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COMHAIRLE CONTAE FHINE GALL FINGAL COUNTY COUNCIL

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County Hall
Swords
Co Dublin

29th August 2023

To Each Member of the Planning Strategic Transport & Infrastructure
Development Strategic Policy Committee

Dear Member

A meeting of the Planning Strategic Transport & Infrastructure
Development Strategic Policy Committee will be held via MS Teams at
4.30pm on Tuesday, 5th September, 2023 to consider the following
Agenda.

Yours faithfully

Nikki Halleran
Meetings Administrator
Corporate Services

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A G E N D A

- 1 Confirmation and Re-Affirmation of Minutes of the Planning Strategic Transport and Infrastructure Development SPC Committee meeting held on Tuesday, 20th June 2023
- 2 Transportation Planning in the Development Management Process
- 3 Major Studies/LAP's
- 4 Green Roof Policy
- 5 Fingal Greenways/Cycleways
- 6 Flood Risk Assessment
- 7 Presentation from Fran Whelan CEO - Action Ireland Trust - Update on the Legacy on Lesotho Planning Project

MOTIONS

- 8 Councillor B. Dennehy - Residential Zoned Land Tax (RZLT) - AI090490
"That this Committee be provided with a report on the sequence of events for applications to have land rezoned emanating from the Residential Zoned Land Tax (RZLT) from the landowner's application to the method of the request being voted on in the Council Chamber."

Comhairle Contae Fingal
Fingal County Council

Minutes of Planning Strategic Transport & Infrastructure Development Strategic
Policy Committee

Tuesday, 20th June, 2023

PRESENT

Councillors

Brian McDonagh
Brian Dennehy
Tania Doyle
Punam Rane
Dean Mulligan
Tom Kit

Members

Paul Arnold

The SPC Chairperson, Councillor B. McDonagh presided.

OFFICIALS PRESENT

Matthew Mc Aleese, Director of Services, Roisin Burke, Senior Planner, Colin Gallagher, Senior Engineer, Paul Carroll, Senior Engineer, Kevin Halpenny, Senior Parks Superintendent, Linda Lally, Senior Executive Engineer, Hans Visser, Senior Parks and Landscape Officer, Fearghal Mc Sweeney, Administrative Officer, Elaine Gannon, Staff Officer.

PSPC/8/23 (Agenda Item No 1)

Confirmation and Re-Affirmation of Minutes of the Planning Strategic Transport and Infrastructure Development SPC Committee meeting held on the 14th March 2023.

The minutes of the meeting held on 14th March 2023 were considered.

It was proposed by Councillor B. Mc Donagh and seconded by Councillor D. Mulligan and AGREED: "That Minutes of the meeting of 14th March 2023 be ADOPTED and APPROVED"

PSPC/9/23 (Agenda Item No 2)
Playground Audit

Ms Gemma Carr, Senior Parks and Landscape Officer of the Planning and Strategic Infrastructure Department gave a presentation to the Members on the Audit of Play Facilities in Fingal. Following a discussion, the presentation was NOTED and agreed that further information would be brought to each of the ACM's specific to each LEA.

PSPC/10/23 (Agenda Item No 3)
Prioritising Plans and Projects arising out of the Development Plan 2023-2029

Ms Roisin Burke, Senior Planner of the Planning and Strategic Infrastructure Department gave a presentation to the Members on the list of Prioritising Plans and Projects arising from the Development Plan 2023-2029. Following a discussion, the Members were advised that this item would be listed on the Agenda for the CPG Meeting to be held on 26th June 2023 and then for consideration at the Full Council Meeting to be held on 3rd July 2023.

The presentation was NOTED.

PSPC/11/23 (Agenda Item No 4)
Residential Zoned Land Tax

Ms Brenda O'Neill, Executive Planner, of the Planning and Strategic Infrastructure Department gave an update on RZLT to the Committee.

Following a discussion, the presentation was NOTED

PSPC/12/23 (Agenda Item No 5)
Biodiversity Implementation Plan 2023-2026

Mr Hans Visser, Senior Parks and Landscape Officer gave a presentation to the Members on the Biodiversity Implementation Plan 2023 -2026. Following a discussion and agreement on two action points from the plan (action points 31 and 36).

The presentation was NOTED.

PSPC/13/23 (Agenda Item No 6)

Transportation Planning in the Development Management Process

This item was deferred to the September Planning Strategic Transport and Infrastructure Development SPC Meeting.

PSPC/14/23 (Agenda Item No 7)

Councillor B. Dennehy - Update of the Draft Sustainable Swords Strategy -
AI088638

The motion in the name of Councillor B. Dennehy was proposed by Councillor B. Dennehy and seconded by Councillor B. Mc Donagh.

The motion states:

"That the Chief Executive provide this Committee with an update of the Draft Sustainable Swords Strategy subsequent to the Public consultations process."

The report by the Chief Executive which had been circulated was CONSIDERED and the report was NOTED without discussion.

The Meeting concluded at 6.00pm

SPC CHAIRPERSON

DATED

**COMHAIRLE CONTAE FHINE GALL
FINGAL COUNTY COUNCIL**

Meeting of Planning Strategic Transport & Infrastructure

Development Strategic Policy Committee

Tuesday 5th September 2023

Item No. 8

Residential Zoned Land Tax (RZLT) - AI090490

Motion : Councillor B. Dennehy

“That this Committee be provided with a report on the sequence of events for applications to have land rezoned emanating from the Residential Zoned Land Tax (RZLT) from the landowner’s application to the method of the request being voted on in the Council Chamber.”

Report:

Requests for rezoning of land could only be made by/on behalf of owners of the land affected by the tax measure, during the public notification periods for the draft maps (**1 November 2022 – 1 January 2023**) and supplemental maps (1 May 2023 to 1 June 2023).

Once a request for rezoning was received, the planning authority considered several key planning criteria as part of assessment of whether land should be subject to a proposed variation to amend the zoning objective, with specific reference to the Development Plans Guidelines for Planning Authorities (July 2022) and the Residential Zoned Land Tax – Guidelines for Planning Authorities (June 2022) issued under Section 28 of the Planning and Development Act 2000.

Three (3) rezoning requests were received by Fingal County Council during the public notification period for the draft map, namely RZLT012/22, RZLT089/22 and RZLT113/22. All 3 submissions were assessed by the Planning Authority. The

requests were declined and therefore a variation of the Development Plan was not required.

The rezoning request facility is not available for any subsequent annual review of maps for the purpose of the tax.

Any rezoning, therefore, would be required to comply with Section 13 of the Planning & Development Acts, as amended, which states, a planning authority may at any time, for stated reasons, decide to make a variation of a development plan which for the time being is in force. The process is as follows:

The elected members may, at any time and for stated reasons, submit a resolution to the Chief Executive requesting that he/she prepares a report on a proposal by the members to initiate a process to consider the variation of the development plan in force. It is a requirement that 3/4 of the members approve such a resolution.

Within 4 weeks of adoption of such a resolution, the Chief Executive must submit a report to the members.

The statutory process begins by publishing a notice in one or more newspapers in the area, as well as issuing notice and copies of the proposed variation to the Minister for Housing, Local Government and Heritage, the Office of the Planning Regulator, An Bord Pleanála, the relevant Regional Assembly, any adjoining planning authority, the prescribed authorities, and any local community development committee within the area of the development plan.

The notice must state:

- the reason or reasons for the proposed variation,
- that a copy of the proposed variation may be inspected at a stated place or places and at stated times during a stated period of not less than 4 weeks (and the copy of the draft variation shall be kept available for inspection), and
- that written submissions or observations with respect to the proposed variation made to the planning authority within the said period will be taken into consideration before the making of the variation.

Not later than 8 weeks after issuing the notice above, the Chief Executive must prepare a report on the submissions or observations received and submit the report to the members for their consideration. The report must provide a summary of submissions and observations received, including those of the Office of the Planning Regulator. The report must give the response of the Chief Executive to the issues raised, taking account of the proper planning and

sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives of the government or of any minister of the government.

The members must consider the proposed variation and the Chief Executive's report not later than 6 weeks after receiving the report.

It is important to note that following consideration of the variation and the Chief Executive's report, where a planning authority decides not to comply with any recommendation made by the Minister, the Office of the Planning Regulator or the relevant Regional Assembly, it shall so inform the Office of the Planning Regulator and the Minister or Regional Assembly, as the case may be, by a notice in writing that must contain reasons for the decision.

Having considered the proposed variation and the Chief Executive's report, the members may, by resolution:

1. Refuse to make the variation.
2. Make the variation with or without further modification (A modification to the variation, must adhere to the following:
 - a. may only be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site,
 - b. shall not be made where it refers to—
 - i. an increase in the area of land zoned for any purpose, or
 - ii. an addition to or deletion from the record of protected structures.)
3. Make the variation with a Material Alteration:

If it is resolved to make the variation with a change that constitutes a material alteration to the variation, the planning authority must review the alteration in the context of SEA and AA and determine its implications (if any) on the environment.

Not later than 2 weeks after the Planning Authority has made a determination in relation to the requirement for SEA/AA the Chief Executive shall specify such period as he or she considers necessary to facilitate any necessary assessments.

Thereafter the Planning Authority must publish notice of the proposed material alteration and where appropriate the circumstances in making a determination that AA/SEA is required. This notice is to be published in at least one newspaper circulating in the area and a period of 4 weeks is allowed for public consultation and for lodgement of written submissions or observations.

A variation, once made, will have effect from the day that the variation is made.

Once the variation is made the planning authority must publish notice of the making of the variation in at least one newspaper circulating in its area. Copies of the variation are sent to the Minister, the Office of the Planning Regulator, An Bord Pleanála, the relevant Regional Assembly and where appropriate to prescribed bodies and any adjoining planning authorities and any local community development committee.

Source of Reply: Roisin Burke, Senior Planner, Planning & Strategic Infrastructure Department