



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

15th October 2019

Senior Executive Officer
Planning and Strategic Infrastructure Department
Fingal County Council
County Hall
Main St
Swords
Co. Dublin
K67X8Y2

Re: Proposed Variation No.1 to the Fingal Development Plan 2017-2023

A Chara,

Thank you for your authority's work in preparing Variation No1 of the Fingal Development Plan 2017-2023, which inter alia sets out your authority's county level planning policy context for the parallel draft local area plan for Dublin Airport.

The Office of the Planning Regulator has assessed the proposed Variation no.1 (the proposed variation) to the Fingal Development Plan (the Plan) under the relevant provisions of the Planning and Development (Amendment) Act 2018 and under which the Office of the Planning Regulator (OPR) was established on 3rd April last.

As your authority will be aware, one of the key functions of the OPR includes assessment of statutory plans and strategies, as well as variations to such plans to ensure consistency with legislative and policy requirements relating to planning.

The Office is currently developing an overall assessment methodology for statutory plans. The submission below has been prepared to provide a high-level input to your authority in finalising the proposed variation to the Fingal Development plan.

1. Consistency with the Hierarchy of Statutory Plans

Statutory observations and recommendations from the OPR are aimed at ensuring broad policy consistency between national, regional and local levels of the statutory planning policy hierarchy, which in the case of the proposed variation will include the National Planning Framework (the NPF)

and the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (the RSES).

The proposed variation takes account of the relevant National Strategic Outcomes and National Policy Objectives under the NPF, including NSO4 relating to the strategic importance of Dublin Airport in relation to international connectivity and the progression of a programme of infrastructural enhancements in the pursuit of that objective, and NPO 65 relating to pro-active management of noise.

The proposed variation is consistent with NPO65 as it amends the Airport Noise Zones under the Plan and specific local objective 54R applying to lands south of Swords that are within the existing Inner Noise Zone but not within proposed replacement noise zone A, and section 7.6 *Air, Light and Noise – Noise Pollution*. In addition, the insertion of a new section of text in the Fingal Development Plan on *Noise from road and rail* will provide for consideration of environmental noise from other sources and ensure consistency with the *Dublin Agglomeration Environmental Noise Action Plan 2018-2023* and in turn is consistent with NPO 65.

Having regard to the above, the proposed variation is consistent with the objectives of the NPF and by extension those of the Regional Spatial and Economic Strategy adopted by the Eastern and Midlands Regional Assembly as this strategy mirrors the policies of the NPF.

The proposed variation also includes amendments to section 5.2 *Fingal's Rural Housing Policy* concerning Housing within the Airport Noise Zones, including objectives RF40, RF41 and RF61, and objective DMS51 under section 12.6 *Design Criteria for Housing in the Countryside*. Such amendments relate to the proposed amended noise zones referred to above and increase the distance from Noise Zone A, within which consideration will be given to the development of new housing for the rural community other than those actively engaged in farming, from two to five kilometres. Such amendments are considered to be consistent with NPF NPO 19 concerning '*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 siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements*'.

In this regard the proposed variation is consistent with the objectives of the NPF concerning rural areas.

Whilst your authority will be aware of the requirement to undertake a review of the Fingal Development Plan 2017-23 in order to determine whether it is consistent with the adopted RSES and to commence any variation to the plan or the preparation of a new plan as appropriate to ensure consistency, given the specific nature and detail of the proposed variation, it is not anticipated that any such a variation will prompt a subsequent review of the subject matter of the proposed variation.

The Office also considers the proposed variation to be consistent with the core strategy and objectives of Fingal Development Plan 2017-2023.

2. Consistency with the NTA Transport Strategy for the Greater Dublin Area

Your authority should satisfy itself and through engagement with the National Transport Authority that the proposed variation is consistent with the *Transport Strategy for the GDA 2016-2035*.

3. Compliance with Ministerial Planning Guidelines issued under s.28 of the Act

The Office is satisfied that the proposed variation is compliant with the relevant section 28 guidelines, including the *Sustainable Rural Housing Guidelines for Planning Authorities (2005)*.

Summary

The Office considers the proposed amendment of the Plan under the proposed variation will significantly update and enhance the content of the Fingal Development Plan in the context of the evolving policy and regulatory context for physical development and management of airport related activities in and around this critical element of national infrastructure.

Accordingly, the Office supports the proposed variation and urges your authority to finalise same.

Your authority is required to notify this Office within 5 working days of the making of the variation and send a copy of the written statement and maps as made.

Where the planning authority decides not to comply with a recommendation of the Office, or otherwise makes the plan in such a manner as to be inconsistent with any recommendations made by the Office, then the Chief Executive shall inform the Office and give reasons for the decision of the planning authority.

Such notice requirements enable the Office to consider the matters further as regards the making of any recommendations to the Minister in relation to the provisions of Sections 31AO and 31AP of the Act.

Please feel free to contact the staff of the OPR in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through the undersigned or at plans@opr.ie.

Is mise le meas,

A handwritten signature in black ink that reads "Gary Ryan". The signature is written in a cursive style with a long horizontal stroke at the end.

Gary Ryan

Director, Office of the Planning Regulator

076 100 2747

gary.ryan@OPR.ie