide greater choice for housing close to employment locations.

The existing HT zoning is simply not fit for purpose at this location, and it is not feasible or viable to provide for an appropriate HT campus environment at the site.

It is respectfully submitted that for the reasons set out in this statement, our client's property is entirely appropriate for the RA – New Residential Area Zoning and LC – Local Centre Zoning and should revert to this as part of the Fingal County Development Plan 2023-2029, under the terms set out in this submission.

Section 7 of this submission has identified that the re-zoning of the lands to RA and LC zoning objective is in accordance with national, regional, and local planning policy. Furthermore, the re-zoning of the subject lands is justified on the following grounds:

- Gateway location of the lands securing an opportunity for a landmark development to highlight R132 Swords at the entrance to the Dublin City Centre.
- Prominent location of the subject site with access to all the radial national routes, numerous bus services, and the new Metro Corridor provided an opportunity for delivery of high-quality, vibrant, and healthy community.
- Existing local amenities and strength building up the capacity to establish for sustainable development interventions in order to achieve a consolidate self-sustaining community in Santry.
- The permitted uses under “RA and LC” would facilitate the creation of a mixed-use development that would be more compatible with existing neighbouring uses, with more active uses being located along the main Swords Road element of the site with the residential area being to the west of the site.
- The rezoning of the lands would reduce just 0.5 percent of the overall lands zoned as “HT - High Technology” under Fingal Development Plan 2017-2023. Therefore, a reduction of this amount will not have any material impact on the quantum of lands designated for this purpose.
- Should the lands be zoned as “RA – New Residential Area, along with LC – Local Centre” then it will potentially assist in the delivery of an appropriate quantum of residential development, which would be fundamental to accomplish the 30% target for new homes within the County. However, if the subject lands are designated as “HT - High Technology”, this potential cannot be achieved on a site that is well-connected and readily available for development.

- The rezoning will facilitate the site-based regeneration of existing brownfield lands, which is consistent with NPO35 of the National Planning Framework.

Downey trust that you will take the grounds of this submission into consideration when reviewing submissions to the Draft Plan and in the preparation of the Fingal County Development Plan 2023-2029.



OPR Recommendation 5 (vii) PA SH 12.4 and PA SH 12.6: Newtown, St Margaret's

Planning Reason for Decision:

The Fingal County Development Plan 2023-2029 has been made with PA SH 12.4 but without PA SH 12.6. The planning reason for the inclusion of PA SH 12.4 is as follows:

The essence of this alteration is to retain the map based local objective relating to the road upgrade, which was part of the material amendment, in an effort to ensure the road safety at the location. The related material amendment was to introduce a GE land use zoning by way of Manager's Amendment. Although it is acknowledged that the amendment is also part of a recommendation by the OPR and the Chief Executive to be excluded from the Plan, it does not dismiss the fact that the transportation element of PA SH 12.4 is being proposed to ensure the road safety of all road users, including most importantly, pedestrians and recreational walkers. It is the responsibility of the elected members and the executive to act in the best interest of the communities and to ensure the highest level of road safety is afforded to the public. Therefore, regardless of the GE zoning going forward or not at this juncture, it is clear the area in question is under development pressure, considering the existing commercial and industrial development, this amendment should be retained in the interest of proper planning and development of the area.



OPR Recommendation 6 – Noise Standards

Planning Reason for Decision:

This alteration ensures that both this text and PA CH 8.3: Section 8.5.7 Objective DA013 agree and meet the objectives of the Development Plan.

In addition to the reason given for including PA CH 8.1 above, it should be noted that the reason for including PA CH 8.3 is that health issues are a matter of importance for inclusion in the Development Plan. This modification ensures that both this and PA CH 8.1 Section 8.5.7 agree and meet the objectives of the Development Plan.



OPR Recommendation 7 (ii) PA SH 7.1: Turvey Avenue, Donabate

Planning Reason for Decision:

What this alteration seeks is not a rezoning but that the status quo remains and the lands outlined remain GE for this and the adjoining site. The subject lands have been zoned for development purposes since at least 2005. In the 2005- 2011 Development Plan, the zoning objective was 'GI' – "To facilitate opportunities for general industrial uses and related uses in industrial areas" and in the 2011-2017 and 2017-2023 Development Plans, the zoning objective was 'GE' "Provide opportunities for general employment".

On the issue of the site's planning history, in three of the cases FCC made a decision to grant permission for the subject development. It is also the case that the absence of sewerage facilities on-site and the inadequacy of the proposed wastewater systems was an issue not flooding, per se, for An Bord Pleanála in its decisions. In the most recent case, this issue has been resolved – it is a technical issue which was easily addressed

The motion is not for the rezoning of the subject lands, but to retain the GE land use zoning agreed unanimously at the last stage of the Development Plan for the restoration of the existing 'GE' – 'General Employment' land use zoning objective per the current Fingal Development Plan 2017-2023. It appears that a key factor in determining the Council's decision to recommend the proposed rezoning was based on a misinterpretation of An Bord Pleanála to refuse permission for development on the site (ABP-306013-19 (F19A/0417)). ABP's reason for refusing permission did not relate specifically to the flood risk of the proposed development, but rather to the ability of the proposed wastewater treatment system to operate effectively should it be inundated in the event of a flood.

In addition to the single reason for refusal, a note was appended to the decision which raised concerns around the capacity of the nearby junction with New Turvey Avenue to accommodate vehicles accessing the proposed development. ABP's decision to refuse permission on the application did not relate specifically to the flood risk but more to the ability of the proposed wastewater treatment system to operate effectively in the event of an unlikely flood.

In An Bord Pleanála's inspectors report it was stated that the conclusions of the flood risk assessment submitted were considered to be reasonable and it was not considered that the development would give rise to a risk of flooding.

These concerns have been the subject of extensive consultations with the Council, and the site is currently the subject of a live appeal to An Bord Pleanála, the planning application (F22A/0240) refused by FCC was done so on the grounds of noise and did not refer to any issues around flooding, the appeal to ABP includes an acoustic report which addresses the question of noise. The design of the on-site wastewater treatment system has been revised to take account of the winter water table levels on the site and to ensure that its operation will not be compromised in the event of an unlikely flood, this was accepted by FCC in the recent planning application.

The current 'GE' – 'General Employment' zoning objective promotes new local employment opportunities in accordance with regional planning guidelines and presents a more appropriate use of those lands, which is part of a larger GE zoned area. The planning history outlines the site suitability for development and the GE zoning should be applied.



OPR Recommendation 7 (iv) PA SH 8.2: Pinnock Hill Roundabout, Swords

Planning Reason for Decision:

The zoning of 'MRE – Metro & Rail Economic Corridor' at the subject site facilitates opportunities for high density mixed use employment generating activity and commercial development, and supports the provision of an appropriate quantum of residential development adjacent to Metrolink.

The MRE zoning allows for all the land uses proposed in the HT zoning also. The potential for 'high quality office and business park' development on the site would not be prevented by way of rezoning to MRE Strategic location between 2 Metro Stations. October Investments have been actively engaged on the Metrolink Project.

Fingal County Council – Development Plan Review: Pinnock Hill, Swords It is a key development site that has the potential to deliver on a much more appropriate mix of uses that would benefit from the exceptional connectivity of the site and location in proximity to a range of services and amenities October Investments Ltd is an established developer actively engaged on preparing a development scheme for the subject site, based on the zoning proposed in this alteration to the Draft Plan. The landowner is keen to bring development forward for planning permission once this proposed amendment is formally adopted. Maintaining the HT zoning objective on these lands limits the opportunity for the lands to form part of an integrated development solution for the site. This is evidenced by the fact that no significant HT applications have been granted in the area since 2014. All of the above criteria identify the subject site as being in alignment with the Metropolitan Area Strategic Plan (MASP), considering the site will direct future growth to Swords, an identified strategic residential and employment corridor.

The concept of compact urban growth and urban regeneration, through the reusing of large and small infill sites, as well as underutilised lands at locations well served by public transport, are supported by the National Planning Framework (NPF) well established bus corridors. This is the most logical land use zoning for the site given the route of the Metro Link corridor through the site, with associated land take implications, and in line with strategic planning policy that promotes compact, higher density development adjacent to high-capacity public transport. Full details included in attached report.

**Fingal Development Plan
Briefing Document**

Lands at Pinnock Hill, Swords

**On behalf of
October Investments Ltd.**

January 2023



Planning & Development Consultants

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1 Introduction

We, Brock McClure Planning & Development Consultants, 63 York Road, Dun Laoghaire, Co. Dublin are instructed by our client **October Investments Ltd.** to prepare this Briefing Note in respect of the proposed rezoning of lands at Pinnock Hill, Swords.

2 Subject Site

The subject site is approximately 4.59 ha in area and is an undeveloped vacant greenfield site surrounded by a mix of business, retail and residential uses. It is strategically located in a high profile position at Pinnock Hill, Swords, Co. Dublin, with full frontage to the Swords Bypass (N1) directly opposite the Pavillions Town Centre (north) and beside the Travellodge Hotel (west) and the Airside Business Park (south-east). The site is directly fronting the proposed Metro Link Route and is located between two proposed stations.

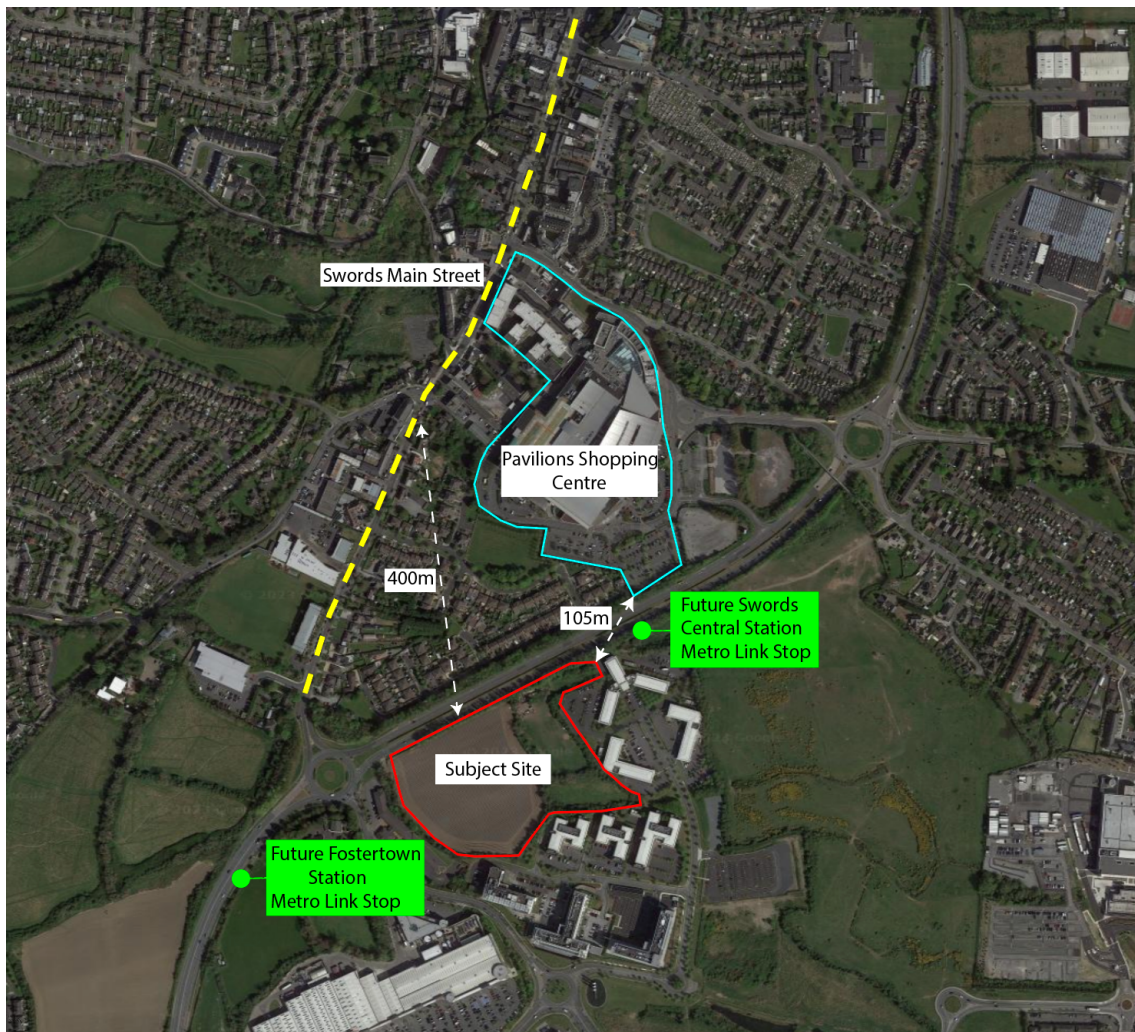
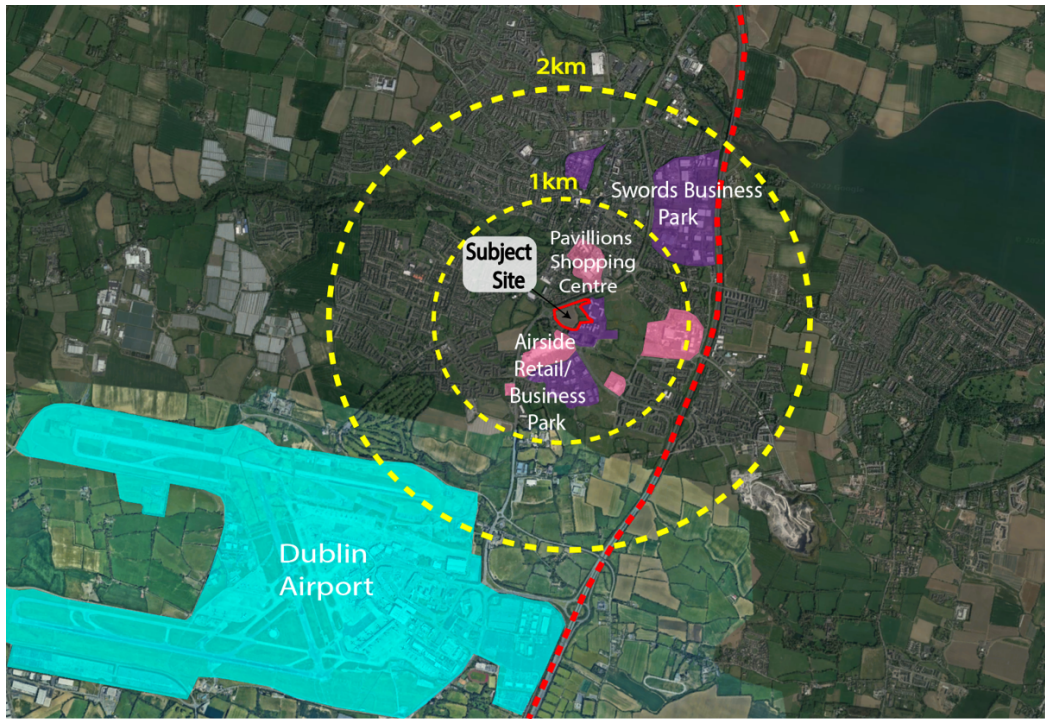


Figure 1 – Context Map

The site is not listed on the record of Protected Structures nor is it located within an Architectural Conservation Area.

The subject site is considered to be opportunely located near the key employment hubs of Airside Retail and Business Park, MSD Biotech, Pavillions Shopping Centre, Swords Business Park and Townparks.

The site is within walking distance of all the amenities of the Pavillions Town Centre and Swords Village. It is also well serviced and has multiple public transport routes which connect Pinnock Hill to Dublin Airport and Dublin City Centre.



Legend



Figure 2 – Context Map



Legend



Figure 3 – Context Map



3 Proposed Rezoning

On the 11th of November 2022, the Proposed Material Alterations to the Draft Fingal County Development Plan 2023 – 2029 went on public display. The following proposed material alteration relates to the subject site:

Proposed Material Alteration PA SH 8.2

Please refer to Map Sheet 8: Swords

Amend zoning from HT- High Technology to MRE-Metro and Rail Economic Corridor at lands directly to the east of Pinnock Hill Roundabout, Swords.

The material amendment includes an updated draft zoning map which can be seen below.

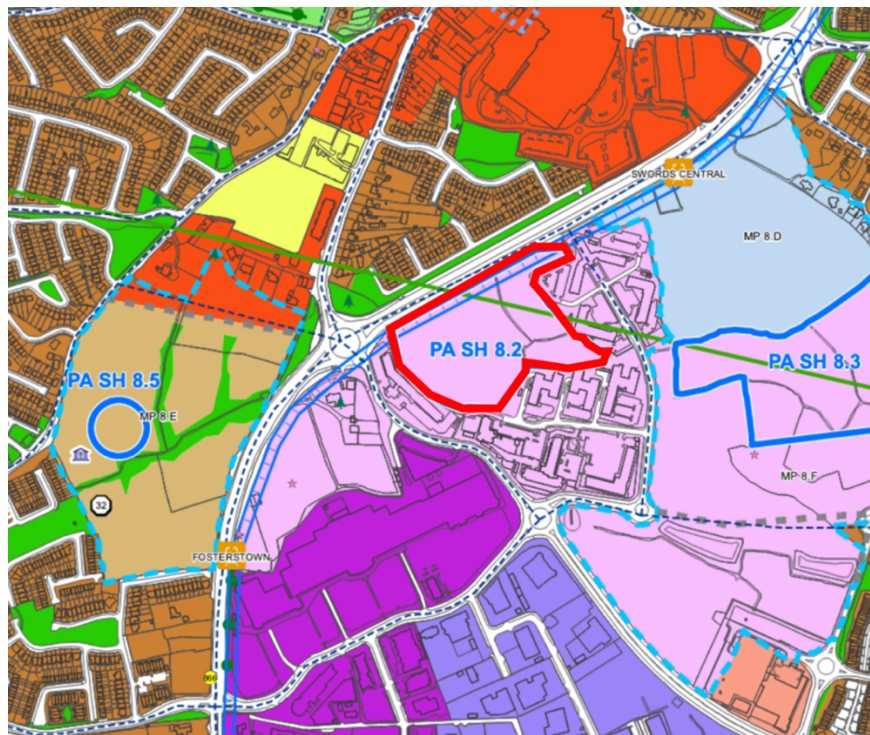


Figure 4 – Extract from Material Alterations Sheet 8 (as amended) zoning map with subject lands outlined in Red

The Chief Executive’s Report on the proposed Material Alterations states this Amendment is the subject of OPR Recommendation 7 which states that the Plan is to be made without this proposed material alteration. Please refer to Section 4 of this Documents for a response to the OPR issue.

The Chief Executive’s Report concludes that it does not support the rezoning on the basis that the lands form part of a wider HT zone area with established high technology, retail warehousing and other employment related land uses and that there is sufficient land already zoned MRE. In summary it is stated:

It is not considered appropriate to rezone lands which are designated for high quality office and business park uses to accommodate employment to the MRE zoning.

In response to this conclusion we note:

- ⇒ The MRE zoning allows for all the land uses proposed in the HT zoning also. The potential for ‘high quality office and business park’ development on the site would not be prevented by way of rezoning to MRE
- ⇒ The rezoning facilitates potential for a better mix of development to be delivered, rather than mono use office space.



⇒ Flexibility in mix is critical to achieving development of this key site.

4 OPR Submission: Flood Risk

The Submission from the Planning Regulator on the Material Amendments made 7 recommendations to the Council. Recommendation 7 related to ‘Flood Risk Management’:

MA Recommendation 7 – Flood Risk Management
Having regard to NPO 57 and to the provisions of <i>The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)</i> the planning authority is required to make the Plan without the following material amendments:
<ul style="list-style-type: none">• PA SH 3.5 Coolquay• PA SH 7.1 at Turvey Avenue, Donabate• PA SH 7.2 at Kilcreagh, Donabate• PA SH 8.2 at Pinnock Hill Roundabout, Swords• PA SH 8.3 at Barrysparks, Swords

The Chief Executive’s Report, addresses the submission of the Office of the Planning Regulator (Ref MA-013-22) on page 42. The Chief Executive acknowledges that only a Preliminary Flood Risk Assessment exists in respect of the Pinnock Hill Site.

October Investments have been working with Garland Consulting Engineers on the subject site since 1998 and a Report from Garland is enclosed for review. The Report concludes that there are fundamental errors in the Preliminary Flood Risk Assessment prepared by the Council and that the Pinnock Hill lands are **not** subject to flooding. It is demonstrated that remedial works which took place in 2003 mitigated the 2002 flooding incidents and in the intervening 20 years, there have been no recorded flood events at the Pinnock Hill site.

It is therefore submitted that the concerns of the OPR on this issue are unfounded and do not stand up to technical analysis. There are clear errors in the Preliminary Assessment prepared by the Council and it is proven by Garland that the site is not at risk at flooding.

Although the Chief Executive did not discount the proposed rezoning on the basis of Flood Risk, it is important to clearly establish that the subject site is not subject to flooding and would pass a Site Specific Flood Risk Assessment as required for a future planning application.

5 Rationale for Rezoning

- The zoning of ‘**MRE – Metro & Rail Economic Corridor**’ at the subject site facilitates opportunities for high density mixed use employment generating activity and commercial development, and supports the provision of an appropriate quantum of residential development adjacent to Metrolink.
- The MRE zoning allows for all the land uses proposed in the HT zoning also. The potential for ‘high quality office and business park’ development on the site would not be prevented by way of rezoning to MRE
- Strategic location between 2 Metro Stations. October Investments have been actively engaged on the Metrolink Project.



- It is a key development site that has the potential to deliver on a much more appropriate mix of uses that would benefit from the exceptional connectivity of the site and location in proximity to a range of services and amenities
- October Investments Ltd is an established developer actively engaged on preparing a development scheme for the subject site, based on the zoning proposed in this alteration to the Draft Plan. The landowner is keen to bring development forward for planning permission once this proposed amendment is formally adopted.
- Maintaining the HT zoning objective on these lands limits the opportunity for the lands to form part of an integrated development solution for the site. This is evidenced by the fact that no significant HT applications have been granted in the area since 2014.
- All of the above criteria identify the subject site as being in alignment with the Metropolitan Area Strategic Plan (MASP), considering the site will direct future growth to Swords, an identified strategic residential and employment corridor.
- The concept of compact urban growth and urban regeneration, through the reusing of large and small infill sites, as well as underutilised lands at locations well served by public transport, are supported by the National Planning Framework (NPF). Well established bus corridors
- This is the most logical land use zoning for the site given the route of the Metro Link corridor through the site, with associated land take implications, and in line with strategic planning policy that promotes compact, higher density development adjacent to high capacity public transport.

6 Conclusion

This Briefing Note has demonstrated that the subject site should be rezoned to MRE Metro & Rail Economic Corridor on the basis that this zoning would allow appropriate mixed use development, including ‘HT’ style uses.

The enclosed Report by Garland Consulting Engineers demonstrates that the concerns of the OPR in relation to flooding are unfounded and do not stand up to technical analysis.



MA Observation 2- Belcamp

Planning Reason for Decision:

The lands at Belcamp have been zoned for development for almost 20 years yet are being stymied from reaching their full potential as a result of the ongoing designation for a Local Area Plan, which has not been prepared by the Council since. The lands are the closest lands in Fingal to Dublin City and sequentially are appropriate for development to proceed.

The lands now proposed for designation for the preparation of a Masterplan have already progressed beyond a strategic plan-making stage with developments across the lands now constructed/occupied, under construction, at a detailed design stage or under consideration by the competent authorities through the planning application process (including a transboundary Strategic Housing Development application on lands within both Fingal County Council and Dublin City Council which is pending decision with An Bord Pleanála) and as such a Masterplan with a Local Transport Plan designation on the subject lands is no longer warranted.

It is submitted that all of the baseline survey information that would be required as part of the Masterplan process has been carried out to date, including:

- A full Natura Impact Statement
- Environmental Impact Assessment Report, including
 - Traffic and junction surveys
 - Public transport capacity assessments
 - Population and demographic analysis
 - Water quality
 - Air quality & climate
 - Noise and vibration
 - Archaeology – full testing
 - Architectural heritage and conservation
 - Photomontages
 - Tree and hedgerow surveys
 - Mammal, bat, badger, flora and fauna surveys
 - Retail Impact Assessment.
- Furthermore, consultation with both Dublin City Council and Fingal County Council took place, along with prescribed bodies (Irish Water, Inland Fisheries Ireland, NTA, DAA, IDA etc).

The requirement for a Masterplan with a Local Transport Plan on the lands will impact on the potential delivery of c. 1,300 family housing units for first time buyers to include affordable housing on Fingal lands (and c. 1,200 on DCC lands) on lands that are zoned and serviced (Tier 1 lands). Note that they have a full confirmation of feasibility from Irish Water for the required services.

The delivery of housing on these lands will bring forward the delivery of strategic road infrastructure that is identified in the Development Plan and the previous South Fingal Transportation Study (prepared by Systra, who also worked on the SHD planning application).



- The developer of the lands has been continuously promised that a strategic plan would be prepared on the lands, but nothing has been advanced to date.
- Continuing to place a strategic plan (now proposed as a Masterplan with a Local Transport Plan) designation on the lands will just serve to significantly delay the delivery over several years of much needed homes on zoned and serviced lands in Fingal.
- There is a lack of committed timeline on the preparation of these strategic plans for the subject lands with the Draft Development Plan stating the preparation of such will be 'subject to resources'.
- The lands now proposed for designation for the preparation of a Masterplan with a Local Transport Plan have already progressed beyond a strategic plan making stage with developments across the lands now constructed/occupied, under construction, at a detailed design stage or under consideration by the competent authorities through the planning application process (including a transboundary Strategic Housing Development application on lands within both Fingal County Council and Dublin City Council which is pending decision with An Bord Pleanála) and as such a Masterplan designation on the subject lands is no longer warranted.
- The landowner has an active profile in delivering granted permissions in the area which is believed to be of national and regional significance by supplying a considerable quantum of housing targets in tandem with community services, infrastructure upgrade works, and public open space.
- Housing was delivered rapidly in the earlier phases of the developing Belcamp lands, illustrating efficiency of delivering much needed houses in this area.
- Housing delivery on the lands has also resulted in the commencement of the restoration of Belcamp Hall (protected structure).



**Appendix 2: Copy of Section 12(5)(aa) Notice issued to the OPR
on 17th November 2022**



Notice in accordance with Section 12 (5)(aa) of the Planning and
Development Act 2000 (as amended)

Anne Marie O'Connor
Deputy Director
The Office of the Planning Regulator
Fourth Floor (West Wing), Park House.
Grangegorman,
191-193A North Circular Road,
Dublin 7, D07 EWW4

17th November 2022

Dear Ms. O'Connor,

Re: Notice in accordance with Section 12 (5) (aa) of the Planning and Development Act 2000 (as amended) having regard to the Recommendations and Observations made by the Office of the Planning Regulator (OPR) in relation to the Draft Fingal Development Plan 2023-2029

Purpose of this Correspondence

Section 31P (1) of the Planning and Development Act, 2000 (as amended) sets out the functions of the Office of the Planning Regulator (OPR) which include at Section 31P (a)(i) the evaluation and assessment of Development Plans, including draft Development Plans, and the provision of observations and recommendations to the Planning Authority as appropriate.

Section 12 (5) (a) of the Act states that the members of a planning authority shall consider the draft plan and the report of the chief executive under subsection (4), and:

"(aa) Following consideration of the draft plan and the report of the chief executive under paragraph (a) where a planning authority, after considering a submission of, or observation or recommendation from the Minister made to the authority under this section (or from the Office of the Planning Regulator made to that planning authority under section 31AM or from a regional assembly made to the authority under section 27B, decides not to comply with any recommendation made in the draft plan and report, it shall so inform the Office of the Planning Regulator and the Minister or regional assembly, as the case may be, as soon as practicable by notice in writing which notice shall contain reasons for the decision"

This notice is hereby issued to the OPR in accordance with the provisions of Section 12(5)(aa) of the Act as outlined above in that it sets out how the planning authority has or has not complied with recommendations issued by the OPR while also providing as well as reasons for not complying with any such recommendation.



The Draft Fingal County Development Plan

The Draft Fingal Development Plan was prepared and circulated to the Elected Members of Fingal County Council in December 2021. The Draft Plan was considered and agreed by the Members in January and February 2022 and went on public display on the 24th February 2022 for a period of 12 weeks (concluding on the 12th May 2022). A total of 1,937 no. submissions and observations were received during the prescribed period in response to this stage of public consultation.

A Chief Executive's Report on submissions to the Draft Fingal Development Plan 2023 - 2029 was prepared in accordance with Section 12(4) of the Planning and Development Act 2000 (as amended), which summarised the submissions received and provided the response and recommendations of the Chief Executive for the consideration of the Elected Members.

The Local Authority has prepared and published a report in relation to proposed Material Alterations to the Draft Plan. The proposed Material Alterations (Amendments) originated from the consideration of the submissions received between February and May 2022 to the Draft Development Plan. The Chief Executive's report on the submissions received was considered by the Elected Members at Special Council Meetings held in September and October 2022, where it was resolved to amend the Draft Plan.

Accordingly, and in accordance with Section 12 (7) of the Planning and Development Act (as amended), the Proposed Material Alterations to the Draft Fingal Development Plan 2023-2029 were published on the 11th November 2022.

Compliance with OPR Recommendations

It is acknowledged that the OPR has evaluated and assessed the Draft Fingal Development Plan 2023-2029 under the provisions of Sections 31AO(1) and 31AO(2) of the Planning and Development Act 2000 (as amended), and Fingal County Council notes receipt of the OPR submission (dated 12th May 2022, ref. FIN-C453-1085) in this regard.

The submission from the OPR commences with an introduction and an overview section before setting out a total of 17 no. recommendations and 6 no. observations. This Section 12(5)(aa) notification document provides an overview of compliance with each recommendation received from the OPR, in accordance with Section 12(5)(aa) of The Act.

The table presented on the following pages sets out the text of each of the 17 recommendations, accompanied by a statement of how the planning authority has or has not complied with each recommendation as well as reasons for not complying with the recommendation where relevant. In the interests of clarity it should be noted that this table includes all 17 recommendations including those with which Fingal is in full compliance.

It should also be noted that in the interests of brevity, reference is made in the following table to the contents in the 'Chief Executive's Report on the Draft Plan Public Consultation' which was published on 28th July 2022 and which can be viewed online at the following web address:
<https://www.fingal.ie/sites/default/files/2022-08/CE%20Report%20on%20Draft%20Plan%20Public%20Consultations%20July%202022.pdf>.



Reference is also made to the 'Proposed Material Alterations to the Draft Fingal Development Plan 2023-2029' document which was put on public display on 11th November 2022 and which can currently be viewed online at <https://consult.fingal.ie/>

In conclusion, Fingal County Council acknowledges the valuable contribution of the Office of the Planning Regulator in ensuring that the Draft Fingal Development Plan fully complies with all national and regional planning policy and the Council welcomes the ongoing engagement of the OPR with the Development Plan making process for Fingal.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'AnnMarie Farrelly'.

AnnMarie Farrelly,
Chief Executive
Fingal County Council



<p>OPR Recommendation 1 – Core Strategy Table</p> <p><i>In accordance with the requirements of sections 10(2A) (f), (g) & (h) and 10(2C) of the Planning and Development Act 2000, as amended, and having regard to the Housing Supply Target Methodology for Development Planning (2020), Guidance Note on Core Strategies (2010) and the Development Plans, Guidelines for Planning Authorities - Draft for Consultation (2021), NPO 68, RPO 5.5 and the Dublin MASP (RSES), the planning authority is required to review the core strategy in Chapter 2 of the Draft Plan and revise as necessary to:</i></p> <p><i>(i) include at a settlement or urban area level the housing supply targets in Table 2.9 of the Draft Plan (calculated in accordance with the section 28 guidelines Housing Supply Target Methodology for Development Planning (2020)) and Appendix 1 of the accompanying Ministerial Letter to Local Authorities of 18/12/20;</i></p> <p><i>(ii) differentiate between the individual urban areas within the 'Metropolitan Area' and the towns and villages within the 'Core Area' including housing and population growth for each of the areas; and to apply the structure of 'major town centre', 'district centres' and 'urban villages' as detailed in Appendix A, section 1.3.2 of the Development Plans Guidelines for Planning Authorities - Draft for Consultation (2021);</i></p> <p><i>(iii) differentiate between the individual 'towns and villages' within the 'Metropolitan Area' and the 'Core Area' including housing and population growth for each settlement (including Portrane, Loughshinny and Balrothery);</i></p> <p><i>(iv) clearly identify the provision (housing supply target and population growth) for the Key Town of Swords under NPO 68 and the Dublin Metropolitan Area Strategic Plan (MASP);</i></p> <p><i>(v) confirm the density assumptions used to calculate the land area requirements for each urban area/settlement over the plan period, ensuring that the assumptions are consistent with the Sustainable</i></p>	<p>As set out in the CE's Report on Draft Plan on Public Consultation, it was recommended to update Draft Development Plan Table 2.14 'Core Strategy' and to insert additional text to Chapter 2 of the Draft Plan to ensure compliance with the OPR's recommendation.</p> <p>As outlined in the CE's Report on Draft Plan on Public Consultation (see p. 17-23) the revised Table 2.14 now includes at a settlement level the housing supply targets outlined in Draft Plan Table 2.9 'Projected Housing Demand for Fingal County Council Area 2023–2029'.</p> <p>The revised Table 2.14, and estimated 2029 population is now consistent with the population projections for the plan period as set out in Section 2.2.7.</p> <p>It also includes housing and population growth for each individual area, confirms the density assumptions and demonstrates that the level of growth is appropriate for each settlement.</p> <p>These changes were agreed by the Council and were included as proposed material amendments PA CH 2.4 to PA CH 2.6 (see p. 11-13 of the Proposed Material Changes document).</p>
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<p><i>Residential Development in Urban Areas Guidelines for Planning Authorities (2009); and</i></p> <p><i>(vi) ensure that the level of growth proposed for each settlement is aligned to the level of services, including water services infrastructure and high-quality public transport corridors.</i></p>	<p>OPR Recommendation 2 – Settlement Hierarchy and Distribution of Growth</p>
<p><i>Having regard to section 10(2A) of the Planning and Development Act 2000, as amended, the National Strategic Outcomes (NSOs) and National Policy Objectives (NPOs) in the National Planning Framework (NPF), and the policies and direction for the Dublin Metropolitan Area Strategic Plan contained in the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly, the planning authority is required to review the distribution of housing and population growth in conjunction with Recommendation 1, and to demonstrate that the growth for each of the settlements/urban areas identified in the core strategy (and the settlement hierarchy) are in accordance with the following:</i></p> <p><i>(i) the NPOs in the NPF to deliver stronger cities and towns (NPO 2a, NPO 9);</i></p> <p><i>(ii) the NPOs in the NPF in respect of compact growth (NPO 3c); developing cities of sufficient scale to compete internationally (NPO 5); regeneration and rejuvenation (NPO 6);</i></p> <p><i>(iii) the key future growth enablers for Dublin City and Metropolitan Area in the NPF which refer to, amongst others, progressing sustainable development of new greenfield housing on public transport corridors, relocating less-intensive uses outside the M50; and delivering Metro Link; and</i></p> <p><i>(iv) the target growth allocated to each settlement/urban area is proportionate to their role within the settlement hierarchy and the availability of social and physical infrastructure as well as amenity facilities.</i></p>	<p>The CE's Report on Draft Plan on Public Consultation (see p.24, 25), provided additional clarification as to how the draft plan complied with each of the points raised in the recommendation</p> <p>It was recommended that to update Draft Development Plan Table 2.14 'Core Strategy' and to insert additional text to Chapter 2 of the Draft Plan to ensure compliance with the OPR's recommendation by seeking to advance the overall strategic goal of moving towards the NPF goal of 50% of new residential development in the City and Suburbs.</p> <p>The updates to Table 2.14 and the inclusion of additional supporting text recommended in the CE's Report provided further clarity as to how this approach was to be implemented in the Draft Development Plan.</p> <p>As outlined above, these changes were agreed by the Council and were included as proposed material amendments PA CH 2.4 to PA CH 2.6 (see p. 11-13 of the Proposed Material Changes document).</p>



<p><i>Where the planning authority identify locations whereby growth is targeted that is not in accordance with the criteria listed (i) – (iv) above, that measures are taken to redirect this growth to a more suitable location.</i></p>	
<p>OPR Recommendation 3 – Rural Villages & Rural Clusters</p> <p><i>Having regard to National Policy Objectives promoting compact and sequential growth, in particular NPO 3(c) and 72 (a-c), and the land use categories set out in the Draft Plan, the planning authority is required to review the approach to land use zoning for the Rural Villages and Rural Clusters in the Draft Plan. In this regard, the planning authority is required to:</i></p> <p><i>(i) review and consolidate the extent of land zoned for 'Rural Village' and 'Rural Cluster' to reflect the established commercial core of the village centres and any planned expansion areas to ensure compact and sequential growth and avoid ribbon development consistent with the guidance in the Sustainable Rural Housing Guidelines for Planning Authorities (2005);</i></p>	<p>The Chief Executive's Report on Draft Plan on Public Consultation (see p.26 to 28), provided additional clarification with regard to the overall approach to Rural Clusters as set out in the Draft Development Plan which includes detailed and extensive policy guidance in the form of a rural housing strategy as set out in Chapter 3 of the Draft Plan.</p> <p>Following Council meetings on the Draft Plan, a number of amendments were proposed in relation to the zoning of lands for Rural Clusters and Rural Villages.</p> <p>These changes were included as the following material amendments to the Draft Plan as set out in the Proposed Material Changes document:</p>



<p><i>(ii) review and reduce the number of rural clusters having regard to NPO 15 and the range of social, community and retail services, as well as capacities in service infrastructure such as footpaths, cycle lanes and public transport available to ensure that the growth targets are proportionate and will assist in sustaining and regenerating these settlements; and</i></p> <p><i>(iii) ensure that there is clarity as to the designation for each of the rural villages and rural clusters.</i></p>	<ul style="list-style-type: none"> • PA SH 5.4 Amend zoning from HA-High Amenity to RC-Rural Cluster at Milverton • PA SH 6B.1 Amend zoning from RU-Rural to RC-Rural Cluster at Rathartan • PA SH 7.3: Amend zoning from HA-High Amenity to RC-Rural Cluster at Corballis, south of Balcarrick Golf Club • PA SH 7.4: Amend zoning from HA-High Amenity to RC-Rural Cluster at Balcarrick. <p>The above amendments result in the addition of 2 no. Rural Cluster designations of limited scale and minor incremental extensions contiguous to existing Rural Clusters. These are proposed to facilitate rural generated housing need.</p> <p>Following Council meetings on the Draft Plan, the following amendments to existing Rural Village zonings resulted:</p> <ul style="list-style-type: none"> • PA SH 3.2: Amend zoning from RU-Rural to RV-Rural Village at Oldtown • PA SH 3.3: Amend zoning from RU-Rural to RV-Rural Village at Oldtown and amend RV boundary accordingly • PA SH 3.5: Amend zoning from RU-Rural to RV-Rural Village at Coolquay • PA SH 9.6: Amend zoning from GB-Greenbelt to RV-Rural Village at the southern side of Baskin Lane and insert new map based local objective to provide a care home / nursing home • PA SH 9.7: Amend zoning from GB-Greenbelt to LC-Local Centre at Kinsealy Lane, Kinsealy and in addition, insert new map-based local objective: Office type development only to be permitted on these lands.
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	<p>The amendments do not result in the creation of new Rural Village RV designations and comprise extensions/realignments of existing RV boundaries to address specific requirements.</p>
<p>OPR Recommendation 4 – Residential Zoned Land</p> <p><i>Having regard to the provisions under section 10 of the Act, to NPO 3 and RPO 10 compact growth, and to the Development Plans Guidelines for Planning Authorities - Draft for Consultation (2021), and the revision to the core strategy and settlement hierarchy under Recommendation 1 and Recommendation 2 the planning authority is required to:</i></p> <p><i>(i) define the precise extent of 'Additional Provision' lands proposed to be zoned for each urban area and/or settlement and provide justification for the extent and location of which is to be based as per section 4.4.3 of the Development Plan Guidelines for Planning Authorities - Draft for Consultation (2021);</i></p> <p><i>(ii) review and include the extent of land zoned RS Residential that has not been developed within the 'land availability' in the core strategy table (Table 2.14); and</i></p> <p><i>(iii) where land in excess of that required to meet the implementation of the housing supply target allocation, in combination with any justified 'Additional Provision' has been proposed to be zoned in the Draft Plan, the planning authority is required to implement prioritisation / phasing to prioritise land consistent with compact and sequential development in areas identified to be served by high quality public transport corridors (rail, LUAS, and Bus Connect spine routes), and with adequate services and facilities to meet the needs of future communities.</i></p>	<p>The CE's Report on Draft Plan on Public Consultation (see p.29, 30), provided additional clarification as to how the approach pursued by the Council has led to right development, at the correct density, in the correct location and that this will continue through the development plan with the required safeguards in place.</p> <p>In this respect, the CE's Report notes the revisions to Table 2.14 made in response to OPR recommendations 1 and 2 as well as the inclusion of additional policy support for the robust monitoring of settlements, the active pursuit of active land management and the provision of social and physical infrastructure.</p> <p>As outlined above, these changes were agreed by the Council and were included as proposed material amendments PA CH 2.4 to PA CH 2.6 (see p. 11-13 of the Proposed Material Changes document).</p>



<p>OPR Recommendation 5 – Local Area Plans</p> <p><i>Having regard to section 19 of the Planning and Development Act 2000, as amended, which sets out the requirement to make local area plans (LAPs) for designated towns of in excess of 5000 population, NPO 6 urban regeneration, and the guidance in relation to masterplans / framework plans in the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009), the guiding principles in the RSES for strategic brownfield and infill sites, and the need to accelerate housing delivery over the plan period in tandem with public transport infrastructure, the planning authority is required to:</i></p> <p><i>(i) review Table 2.16 and Policy CSP6 to reflect the requirements of Section 19 of the Act and the requirement to prepare LAPs for, at a minimum, key settlements within the county including Swords, Balbriggan, Donabate, Malahide, Portmarnock, Skerries, Rush, Lusk;</i></p> <p><i>(ii) amend the list of areas proposed for future masterplans and framework plans in Tables 2.18 and 2.19 clearly prioritising areas that have the potential to be delivered alongside strategic transport infrastructure projects outlined in the GDA Transport Strategy and setting out clear timelines for the preparation of same;</i></p> <p><i>(iii) include a commitment to active co-ordination with Dublin City Council in relation to the preparation of the Belcamp LAP (the 'north fringe') and the Jamestown Business Park framework plan; and</i></p> <p><i>(iv) include a policy to prepare accompanying Local Transport Plans for all settlements for which a local area plan will be prepared, or to update existing transport strategies such as the South Fingal Transport Strategy (2019) where appropriate.</i></p>	<p>In relation to the preparation of LAPs, the CE's Report on Draft Plan on Public Consultation (see p.29, 30), the reason given for not fully complying with the recommendation is that the combination of highly detailed planning policy requirements for each of the eight settlements referred to, allied with the proposed and existing LAPs, masterplans and framework plans proposed within their boundaries, as well as the overarching policies for each settlement set out in the Draft Development Plan means that a robust planning framework has already been put in place for each settlement.</p> <p>The CE's report also stated that while no planning rationale exists for the preparation of additional LAPs for each of the eight settlements listed above, given its designation as one of three Key Towns in the RSES it recommended that an LAP be prepared for Swords.</p> <p>This recommended change was agreed by the Council and were included as proposed material amendments PA CH 2.10 (see p. 14 of the Proposed Material Changes document) and PA SH 8.8.</p> <p>Other changes agreed by the Council were to ensure compliance with the remaining points in this OPR recommendation including: PA CH 2.8 in relation to cooperation with other Councils (see p. 14 of the Proposed Material Changes document) , PA CH 2.10 to PA CH 2.13 (p. 14 and 15) in relation to the preparation of LAPs and strategic plans, and PA CH 6.7 (p. 32) in relation to the preparation of Local Transport Plans.</p>
<p>OPR Recommendation 6 – Compact and sustainable growth</p> <p><i>Having regard to National Planning Objective 3b and RPO 3.2 and 3.3 to deliver at least half of all new homes that are targeted in Dublin city and</i></p>	<p>The Chief Executive's Report on Draft Plan on Public Consultation (see p.35, 36) notes how the points raised in this recommendation</p>



<p><i>suburbs within its existing built-up footprint and the need to ensure that sustainable settlement and transport strategies in the plan include measures which clearly promote the reduction of energy use and GHG emissions through the location, layout and design of new development in accordance with section 10(2)(n) of the Planning and Development Act 2000, as amended, and in view of the Government's stated policy on climate change under the Climate Action Plan 2021, the planning authority is required to:</i></p> <ul style="list-style-type: none"> <i>(i) quantify those areas of settlements, either in the core strategy table or otherwise, which will contribute to the cumulative delivery of 50% and 30% (as applicable) of all new homes within the built-up footprint of existing settlements on infill and/or brownfield lands; and</i> <i>(ii) identify key consolidation or infill opportunity sites that have the potential to contribute to compact growth.</i> 	<p>were considered as part of the Council's responses to OPR Recommendations 1, 2 and 4.</p> <p>The report also clarified how the approach adopted in the Draft Plan specifically considers the issue of the consolidation of existing settlements on infill and/or brownfield lands.</p>
<p>OPR Recommendation 7 – Tiered Approach to Zoning</p> <p><i>Having regard to NPO 72a, NPO 72b and NPO 72c, and Regional Policy Objective 5.5, regarding the coordination of land use zoning, infrastructure and services, and in particular accessibility to high quality public transport corridors, and the Development Plans Guidelines for Planning Authorities - Draft for Consultation (2021), the planning authority is required to elaborate and expand upon its infrastructural assessment, as necessary, to fully address the status of all residential lands zoned under the plan in accordance with the methodology for a tiered approach to land zoning under Appendix 3 of the NPF, relating to existing development services, i.e. road and footpath access including public lighting, proximity to public transport services, foul sewer drainage, surface water drainage, water supply and/or additional service capacity. It must also include, if required, a reasonable estimate of the full cost of delivery of the required infrastructure</i></p>	<p>As noted in the Chief Executive's Report on Draft Plan on Public Consultation (see p.36, 37), the overall issue of the tiering of zoned land has already been considered in the responses to OPR Recommendations 1, 2, 4 and 6.</p> <p>With regard to the issue of the tiered approach referred to in the OPR Recommendation, the Chief Executive's Report outlines how Fingal County Council is exceptional in that the entire plan area is serviced and no fundamental constraints were identified by Irish Water, how all lands within the County are serviced and are connected to the public water systems, how all lands are located alongside existing public road routes with an extensive network of pedestrian and cycle routes and how and how almost all lands are located proximate to existing and planned public transport corridors.</p>



<p><i>to the identified zoned lands at draft and final plan stages of the plan-making process.</i></p>	<p>The Chief Executive's Report also confirmed that the Infrastructure Assessment in support of the Draft Development Plan was prepared having regard to the requirements of NPO72a of the NPF and in accordance with the methodology for a tiered approach to land zoning as included in Appendix 3 of the National Planning Framework.</p>
<p>OPR Recommendation 8 – Building Height Strategy</p> <p><i>Having regard to NPO 13 which identifies building height as an important measure for urban areas to deliver and achieve compact growth the planning authority is required to demonstrate that the Draft Plan is consistent with the specific planning policy requirements (SPPRs) specified in the Urban Development and Building Heights Guidelines for Planning Authorities (2018) (SPPR 1 and SPPR 4), and to prepare a Building Height Strategy for the larger urban centres of the county.</i></p>	<p>As set out in the Chief Executive's Report on Draft Plan Public Consultation (see p. 38, 39), it was recognised that the preparation of a dedicated building height and density strategy based on the Core Strategy for Fingal would provide a useful guide for the public and developers as to appropriate heights and densities for development across the County.</p> <p>As a result, it was recommended that an objective be added to the draft plan to the effect that such a study is to be prepared during the lifetime of the Plan.</p> <p>This recommendation was agreed by the Council and was included as proposed material amendment PA CH 3.3 (see p. 20 of the Proposed Material Changes document).</p>
<p>OPR Recommendation 9 – Build to Rent</p> <p><i>Having regard to NPO 4 of the National Planning Framework to ensure that urban places are home to diverse and integrated communities, and to the lack of evidential basis with respect to any over-concentration of BTR schemes within the plan area in the Housing Strategy or the Draft Plan, the planning authority is required to omit Policy SPQHP32 unless an evidence-based rationale for the inclusion of the policy consistent with national policy can be demonstrated.</i></p>	<p>The Chief Executive's Report on Draft Plan Public Consultation (see p. 41, 42) outlined how the approach to build to rent (BTR) developments in the Draft Plan represented a precautionary approach to a potentially significant issue in order to provide applicants, the public and the Council the clarity as to the overall number and concentration of BTR schemes.</p> <p>In order to ensure a more robust policy and to ensure compliance with OPR Recommendation 9, it was recommended that Policy</p>



	<p>SQHP32 be amended to ensure that applications for BTR developments would be accompanied by an assessment of other permitted BTR developments in the vicinity (3km) of the site to demonstrate that the development would not result in the overconcentration of one housing tenure in a given area.</p> <p>This recommendation was agreed by the Council and was included as proposed material amendment PA CH 3.12 (see p. 22 of the Proposed Material Changes document).</p>
<p>OPR Recommendation 10 – Rural Housing Policy</p> <p><i>Having regard to NPO 19 of the NPF and RPO 4.80 and 4.81 of the RSES, and Rural (RU), Greenbelt (GB) and High Amenity (AM) zoning objectives in the Draft Plan, the planning authority is required to review the rural housing policies in the Draft Plan to ensure that the specified criteria for rural housing is linked to demonstrable social or economic 'need' to live in a rural area and siting and design criteria for rural housing having regard to National Policy Objective 19 and the Sustainable Rural Housing Guidelines for Planning Authorities (2005).</i></p>	<p>The Chief Executive's Report on Draft Plan Public Consultation (see p. 43, 44) provided detailed clarification that the specified criteria for rural housing is linked to demonstrable social or economic 'need' in the Draft Development Plan.</p> <p>It was also noted, having regard to the Guidelines for Sustainable Rural Development that references to family ties in SPQHO79 and Table 3.5 are appropriate in the context of ensuring that rural housing can accommodate the social needs of people and their families in rural areas in Fingal where appropriate.</p>
<p>OPR Recommendation 11 – Employment Zoned Land</p> <p><i>Having regard to National Strategic Outcomes for compact growth, sustainable mobility and transition to a low carbon and climate resilient society, and enhanced regional accessibility, NPO 10, the principles of sequential approach to zoning set out in the Development Plans Guidelines (2007) and section 6.2.5 of the draft Development Plans Guidelines (2021), the Regional Spatial and Economic Strategy, section 2.5 and 2.7 of the Spatial Planning and National Road Guidelines for Planning Authorities (2012), the planning authority is required to provide robust justification for the extent and location of employment zoned land and to demonstrate that the criteria</i></p>	<p>The Chief Executive's Report on Draft Plan Public Consultation (see p. 45 to 55) considered each of the six areas identified in OPR Recommendation 11.</p> <p>Following Council meetings on the Draft Plan, the Council decided to retain all zonings as per the Draft Development Plan.</p> <p>This was in order to provide for a sufficient supply of employment zoned lands to enable the growth of employment generating businesses in Fingal.</p>



<p><i>of the aforementioned national and regional policy have been satisfied, and specifically in respect of the following employment zonings:</i></p> <p><i>(i) lands zoned for high intensity employment uses located within the north Blanchardstown Area between the M2 and M3. The planning authority are advised to apply the sequential approach with lands contiguous to existing development and/or settlements being prioritised for high intensity employment zonings ahead of lands located further on the periphery where sustainable public transport infrastructure will not be provided during the lifetime of the Draft Plan;</i></p> <p><i>(ii) lands zoned General Employment at Junction 2 of M2 at St Margaret's;</i></p> <p><i>(iii) lands zoned as Rural Business Cluster and Food Park located to the south of Coolquay rural village and southwest of Corrstown Golf Club;</i></p> <p><i>(iv) lands zoned as General Employment north of Ashbourne to the east of N2;</i></p> <p><i>(v) lands zoned as General Employment (circa 73ha) south of Balbriggan which extends across both sides of the M1; and</i></p> <p><i>(vi) undeveloped lands at Turvey (circa 20ha).</i></p> <p><i>Where an evidence-based rationale consistent with national and regional policy cannot be provided for these, or any other employment zonings, the subject zoning objective should be removed from the Draft Plan.</i></p>	<p>OPR Recommendation 12 – Retail Hierarchy</p> <p><i>Having regard to the Retail Planning Guidelines (2012), and the retail hierarchy set out in Table 6.1 of the RSES, the planning authority is required to revisit its intended approach to include Rush, Lusk and Donabate as Level 3 Town and/or District Centres that is contrary to the EMRA RSES Retail Strategy for the Greater Dublin Area in terms of the scale and nature of retail and associated uses proposed to be accommodated, to ensure consistency with the provisions of the guidelines.</i></p>
<p>The Chief Executive's Report on Draft Plan Public Consultation (see p. 45 to 55) recommended that the relevant sections of the Draft Development Plan would be updated accordingly in order to fully comply with the OPR's recommendation.</p> <p>These recommended changes were agreed by the Council and are included as proposed material amendments PA CH 7.14 and PA CH 7.15 (see p. 38 of the Proposed Material Changes document).</p>	<p>The Chief Executive's Report on Draft Plan Public Consultation (see p. 45 to 55) recommended that the relevant sections of the Draft Development Plan would be updated accordingly in order to fully comply with the OPR's recommendation.</p> <p>These recommended changes were agreed by the Council and are included as proposed material amendments PA CH 7.14 and PA CH 7.15 (see p. 38 of the Proposed Material Changes document).</p>



<p>OPR Recommendation 13 – Transport Strategy for the Greater Dublin Area</p> <p><i>In accordance with section 9(6A) of the Planning and Development Act 2000, as amended, and the Draft Transport Strategy for the Greater Dublin Area 2022 – 2042, and having regard to the requirement to include objectives for the promotion of sustainable settlement and transportation strategies under section 10(2)(n) of the Act, the planning authority is required, in consultation with the National Transport Authority (and Transport Infrastructure Ireland), as appropriate, to:</i></p> <p><i>(i) clarify that masterplans for Estuary Central, Estuary East, Seatown and Dardistown will be reviewed and updated to reflect the Metrolink project; and</i></p> <p><i>(ii) include a policy objective to secure the development of Park and Ride facilities and to provide a facility in the Lissenhall area.</i></p>	<p>In response to the OPR's recommendation, the Chief Executive's Report on Draft Plan Public Consultation (see p. 57 and 58) clarifies that Dardistown LAP is currently an operational plan as set out in Table 2.15 of the Draft Plan and has regard to the MetroLink including the MetroLink Depot and that the Estuary Central and Estuary East and that the other areas referred to in the recommendation will now be incorporated into the proposed Swords LAP which will be prepared on conjunction with a Local Transport Plan.</p> <p>The Chief Executive's Report also recommended for a policy objective to be included to secure the development of park and ride facilities, including in the Lissenhall area and at Newtown, St. Margaret's.</p> <p>These recommended changes were agreed by the Council and are included as proposed material amendments PA SH 8.4 and PA SH 12.4 (please refer to the Proposed Material Changes document).</p>
<p>OPR Recommendation 14 – Modal Share Targets</p> <p><i>In order to ensure the effective planning, implementation and monitoring of the development plan requirements under section 10(2)(n) of the Planning and Development Act 2000, as amended, the planning authority is required, in consultation with the National Transport Authority (and Transport Infrastructure Ireland), as appropriate, to:</i></p> <p><i>(i) enhance Chapter 6 to include existing baseline figures for modal share for the overall county and modal share targets for the plan period. It is recommended that this could best be provided at individual settlement level for the larger settlements, and at aggregate level for rural towns and villages and the open countryside; and</i></p>	<p>As set out in the Chief Executive's Report on Draft Plan Public Consultation (see p. 59 and 60) it is considered that the setting of mode share targets at a County level, in the context of the Development Plan, would be cumbersome and unwieldy, given the data collection that would be required to ensure accuracy and the disparity across the County between dense urban areas and the rural hinterland.</p> <p>The Chief Executive's Report went on to state that it is therefore considered that the use of mode share targets should be considered for inclusion at a more localised level, and this can be</p>



<p>(ii) provide an effective monitoring regime for the implementation of the planning authority's sustainable transport strategy and the modal share targets in particular.</p>	<p>achieved through the development of various Local Transport Plans as provided for under material amendment PA CH 6.7 (see p. 32 of the Proposed Material Changes document).</p>
<p>OPR Recommendation 15 – Strategic National Road Network</p> <p><i>Having regard to the provisions of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) safeguarding the strategic function of the existing national road network, and associated junctions, the planning authority is required to strengthen DMSO117 to include specific reference to, and to limit new or intensified access onto all national roads (not just motorways), in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities (2012)</i></p>	<p>As stated in the Chief Executive's Report on Draft Plan Public Consultation (see p. 61), the Draft Plan is explicit in acknowledging the need to protect the strategic function of the national road network.</p> <p>The Report also recommended strengthening the policy context relating to the protection of national roads within the plan, Section 6.4 Strategic Aims of the Draft Plan be amended to include reference to the Spatial Planning and National Roads Guidelines for Planning Authorities 2012 and objective DMSO117 shall be amended to have regard to the protection of the national road network.</p> <p>These recommended changes were agreed by the Council and are included as proposed material amendments PA CH 6.6, PA CH 6.17, PA CH 14.12 and PA APP 2.1 (please refer to p. 32, 33, 65 and 67 of the Proposed Material Changes document).</p>
<p>OPR Recommendation 16 – Flood Risk Management</p> <p><i>Having regard to the detailed requirements of The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009) and the Department of Environment, Community and Local Government Circular PL 2/2014, the planning authority is required to:</i></p> <p>(i) <i>overlay the land use zoning maps and the flood maps prepared in the Strategic Flood Risk Assessment in order to clearly outline the sites at risk of flooding;</i></p>	<p>The Chief Executive's Report on Draft Plan Public Consultation (see p. 63, 64) details a number of recommended changes to the Strategic Flood Risk Assessment in order to comply with the OPR's recommendations including amongst other things the updating of text and maps and the inclusion of a reference to the 'Nature-Based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas' document.</p>



<p>(ii) carry out a Plan-Making Justification Test in accordance with the Justification Test outlined in Box 4.1 and omit or amend proposed zonings that do not meet the Justification Test in accordance with the provisions of Guidelines and Circular;</p> <p>(iii) where sites are zoned for vulnerable development having satisfied the requirements of the Justification Test under (ii) above, a policy objective should be included to ensure that the sequential approach is applied and that there is no encroachment onto or loss of the flood plain or that only water compatible development would be permitted for the lands identified as being at risk of flooding; and</p> <p>(iv) include reference to the recently published "Nature-Based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas - Water Sensitive Urban Design - Best Practice Interim Guidance Document (2021).</p>	<p>These recommended changes were agreed by the Council and are included as proposed material amendments PA SFRA 1 to PA SFRA 12 (see p. 92 to 95 of the Proposed Material Changes document).</p>
<p>OPR Recommendation 17 – Rights of Way</p> <p>Having regard to the requirements of Section 10(2)(o) of the Planning and Development Act 2000, as amended, the planning authority is advised to prepare and include maps identifying public rights of way.</p>	<p>The Chief Executive's Report on Draft Plan Public Consultation (see p. 65) refers to the requirements of the Act in relation to the identification of public rights of way and notes that Table 6.2 of the Draft Development Plan identifies PROW in the County which are shown along with existing recreational and coastal routes on the relevant Draft Plan maps.</p> <p>The Chief Executive's Report also notes that the Draft Plan contains and objective to identify further Public Rights of Way during the lifetime of the Development Plan and to update the 'Public Rights of Way' mapping.</p>