

**COMHAIRLE CONTAE FHINE GALL  
FINGAL COUNTY COUNCIL**

**COUNCIL MEETING**

**MONDAY 10<sup>th</sup> MAY 2018**

**ITEM NO 23**

**EXTENSION OF DURATION OF PORTMARNOCK SOUTH LOCAL AREA PLAN**

**Extension of Life of the Portmarnock South LAP 2013**

**Chief Executive's Report to the Elected Members under Sections 19(1)(d),(e),(f)  
and 20(3)(a)(i),(ii) of the Planning and Development Acts 2000 -2017**

(Advice to the Elected Members to approve the extension of the duration of the 2013-2019 Portmarnock South Local Area Plan for a further period, being not greater than 5 years.)

## 1. Introduction

### 1.1 Legislative Provisions

Section 19 of the Planning and Development Acts 2000-2017 provides for the extension of the valid lifespan of a Local Area Plan (LAP), from a maximum of 6 years to an effective maximum of 10 years in total. Section 19(1)(d) of the Planning and Development Acts 2000 (as amended) states that:

- (d) Subject to paragraph (e), not more than 5 years after the making of the previous local area plan, a planning authority may, as they consider appropriate, by resolution defer the sending of a notice under section 20(3)(a)(i) and publishing a notice under section 20(3)(a)(ii) for a further period not exceeding 5 years.*
- (e) No resolution shall be passed by the planning authority until such time as the members of the authority have:*
  - (i) notified the Chief Executive of the decision of the authority to defer the sending and publishing of the notices, giving reasons therefor, and*
  - (ii) sought and obtained from the Chief Executive —*
    - (I) an opinion that the local area plan remains consistent with the objectives and core strategy of the relevant development plan,*
    - (II) an opinion that the objectives of the local area plan have not been substantially secured, and*
    - (III) confirmation that the sending and publishing of the notices may be deferred and the period for which they may be deferred.*
- (f) Notification of a resolution under paragraph (d) shall be published by the planning authority in a newspaper circulating in the area of the local area plan not later than 2 weeks after the resolution is passed and notice of the resolution shall be made available for inspection by members of the*

*public during office hours of the planning authority and made available in electronic form including by placing the notice on the authority's website.*

## **1.2 Portmarnock South Local Area Plan 2013**

The Portmarnock South Local Area Plan 2013 was adopted by the Council on the 8<sup>th</sup> July 2013 and is valid for a period of 6 years, until the 7<sup>th</sup> July 2019.

The Portmarnock South LAP comprises a land area of circa 86 hectares of which 40.36 hectares are zoned Objective RA *'Provide for new residential communities in accordance with approved local area plans and subject to the provision of the necessary social and physical infrastructure'*. The remaining lands, adjoining the 'RA' zoned lands and within the LAP boundary, are governed by the following zoning objectives: Objective OS, 32 hectares, *'Preserve and provide for open space and recreational amenities'*, Objective HA, 12 hectares, *'Protect and enhance high amenity areas'*, Objective RC, 1 hectare, *'Provide for small scale infill development serving local needs while maintaining the rural nature of the cluster'*, Objective RS, 0.4 hectares, *'Provide for residential development and protect and improve residential amenity'*.

The main purpose of the Portmarnock South Local Area Plan 2013 is to set out a framework for the development of the lands to provide for a sustainable residential community within close proximity to a high quality public transport corridor while recognising the environmental sensitivities of the site.

The vision for Portmarnock South is to develop a high quality urban environment with a unique sense of place, maximising and respecting the opportunities presented by the area's natural assets and coastal location adjoining Baldoyle Bay and recognising its high level of accessibility to Portmarnock DART station.

The LAP will facilitate residential development in this area in a coordinated and sustainable manner, focusing on the development of sustainable communities. It focuses on a quality environment, respectful of the sensitivities of the adjoining coastal habitats and dependent species, connected to the existing urban context of Portmarnock village to the north and Baldoyle-Stapolin urban area to the south with connectivity to green infrastructure networks along the coast and to the west.

The LAP promotes a sustainable strategy. This will be achieved in a number of ways including; a green infrastructure network through the delivery of green routes, linear corridors and open spaces; high quality sustainable forms of design incorporating green design techniques, energy efficient buildings and life long adaptable homes; optimum use of public transport and walking and cycling and an integrated movement and transport strategy. Sustainability is an overarching theme that connects each strategy in the LAP towards the achievement of high quality sustainable neighbourhoods in the local area set within an attractive well designed living environment for the new residential community.

The following sets out the key strategic elements and objectives that are required to deliver the coordinated development of the plan lands, as an urban extension to the existing residential community of Portmarnock.

### ***Environment and Heritage***

- Ensure that the integrity of the Natura 2000 site of Baldoyle Bay and its associated conservation objectives are appropriately protected and recognised within the plan area.
- Protect and improve where possible the water quality of the receiving waters of Baldoyle Bay and ground water quality through appropriate sustainable water management within the plan lands.
- Promote and develop opportunities for biodiversity and its supporting natural features (trees/hedgerows/watercourse), open space, green routes/corridors and key views as defining characteristics of the developing area including their priority in phasing proposals.
- Promote the conservation, enhancement, and enjoyment, including public access where appropriate, of the archaeological, natural and built heritage as important elements in the long-term sustainability of the area.

### ***Movement and Transport***

- Promote and encourage the use of sustainable means of travel including walking, cycling and public transport through the development of an integrated movement and transport network.
- Promote connectivity and the integration of new and established communities through a hierarchy of spaces linked through a network of green permeable walking and cycling routes at a local and strategic level.

### ***Urban Design and Housing***

- Ensure that all new development is of a high quality and standard, promotes a local sense of place, protects existing residential, public and environmental amenities and enhances the plan area.
- Ensure that new development is physically, visually and functionally integrated with the landscape character of the plan area.
- Promote the provision of a wide choice of dwelling types and tenure with a strong emphasis on family orientated, high quality, adaptable, lifelong homes which are energy efficient and incorporate green design techniques.
- Ensure that housing demand is met in key locations in accordance with Fingal's Core Strategy.

### ***Community, Recreational, Social and Commercial Infrastructure***

- Promote and encourage a socially inclusive community that caters for all age groups, that accords with the principles of universal design and that offers equal opportunity and good services to all.
- Promote the provision of a mix of retail, service, healthcare, recreational and community facilities (where feasible) within the small centre and at a level commensurate with local need.
- Provide for an integrated network of open space areas to meet the recreational needs of residents while respecting the sensitivities of the Plan lands through the Green Infrastructure and Landscape Strategy.
- Promote and facilitate employment and environmentally sustainable tourism opportunities appropriate to this area.

### ***Infrastructure and Services***

- Ensure the timely and adequate provision of infrastructure and services through phasing to serve the new development within the plan lands.

The key strategic elements addressed are:

- Green Infrastructure and Landscape
- Movement and Transportation
- Urban Design Framework
- Water Services and Utilities Infrastructure
- Sustainability
- Phasing and Sequencing

There are five clear Character Areas identified within the LAP lands, which are as follow:

1. Station Area;
2. Central Area;
3. Skylark Park Area;
4. Maynetown Area; and
5. The Coastal Area.

They are defined, for the most part by topographical features, heritage features, existing townland boundaries, the train station and railway line, open space lands and the coast.

#### 1. Station Area.

This character area is directly related to the train station and Station Road and provides for a mixed use small centre comprising commercial and residential development arranged around a new civic /public space. Residential character of a higher density (not greater than 60 persons /per half ha) would be suitable here as it is the area closest to the station.

#### 2. Central Area.

A residential character comprising traditional family houses and off-street car-parking is envisaged within this character area.

#### 3. Skylark Park Area.

This is a roughly L-shaped parcel of land bounded by hedgerows and including the park for which it is named. It is envisaged that family houses will be the predominant housing form.

#### 4. Maynetown Area.

Family houses will be the primary housing forms, though apartments may be considered along the route proposed linking the two monuments, where three storey heights may be considered.

#### 5. The Coastal Area.

This area has high sensitivity because of its visibility from Baldoyle Bay and the Portmarnock Peninsula. Family houses, individually or in small clusters, will be considered along the eastern edge, behind the maritime copses.

### *Phasing*

#### Sequencing of Development

In total, the proposed phases of development have the potential to achieve up to 1,200 dwelling units subject to detailed design appraisal. It is critical that the LAP ensures the progression of development within the plan lands in an ordered way which avoids the undue creation of long term 'gaps' or interim sites within the built element of the development. In particular, it must avoid the situation of permitting remote development in advance of the infrastructure necessary to link such development to the train station, to local services, open space and recreational amenities. In this regard, residential development should generally occur from the train station and Station Road towards the east and south with the small service centre occurring in tandem with the earlier phases of residential development i.e. going from a west to east progression. Two growth areas have been identified to facilitate the orderly progression of the development with two phases of development within each growth area.

#### Growth Area 1 [Phases 1 & 2] Short-Medium term

This growth area adjoins Portmarnock Train Station, Station Road and the Dublin-Belfast railway line and incorporates two development phases. The phases of residential development within Growth Area 1 will ensure that linkages are created to the train station, the small centre, open space and recreational amenities and the wider area in a north-south and east-west direction. Development here allows for housing immediately adjoining the public transportation node of Portmarnock train station and delivering essential components in the green infrastructure network such as the linear park, 'Skylark Park', priority green routes, open space lands, habitat protection measures and archaeological buffer zone, local service provision and essential drainage and roads infrastructure. It is envisaged that this timeframe will likely cover the period 2013-2019 and will deliver approximately 600 units.

Permission has been granted on phased lands within Growth Area 1 under F13A/0248 for 101 houses. 75 of these are occupied and 26 are built but not yet occupied. In addition under SHD002/17 permission has been granted by An

Bord Pleanála for 150 residential units, 98 houses and 52 apartments, none of which have commenced, granted permission 26<sup>th</sup> March 2018 with a 5 year planning permission.

#### Growth Area 2 [ Phases 3 & 4 ] – Long term

This Growth Area is located within the eastern and southern sections of the plan lands and provides for two development phases. Each phase will ensure that linkages are created to open spaces, the train station, small services and the wider area. These two phases of development will occur within the eastern and southern sections of the plan lands and will complete the overall number of dwellings proposed within the LAP lands, the necessary green route linkages, the green axis between national monuments and the proposed primary route ensuring connectivity and permeability throughout the two growth areas of the plan lands. The timeframe for this Growth Area may range between 2020-2023 and will deliver approximately 600 units.

No application has been received relating to Growth Area 2.

#### Timeframes for Delivery

Given the economic uncertainties, timeframes are indicative only and provide a broad framework within which development can be delivered. However, it is important that the sequencing of development within the lands is adhered to for the facilitation of orderly development. The LAP did not envisage that the level of development proposed in the LAP was likely to be developed over the lifetime of this LAP, rather it outlined that development was likely to occur over a 10-15 year period or greater having regard to market demand and the timely supply of infrastructural services.

An Appropriate Assessment (AA) as required under Article 6[3] of the EU Habitats Directive 92/43/EEC and was conducted as part of the preparation of the LAP and has had particular regard to the proximity of Baldoyle Bay [Natura 2000 site], the River Mayne and the Sluice River Marsh to the LAP lands.

A full Strategic Environmental Assessment was carried out in relation to the LAP lands (Directive 2001/42/EC).

Under the Planning and Development Acts 2000-2017, in order for the Council to extend the lifespan of the LAP, a resolution to this effect must be made not more than 5 years from the adoption of the Plan i.e. 7<sup>th</sup> July 2018.

### **1.3 Purpose of Chief Executive's Report**

This report contains the Chief Executive's advice to the Elected Members on the proposal to invoke their powers, under Section 19 of the Planning and Development Acts 2000- 2017 and provides for the extension of the valid life of a Local Area Plan, in this case the extension of the valid life of the Portmarnock South LAP, adopted on 8<sup>th</sup> July 2013, for a further period, being not greater than 5 years.

In accordance with Section 19(1)(e)(ii) of the Planning and Development Acts 2000-2016, this report comprises the Chief Executive's:-

- a) *Opinion that the LAP is consistent with the objectives and core strategy of the Fingal Development Plan 2017-2023,*
- b) *Opinion that the objectives of the LAP have not been substantially secured, and*
- c) *Confirmation that the sending and publishing of the notices may be deferred and the period for which they may be deferred.*

## **2. Chief Executive's Opinion**

### **2.1 Consistency with the Fingal Development Plan 2017-2023**

The Portmarnock South LAP 2013 was adopted by the Council on the 8<sup>th</sup> July 2013 under the auspices of the Fingal Development Plan 2011-2017.

As part of the process for extending the lifespan of an LAP, the Planning Authority must ascertain that the LAP remains consistent with the objectives and Core Strategy of the relevant development plan – the Fingal Development Plan 2017-2023. This includes the following specific areas:

#### **1) Core Strategy and Settlement Strategy**

The Core Strategy sets out how the Settlement Strategy including the County's population allocation, the Housing Strategy and the Retail

Strategy objectives within the Development Plan are consistent with the development objectives of *the National Spatial Strategy 2002-2020 (NSS)*, *the Regional Planning Guidelines (RPG)* and *the NTA Transport Strategy*. The Core Strategy provides a policy framework for the County at a local level and includes details which set out the settlement hierarchy, population/housing targets for all towns, villages and the open countryside and existing and proposed strategic transport linkages. It also provides a policy framework for LAPs.

The purpose of the Portmarnock South LAP 2013-2019 is to provide a framework for the development of the lands to provide a sustainable community with 1,200 residential units around a viable local centre and high quality, high frequency public transport. The Fingal Development Plan 2017-2023 states '*The emphasis of this Plan is to continue to consolidate the existing zoned lands and to maximise the efficient use of existing and proposed infrastructure*'. In order to comply with the Regional Planning Guidelines for the period 2016-2026, Fingal is required to meet a target number of 49,536 new residential units. The completion of the Portmarnock South LAP will help to ensure this by the provision of circa 1,200 residential units. Permission has been granted on phased lands under F13A/0248 for 101 residential units (Houses) 75 of these are occupied and 26 are built but not yet occupied. In addition under SHD002/17 permission has been granted for 150 residential units, 98 houses and 52 apartments, none of which have commenced, granted permission 26<sup>th</sup> March 2018 with a 5 year planning permission.

The phased development of the lands for residential, community and leisure uses will aid in the overall development of Portmarnock South in line with the Regional Planning Guidelines for the Metropolitan Area and The Core Strategy for the County. Retaining a comprehensive strategy for the design, layout and phasing of the lands is imperative.

## **2) Appropriate Assessment and European Sites that form part of the Natura 2000 Network**

The Portmarnock South LAP 2013 has been subject to a full Appropriate Assessment which concluded that assuming the successful implementation of the Policies and Objectives, there will be no likely

significant effects on European sites, in isolation or in combination with other plans and projects.

### **3) Strategic Environmental Assessment**

The LAP was subject to a strategic environmental assessment and associated consultation with the relevant prescribed bodies. The LAP incorporates appropriate policies and objectives to ensure that the implementation of the LAP will not result in significant adverse effects on the environment in accordance with the SEA Directive and Regulations and is in compliance with the associated objectives of the Fingal Development Plan 2017-2023.

### **4) Flood Risk Assessment**

A Strategic Flood Risk Assessment (SFRA) was prepared for the LAP. The SFRA includes the identification of a number of measures necessary to ensure flood risk measures are incorporated into the planning of the area in accordance with the Planning System and Flood Risk Management – Guidelines for Planning Authorities, 2009.

## **2.2 Securing the Objectives of the Portmarnock South Local Area Plan 2013**

The Local Area Plan is divided into 5 separate Character Areas which have been included in a phasing plan which has identified 2 Growth Areas.

Since the adoption of the LAP in 2013 101 residential units have been completed, all of which are built with 75 occupied to date. A further planning permission SHD002/17 has been granted for 150 units none of which have commenced to date and any previous permissions on the remainder of the lands have expired. The proposed local centre has not been developed.

The open space lands have been developed in accordance with the requirements of the mitigation measures set out in the LAP and work will continue to ensure implementation of these measures.

Substantial development has not proceeded to date with respect to the 2 growth areas identified within the LAP and accordingly the objectives of the LAP have not been substantially secured.

## **2.3 Deferral of Notices**

Given that the Portmarnock South LAP 2013 is consistent with the Fingal Development Plan 2017-2023, and that the objectives of the LAP have not been substantially secured, it is considered appropriate that the sending and publishing of the notices specified under Section 20(3)(a)(i) and (ii) of the Planning and Development Acts 2000 (as amended) be deferred and that the period for which they be deferred should be 5 years, during which time the objectives identified in the LAP may be achieved.

## **3. Conclusion**

### **3.1 Concluding Opinion**

In summary, it is the opinion of the Chief Executive that:

The Portmarnock South LAP 2013 is consistent with the Objectives and Core Strategy of the Fingal Development Plan 2017-2023

The objectives of the Portmarnock LAP 2013 have not been substantially secured.

The sending and publishing of the Notices may be deferred for a further period of 5 years from the 7<sup>th</sup> July 2018 to the 6<sup>th</sup> July 2023.

### **Recommended Resolution**

It is recommended that the following Resolution be passed:

**“That the Members, having considered the Chief Executive’s Report under Section 19(1)(e)(ii) and having addressed the provisions of Section 19(1)(e)(i), AGREE to the deferral of the required notice under Section 20(3)(a)(i) and to publish a notice under Section 20(3)(a)(ii) for a period not exceeding 5 years and thereby approve the extension of the life of the Portmarnock South LAP 2013-2018 - for a further period of 5 years from 7<sup>th</sup> July 2018 to the 6<sup>th</sup> July 2023.**