

Comhairle Contae
Fhine Gall
Fingal County
Council



FINGAL DEVELOPMENT PLAN 2023-2029

**PROPOSED VARIATION
NO.2 TO THE FINGAL
DEVELOPMENT PLAN
2023-2029**

**CHIEF EXECUTIVE'S
REPORT**



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Appendix 1 List of Individuals and Organisations who Made Submissions

1. Introduction

Fingal County Council published notice on the 23rd of December 2025 of proposed variation no. 2 to the Fingal Development Plan 2023-2029. Public consultation on the proposed variation closed on the 29th of January 2026.

This report is prepared in accordance with section 13(4) of the Planning and Development Act 2000, as amended. As the statutory notice of the proposed variation was published prior to the repeal of Chapter I, Part II of the Planning and Development Act 2000 as amended, this variation will continue to proceed under the provisions of that Chapter, in accordance with section 69(2) of the Planning and Development Act 2024 (as amended).

In accordance with Section 13(4)(b) of the Planning and Development Act 2000, as amended, this report lists all parties who made submissions or observations on the proposed variation, provides a summary of all submissions and observations received and presents the Chief Executive's response to the issues raised in the consultation, including recommendations where relevant.

2. Nature of Proposed Variation

The proposed variation seeks to adopt a formal land use zoning objective for lands known as Áras Mhuire Field, Barberstown Lane South, Barnhill, County Dublin. This is in response to a legal challenge to the Fingal Development Plan, as adopted.

The subject lands comprises c.4.3 hectares southeast of Barberstown Lane, located within the Blanchardstown Development Boundary bounded by the Royal Canal and the Irish Rail line to the east and an unnamed stream/river to the south and southwest. The site currently hosts 1 no. dwelling house on the smaller of the two plots in southwestern corner with the larger plot appearing to be an agricultural field.

The variation proposes to amend the zoning status of the land, changing it from unzoned land to zoning objective 'OS' (Open Space).

3. Public Display and Consultation Process

The proposed Variation No. 2 to the Fingal Development Plan 2023-2029 was subject to a statutory consultation process between Tuesday 23rd December 2025 and Thursday 29th January 2026 in accordance with section 13(4) of the Planning and Development Act 2000, as amended. An additional nine days were provided over the Christmas period in addition to the statutory four-week period for consultation, in accordance with section 251 of the Planning and Development Act 2000, as amended.

Written submissions or observations were accepted in writing prior to a deadline of 5.00pm on Thursday 29th January, either by post or online via the Council's public consultation portal (<https://consult.fingal.ie/en/browse>).

A total of 10 valid submissions were received within the time period allocated. Appendix 1 contains a list of all persons and bodies who made submissions.

4. Structure of Report

The structure of this report is informed by the statutory requirements of section 13(4) of the Planning and Development Act 2000, as amended. Section 5 of this report summarises submissions and observations received from statutory public bodies, including the Office of the Planning Regulator, and the Chief Executive's response to and recommendations arising from those submissions. Section 6 summarises the issues raised in other submissions and observations, along with the Chief Executive's response to and recommendations arising from those submissions and observations, taking account of the proper planning and sustainable development of the area, the statutory obligations of the local authority and relevant Government/Ministerial policies or objectives. Section 7 summarises the Chief Executive's overall recommendations and Appendix 1 comprises a list of all persons and organisations who made submissions.

5. Submissions Received from Statutory Agencies

5.1. Office of the Planning Regulator (OPR)

Summary of Submission

The Office of the Planning Regulator (OPR) accepts the rationale for the proposed variation and does not raise any concerns in relation to consistency with the legislative and policy requirement or Section 28 guidelines. The OPR welcomes the screening of the proposed variation in relation to Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA) and notes the determination that a full SEA is not required to be undertaken, and that the proposed variation does not require an AA or the preparation of a Natura Impact Report and AA assessments are not required. The OPR reiterates the various provisions of the Planning and Development Act 2000 (as amended) relevant to the OPR performing its functions and advises the Planning Authority is required to notify the OPR within 5 working days of the decision in relation to the proposed variation.

Chief Executive's Response

The submission of the Office of the Planning Regulator is acknowledged. It is noted that the submission accepts the rationale for the proposed variation and does not raise any concerns in relation to consistency with legislative and policy requirements.

Recommendation

No change.

5.2. Environmental Protection Agency (EPA)

Summary of Submission

The submission highlights the requirement to comply with detailed guidance in relation to the SEA process, in the preparation and implementation of the proposed variation. The EPA notes that the variation should also align with the relevant higher-level plans and programmes and be consistent with the relevant objectives and policy commitments of the National Planning Framework and the relevant Regional Spatial and Economic Strategy, as well as the OPW's 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (OPW, 2009), as relevant and appropriate, in the zoning and development of lands.

Chief Executive's Response

The submission from the EPA which includes detailed guidance in relation to the SEA process is acknowledged. Full regard was taken of this guidance in the preparation of the proposed variation where relevant.

Specifically, it should be noted that the SEA and AA process for the proposed variation has been carried out having regard to best practice documents, including the EPA's 'SEA of Local Authority Land Use Plans – EPA Recommendations and Resources' guidance document.

Recommendation

No change.

5.3. Office of Public Works (OPW)

Summary of Submission

This submission highlights that parts of the proposal may overlap with an Office of Public Works (OPW) maintainable channel as completed under the 1945 Arterial Drainage Act for which the OPW is responsible for maintenance and further cautions that if a bridge/culvert is required in this development that a S.50 consent is required from the OPW. The OPW request that a 10m wide strip be retained for access to said channels and be accessible for mechanical plant for maintenance purposes. This submission states that 'Benefiting Land Maps' are identified on an attached map which shows land which may benefit from the implementation of Arterial (Major) Drainage Schemes (Arterial Drainage Act 1945) and indicates land subject to flooding and poor drainage. However, no maps were attached with the submission.

The OPW welcomes that modelling of the Barnhill stream was undertaken by Fingal County Council to establish the flood zones for the lands, and note the lands are partially in flood zone A and almost completely within flood zone B. The OPW acknowledge this has informed the proposed 'OS' land use zoning. Generally, this zoning is considered acceptable, however, the OPW note the SFRA reference to the permitted in principle uses and non-permitted uses under this 'OS' zoning. OPW note that if any future change in zoning in areas of flood risk be implemented that an appropriate flood risk assessment of sufficient detail be carried out and appropriate justification made in line with the guidelines.

Chief Executive's Response

The Strategic Flood Risk Assessment carried out has informed the proposed land use zoning. This 'Open Space' zoning is considered appropriate for these lands, as the Strategic Flood Risk Assessment indicates the lands are not suitable for vulnerable uses. The proposed variation solely addresses the zoning of these lands and does not detail any proposals for development of the lands. The Chief Executive considers that the comments regarding the possible overlap with an OPW maintainable channel and requirement for a maintenance access strip and thus outside the scope of this variation and would be best addressed through the development management process in the event that such proposals arise.

Chief Executive's Recommendation

No change.

5.4. Transport Infrastructure Ireland (TII)

Summary of Submission

Transport Infrastructure Ireland states it has no observation to make regarding Variation No.2.

Chief Executive's Response

The Chief Executive acknowledge the representation from TII, which has no comment to make in this regard.

Chief Executive's Recommendation

No change.

5.5. Uisce Éireann (UÉ)

Summary of Submission

Uisce Éireann states no objection to the proposal.

Chief Executive's Response

The Chief Executive acknowledge the submission received from Uisce Éireann.

Chief Executive's Recommendation

No change.

5.6. Health and Safety Authority (HSA)

Summary of Submission

The submission from the Health and Safety Authority (HSA) notes the Local Authority should have regard to the Authority's approach to land use planning as set out in the document 'Guidance on Technical Land-Use Planning.'

Chief Executive's Response

The HSA's guidance document relating to the technical land use planning advice requirements is noted. The lands subject to this variation are outside of the consultation distances for the establishments listed in the submission. Policy in respect of Seveso sites is contained in Sections 11.6.1 and 14.20.21 of the Fingal County Development Plan 2023-2029.

Chief Executive's Recommendation

No change.

6. Issues Raised in Other Submissions

Summary of Issues

Objections to the variation were set out based on the grounds that there are insufficient services and amenities in the area for further housing development and population growth.

It was requested in one submission that lands of c.8ha located on the Powerstown Road be considered for rezoning from Rural to Residential as part of the current or forthcoming development plan review process.

It is suggested that Traditional Vernacular Architecture (TVA) should play a key part in policy moving forward with a view to supporting its economic growth through high quality style

conservation with the hope of encouraging wider constructive and restorative support. Benefits such as their contribution to achieving climate targets and cost effectiveness are also set out. Guidance in respect of design codes, designated and non designated heritage assets, conservation areas, climate change, historic buildings and traditional vernacular architecture is set out with references for relevant material and readings in these areas provided.

Chief Executive's Response

Some of the issues raised are outside the scope of this variation, including requests for the change in zoning of lands. The proposed zoning of these lands to 'OS' (Open Space) is not considered to have adverse effects on built heritage or vernacular structures, noting that there are no protected structures or architectural conservation areas on the site, with the closest protected structure to these lands being Packenham Bridge, to the northeast. Furthermore, the Fingal County Development Plan 2023-2029 contains detailed policies and objectives in respect of vernacular architecture, for example in Sections 3.5.15.13 (Vernacular Buildings), 10.5.2.5 (Vernacular Heritage and Other Built Heritage Assets) and 14.19.5 (Vernacular Heritage and Other Built Heritage Assets).

Variation No. 2 proposes the zoning of the lands in question as 'OS' (Open Space) which is not considered to have a detrimental impact on services and amenities in the locality.

Chief Executive's Recommendation

No Change

7. Chief Executive's Recommendation

7.1. Chief Executive's Recommendation

Having regard to the submissions and observations received and to the Chief Executive's response and recommendations to the issues raised as set out previously, it is recommended that the proposed Variation No. 2 of the Fingal Development Plan 2023-2029 be adopted.

7.2 Proposed Resolution on adopting Variation No. 2 of the Fingal Development Plan 2023-2029

The following resolution is recommended:

That Fingal County Council, having prepared and published the proposed Variation No. 2 to the Fingal Development Plan 2023-2029 and having taken into consideration:

- The report of the Chief Executive on the submissions and observations received and its recommendations; and,
- The proper planning and sustainable development of the County, the statutory obligations of the local authority, including the requirement to be consistent with the objectives of the National Planning Framework, the Regional Spatial and Economic Strategy and Specific Planning Policy Requirements and the relevant policies and objectives of the Government or any Minister of the Government,

Hereby resolves pursuant to Section 13(5) of the Planning and Development Act 2000, as amended, to adopt proposed Variation No. 2 to the Fingal Development Plan 2023-2029.

Appendix 1

Submission Link	Individual / Author	On Behalf Of
FIN-C907-1	Ciaran Coaghan	N/A
FIN-C907-2	Environmental Protection Agency (EPA)	N/A
FIN-C907-3	Office of the Planning Regulator	N/A
FIN-C907-4	Office of Public Works (OPW)	N/A
FIN-C907-5	"Community Campaigner" David Barton	N/A
FIN-C907-6	Landscape Restoration (Holdings) Ltd	N/A
FIN-C907-7	Transport Infrastructure Ireland	N/A
FIN-C907-8	Office of Public Works (OPW)	N/A
FIN-C907-9	Uisce Éireann	N/A
FIN-C907-12	Health & Safety Authority (HSA)	N/A