

COMHAIRLE CONTAE FHINE GALL

FINGAL COUNTY COUNCIL

FINGAL DEVELOPMENT PLAN 2023-2029

TUESDAY, 20TH SEPTEMBER 2022

Chapter 14 - Development Management Standards

Motion from Councillor Karen Power, Councillor Daniel Whooley, Councillor Pamela Conroy, Councillor David Healy, Councillor Ian Carey: 81810

Amend CE recommendation CE CH 4.4:

Amend text in Table 14.6

Public open space - Public open space is accessible to the public at large and in general is intended to be “taken in charge” by the Local Authority, but in certain circumstances may be privately managed. Appropriate provision must be made for public open space within all new developments. In all instances where public open space is not provided a contribution under Section 48 will be required for the short fall (based on 12 - 15 % of the site area in Greenfield sites/LAP lands and 10 % of infill and brownfield sites).

to

CE CH 4.4:

Amend text in Table 14.6

Public open space - Public open space is accessible to the public at large and in general is intended to be “taken in charge” by the Local Authority, but in extremely limited circumstances may be privately managed. Appropriate provision must be made for public open space within all new developments (based on 15 % of the site area in Greenfield sites/LAP lands and 12 % of infill and brownfield sites).

REPORT:

The intent of the motion would appear to remove the discretion of the Local Authority to seek contributions under Section 48 to address shortfalls in the

provision of open space (based on 12 - 15 % of the site area in Greenfield sites/LAP lands and 10 % of infill and brownfield sites)

It is important within the Development Management process, that a degree of flexibility is inherent with respect to the assessment of onsite open space provision and that in instances where a shortfall presents, alternative mechanisms such as Development Contribution in lieu are available. This degree of flexibility is particularly relevant given the many site-specific issues which can arise in e.g. brownfield/infill sites and the need to ensure that schemes which are otherwise of exceptional design and quality are realised. Small/restricted sites which would otherwise remain unviable and whose renewal may have significant rejuvenational advantages may progress where the option to enhance the quality and/or utility of open space provided or to levy a financial contribution in lieu is utilised. This is an important tool in ensuring town and village centre renewal, compact growth and addressing issues such as vacancy, building underutilisation and visual enhancement. For the above reasons, a range of between 12%-15% for greenfield /LAP lands and 10% for infill and brownfield sites is deemed an appropriate level of provision.

Section 48 legislation permits the Council to include conditions requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority. In this regard, Objective DMSO57 Development Contribution Scheme states '*require the monetary value in lieu of open spaces to be in line with the Fingal County Council Development Contribution Scheme*'.

It is important that the Section 48 mechanism for collection of financial contributions in lieu where shortfalls arise is retained as this provides flexibility to the local authority in scheme assessment.

Having regard to the above, it is considered important to retain flexibility with respect to the levying of contributions under Section 48 as part of Table 14.6 and it is recommended that CE CH 4.4 should not be amended.

RECOMMENDATION:

No Change to Chief Executive's Recommendation CE CH 4.4