

# COMHAIRLE CONTAE FHINE GALL

## FINGAL COUNTY COUNCIL

### Development Plan 2017-2023

Tuesday, 27<sup>th</sup> September 2016

#### **Motion from Councillor Anthony Lavin: Sheet 9 D00697 CVQ 3843. AI028893**

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That this council will rezone the highlighted area on the attached map from GB to RC

#### **REPORT:**

This motion seeks to rezone an area of 0.16ha to the rear of 1 Feltrim Road, from 'GB' to 'RC'. There is an existing bungalow on the subject site and the lands are located within the strategic Greenbelt area separating Malahide from Kinsealy. The lands are also located within the Inner Airport Noise Zone and the Airport's Outer Public Safety Zone.

It is Council policy to strictly control residential development located within the Inner Airport Noise Zone. Objective EE51 of the Development Plan states the following: *'Strictly control inappropriate development and require noise insulation where appropriate within the Outer Noise Zone, and actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone.'*

The Draft Plan also notes that *'the development of new housing for those who are not involved in farming will be actively resisted within the area delineated by the Inner Noise Zone for Dublin Airport'* (Objectives RF37 and RF38 refer).

There are currently thirty four existing Rural Clusters within the Draft Plan to cater for rural generated housing need. These Rural Clusters have a strong residential focus and are based on a small number of individual houses and typically take the form of between 5 and 15 dwellings. They provide an alternative to one-off housing in the countryside through the consolidation of rural residential development within existing small clusters. For the most part, they provide an opportunity for family members of existing households within

the cluster to build a new home, or re-use and adapt an existing structure, in proximity to their family home, by subdividing large sites.

In this regard it should be noted that the Ministerial Planning Guidelines on Development Plans, issued under Section 28 of the *Planning and Development Act 2000 (as amended)*, state '*zoning that is not responsive to or justifiable by reference to reasonable needs, or that substantially exceeds such needs, is not consistent with proper planning and sustainable development.*' The Guidelines also make clear that in order to support public confidence in the planning system and the development plan, decisions to zone land must be clearly justified on the basis of established need and must support the aims and strategy of the plan taking the following specific matters into account:

- Need
- Policy Context
- Capacity of Water, Drainage and Roads Infrastructure
- Supporting Infrastructure and Facilities
- Physical Suitability
- Sequential Approach
- Environmental and Heritage policy, including conservation of habitats and other sensitive areas.

The zoning of these lands cannot be justified on the matters outlined above. This submission seeks residential development beyond the outer edge of the existing RC, RS, RV and RA zoned lands, while considerable development opportunities currently exist within these areas in the vicinity of the subject lands, including the LAP lands at Streamstown. Such a development pattern would result in deficiencies in terms of the provision of basic infrastructure and public services, in addition to unsustainable travel patterns and the loss of agricultural and high amenity lands.

The allocation of housing unit numbers for the entire County area has been thoroughly analysed and addressed in the context of the Core Strategy of the Draft Plan 2017-2023 based on the directions contained in the RPG's. The quantum and location of zoned land in the County is directly influenced by the Development Plan's Settlement and Core Strategy. The *Planning and Development (Amendment) Act 2010* introduced the requirement for an evidence based 'Core Strategy' to be provided in Development Plans. The Core Strategy identifies the quantum and location of development for the plan period that is consistent with the regionally defined population targets and settlement hierarchy, and, which reflects the availability of existing services, planned investment, sequential development and environmental requirements. The Core Strategy sets out the

specific population targets and housing requirements across the County and the elements of the settlement hierarchy thereby act as a clear framework for amendments to existing zonings. The Core Strategy must demonstrate that the development objectives in the Development Plan are consistent with the National Spatial Strategy and Regional Planning Guidelines. Government policy as articulated by the National Spatial Strategy and the *Sustainable Rural Housing: Guidelines for Planning Authorities, April 2005*, classifies the rural area of Fingal as "an area under strong urban influence" where the housing requirements of the rural community should be facilitated but urban generated housing should be directed to areas zoned for residential development in cities, towns and villages. The approach is reflected in the Regional Planning Guidelines for the Greater Dublin Area. The inclusion in the Draft Plan of objectives facilitating the provision of additional housing without due regard to the Core Strategy and its approach is contrary to the national and regional direction.

Based on the evidence-based approach adopted in the Core Strategy for the County, it is clear that Fingal has a significant and sufficient quantum of zoned land to meet the RPG targets for the Development Plan period. This motion proposes the rezoning of GB zoned land in a strategic greenbelt area separating the villages of Malahide and Kinsealy. Such a change in designation would result in the erosion of the rural character of this area and the degradation of the Greenbelt at this location. The Greenbelt separating Swords, Malahide, Portmarnock, Baldoyle and Balgriffin is one of the most critical in the County having regard to the close proximity of each of these areas to one another. Any encroachment into this strategic Greenbelt area would result in coalescence and the loss of definition between urban and rural areas. It is also not considered necessary or appropriate to rezone any of the Greenbelt lands at Feltrim Road to RC zoning. Furthermore, the Council is fully committed to the continued protection of the Greenbelt and to allow for any additional housing in this area would seriously undermine the long standing Greenbelt policy of the Council and would be contrary to the zoning objective and vision to protect Greenbelts as set out in the Draft Plan.

Allowing certain individuals to be excluded from this Rural Housing policy would contradict this overall approach and be contrary to the proper planning and sustainable development of the area. There is therefore no justifiable need to rezone any additional greenbelt lands to provide for additional housing in this area. Such a change in designation would result in the erosion of the greenbelt in this area.

Furthermore, it should be noted that planning permission was refused on the site for the construction of a 3 bed dwelling (to be located to the rear of existing

dwelling at No. 1 Feltrim Road) under Reg Ref: F15A/0329. The applicants appealed this decision to An Bord Pleanála (Ref: PL06F.245561), who upheld the Planning Authority's decision to refuse permission in December 2015 for the following reason:

*The appeal site is located within the Inner Airport Noise Zone as indicated in the Fingal County Development Plan, 2011-2017. Objective EE51 of the Plan states that it shall be an objective to 'strictly control inappropriate development and require noise insulation where appropriate within the outer noise zone and actively resist new provision for residential development and other noise sensitive uses within the Inner Noise Zone .....while recognising the housing needs of established farming families in the zone'. Having regard to the location of the site within the inner noise zone and to the circumstances of the applicant and specifically the fact that they are not a member of an established farming family, it is considered that the proposed development would materially contravene Objective EE51 of the Plan regarding development within the Inner Noise Zone and would therefore be contrary to the proper planning and sustainable development of the area.'*

Accordingly, it is considered that to rezone these lands from Objective 'GB' to Objective 'RC' at this time would facilitate the un-coordinated, ad hoc provision of unsustainable urban generated housing detached from existing designated settlements for which there is no evidence-based need or planning rationale, therefore, contrary to proper planning and sustainable development of the County. The site is also located within the Inner Airport Noise Zone where additional residential development is actively resisted and strictly controlled by the Planning Authority and accordingly, no change is recommended.

**RECOMMENDATION:**

It is recommended that no change is made.