

12th May 2021

Development Plan Team,
Planning and
Strategic Infrastructure Department,
Fingal County Council,
County Hall,
Main Street,
Swords,
Co. Dublin,
K67 X8Y2.

Re: Issues Paper for the Fingal County Development Plan 2023-2029

A chara,

Thank you for your authority's work in preparing the Issues Paper for the review of the Fingal County Development Plan. The Office acknowledges and welcomes the publication of this paper and your authority's work, more broadly, in advancing the review of the Plan.

In accordance with the provisions of section 31AM of the *Planning and Development Act 2000*, as amended (the Act), the Office is obliged to evaluate and assess development plans in the context of certain statutory parameters including:

- Matters generally to be contained in a development plan (section 10) and, in particular, section 10(2)(n) in relation to climate change;
- consistency with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy for the Eastern and Midland Regional Assembly (the RSES);
- Ministerial guidelines under section 28;
- Ministerial policy directives issued under section 29, and,

 such other legislative and policy matters as the Minister may communicate to the Office in writing.

The Issues Paper is structured around seven key themes: 'People and Place', 'Climate Action', 'Connectivity and Movement', 'Employment, Economy and Dublin Airport', 'Cultural Heritage', 'Green Infrastructure and Natural Heritage' and 'Infrastructure and Utilities'.

The Office has set out some broad areas for your authority to consider in formulating the draft Fingal County Development Plan 2023-2029 (the draft Plan). These observations are offered without prejudice to any observations and recommendations as may be forthcoming from the Office at future stages of the plan making process, and do not affect the obligation on your planning authority to comply with the relevant legislative requirements, or to be consistent with the fullness of the detailed policy context of the higher order plans and strategies and Ministerial guidelines.

Consultation strategies

The planning authority is commended for preparing a concise thematic based Issues Paper. The range of topics addressed are comprehensive and appropriate. The digital document is well set out, engaging and accessible. The overall length of the document, at 39 pages, is considered reasonably well-tailored for the purposes of public engagement. The 13-page summary brochure is a positive addition.

The planning authority is also commended for the variety of methods used to inform and engage the public, which included, inter alia, digital engagement and formats, and traditional and social media, in addition to facilitating access to a hard copy of the Issues Paper by appointment.

If the planning authority has not already done so, you may wish to also consider specific innovations targeted at engaging younger people in future consultations.

1. Core Strategy & Settlement Strategy

The Office welcomes the overall strategic approach proposed to the future spatial development of the planning authority as set out under, Theme 1 (People and Place) of the Issues Paper, including reference to population growth in accordance with the

RSES, and the approach to the settlement strategy. In particular, the Office supports the planning authority's focus on compact growth, regeneration and the promotion of development within strategic development areas and along the strategic economic corridors identified under RSES.

The Office also notes the existing demographic and socio-economic baseline in the county outlined in the Issues Paper, including population trends and dependency rates, and the detailed baseline data provided on housing provision and on units completed and occupied over the period 2016-2020. Such details can contribute to the implementation of an evidence-based approach to the planned development of the planning authority area, in accordance with the objectives of the NPF (NPO 36), to enable the planning authority to meet the challenge of meeting the target population growth for the Dublin region of an additional 293,000 by 2040 (NPO 8 refers).

In preparing its core strategy, the planning authority will be aware that the format and detail of the core strategy are to be determined by the specific legislative provisions under section (2A), (2B) and (2C) of the *Planning and Development Act*. It will be important that the future core strategy is clearly set out to demonstrate compliance with these provisions.

The Issues Paper sets out clearly the national and regional policy context that will that will play a determining role in the scale and pattern of future growth for Fingal, including the *National Planning Framework* (NPF), the *Eastern and Midland Regional Assembly* (EMRA) *Regional Spatial Economic Strategy* (RSES), the *Dublin Metropolitan Area Strategic Plan* (MASP) and associate documents. These documents, in addition to the Specific Planning Policy Requirements (SPPRs) specified in Ministerial guidelines under section 28 of the Act, and guidance issued under circulars from the Department of Housing Local Government and Heritage, will be key determinants in making the core strategy for the planning authority's functional area.

Having regard to sections 10(1A) and (2A), care should also be taken to ensure the core strategy includes all relevant information to show that the development plan, housing strategy and development objectives are consistent with these documents. In this regard the key structural matters relate to the total population growth, the

projected housing supply, and the distribution of population and housing growth through a justified settlement hierarchy.

It will also be critical for the plan to ensure that the translation of population and housing growth on the ground through proposed land use zonings is consistent with the national and regional objectives for compact growth and to Ministerial guidelines on housing density. In this regard the capacity of remaining undeveloped land zoned for residential uses under the existing development plan (table 2.2) appears to be considerable and should be reviewed and prioritised to align with growth targets setting out a clear strategy for the plan period and beyond.

In this respect, it will be particularly important for the core strategy to prioritise the sequential development of serviced or serviceable lands in accordance with the tiered approach to zoning (NPO72 a, b and c refer), favourably located relative to quality public transport corridors, as identified in the RSES (Table 5.1 Strategic Development Areas and Corridors). The approach should be consistent with the guiding principles of the RSES (and MASP), with provision for the coordinated implementation of key growth enablers and infrastructure, in order to ensure the sustainable development of the planning authority into the future. The Office advises that continued close consultation with the Eastern and Midlands Regional Assembly will assist the implementation of an appropriate approach.

Planning authorities have been issued with a number of section 28 Ministerial guidelines and Departmental circulars with implications for the devising of the core strategy in recent years. For clarity, the planning authority will note that in addition to applying the *Housing Supply Target Methodology for Development Planning Guidelines for Planning Authorities* (DHLGH, 2020), the population growth parameters of the NPF, the NPF *Implementation Roadmap* and the RSES continue to apply in tandem. A preliminary review of the said methodology would seem to indicate that no material adjustments from the ESRI NPF 50:50 scenario are likely to be required for Fingal.

Implementation

A primary issue for the next plan will be the focus on practical implementation of the core strategy during the plan period. In this regard, the delivery of enabling infrastructure and key future growth enablers identified in the NPF, the RSES and

MASP will be crucial.

In particular, the MASP identifies capacity issues in relation to both water supply and wastewater infrastructure, in addition to transport investment priorities, as the key areas of concern. The Office welcomes Fingal's identification of infrastructure and utilities as a key focus of the future plan. The Office concurs that the resolution of capacity constraints in these areas will be critical to facilitating the growth of the city, in addition to the capacity of energy and social infrastructure.

The Office highlights, in particular, the specific infrastructural priorities identified in the MASP for the individual strategic sites under Table 5.1 *Strategic Development Areas and Corridors, Capacity Infrastructure and Phasing.*

The Issues Paper notes the requirement that lands be serviced with adequate infrastructure, or indeed be serviceable within the lifetime of the plan, which is consistent with the requirement for a tiered approach to zoning under the NPF (NPO72a-72c). The Office suggests that the scope of any infrastructure assessment study should be sufficiently broad to take account of the full range of enabling infrastructures referred to in the RSES and MASP. The assessment should aim to provide clarity in terms of the timeframe for delivery, cost of delivery, identification and availability of funding and the body responsible for implementation in order to provide the certainty required to ensure delivery of the core strategy over the plan period.

This information will therefore enable your planning authority to prioritise relevant land banks with appropriate land activation measures within its control in the near, medium and longer term in order to achieve the growth objectives for the city over the six-year plan period, and to 2031 and 2040. In view of the location of the three strategic development corridors traversing the county boundary, consultation and close collaboration with the neighbouring authorities, in addition to relevant infrastructural providers, will likely be critical to the implementation of the strategic development areas.

This will be particularly so for the future development of the fringe area of the County, between Clonshaugh and Baldoyle, adjacent to the Dublin City North Fringe area. It will also be important for lands in all other border areas where significant

development is envisaged. In this regard, the Office highlights subsections 9(4) and (5) of the Act and advises that coordination of development would be facilitated by illustrating relevant objectives of the neighbouring planning authorities on the plans and maps of the future plan.

2. <u>Development Approach</u>

The planning authority will be aware that section 19 of the Act sets out the requirement to make local area plans (LAPs) for designated towns of in excess of 5000 population and, in certain circumstance for towns in excess of 1500 population. The Office notes that statutory LAPs do not appear to have been prepared for certain towns within Fingal, including, Swords and Balbriggan, in accordance with the legislative requirements. The planning authority is advised that the draft plan should clearly set out its intention to address this issue as a matter of urgency.

3. Regeneration, Compact Growth and Zoning

Compact growth is one of the National Strategic Outcomes of the NPF, with a target to deliver at least 50% of all new homes that are targeted in Dublin City and suburbs within its existing built-up footprints and 30% for all other settlements.

The growth and settlement strategy of the RSES reflects the compact growth / urban consolidation objectives of the NPF. In this regard, the planning authority's attention is drawn to the guiding principles for infill and brownfield development in chapter three of the RSES including the establishment of a database of brownfield sites and active land management strategies¹.

The Office welcomes the acknowledgement in the Issues Paper of the role of compact growth, consolidation and regeneration will play in the future spatial strategy for Fingal. The Office also congratulates your authority on the successful funding application under the Urban Regeneration and Development Fund for two significant projects, 'Sustainable Swords' and 'Our Balbriggan Rejuvenation Plan', which have the potential to act as flagships for regeneration across the county.

¹ Regional Policy Objectives 3.2 and 3.3 of the RSES

4. Economic Development & Employment

A vital aspect of the plan will be the promotion and nurturing of the county's economic and employment base in order to sustain the Metropolitan area of Dublin and the wider region. In accordance with the NPF requirements (NPO10b), the RSES has identified strategic employment development areas within the Dublin MASP under table 5.1. As noted in the Issues Paper, economic development along the Dublin-Belfast Economic Corridor (supported by NPO 44) and along the Metro Economic Corridor (Metrolink / Luas Corridor) will play a critical role in driving forward the economic base of the county.

The MASP specifically supports employment generation at strategic locations within the metropolitan area to strengthen the local employment base and reduce pressure on the metropolitan transport network, including future employment districts in Swords and Dublin Airport/South Fingal. The Office cautions however, that the scale and nature of development facilitated by the development plan within the vicinity of Dublin Airport should not undermine the primary operation of Dublin Airport, as international transport infrastructure, or the primary purpose of the future transport investments to improve access thereto (e.g. €3b allocation to Metrolink under the National Development Plan) supported by the RSES (RPO 8.18). Close consultation with the NTA and TII is advised in order to achieve the appropriate balance over the plan period.

The inclusion of appropriate objectives, policies and mechanisms to assist and secure the development of the strategic economic development locations (subject to any appropriate and necessary safeguards), consistent with the economic principles under the RSES, can therefore be anticipated to form a key element of the development plan. The planning authority should consider coordination with the other planning authorities along the corridor, and the Eastern and Midlands Regional Assembly, in order to maximise its potential.

The challenges facing retailing in the city are noted as a key consideration in the Issues Paper. It will be important that the draft Plan demonstrates an evidence-based approach to the development of a retail strategy which supports the vitality and vibrancy of the City and town centres, and coordination with neighbouring authorities in the Greater Dublin Area will also be significant in this regard.

5. Transport & Infrastructure

The Office welcomes the focus on climate action in the Issues Paper as one of the key areas to be addressed by the development plan. The planning authority notes the role of transport in mitigating climate change, which it acknowledges as the highest GHG emitting sector in Ireland. Therefore the importance of transitioning to low-carbon mobility solutions to mitigate negative impacts through the development plan cannot be overstated and will be critical to the Office's considerations in its evaluation and assessment of the draft Plan, having regard to mandatory objective under section 10(2)(n) of the Act.

Fingal is well placed to achieve a favourable shift in transport towards public transport modes over the period of the plan due to existing public transport modes (DART) and proposed investment in public transport (DART+West, BusConnects and MetroLink). A key issue for future development, therefore, will be to ensure that development along high quality transport infrastructure corridors maximises the return on investment through appropriate densities in accordance with Ministerial guidelines under section 28.

The Office notes that the Issues Paper includes baseline data on the existing modal share for the Fingal. In view of the requirements of section 10(2)(n), the Office advises that these baseline figures would ideally form the basis against which your authority would set modal share targets to be achieved by the end of the plan period. Such targets should be aligned to the promotion of relevant measures to achieve a reduction in GHG emissions and energy use. This approach would be consistent with the requirement, under RPO 3.6 of the RSES concerning the requirement to assess the impact of the development plan on carbon reduction targets.

The Office welcomes the ambitions of the County for an integrated approach to land use transport strategy, consistent with Guiding Principles for the Integration of Land Use and Transport and related RPOs (8.1-8.4, refer) under RSES. The guiding principles support the implementation of the '10 minute' settlement concept which would assist in the avoidance of trip generation. The planning authority might also consider the implementation of the Avoid-Shift-Improve (A-S-I) framework2 through

² As referenced in 'Ireland's Environment - An Integrated Assessment 2020' (EPA, November 2020)

the development plan as a constructive means of achieving more sustainable modal share targets.

The Office also welcomes the planning authority's overall vision to repurpose the existing road network to provide increased road space for pedestrians and cyclists which can be expected to facilitate a modal shift to active modes. The application of the Design Manual for Urban Roads and Streets (2019), as referenced in the Issues Paper, will be critical to ensuring streets are designed to give appropriate priority to pedestrians and cyclists and in addition to helping to create healthy places (RPOs 9.10-9.13). Demand management measures such as maximum car parking standards (RPO 8.2, refers) can also assist in modal shift when implemented in appropriate locations.

Improvement of existing unsustainable modes, such as private cars can also be improved through facilitation of EV charging points and other innovative approaches which may be supported through the development plan.

As you are aware, Section 9(6) of the Act requires that the future development plan is consistent with the NTA Transport Strategy for the GDA. It will be critical, therefore, that your authority makes appropriate provision to support the delivery and integration of key transport enablers to accommodate city growth over the plan period and beyond, consistent with the NPF and the RSES, including BusConnects, DART expansion and LUAS extension programmes and Metro Link, while maintaining the capacity and safety of strategic transport networks.

It is also advised that the planning authority support the preparation of local transport plans for those settlements identified under the RSES and other such areas in consultation with the NTA and TII, including setting out clear timelines and the relationship with future Local Area Plans.

6. <u>Cultural Heritage</u>

The Issues Paper recognises the importance of protecting, in particular, built heritage on the coast and in other areas at increased risk of climate change, which emphasises climate action considerations as a cross-cutting issue across the plan. It also highlights the role that heritage plays in local identity and to overall well-being

of the community, which supports the approach to healthy place making under the RSES.

The protection of culture and heritage amenities, both in their own right, as amenities for the public and as important economic drivers for the city is an important function of the development plan. The need to strike a balance between conservation and development, as recognised in the Issues Paper, will present a significant challenge to be addressed by the development plan.

7. Climate Action

The Issues Paper highlight the issue of climate action and set out clearly the policy context governing climate action under the NPF, the RSES and the Climate Action Plan 2019 (CAP) and the relationship to compact growth and other requirements. The planning authority also acknowledges the role of the future development plan to realise the potential of a low carbon society to mitigate impacts of climate change. Accordingly the Office would anticipate that climate action would be a cross-cutting issue across the document.

The Office notes that your planning authority has been working with CARO on the preparation of appropriate climate actions, and this will inform a comprehensive and integrated approach to climate action in the plan.

The planning authority will be aware that the Office's evaluation of the plan is required under section 31AM(2)(a) to address, in particular, matters within the scope of section 10(2)(n) of the Act. This concerns the inclusion of objectives for the promotion of sustainable settlement and transport strategies for both urban and rural areas, which include the promotion of measures to reduce energy demand, to reduce GHG emissions and to adapt to climate change through, in particular, the location, layout and design of new development. Comments in relation to these issues have been previously addressed under the above headings.

Climate change adaptation is also a key element to be addressed under section 10(2)(n). Although there are a number of aspects to climate change adaptation, flood risk management is considered to be a principle concern due to the potential severity of impacts arising from flooding and coastal erosion and the ability to avoid

such impacts on, or downstream of new development through appropriate spatial planning (addressed below).

8. Renewable Energy

Your authority will note that both the NPF (NPO55) and the RSES (inter alia, RPO 7.35) promote and support renewable energy generation, which will contribute to achieving a net zero carbon economy by 2050. The Climate Action Plan 2019 aims to achieve 8.2GW onshore wind by 2030.

The Issues Paper indicates that energy and renewable energy policies will be updated accordingly in the upcoming development plan. The current development plan includes a number of objectives favourable to renewable energy, including wind energy. However, it is not clear if key documents, including an up to date Wind Energy Strategy (current WES dates from 2009), or a Local Authority Renewable Energy Strategy (objective EN05 of existing plan refers) have been prepared. These strategies would inform the implementation of renewable energy projects, including wind energy, within the county. The implementation and delivery of more intensive renewable energy projects, such as district heat, may however require a more detailed policy approach through appropriate policy objectives and specific development management standards.

The planning authority's attention is also drawn to Circular Letter PL 5/2017 - Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change and Wind Energy Development Guidelines 2006 – Update on Review (July 2017). The future development plan will be required to implement SPPR 1 of these Guidelines, which require development plans to indicate how their implementation will contribute (in MWs) to realising overall national targets on renewable energy and climate change mitigation and are worth considering in the context of the next development plan.

9. Flood Risk Management

A Strategic Flood Risk Assessment (SFRA) will be required to inform the development plan. The Office would advise your authority to consult with the Office of Public Works (OPW) at the earliest opportunity to ensure your approach to SFRA is consistent with the approach required under The Planning System and Flood Risk

Management Guidelines for Planning Authorities (DEHLG & OPW, November 2009) as clarified by Circular PL 2/2014.

The circular clarified important issues concerning the undertaking of the justification test for, inter alia, the existing, zoned built up area where only minor development would be anticipated. It will also be important that the SFRA takes due account of the potential impact of climate change on flooding in order to ensure potential flood risk to the planning authority area is fully and appropriately addressed through the plan-making process.

Your authority is also encouraged to demarcate the flood zones A and B on land use zoning maps in the plan in order to provide greater transparency and certainty in relation to flood risk management.

10. Summary

In summary, the Office commends your authority for the preparation of this Issues Paper and for the variety of approaches used to engage and inform the local community.

The Office advises your authority to pay particular attention to the following in the preparation of the county development plan:

- Having regard to the population growth and housing supply targets for the plan period, it will be necessary for the planning authority to prioritise those serviced/serviceable lands that will support a sustainable, integrated approach to spatial and transport planning consistent with the objectives of the NPF and RSES.
- It is important that the development of relevant areas, such as Swords and Balbriggan, are guided by statutory Local Area Plans in accordance with the provisions of the Act. The inclusion of a timetable in the development plan for the preparation of LAPs would be appropriate.
- A coordinated and joint approach with neighbouring planning authorities will be required to maximise the sustainable development of strategic development areas and corridors and significant development areas which traverse local authority boundaries. This will be particularly important in

relation to the fringe area adjacent to the boundary with Dublin City Council, between Clonshaugh and Baldoyle.

- The scale and nature of development facilitated by the development plan
 within the vicinity of Dublin Airport must avoid undermining the primary role of
 the facility as international transport infrastructure, or the primary purpose of
 transport investment to improve access thereto.
- The inclusion of appropriate modal share targets in the plan, supported by relevant measures, could be used to demonstrate consistency with the requirements of section 10(2)(n) of the Act.
- Consultation with the OPW should be carried out in relation to the preparation
 of the Strategic Flood Risk Assessment to ensure consistency with the 'The
 Planning System and Flood Risk Management Guidelines for Planning
 Authorities' (2009) and associated circular.
- The future development plan will be required to implement SPPR 1 of the
 Interim Guidelines for Planning Authorities on Statutory Plans, Renewable
 Energy and Climate Change and Wind Energy Development Guidelines 2006
 – Update on Review (July 2017).

The Office looks forward to reviewing the future draft development plan and is committed to continued positive engagement with your authority in implementation of national and regional policies at county and local level.

Please feel free to contact the staff of the Office 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,

Anne Marie O'Connor

ONNO