

Forward/Strategic Planning
South Dublin County Council
County Hall Tallaght
Dublin 24
D24 A3XC

14th September 2021

RE: Submission to the Draft South Dublin County Development Plan 2022-2028

Dear Sir/Madam,

We make this submission to the draft South Dublin County Development Plan 2022-2028 on behalf of our clients, Circle K Ireland Energy Group Limited, Circle K House, Beech Hill, Clonskeagh, Dublin 4, and in relation to their existing Circle K Round Tower service station on Naas Road in Clondalkin, South Dublin.

Our clients strongly oppose the proposed zoning of their service station at Naas Road with a land use zoning that, firstly, does not reflect or properly account for the established and permitted commercial use of the site and, secondly, restricts not just its ongoing commercial use but its future development potential.

Our clients cannot accept a proposed 'Enterprise and Employment' zoning objective which poses a fundamental risk to the operation of the service station and damages its future development prospects. In this respect, the proposed zoning is anti-competitive and contravenes the Retail Planning Guidelines in terms of its impact upon an existing retail outlet. It is not the purpose of the planning process to inhibit fair competition within the retail market. No other retail operator in South Dublin would accept such an outcome of the planning process.

The submission therefore strongly appeals for the service station to be rezoned as a 'Local Centre' in light of the strong and sustained planning merits pertaining to its current use for a range of such uses.

The submission is set out hereunder in detail. It is trusted that the submission will be seen as a constructive and productive contribution to the preparation of the final Plan, and, in this regard, we request that it is given favourable consideration.

Please forward all correspondence in relation to this submission to this office.

Yours sincerely,



Alannah Hurley
Coakley O'Neill Town Planning Ltd.

1.0 Circle K Round Tower, Naas Road.

- 1.1 The subject site comprises an existing Circle K service station located on Naas Road in Clondalkin, South County Dublin. The service station is generally rectangular in shape, is comprised of 4 no. pump islands with a canopy over and a single storey amenity building which contains a main retail area, coffee making facilities, staff facilities as well as back of house areas.
- 1.2 The service station is accessed via two entrances off a slip road adjacent the Naas Road/N7. The main ID sign is located between these two entrances, adjacent the roadside boundary. Car services such as air and water are located to the west of the main amenity building whilst a car wash facility is located to the north-west of the building.
- 1.3 To the north of the site is the Louis Fitzgerald Hotel, to the west is Joel's Restaurant, to the south is the N7 and to the east of the site is a car dealership '7 Seaters Ireland.'

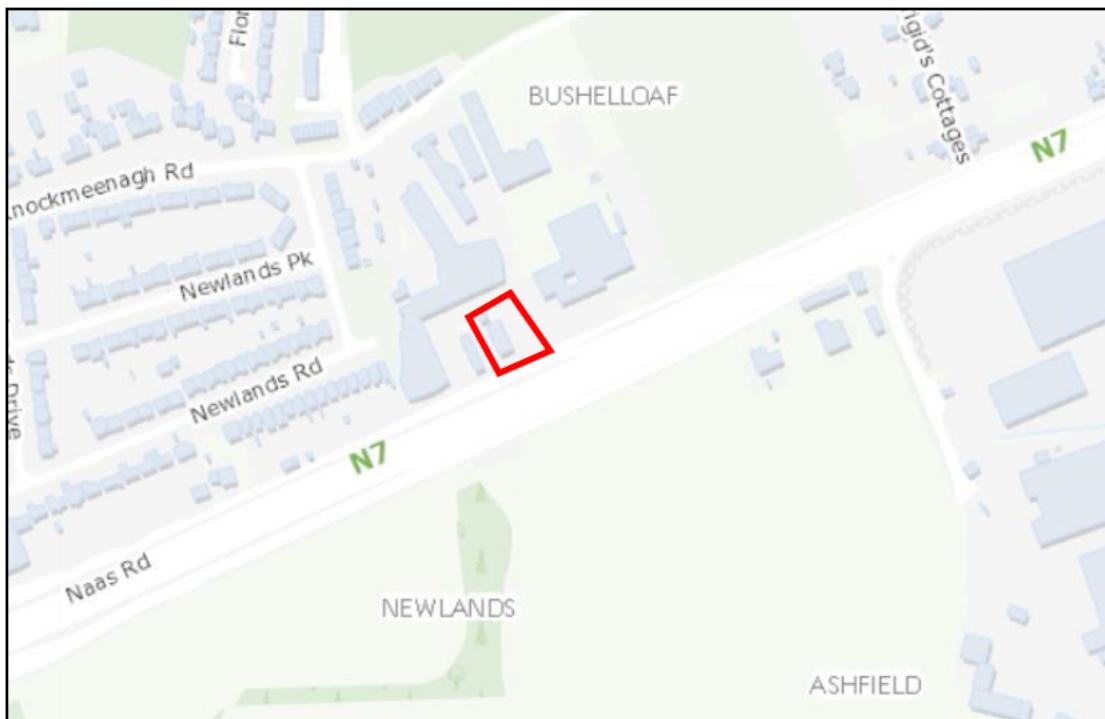


Figure 1: Site Location (generally outlined in red, source MyPlan, annotated Coakley O'Neill)

Current Planning Policy

1.4 In the current South Dublin County Development Plan, 2016, the existing service station site is zoned 'EE' or 'Enterprise and Employment', which has had the effect of undermining the operation and development of the service station with respect to the normal expected range of uses at such facilities. The objective is as follows:

Objective for EE is 'to provide for enterprise and employment related uses'. *Enterprise and Employment (EE) zoned lands will accommodate low to medium intensity enterprise and employment uses. Enterprise and Employment zoned lands to the west of the County in the vicinity of the Grange Castle and Citywest economic clusters have the capacity to attract high tech manufacturing and associated strategic investments, due to the availability of large sites that are supported by high quality infrastructure and services. More peripheral Enterprise and Employment lands may be more suited to light industrial, or logistics based uses.*

1.5 Within 'EE' zones, the following land uses are currently permitted, not permitted, or open for consideration:

Not permitted: *Aerodrome/Airfield, Bed & Breakfast, Betting Office, Camp Site, Caravan Park-Residential, Cemetery, Community Centre, Conference Centre, Crematorium, Cultural Use, Doctor/Dentist, Education, Embassy, Funeral Home, Guest House, Health Centre, Hospital, Housing for Older People, Live-Work Units, Nursing Home, Off-Licence, Outdoor Entertainment Park, Place of Worship, Primary Health Care Centre, Recreational Facility, Residential, Residential Institution, Retirement Home, Rural Industry-Food, Shop-Major Sales Outlet, Shop-Neighbourhood, Wind Farm.*

Open for consideration: *Agriculture, Allotments, Car Park, Childcare Facilities, Concrete/Asphalt Plant in or adjacent to a Quarry, Garden Centre, Hotel/Hostel, Industry-Extractive, Motor Sales Outlet, Nightclub, Offices 100 sq.m - 1,000 sq.m, Offices over 1,000 sqm, Public House, Refuse Landfill/Tip, Restaurant/Café, Retail Warehouse, Social Club, Sports Club/Facility, Stadium, Veterinary Surgery.*

Permitted in principle: *Abattoir, Advertisements and Advertising Structures, Boarding Kennels, Enterprise Centre, Fuel Depot, Heavy Vehicle Park, Home Based Economic Activities, Industry-General, Industry-Light, Industry-Special, Office-Based Industry, Office less than 100 sq.m, Open Space, Petrol Station, Public Services, Recycling Facility, Refuse Transfer Station, Science and Technology Based Enterprises, Scrap Yard, Service Garage, Shop-Local, Transport Depot, Traveller Accommodation, Warehousing, Wholesale Outlet.*

Proposed Planning Policy

1.6 In the Draft Plan, the site is again to be zoned for 'Enterprise and Employment' uses, as illustrated in figure 2, below.

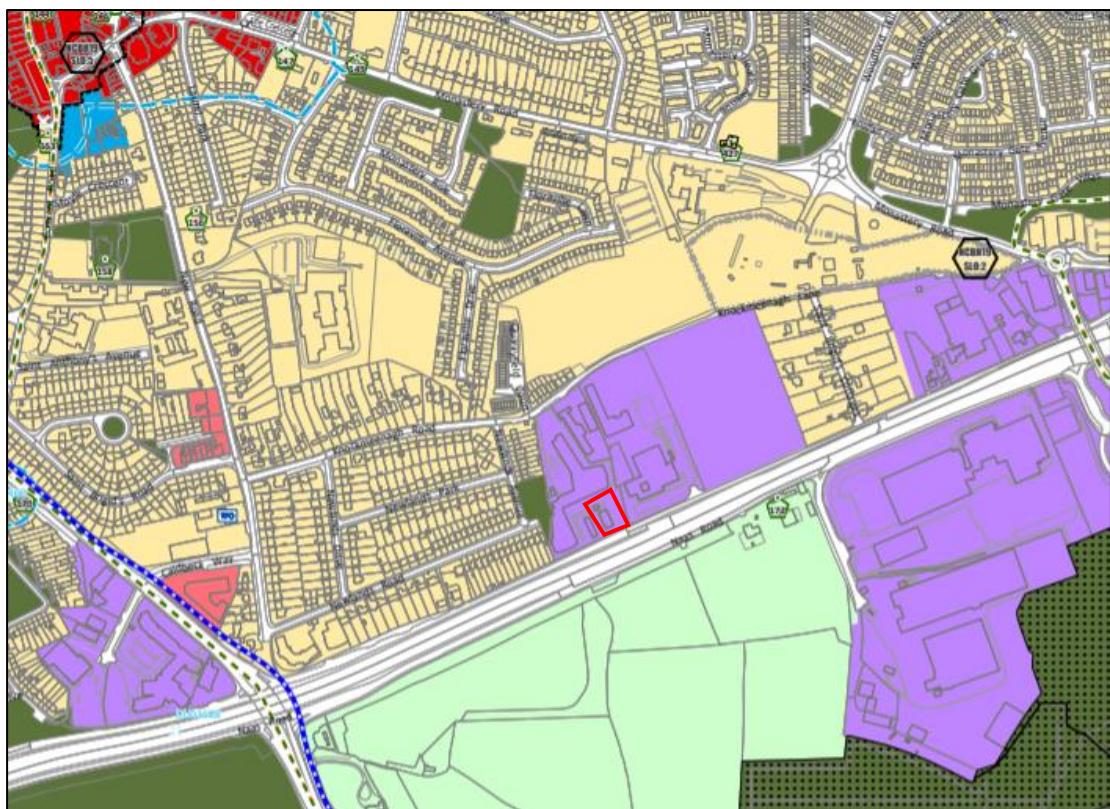


Figure 2: Proposed Site Zoning, Draft South Dublin County Development Plan, annotated Coakley O'Neill

1.7 Similarly to the current Development Plan, a wide range of uses are generally not permitted within proposed Enterprise and Employment zones.

1.8 The effect of the proposed Draft Plan zoning, therefore, will be a continued restriction of the operation and development of the permitted and established service station use, all on the basis of the zoning objective which does not properly reflect this use.

1.9 Additionally, it is of note that as proposed under the Draft Plan the site forms part of a larger Enterprise and Employment Zone which specifically restricts the nature of the existing permitted retail use at the site. This 'EE' zone does not reflect the permitted hotel to the immediate north of the service station, nor does it account for the development proposal for a new hotel to the east currently on appeal to An Bord Pleanála (Reg. Ref.: SD20A/0262), or the permitted restaurant use to the west.

1.10 This proposed zoning is therefore, in our view, neither accurate nor reasonable in the context of these uses.

Discussion and Submission

1.11 This submission argues that a 'local centre' zoning objective should be applied to the site of the existing Circle K Round Tower service station. While not the subject of this submission, the proposed and erroneous 'EE' zoning of the hotel and restaurant uses adjoining the service station also merits re-consideration.

1.12 The subject site is located on Naas Road. It currently comprises an existing Circle K service station and has been in use as a service station for an extended period of time. It is therefore reasonable to consider it as part of the established retail resource serving not just the surrounding commercial enterprises, and national road network but also the wider local community.

1.13 On this basis, a 'Local Centre' zoning would be much more appropriate to the service station site. In the Draft Plan, the objective of a Local Centre is *to protect, improve and provide for the future development of Local Centres*. The follow use restrictions are in place and are far more aligned with and reflective of the existing service station use.

Permitted in Principle: *Advertisements and Advertising Structures, Bed & Breakfast, Betting Office, Car Park, Childcare Facilities, Community Centre, Cultural Use, Doctor/Dentist, Education, Enterprise Centre, Funeral Home, Garden Centre, Guest House, Health Centre, Home Based Economic Activities, Housing for Older People, Live-Work Units, Nursing Home, Offices less than 100 sq.m, Off-Licence, Open Space, Petrol Station, Place of Worship, Primary Health Care Centre, Public House, Public Services, Recreational Facility, Recycling Facility, Residential, Residential Institution, Restaurant/Café, Retirement Home, Shop-Local, Shop-Neighbourhood, Social Club, Veterinary Surgery, Work-Live Units.*

Open for Consideration: *Allotments, Crematorium, Embassy, Hotel/Hostel, Industry Light, Motor Sales Outlet, Office-Based Industry, Offices 100 sq.m - 1,000 sq.m, Refuse Transfer Station, Science and Technology Based Enterprise, Service Garage, Sports Club/ Facility, Stadium, Traveller Accommodation, Wholesale Outlet.*

Not Permitted: *Abattoir, Aerodrome/Airfield, Agriculture, Boarding Kennels, Camp Site, Caravan Park-Residential, Cemetery, Concrete/Asphalt Plant in or adjacent to a Quarry, Conference Centre, Data Centre, Fuel Depot, Heavy Vehicle Park, Hospital, Industry-Extractive, Industry-General, Industry-Special, Nightclub, Offices over 1,000 sq.m, Outdoor Entertainment Park, Refuse Landfill/Tip, Retail Warehouse, Rural Industry-Food, Scrap Yard, Shop-Major Sales Outlet, Transport Depot, Warehousing, Wind Farm.*

1.14 With regard to this request, the Planning Authority will note that the service station site is strategically located adjacent the N7 national route, used daily by thousands of commuters. It is near existing residential areas and is also located adjacent to existing and proposed employment areas. The site is extremely accessible, and the service station is situated in an area which will be the subject of redevelopment proposals for more intensive uses, which is supported by strategic policy. The site will continue to operate

as a fuel station, but the focus in the future will be on expanding the range of services, including additional retail floorspace, expanded foodcourt/restaurant/cafe uses and other active ground floor uses.

- 1.15 The subject site therefore effectively operates as a local centre use supporting the vitality and viability of that area and, on this basis, we request the site be rezoned as a local centre to properly reflect this permitted and established context.
- 1.16 It is clearly evident that the proposed Enterprise and Employment zoning does not reflect the nature of the established and permitted service station use at the subject site.
- 1.17 Our clients cannot accept a zoning proposal that risks fundamentally undermining the ongoing operation of the service station and damages and its future development prospects.
- 1.18 In this sense, the proposed zoning is anti-competitive and contravenes the Retail Planning Guidelines in terms of its impact upon an existing retail outlet. This is not the intention of the planning process and no other major retail operator in South Dublin would accept such an outcome. The planning policy rationale underpinning this view is set out below.
- 1.19 The aim of **Development Plans, Guidelines for Planning Authorities, June 2007** is to improve the quality and consistency of development plans, and thereby improve the quality and consistency of decisions on planning applications.
- 1.20 The recently published draft update of these Guidelines from August 2021 advises:

Ensuring that the economic or employment strategy of the development plan is translated into the appropriate land use zoning proposals is an important consideration in the plan preparation process. The evidence and rationale underpinning the zoning of land for employment purposes must be clear and strategic in nature. Development plan preparation should include a comprehensive approach to estimating the differing zoning requirements for employment uses.

Planning authorities should ensure that retail objectives in development plans support placemaking and the regeneration for core town centre areas and NPF strategic policy objectives of increased compact growth.

- 1.21 Additionally, the **Retail Planning Guidelines for Planning Authorities 2012** set out a framework to ensure that retail development is plan-led, to promote city centre vitality through the sequential approach to development, enable good quality development in appropriate locations, facilitate modal shift and to deliver quality design outcomes.
- 1.22 A central theme of these Guidelines is the importance of the statutory development plan process with their first objective being that retail development is plan led. Also critical to the planning framework, this establishes the importance of existing retail centres, which are seen as the optimum location for new retail development. On this basis, planning authorities are advised to have regard to the changing role of urban

areas and the value of maintaining retailing when preparing development plans and retail strategies. Among the matters to be included in plans are the following:

2. Outline **the level and form of retailing activity appropriate to the various components of the settlement hierarchy in that core strategy; see district centres below;**
3. Define, by way of a map, the **boundaries of the core shopping areas** of city and town centres and also location of any district centres (See Section 3.4);
6. **Identify sites which can accommodate the needs of modern retail formats** in a way that maintains the essential character of the shopping area;

1.23 In the context of these national level policies objectives, it is our submission that the existing service station at Round Tower requires an appropriate zoning objective that properly reflects its existing and permitted retail use and, on this basis, merits rezoning as a Local Centre.

Conclusion

1.24 In conclusion, and with regard to nature of this submission's request and the subject site, we ask the Planning Authority to note:

- **The service station's strategic location along the N7, nearby existing residential and also existing and proposed employment areas.**
- **Its current commercial use and the fact that it has been part of the local retail resource for an extended period of time.**
- **The existing proposed 'Enterprise and Employment' zoning objective for the site fails to reflect its current and permitted use and has undermined its operation in the past.**

1.25 On all these grounds our client's site presents a strong credible case for a zoning designation that allows for the continued operation of the existing permitted service station use, something which is directly undermined by the proposed Enterprise and Employment zoning in the Draft Plan.

1.26 The reality is that this Circle K service station is already an established use. Its rezoning will therefore reflect its established use and will enable it to develop its services in accordance with customer expectations and the proper planning and sustainable development of the area.

1.27 Furthermore, the site's designation as a local centre demonstrates a strong compliance with national, regional, and local planning policy with regard to the sustainable development of compact urban centres of sufficient critical mass to support their strategic roles within wider settlement structures.

1.28 In addition, it places an appropriate emphasis on the regeneration and intensification of existing developed lands and the provision of sustainable employment generating uses.

- 1.29 In conclusion, our clients strongly oppose the proposed zoning of their service station at Naas Road with a land use zoning that, firstly, does not reflect or properly account for the established and permitted commercial use of the site and secondly, restricts not just its ongoing commercial use but its future development potential.
- 1.30 The submission therefore strongly appeals for the service station to be zoned as a Local Centre in light of the strong and sustained planning merits pertaining to its current use for a range of such uses.