

DRAFT DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)

Fingal Development Plan 2023-2029

“Development Plan” means the Fingal Development Plan 2023-2029

“Planning Authority” means Fingal County Council

The Minister of State at the Department of Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Planning and Development Act 2000 (No.30 of 2000) and the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2023 (S.I. No. 116 of 2023), and consequent to a recommendation made to him by the Office of the Planning Regulator, hereby directs as follows:

1. This Direction may be cited as the Planning and Development (Fingal Development Plan 2023-2029) Direction 2023.
2. The Planning Authority is hereby directed to take the following steps with regard to the Development Plan:
 - (a) Delete the following zoning objectives from the adopted Plan i.e. the subject land is unzoned:
 - (i) Land zoned General Employment in the adopted Plan to the east of Junction 2 on the M2 at St Margaret’s which was zoned Greenbelt in the Fingal County Development Plan 2017-2023.

- (ii) Land zoned Food Park in the adopted Plan south of Coolquay village.
 - (iii) Land zoned Rural Business in the adopted Plan to the south of Coolquay village.
 - (iv) Land zoned General Employment in the adopted Plan to the south east of Junction 5 on the M1 at Hedgestown, Courtlough which was zoned Rural in the Fingal County Development Plan 2017-2023.
- (b) Reinststate the Greenbelt zoning objective for lands PA SH 12.4 Newtown i.e. the subject lands revert to Greenbelt from General Employment consistent with the recommendation of the chief executive's report dated 15th January 2023.
 - (c) Delete the amended and additional text inserted under PA CH 8.1 as modified, consistent with the recommendation of the chief executive's report dated 15th January 2023.

STATEMENT OF REASONS

- I. The Development Plan as made includes significant land zoned for General Employment, Rural Business, and Food Park outside of the Dublin City and suburbs boundary or any settlement boundary and at locations remote from high quality public transport and outside the designated strategic employment development areas identified in the RSES for the Dublin Metropolitan Area inconsistent with the National Strategic Outcomes for compact growth, sustainable mobility and transition to a low carbon and climate resilient society, NPO 62 to strengthen the value greenbelts and green spaces at a regional and city scale, as well as the sequential approach and planning for future development in a manner that facilitates sustainable transport patterns consistent with the Greater Dublin Area Transport Strategy 2022 - 2042 (Measure PLAN 4), Regional Policy Objectives 5.3, 5.6, and 8.4 in the RSES.

- II. The Development Plan as made includes land zoned for General Employment to the east of the M2 at Junction 2 at St Margaret's in close proximity to a Junction of the M2 national road network inconsistent with the Greater Dublin Area Transport Strategy 2022 - 2042 (Measure ROAD 2), and Regional Policy Objectives 8.3 and 8.4, and where the planning authority has not demonstrated that the rezoning satisfies the criteria in Section 2.7 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) regarding development at national road interchanges or junctions.

- III. The Development Plan does not include a strategy for employment development to inform the zoning of further land for employment purposes at Junction 2 of the M2 at St Margaret's, lands located south of Coolquay village, lands south east of Junction 5 on the M1 at Courtlough south of Balbriggan, and lands at Newtown St Margaret's which fails to have regard to the Ministerial Guidelines issued under Section 28 of the Act, specifically the requirement that the evidence and rationale underpinning the zoning of land for employment purposes must be clear and strategic in nature under Section 6.2.5 (zoning for employment uses) in the *Development Plans, Guidelines for Planning Authorities* (2022).

- IV. The Development Plan as made includes provisions that recognise the inadequacy of the proposed noise insulation scheme to protect the health of those affected by aircraft noise and that it is an objective to take measures including the expansion of noise insulation to ensure noise levels produced by aircraft during night time are reduced to below 40 dB Lnight, which matters are subject to a separate statutory code which includes the designation of a separate action planning authority, the Aircraft Noise Competent Authority, and the preparation of a Noise Action Plan. The inclusion of matters which should be determined through the appropriate statutory process, including the Noise Action Plan, is therefore inconsistent with NPO 65.

- V. No adequate reasons nor explanations relating to the proper planning and sustainable development of the area have been provided to explain why lands have been zoned in such a way and how this approach (involving a failure to demonstrate a strategic rationale to underpin the zoning of further land for employment purposes zoned lands and to a failure to have regard to the Development Plan Guidelines and to satisfy the criteria for development at national road interchanges or junctions) is consistent with an overall strategy for the proper and sustainable development of the area.
- VI The Development Plan has not been made in a manner consistent with, and has failed to implement, the recommendations of the Office of the Planning Regulator under Section 31AM of the Act.
- VII In light of the matters set out at I-VI above, the Minister is of the opinion that the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.
- VIII In light of the matters set out at I to VI, above, the Development Plan is not in compliance with the requirements of the Act.

GIVEN under my hand,

Minister of State with responsibility for Local Government and Planning

day of Month, year.