

Unique Reference Number: FIN-C453-1234  
Submission: A Development Plan for a Sustainable Fingal

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Date Created: 12.05.2022 - 9:47pm

Consultation:  
Draft Fingal County Development Plan 2023-2029

Status: Submitted  
Date Submitted: 12.05.2022 - 11:01pm

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## Observations:

### Ecological restoration

**Chapter:** Section 1: Written Statement » Chapter 1: Introduction, Vision and Strategic Ove...

The Plan should highlight the importance of ecological restoration in the context of the Convention on Biological Diversity and the National Biodiversity Plan, and include it and the consideration of ecosystem functions as core elements of our approach to biodiversity.

The Plan should emphasise the need for interdisciplinary teams and approaches to the design and assessment of development proposals and to ecological restoration proposals whether by the Council or by others seeking planning approval.

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### Water Framework Directive

**Chapter:** Section 1: Written Statement » Chapter 14: Development Management Standards

In order to give effect to the Weser judgement, the plan should clarify that planning decisions will require the protection and improvement of water quality in all waters so that we achieve good ecological status as required by the Water Framework Directive.

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### Assessment of climate impact of development proposals

**Chapter:** Section 1: Written Statement » Chapter 14: Development Management Standards

The Plan should specify that consideration of upfront (embodied) and operational greenhouse gas emissions will be incorporated into all planning decisions.

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### Fossil fuel infrastructure

The Plan should provide for the refusal of applications for new or expanded fossil fuel infrastructure whether stand-alone or incorporated in buildings except where it is demonstrated that the proposal is consistent with a rapid decarbonisation trajectory. This is necessary to avoid the creation of further stranded assets and the imposition of additional decarbonisation costs in the coming decades.

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## Solar energy

Chapter: Section 1: Written Statement » Chapter 14: Development Management Standards

In general, the plan should note the many welcome aspects of solar power and commit to solar energy playing a large role in energy generation in Fingal.

The draft Plan includes the following welcome statement in 14.2.3:

- “Energy-saving and energy generating technologies, such as roof top solar panels and geothermal energy, shall be incorporated at the design stage where possible.”

14.21.3 gives some further effect to this:

- “In order to comply with the policies set out in Section 5.5.2 “Resilient Built Environment” and Section 5.5.3 “Energy” of Chapter 5, proposals for all new developments in excess of 30 or more residential units or 1,000 sq. m. or more of commercial floor space, or as or as otherwise required by the Planning Authority, will be required to include a Climate Action Energy Statement.”

30 residential units is a very high threshold. What is the obligation for smaller developments? I suggest that any development above a de minimis threshold should have some level of an assessment obligation.

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## Nature-based solutions and biodiversity co-benefits on the coast

Chapter: Section 1: Written Statement » Chapter 9: Green Infrastructure and Natural Herit...

The references to nature-based solutions in the plan are very welcome. The references to avoiding interference with coastal processes are also welcome. This should be expanded to include commitments to ending or reducing existing interferences with coastal processes where that interference is reducing natural coastal protection. It should also consider that where interference is needed to protect the coast, nature-based solutions are the first to be considered.

In relation to responses whether nature-based or not, to coastal erosion and proposals for coastal protection, the plan should commit the Council to maximising the co-benefits of any defensive measures or infrastructure, in particular for biodiversity and renewable energy.

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## Baldoyle and Kilbarrack Industrial Estates

Chapter: Section 1: Written Statement » Chapter 13: Land Use Zoning

The current Development Plan contains the following objective:

- Objective BALDOYLE 2
- Prepare a Masterplan for Baldoyle Industrial Estate and Kilbarrack Industrial Estate to guide and inform future development including improvements to signage and physical appearance, determine appropriate uses, provision for intensification of employment, and facilitate improvements to pedestrian access to and from Howth Junction Station and associated bus stops which can be implemented over the lifetime of the Plan.

This objective was inserted in the current Plan in response to a proposal of mine that the last Development Plan should apply a Rail Economic Node zoning, similar to the Metro Economic Corridor zoning. All involved agreed that the analysis was needed, and it was turned into an objective rather than being acted on as part of the last Development Plan process simply for workload reasons.

No progress has been made on the Masterplan referred to in this objective. There is no similar objective in the draft Plan.

Given the potential for intensification of employment and other uses benefitting from the public transport infrastructure at this location, this draft Plan should include the relevant new policies. I recommend that the area be given a Rail Economic Node zoning, with the following Objective and Vision:

- **Objective**
- Facilitate opportunities for high-density mixed-use employment generating activity and commercial development, and support the provision of an appropriate quantum of complementary residential development.
- **Vision**
- Provide for an area of compact, high intensity/density, employment generating activity with associated commercial and residential development which focuses on the adjacent railway station within a setting of exemplary urban design, public realm streets and places, which are permeable, secure and within a high-quality green landscape.

This zoning would have the same use class rules as the Metro Economic Corridor zoning and would be applied to the current GE zoned lands at Howth Junction and in Baldoyle and Kilbarrack Industrial Estates

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## Roadside signage

**Chapter:** Section 1: Written Statement » Chapter 14: Development Management Standards

The plan should include policies and planning objectives for the reduction of the visual impact of roadside signage including petrol station signage and other car-oriented signage.

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## Restriction of advertising

**Chapter:** Section 1: Written Statement » Chapter 3: Sustainable Placemaking and Quality Ho...

The plan needs to be stronger in its restriction on advertising, especially digital and rotational advertising. The fact that protections from advertising are being offered to Architectural Conservation Areas should not mean that newer areas are suffering as they do from advertising blight.

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## Circular Economy

**Chapter:** Section 1: Written Statement » Chapter 7: Employment and Economy

The planning process should consider how consistent applications are with the transition to the circular economy and favour applications to enable sustainable production and consumption systems, the reduction of material and energy use, the reuse of objects and materials, etc. while discouraging resource intensive and linear economy processes.

In this regard, the proposal in the draft Plan for a demolition justification report is very welcome. (The plan should also make provision for other and wider circular economy analysis as referred to above.)

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## Howth West Pier infill proposal

**Chapter:** Section 2: Appendices » Appendix 8: Map Based Local Objectives

The Plan should include an objective to maximise the biodiversity benefit and the amenity benefit, especially for swimming and other recreational water use, of the proposed infill behind the West Pier in Howth, including through the incorporation of structural elements conducive to marine and coastal biodiversity and through considering the provision of a major tidal pool.

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## Access to Balscadden Beach

**Chapter:** Section 2: Appendices » Appendix 8: Map Based Local Objectives

As this is currently the subject of a feasibility study, the objective should simply provide for the provision of a universal access to the beach, without specifying the route.

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## Car parking “norms”

**Chapter:** Section 1: Written Statement » Chapter 14: Development Management Standards

This term is unexplained. It seems to be simultaneously a minimum and a maximum? Incorporating the costs of car parking into development costs increases the cost of development including housing and acts as an incentive to increased car use. Therefore there should be no minimum required car parking provision.

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## Actions towards filtered permeability

In addition to committing to permeability for walking and cycling in new developments, the Plan should include actions to improve active travel permeability in existing developments and actions to implement low traffic neighbourhoods or other changes to reduce vehicular permeability.

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## **Indicative Cycle/Pedestrian Routes**

**Chapter:** Section 1: Written Statement » Chapter 6: Connectivity and Movement

The indicative cycle/pedestrian routes from the current Plan should be included in the draft Plan.

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## **Local Objectives and various policies and objectives**

**Chapter:** Section 2: Appendices » Appendix 8: Map Based Local Objectives

A number of important local objectives in the current plan have been omitted from the draft as have some other policy objectives and policy statements from the written statement. These should each be considered for retention.

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## **Duty of active dissemination of environmental information**

**Chapter:** Section 1: Written Statement » Chapter 9: Green Infrastructure and Natural Herit...

The Council has a good record of dissemination of information, particularly in using information technology to make information available to the public.

The range of information provided needs to expand to give people easy access to the environmental information gathered by and held by the Council, in order to enable all involved to better protect the environment.

This is in line with the duty of active dissemination in the Access to Information on the Environment Regulations.

The Development Plan should commit to this active dissemination approach.

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## **Local objective to recognise Bathing Waters**

**Chapter:** Section 2: Appendices » Appendix 8: Map Based Local Objectives

The plan should include an objective to recognise High Rock/ Low Rock and Balscadden Beach as Bathing Waters.

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## **Public Rights of Way**

**Chapter:** Section 1: Written Statement » Chapter 6: Connectivity and Movement

The inclusion of existing rights of way in the plan is a legal obligation:

"Section 10(2)(o) of the Planning and Development Act, 2000 (as amended) requires that a development plan has objectives in relation to public rights of way, that public rights of way be identified on at least one map forming part of the development plan and that a list of public rights of way be appended to the plan."

Despite this, the Plan includes only one Public Right of Way.

The OPR recommends as follows:

1. Appropriately resource and prioritise analysis by the development plan team in establishing an inventory of all known amenity routes in the local authority area. This should include walking, cycling and other routes, embracing both PROWs and other access routes such as those being progressed by agencies, landowners and community and environmental groups under permissive access mechanisms.
2. Task the development plan team to work with wider government bodies. There are a range of national public bodies working with wider stakeholders in promoting and developing access to the countryside, some principal examples of which are included below: > the National Trails Office of the Irish Sports Council which promotes over 40 national waymarked trails developed in conjunction with a range of partners including Coillte which maintains a large number of the trails. Some of the national waymarked trails and cycling routes interconnect with wider European walking and cycling networks such as EuroVelo; >the Heritage Council, which has promoted a series of ways such as pilgrimage paths; OPR Case Study Paper CSP01 27 > the Office of Public Works which, with the National Parks and Wildlife Service has developed a number of boarded paths in uplands and national parks; >Waterways Ireland which is developing a network of greenways and blueways along canal towpaths and inland waterways; > Bord Na Móna which is developing a series of pathways across peatlands it owns and has developed and or managed over many years; and >LEADER and other community development led ways promoted by the rural policy and schemes section of the Department of Rural and Community Development.
3. Map amenity routes as researched above in line with information available to the local authority. Careful coordination with adjoining local authorities, including adhering to any relevant objectives of the Regional Spatial and Economic Strategies, will ensure that each local authority development plan forms part of a strategic network. The map should distinguish between rights of way designated under Section 10(2)(o) and other ways, trails and paths, but it is best to focus on strategic networks.
4. Researching Legal Status of Rights of Way. If in doubt as to whether a way is a PROW or not, case law suggests that unless conclusive proof is available, a prudent approach should be adopted. At the same time, detailed and exhaustive examinations of legal title may not be necessary for each and every right of way listed under Section 10(2)(o) as in many cases, such ways may be in the ownership of local authorities or their existence is very well established and documented. That said, it may be the case that investigations are needed in a small number of cases where the local authority has evidence pointing to the possibility of PROW existing on the one hand, and on the other hand has arrived at the conclusion that inclusion of that specific right of way as an objective of the plan under Section (10)(2)(o) would be of strategic importance, such as being an integral part of a local authority-wide network. The Westmeath County Development Plan 2014-2020 provides a good example as it includes both the public access to Lough Owel in combination with the Westmeath Way and the Mullingar-Athlone and Royal Canal Greenways, which form part of the DublinGalway National Greenway and will form part of the EuroVelo cycle network.

It appears that this advice has not been followed. There is no inventory as recommended in the very first step. This work needs to start now.

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## Sewage overflows and unplanned discharges

**Chapter:** Section 1: Written Statement » Chapter 9: Green Infrastructure and Natural Herit...

The discussion of sewage in Plan would give the impression that the only issue facing Fingal is treatment plant capacity. While treatment plant capacity is certainly an issue and there is a need for additional capacity to assist the overburdened Ringsend Plant, it is not the main cause of pollution in the County. Fingal's coast, beaches and rivers face frequent pollution due to the inadequacy of the sewer network including the pumping stations, including the

misconnections which direct surface water into the sewers causing them to overflow.

In addition, there is the problem of sewer pipes being misconnected and discharging to surface water, an issue which very little is being done about in most of Fingal.

The Plan should commit to addressing all of the sources of sewage pollution in the County.

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## South Fringe/North Fringe development area and orbital public transport.

**Chapter:** Section 1: Written Statement » Chapter 6: Connectivity and Movement

The Development Plan process seems to lack an effective and transparent process for evaluating transport infrastructure proposals.

In the development of the 2017 Development Plan I proposed that a public transport corridor be indicated for protection through the North Fringe/South Fringe area (Clongriffin, Belmayne, Balgriffin, Belcamp, Stockhole.)

Councillors were advised that it couldn't be proposed because it hadn't been analysed and a majority in the Council accepted that advice.

Subsequently, the South Fingal Transport Study was supposed to evaluate the proposal. It recommended that a public transport link was needed and that it should be further studied:

"Public Transport Recommendations

- "In addition to the bus services proposed by the NTA GDA Strategy, and in the longer term, it is recommended that orbital connectivity is provided to help reduce car dependency for trips not travelling to the city, but to major potential employment areas along the R139, onward to Dublin Airport and to Swords.
- "It is recommended that the potential for this route is revisited in the early 2020's with a view to deciding upon its inclusion in the NTA GDA Strategy review in late 2022."

It is now early 2022. The current draft Development Plan, to take effect in 2023, has an objective to

- "Implement the recommendations of the South Fingal Transport Study 2019 in consultation with the relevant stakeholders."

I raised this in the preparation of the Development Plan but it appears that no examination has been carried out of this public transport link in the preparation of the plan.

Ultimately we and the City Council are doing exactly what we have said for years we would not do, i.e. allow large-scale urban development with the public transport left to be figured out afterwards. What is planned (/unplanned) here is contrary to the objectives of the RSES for public transport-oriented development.

The provision of public transport to the North Fringe Area and, in particular, the facilitation of orbital movements need to be addressed. At this stage no commitment has to be made but an appropriate reservation needs to be protected in the Development Plan. I would ask that the Planning Department identify one or more appropriate reservation routes and bring them forward for protection.

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**Documents Attached:** No

**Boundaries Captured on Map:** No