



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

7th February 2020

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

Re: Variation no.2 of Fingal Development Plan 2017-2023

A Chara,

Thank you for your authority's work in preparing proposed variation no. 2 (herein, the proposed variation) of the Fingal Development Plan.

The Office of the Planning Regulator (the Office) notes and welcomes the overall reasoning behind the proposed variation, being to incorporate the National Planning Framework and the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy, as required under Section 11(1)(b) of the Planning and Development Act 2000, as amended (the Act).

The Office of the Planning Regulator (OPR) has evaluated and assessed the proposed variations to the development plan, above, under the provisions of Section 31AM(1) and (2) of the Planning and Development Act 2000, as amended (the Act).

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

The Office is currently developing an overall evaluation and 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 of the plan.

1. Matters within the scope of section 10 and section 10(2)(n)

The proposed variation of the development plan modifies the written statement of the Fingal Development Plan, including the Core Strategy, settlement hierarchy and associated tables, and other such amendments, to refer to the National Planning Framework (herein, the NPF) and the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (herein, the RSES).

However, the Office notes that the proposed amendments to the Fingal Development Plan do not appear to address the statutory requirements of s.10(2A)(f) of the Act because the amended core strategy does not set out projected population growth of cities and towns, or aggregate projected population in (I) villages and towns of <1500 persons and (II) in the open countryside (as required by subsections (v) and (vi), respectively).

In order that the requirements of s.10(2A)(f) of the Act concerning the Core Strategy are observed by the Fingal Development Plan as amended by the proposed variation, your authority is requested to address Recommendation No.1 below.

Recommendation no.1:

The core strategy of the Fingal Development Plan, as amended by the intended variation, is required to address the matters provided for under section 10(2A)(f) of the Act in relation to the projected population growth of cities and towns, the aggregate projected population in villages and towns of <1500 persons and in the open countryside as required by subsections, in Fingal.

The proposed variation includes amendments to the settlement hierarchy (revised table 2.9 Settlement Strategy). Use of the term settlement strategy is inconsistent with the terminology set out in the legislation, with s.10(2A) referring to settlement hierarchy. For clarity and consistency it would be more appropriate for the development plan to apply the terminology of the legislation.

Observation no.1:

The terminology used in the proposed variation is inconsistent with the legislative provisions under s.10(2A) of the Act, which refers to settlement hierarchy.

2. Consistency of proposed variation with the hierarchy of statutory plans

The Office acknowledges that there are significant, practical challenges for your planning authority in varying the development plan to incorporate the full provisions of the NPF and RSES and given the relative imminence of the normal six-year review cycle. Therefore, for

transitional purposes, the variation is required to include a statement that where any objectives of the development plan may be materially inconsistent with those of the NPF and RSES, the objectives of the NPF and RSES take precedence. Having regard to the foregoing, your authority is requested to address Recommendation No.2 below.

Recommendation no.2:

The variation is required to include a statement that where any objectives of the development plan may be materially inconsistent with those of the NPF and RSES, the objectives of the NPF and RSES take precedence.

Core Strategy - The NPF Implementation Road Map (2018) and the RSES (Appendix B), provide population growth capacity figures for the individual planning authority areas. The proposed variation introduces Table 6.2, *NPF/RSES Population Targets for the Dublin Region and Fingal County Council*, which sets out the population capacity provided under the Road Map and RSES.

As noted above, projected population growth figure for its settlements and the open countryside have not been included in the core strategy as required under the Act. This creates practical difficulties in assessing whether the overall target populations under the development plan are consistent with the NPF and RSES and the related objectives concerning compact growth (NPO 2a, NPO 3a-3c and NPO 9, etc).

The quantity of lands zoned for residential development is set out in amended table 2.6 of the proposed variation. It is not clear whether such zoned area includes mixed-residential zoned lands. The total area of zoned residential land (43,041ha) has the capacity to accommodate an additional population of 115,350 persons (based on household occupancy figure of 2.68 applied by your planning authority).

This would be significantly inconsistent with the population capacity (high) of 37,000 provided for under the RSES and NPF (to 2026); or 46,250 persons inclusive of the 25% headroom allowed under the Implementation Roadmap of the NPF.

The excess zoning would accommodate almost 2 and half times the population envisaged for Fingal under the NPF and RSES (excluding potential population reallocation to Swords as provided for under NPO 68).

In this regard, it is also noted that the development plan includes no specific provisions for sequential or phased development of lands, noting that the statutory guidelines published by the Minister under Section 28 of the Planning Act titled "*Development Plan Guidelines for Planning Authorities*" (DEHLG 2007), advise that the sequential approach is applied.

Moreover, the RSES RPO 5.5 requires, inter alia, the future residential development within the Dublin Metropolitan Area to follow a clear sequential approach with a primary focus on the consolidation of Dublin city and suburbs, and the development of Key Metropolitan Towns (which is recognised as a key future planning and development priority for the region under the NPF).

In addition, the tiered approach to zoning (required under NPO 72a) will generally require a sequential approach (NPF Appendix 3, *A Methodology for a Tiered Approach to Land Zoning*).

Notwithstanding the challenge posed in undertaking significant revisions to the core strategy and settlement strategy mid-period, the Office considers there is scope through the proposed variation process to demonstrate how the core strategy (inclusive of settlement hierarchy) of development plan will fit with the objectives of the NPF and RSES in advance of the plan review due to commence in March 2021.

The demonstration of such alignment above, would then set a clear context for consequential amendments of relevant local area plans.

Having regard to the foregoing, your authority is requested to address Recommendation No.3 below.

Recommendation no.3:

Your planning authority is requested to:

- (a) set out in the core strategy the projected growth for each settlement in the settlement hierarchy (as required under s.10(2A)(f) of the Act); and*
- (b) provide appropriate policy objective level mechanisms to ensure that the implementation of the core strategy accords with the population growth targets under the NPF and the RSES;*

In this regard appropriate mechanisms may relate to provisions for sequential development of lands in a phased manner, as referred to under the RSES (RPO 5.5) and the Development Plan Guidelines for Planning Authorities (DEHLG, 2007); and / or relate to a tiered approach to zoning under the NPF (NPO 72a and appendix 3 refer).

Within this context, the planning authority should also be mindful of any implications for its local area plans going forward.

Population reallocation to Swords - The said table also includes an adjusted population figure of an addition 15,000 people (2026-2031) for the reallocation of population growth within

the Metropolitan Area Strategic Plan (MASP) to Swords from Dublin city and suburbs. This reallocation is provided for under NPO 68 of the NPF and the RSES (S.5.7 Housing Delivery; Core Strategy), subject to the agreement in consultation with the Metropolitan Area Strategic Plan (MASP) Implementation Group within (or, in default, by the Minister).

To date, no agreement has yet been reached on the said population growth reallocation. It would therefore be appropriate to include a clarifying note in the proposed variation stating that the subject proposed reallocation is an interim value subject to confirmation by the MASP Implementation Group, and that the figure for same shall be subject of amendment in the review of the development plan.

It is noted that the potential reallocation of growth to Swords, in the proposed variation, is not on a phased basis (to 2026 and to 2031). This is inconsistent with the provisions of the NPF in this regard, as set out in NPO 68.

Having regard to the foregoing, your authority is requested to address Recommendation No.4 below.

Recommendation no.4:

In the absence of agreement of the MASP Implementation Group or, in default, the agreement of the Minister, concerning the proposed reallocation of population growth from Dublin city and suburbs to Swords, as provided for under NPO 68 of the NPF, your planning authority is requested to:

(i) provide that any reallocation of population to Swords key town in line with NPO 68 shall be on a phased basis.

(ii) include a clarifying note stating that the reallocation of population to Swords key town as provided for under NPO 68, in the absence of prior agreement of the MASP Implementation Group, shall be considered an interim value which shall be subject to amendment in the review of the development plan to be consistent with any figure agreed by the MASP Implementation Group or the Minister in default.

Settlement hierarchy – The proposed variation includes amendments to the settlement hierarchy (revised table 2.9 Settlement Strategy). The proposed revised settlement hierarchy is not fully consistent with the NPF and RSES. The NPF places Dublin City and Suburbs at tier 1, and the Regional Growth Centres at tier 2. To this the RSES designate the Key Towns of the region as tier 3 (as provided for under the NPO 9). In addition, the RSES provides that the lower tier settlements are to be classified as follows: Self-Sustaining Growth Towns (tier

4), Self-Sustaining Towns (tier 5), Towns and Villages (tier 6) (in addition to the Rural areas), which are settlements that will grow at a slower rate.

RPO 4.1 requires the hierarchy of settlements for the county to be determined in accordance with the hierarchy, guiding principles and typology of settlements in the RSES, with the populations set out in the NPF. It also requires that a rationale is set out for lands proposed to be zoned for residential, employment and mixed-use and that core strategies shall have regard to infill /brownfield targets NPO3a-3c.

The amended settlement hierarchy under the proposed variation (table 2.9 Fingal Settlement Strategy) splits Dublin City and Suburbs into two areas - Blanchardstown as tier 1, and the rest of the Dublin City and Suburbs area (inter alia, Howth, Suttons, Castleknock, Mullhuddart, Santry, etc.) as tier 3. The key town of Swords (within the wider MASP area) is set as tier 2. This is inconsistent with the NPF and RSES and the requirements of RPO 4.1.

The objectives of the NPF (NPO2a & NPO3b) and RSES (RPO 3.1 & RPO 4.3) require compact growth, focused on the five cities and on the existing built up areas. They also required higher proportion of residential development within the cities and their suburbs to comprise infill (50% under NPO 3b) than for other areas (30% under NPO 3c).

As noted above, RPO 5.5 also requires a clear sequential approach for residential development in the region, primarily focussed on the consolidation of Dublin and suburbs, and the development of the key Metropolitan towns as per MASP and the settlement strategy of the RSES. The failure of the core strategy and settlement hierarchy to align with the objectives of the NPF and RSES will militate against the implementation of objectives of the NPF and the securing of the national strategic outcomes of the NPF.

The designation of the lower tier settlements of the settlement hierarchy has not been justified in the proposed variation (as required per RPO 4.1) in line with the guiding principles and typology of settlements provided under the RSES. It is not therefore apparent that lower tiers of the proposed settlement hierarchy have been appropriately designated.

Given the prolonged period before a new plan will be made for the county (approximately 3 years), it is critical that the core strategy and settlement hierarchy for the county be realigned to the objectives of NPF and RSES to the full extent feasible under the proposed variation. There is very little evidence from the proposed variation that the planning authority has made a concerted effort to provide for an appropriate level of realignment as required under section 11(b) of the Act to enable the incorporation of the NPF and RSES.

Having regard to the foregoing, your authority is requested to address Recommendation No.5 below.

Recommendation no.5:

Your planning authority is requested to amend the settlement hierarchy in the proposed variation of the development to align with the population capacity targets and settlement hierarchy of the NPF and the RSES, in accordance with RPO 4.1 and RPO 5.5 of the RSES.

In this regard, the NPF provides for Dublin City and Suburbs at tier 1 (tier 2, the Regional Growth Centres are not applicable to Fingal) and the RSES designates the Key Towns (Swords) as the next tier (as provided for under the NPO 9). The settlement hierarchy under the proposed variation defines much of the Dublin city and suburbs area of Fingal as the tier below the Key Town of Swords. This approach is not consistent with the NPF and RSES and would have implications for the NPF's objectives concerning compact growth focused on the five cities and their suburbs.

In addition, the RSES provides that the lower tier settlements are to be classified as follows: Self-Sustaining Growth Towns, Self-Sustaining Towns, Towns and Villages (in addition to the Rural areas), in accordance with the guiding principles and typology of settlements provided under the RSES (RPO 4.1).

Compact growth – Compact growth is set as one of the 10 National Strategic Outcomes (NSO 1) of the NPF. Many of the specific objectives of the NPF (NPO 2a, NPO 3a-3c, RPO 7, RPO 9, NPO 13) and of the RSES (RPO 3.1, 3.2, 4.3, 5.4 & 5.5) require or otherwise support the implementation of compact growth, including through the consolidation and re-intensification of infill / brownfield sites to provide higher density and people intensive uses. This is relevant to all urban areas in the settlement hierarchy and is critical to the implementation of the NPF at planning authority level.

The proposed variation refers to compact growth, but it would appear that the proposed variation makes no explicit provision, in terms of new or revised objectives to prioritise the objectives of the NPF and RSES concerning compact growth. In addition, the proposed variation should be strengthened so that it will assist in the practical implementation of compact growth in line with the aforementioned objectives.

Having regard to the foregoing, your authority is requested to address Recommendation No.6 below.

Recommendation no.6:

Your planning authority is requested to include an objective or objectives to support the implementation of and promote development consistent with the objectives for compact growth under the NPF and RSES.

3. Consistency of proposed variations with relevant section 28 guidelines

Two section 28 guidelines, which were issued by the Minister subsequent to the making of the Fingal Development Plan 2017-2023, are considered relevant for this evaluation and assessment:

- *Urban Development and Building Heights Guidelines* (December, 2018);
- *Sustainable Urban Housing: Design Standards for New Apartments* (March, 2018);

National Policy Objective 13 of the NPF requires that, in urban areas, standards (including for building height) will be based on performance criteria to achieve, inter alia, targeted growth.

Furthermore, RPO 3.3 of the RSES requires that core strategies shall, inter alia, provide for increased densities as per the guideline on, inter alia the *Sustainable Urban Housing: Design Standards for Apartments Guidelines for Planning Authorities* (DHPLG, 2018) and the *Urban Development and Building Heights Guidelines for Planning Authorities* (DHPLG, 2018).

In view of the purpose of the proposed variation, being to incorporate the NPF and the RSES, it would be appropriate to reference the subject guidelines and their relevant provisions in the proposed variation of the development plan.

Observation no.2:

Your Authority is advised to include an objective or objectives concerning the implementation of the policies and objectives of the Minister in respect of 'Urban Development and Building Heights Guidelines' (December, 2018) and Sustainable Urban Housing: Design Standards for New Apartments (March, 2018) issued under section 28 of the Act, view of NPO 13 of the NPF and RPO 3.3 of the RSES.

4. Policy directives issued under section 29

The Office has no comment in this regard.

5. Other legislative and policy matters as the Minister may communicate

The Office has no comment in this regard.

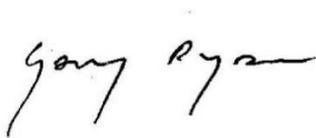
Summary

The Office requests that your authority addresses the recommendation(s) outlined above. The report of the Chief Executive of your authority prepared for the elected members under section 12 of the Act must summarise this recommendation(s) and the manner in which it will be addressed.

Your authority is required to notify this Office within 5 working days of the decision in relation to the variation(s). Where the planning authority decides not to comply with a recommendation of the Office, or otherwise makes the variation to the plan in such a manner as to be inconsistent with the recommendation made by this Office, then the Chief Executive shall inform the Office and give reasons for the decision of the planning authority.

Please feel free to contact the staff of the OPR in the context of any queries in relation 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,



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