

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

2<sup>nd</sup> December 2016

**Re: Draft Fingal County Council Development Plan 2017-2023- Material Alterations**

Dear Sir/Madam,

The Authority welcomes the opportunity to comment on the draft Fingal County Council Development Plan 2017-2023- Material Alterations.

The Authority submitted comments on the draft Development Plan, many of which have been incorporated into the plan as proposed in the Material Alterations. There are however, a number of outstanding issues, which would need to be addressed in the finalisation of the Development Plan to ensure consistency between the Development Plan and the Transport Strategy for the Greater Dublin Area ('Transport Strategy').

**Strategic Transport Proposals Not Included in the Transport Strategy**

It is noted that the Material Alterations replace all references to 'Metro West' with 'Light Rail Corridor' (MT15). It is also noted that the objective MT14 has been revised to include reference to the NTA now stating;

*“Support TII and the NTA in a possible future extension of the proposed new Metro North finishing point to connect with the Northern Line in Donabate, with a view to securing permission from An Bord Pleanála.”*

The Transport Strategy was adopted by the Minister for Transport, Tourism and Sport in February 2016. This sets out the strategic transport priorities for the Greater Dublin Area over the next 20 years. The Authority has no plans to develop any strategic transport infrastructure projects not set out in the Transport Strategy.

While the Authority acknowledges Fingal County Council’s right to reserve alignments for future public transport corridors, it is not a policy or objective of the Transport Strategy to extend new Metro North to Donabate within the timeframe of the strategy which runs until 2035.

***Recommendation:***

Objectives MT14 and MT15 should be removed or reworded to reflect the fact that they are not included in current regional transport policy.

**Use of ‘Masterplans’**

The Authority remains concerned about the use of Masterplans instead of statutory Local Area Plans at locations of strategic importance. Using statutory plans will formalise the requirements for public consultation, and in particular, the requirement for the Local Authority to consult with statutory authorities, including the NTA. If it is intended to continue using Materplans instead of statutory Local Area Plans, the Authority requests that the amendments proposed in CH11.1 and CH11.2 are strengthened to specifically address the function and procedures in developing a Masterplan.

***Recommendation:***

Where Masterplans are to be used, the proposed material alterations to the Development Plan, as set out, should be modified to state specifically how the Masterplanning process will undertake:

- The proposed public consultation process;
- The consultation with Statutory Bodies;
- The nature of agreement by Elected Members of the Planning Authority; and
- Implementation and monitoring.

**Sustainable Transport – Cycling**

The Authority specifically welcomes the additions proposed with CH12.5 which clearly sets out the requirements for cycle parking within the Development Plan. This will assist in the promotion and use of cycling as a viable mode choice, in line with the policies and objectives set out in the Transport Strategy.

## **South Fingal Fringe**

The Authority acknowledges and welcomes the proposed amendment CH7.6 which sets out a new objective to carry out a comprehensive feasibility study of the South Fingal area. The Authority views this proposal as a positive step towards agreeing a comprehensive, sustainable land use and transport solution for the area. The Authority would request that further details of this study are set down in the Development Plan, particularly in relation to the spatial scope of the study, the timeframe, both in terms of the formulation of the study and in terms of implementation. Also, it should be clearly stated what the legal status of the study will be, including specific reference if the study is to be adopted into the statutory Development Plan upon completion. This is particularly relevant to development of lands which will be dependent on the outcome of such a study.

### ***Recommendation:***

The Authority request that further clarify is given on the status of the proposed study, including:

- Identification of spatial scope of the study;
- Identification of timeframe, in terms of formulation and implementation of the study
- The proposed public consultation process, including consultation with statutory bodies;
- The legal status of the study, including specific proposals to adopt the finalized study into the statutory Development Plan upon completion.

## **Retail Development Proposals**

The Authority has significant concerns with the proposed alterations CH6.5, CH11.8, CH11.9 and CH11.10. These changes will amend the zoning matrix for 'Retail Warehouse' to include for premises which sell 'goods in bulk' and include for the uses 'Retail Warehouse Club', 'Retail Hypermarkets > 6000sqm' and 'Retail- Factory Outlet Centre'. Although it is stated that new developments would be considered on a case by case manner, this change would in effect, facilitate the development of large scale, trip intensive and heavily car dependant developments at any location zoned for Retail Warehousing.

It is the view of the Authority that such a unilateral change to the zoning matrix for 'Retail Warehouse' is not conducive to the proper planning or sustainable development of either Fingal County Council or the Greater Dublin Area, as it could act to significantly undermine investments made in town and district centres which aim to support the use of modes other than the private car. The Authority has previously commented on such a proposal as set out in a previously proposed variation of the current Development Plan which has been attached in Appendix 1 for your reference.

The Authority believes the proposed alterations would be contrary to the principles of the Transport Strategy, as well as potentially conflicting with the policies of the DOECLG's Spatial Planning and National Roads Guidelines for Planning Authorities 2012 and the Retail Planning Guidelines.

***Recommendation:***

The Authority requests that the proposed alterations CH6.5, CH11.8, CH11.9 and CH11.10 are not adopted into the Development Plan.

**Revised Zoning- PA SH11.10**

In the context of the points set out under Retail Development Proposals above, the Authority have specific concerns over the proposals to rezone lands at Ballymun from 'High Technology' to 'Retail Warehouse' (Zoning PA SH11.10). The Authority has previously commented on this proposal which was the subject of a variation to the current Development Plan (Appendix 1), and it is the view of the Authority that the issues raised at that time are still applicable.

In addition, the Transport Strategy has now been finalised, and the subject site is located within the catchment of the indicative proposed alignment of new Metro North.

The Authority is of the opinion that before such a change of use could be considered, a comprehensive assessment for the proposal must be undertaken, taking into account the future development of future strategic public transport in the area, as well as the likely impact of such a development on the national road network.

It is the opinion of the Authority that this should be undertaken within the scope of the proposed South Fingal Fringe Study.

***Recommendation:***

The Authority requests that the proposed zoning alteration PA SH11.10, as presented, is not adopted into the Development Plan in the absence of a strategic transport analysis, such as that proposed in the South Fingal Fringe Study.

**Additional New Zoned Land Adjacent to M2 Motorway**

The Authority has significant concerns with the proposed zoning alterations (SH 12.1, SH12.3 and SH12.4) in the vicinity of the Cherryhound junction the M2. These changes will facilitate an increase in the level of employment and trip attractions in an area with limited access to existing or proposed public transport, and at a remove from local residential areas. This is contrary to the policies and objectives of the Transport Strategy, as well as the DOECLG's Spatial Planning and National Roads Guidelines for Planning Authorities.

It is the opinion of the Authority the future development of these lands should be considered within the context of the proposed South Fingal Fringe Study, and that changes prior to the completion of this study should be considered premature.

**Recommendation:**

The Authority requests that the proposed zoning alterations SH 12.1, SH12.3 and SH12.4 are not adopted into the Development Plan in the absence of a strategic transport analysis, such as that proposed in the South Fingal Fringe Study.

I trust that the views of the Authority will be taken into consideration. The Authority is available to discuss the issues raised, and if required, assist Fingal County Council is addressing these concerns.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Hugh Creegan', is written over a horizontal line.

**Hugh Creegan**

Director of Transport Investment and Taxi Regulation



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5<sup>th</sup> March 2014

**Re: Proposed Variation to Fingal Development Plan 2011-2017- Lands at Ballymun, Finglas, D11.**

Dear Sir/Madam,

The National Transport Authority (“the Authority”) welcomes the opportunity to comment on the proposed variation to the Fingal Development Plan, with respect to the lands at Ballymun, Finglas, Dublin 11.

The Authority has significant concerns over the variation of the Development Plan as proposed by Fingal County Council. The proposed variation could result in substantial impact on the existing strategic and local transport network, both in relation to the subject site at Ballymun, and also potentially at other locations across the Local Authority area.

It is the opinion of the Authority that it has not been satisfactorily demonstrated that the proposed variation, which would allow for a 6,000sq.m+ of retail at lands at Ballymun, has adequately addressed the statutory guidance set out in the DOECLG Retail Planning Guidelines (2012), or the DOECLG Spatial Planning and National Road (2012).

The proposed type of development is not specifically defined in the current Retail Planning Guidelines. The guidelines impose a 6,000sq.m gross floorspace cap on retail warehousing units, due to the potential impact of larger units on the surrounding road network and the potential for local monopolies. The guidelines do however state that single outline retail warehouses addressing a regional, if not national catchment, may be considered in larger cities including Dublin, these sites would have to satisfy the location criteria:

- (*the site*) is in accordance with the Planning Guidelines on Spatial Planning and National Roads, in that the proposal can demonstrate that the development will not adversely affect the efficiency of the national road network and key junctions and interchanges, and that it can be demonstrated that traffic volumes can be accommodated within the design assumptions for such roads, taking account of the opportunities for encouraging a modal shift towards more sustainable travel modes;
- will be served by existing or planned public transport services.

The DOECLG guidance on Spatial Planning and National Roads promotes an evidence based, integrated approach for identifying and supporting development proposals on or near national roads. The document also sets out a clear presumption against large scale retail centres being located adjacent to or close to existing, new or planned national roads.

The proposed Variation is not directly accessed off the National Road Network; however the proposed access will be immediately adjacent to the Ballymun Interchange of the M50. In this regard the Authority would consider that the Variation should address the criteria set out in Section 2.6 of the guidance document, which puts forwards the considerations for a less restrictive policy position in the case of developments of national and regional strategic importance. Section 2.6 of the document stipulates the criteria which must be addressed, namely:

- (1) the relevance and appropriateness of proposed development in supporting the aims and objectives of the National Spatial Strategy and Regional Planning Guidelines;
- (2) the requirements of other planning guidelines issued under section 28 of the Act including the Retail Planning Guidelines, which include a general presumption against large retail centres being located adjacent or close to existing, new or planned national roads, including motorways;
- (3) the nature of proposed development and the volume of traffic to be generated by it,
- (4) any implications for the safety, capacity and efficient operation of national roads;
- (5) any plans for future upgrades of national roads and other transport infrastructure/services;
- (6) the suitability of the location compared to alternative locations;
- (7) the pattern of existing development in the area;
- (8) satisfactory details of the proposed demand management measures;
- (9) acceptable funding and delivery proposals for any road improvements required, and,
- (10) the precedent that could be created for cumulative development in the area and the potential implications for the national road network.

It is also important to note that Section 2.7 of the Spatial Planning and National Roads guidance document outlines the requirements for the assessment of development close to interchanges. This is to ensure that such development *'can be catered for by the design assumptions underpinning such junctions and interchanges, thereby avoiding potentially compromising the capacity and efficiency of the national road / associated junctions, and possibly leading to the premature and unacceptable reduction in the level of service available to the road users'*.

The Authority considers that the supporting information, in particular the Transport Assessment prepared by the Local Authority for this proposed Variation is not comprehensive enough, and does not fully assess the impact of the proposed use, or the potential mitigation measures which may be required to facilitate such a development at the proposed location. The Authority consider a full assessment of these issues as a key requirement of an evidence based, integrated approach for identifying and supporting development proposals on or near national roads, as set out in the DOECLG guidance documents.

In addition to the overriding issues set out above, the Authority is concerned that the proposed variation is not specifically limited to the site in question, and would have significant concerns over the change of the permitted use class matrix for Retail Warehousing to include 'Retail Warehouse Club'. This in effect would allow the development of 'Retail Warehouse Club' on any Retail Warehouse zoned lands, and associated with this a revised commercial car parking standards at 1 space per 20 sq m GFA. This could act to significantly undermine investments made in town and district centres which aim to support the use of modes other than the private car.

### **Conclusion**

The Authority would conclude that the Variation as proposed is premature, pending the resolution of the issues outlined above. In particular, a more comprehensive assessment for the proposal must be undertaken, taking into account the strategic impact of such a development, and outlining any mitigation measures which should be directly linked to any such development. In addition, the parameters of the variation, in terms of the potential ramifications for development elsewhere in the county as a result of the changes in the permitted use class matrix for Retail Warehousing, need to be clearly set down as part any revised Variation. The Authority would recommend, and welcome, that any revised assessment of the proposed Variation is undertaken in consultation with the Authority and the National Roads Authority (NRA).

I trust that the views and recommendations of the Authority will be taken into consideration in relation to the proposed variation of the Development Plan.

Yours sincerely,

  
**Hugh Creegan**  
Director of Planning, Investment and Taxi Regulation