

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

15th September 2021

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

Dear Sir/Madam,

We make this submission to draft South Dublin 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 operational site on Blessington Road in Dublin City.

Our clients strongly oppose the proposed zoning of their service station at Blessington 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 zoning proposal that fundamentally undermines the operation of the service station and damages both its current valuation and future development prospects. The proposed zoning puts a misplaced emphasis on the site's location, 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 zoned 'Local Centre' in light of the strong and sustained planning merits pertaining to its current use and strategic location serving the local needs of the surrounding community.

The submission addresses proposed development management standards set out for services stations in Chapter 13 of the Draft Plan and raises concern over a clear misinterpretation of the Retail Planning Guidelines provisions relating to ancillary retail development at service stations. In Particular service stations in Rural Zoned Areas.

We respectfully ask that the points made herein are reflected in the new Development Plan.

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.

Yours sincerely,



Cathal Costello
Coakley O'Neill Town Planning Ltd.

1.0 Circle K Service Station, Blessington Road, Dublin City

- 1.1 The subject service station site is 0.10ha in area and is located on the southern side of Blessington Road in Tallaght, Dublin. It comprises a single storey service building, located to the western end of the site with forecourt area with canopy over.
- 1.2 There are two pump islands under the canopy. The site has two entrances onto the Blessington Road. There is a large monolith sign located at eastern entrance. An air and water service area is located to the western end of the site.

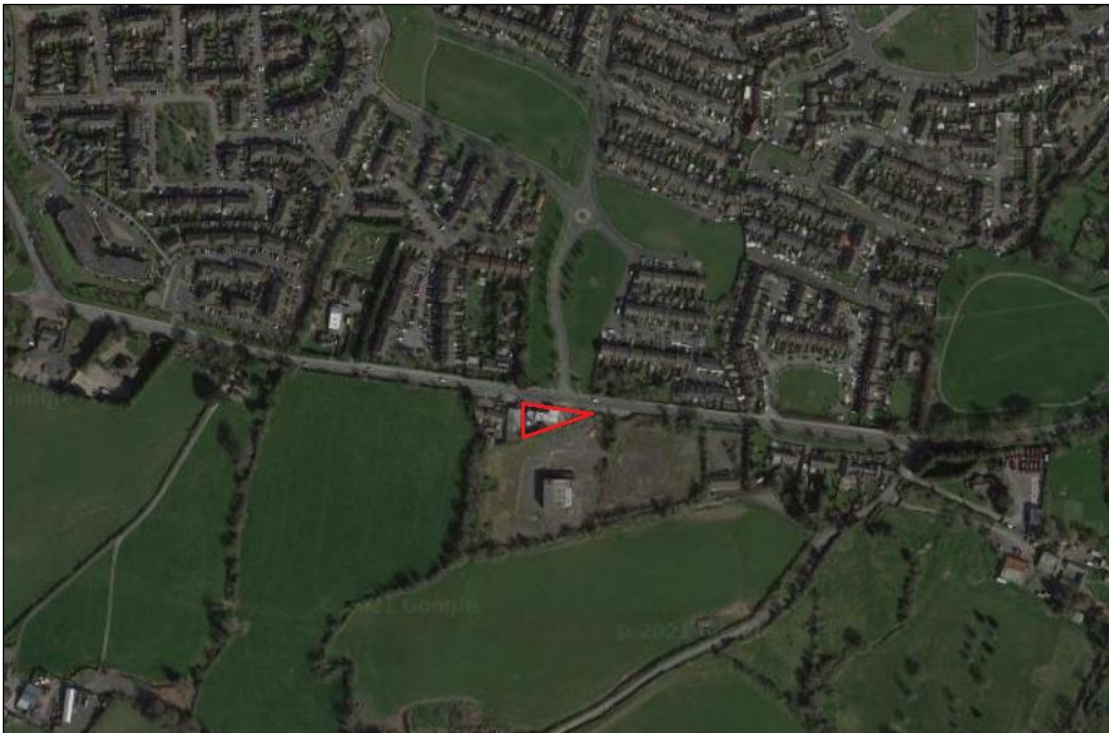


Figure 1: Site Location (generally outline in red, source Google Maps, annotated Coakley O'Neill)

- 1.3 The site currently operates as a service station, which was most recently granted planning permission for redevelopment under the planning **Application Register Reference SD02A/0224**.
- 1.4 It is now common practice for convenience food stores to increase their services as part of their product offering. The current or proposed zoning of the site does not reflect its permitted uses, nor does it allow for any reasonable expansion or future growth in line with this current use.
- 1.5 The site's urban and strategic context in relation to the surrounding environment is important to the consideration of this submission. It is located directly adjoining an area of commercial properties on the southern side of the road and it is directly and easily accessible to the extensive residential areas to immediate north.
- 1.6 The service station, therefore, not only forms part of the retail resource of the city but is located in an area where its primary function is to serve the local needs of the surrounding population.

Current Planning Policy

- 1.7 In the current South Dublin County Development Plan, 2016, the existing service station site is zoned 'RU' or 'Rural and Agriculture' 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 RU is 'To protect and improve rural amenity and to provide for the development of agriculture.'

- 1.8 Within 'RU' zones, the following land uses are currently permitted, not permitted, or open for consideration:

Not permitted: Advertisements and Advertising Structures, Betting Office, Caravan Park Residential, Conference Centre, Hospital, Housing for Older People, Industry General, Industry-Light, Industry-Special, Live-Work Units, Motor Sales Outlet, Nightclub, Nursing Home, Office-Based Industry, Offices 100sq.m-1,000 sq.m, Offices over 1,000 sq.m, Off-Licence, Outdoor Entertainment Park, Refuse Transfer Station, Residential Institution, Retail Warehouse, Retirement Home, Science and Technology Based Enterprise, Scrap Yard, Shop-Major Sales Outlet, Shop Neighbourhood, Transport Depot, Warehousing, Wholesale Outlet, Wind Farm.

Open for consideration: Abattoir, Bed & Breakfast^a, Boarding Kennels, Camp Site^b, Car Park^h, Childcare Facilities^b, Community Centre, Crematorium, Cultural Use^a, Doctor/Dentist^b, Education, Embassy^a, Enterprise Centre^b, Fuel Depot^b, Funeral Home^b, Garden Centre, Guest House^a, Health Centre^b, Heavy Vehicle Park, Hotel/Hostel, Offices less than 100 sq.m^b, Petrol Station^b, Place of Worship^b, Primary Health Care Centre^b, Public House^b, Recreational-Facility, Recycling Facility^b, Refuse Landfill/ Tip, Residential^c, Restaurant/Café, Service Garage^b, Shop-Local^b, Social Club, Sports Club/Facility, Stadium, Traveller Accommodation, Veterinary Surgery.

- a) In existing premises
- b) In Villages to serve local needs
- c) In accordance with Council policy for residential development in rural areas
- f) In accordance with a Local Area Plan
- h) For small-scale amenity or recreational purposes only

Permitted in principle: Aerodrome/Airfield, Agriculture, Allotments, Cemetery, Concrete/Asphalt Plant in or adjacent to a Quarry, Home Based Economic Activities^a, Industry-Extractive, Open Space, Public Services, Rural Industry-Food.

Proposed Planning Policy

- 1.9 In the Draft Plan, the site is again to be zoned for 'Rural and Agriculture' uses, as illustrated in figure 2, below.

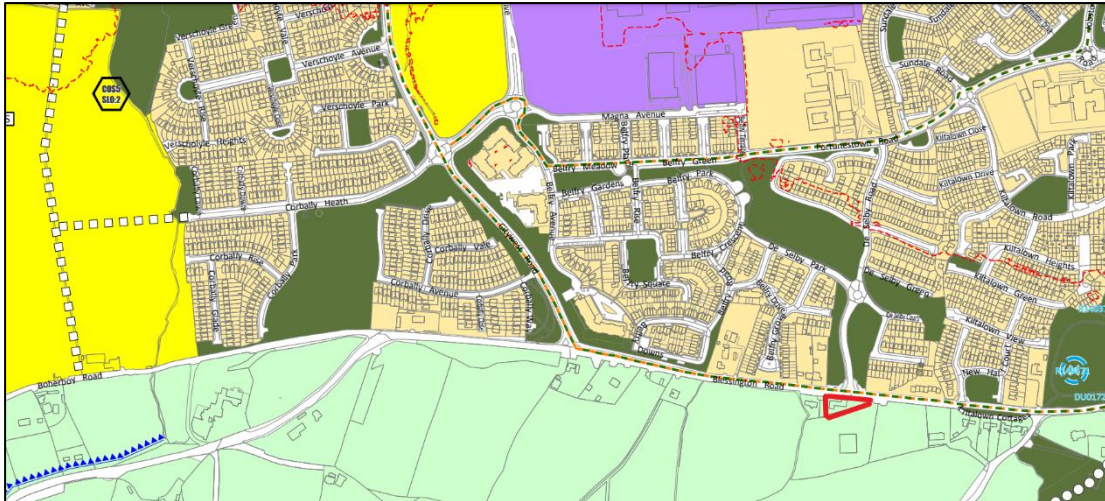


Figure 2: Proposed Site Zoning, Draft South Dublin County Development Plan, annotated Coakley O'Neill

- 1.10 A wide range of uses are generally not to be permitted within Rural and Agriculture zones, including:

Advertisements and Advertising Structures, Betting Office, Caravan Park- Residential, Conference Centre, Data Centre, Hospital, Housing for Older People, Industry- General, Industry-Light, Industry-Special, Live-Work Units, Motor Sales Outlet, Nightclub, Nursing Home, Office-Based Industry, Offices 100sq.m-1,000 sq.m, Offices over 1,000 sq.m, Off-Licence, Outdoor Entertainment Park, Refuse Transfer Station, Residential Institution, Retail Warehouse, Retirement Home, Science and Technology Based Enterprise, Scrap Yard, Shop-Major Sales Outlet, Shop-Neighbourhood, Transport Depot, Warehousing, Wholesale Outlet, Work-Live Units.

- 1.11 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.
- 1.12 It is clearly evident to us that the proposed Rural/Agricultural zoning does not reflect the nature of the established and permitted service station use at the subject site. Nor does it account for the strongly residential nature of the lands immediately surrounding the site. Nor does the proposed zoning properly reflect to permitted commercial uses immediately adjoining the site
- 1.13 This proposed zoning is therefore, in our view, neither accurate nor reasonable in this context.

Discussion and Submission

- 1.14 This submission argues that 'local centre' zoning objective should be applied to the site of the existing Circle K Blessington Road service station. Failing this, and at the very least, a zoning objective that reflects the non-rural nature of the permitted commercial use should be considered.
- 1.15 The subject site fronts onto the Blessington Road. It comprises a Circle K Service Station. It is located adjacent to a number of commercial properties and has been in use as a service station for an extended period of time. The current operation and uses on site demonstrate that the station provides a 'Local Centre' function to the surrounding area. The zoning proposed however does not allow for reasonable expansion and growth of these uses and therefore unduly curtails any reasonable development of the services provided.
- 1.16 The subject site is located on the edge of an established urban area, but nonetheless operates as a local centre use supporting the vitality and viability of that area. The Planning Authority will note that the station is strategically located relative to existing and proposed population and employment areas, is extremely accessible by car, bicycle and on foot.
- 1.17 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 food court/restaurant/cafe uses and other active ground floor uses.
- 1.18 The proposed 'RU Rural/Agricultural' zoning of the site completely ignores this established context and indeed that of adjoining properties, also in commercial use.
- 1.19 It is evident therefore that the proposed Rural and Agriculture use does not reflect the nature of the established and permitted service station use at the subject site. This service station was redeveloped subsequent of a planning permission granted 11th October 2002 under **Application Register Reference SD02A/0224**.
- 1.20 Our clients cannot accept a zoning proposal that fundamentally undermines the ongoing operation of the service station and damages both its current valuation and future development prospects. In this respect it is submitted that the continued and proposed Rural/Agricultural zoning objective is not alone entirely erroneous anti-competitive and contravenes the Retail Planning Guidelines in terms of its impact upon an existing retail outlet.
- 1.21 the proposal is at odds with national policy on the preparation of development plans and the making of zoning designations. 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. The planning policy rationale underpinning this is set out below.
- 1.22 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.

1.23 Additionally, the Retail Planning Guidelines for Planning Authorities 2012 set out a framework to ensure that retail development is plan-led, to promote centre vitality through the sequential approach to development, enable good quality development in appropriate locations, facilitate modal shift and to deliver quality design outcomes.

1.24 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 cities 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;

1.25 In the context of these national level policies objectives, it is our submission that the existing service station at Blessington Road requires an appropriate zoning objective that properly reflects its existing and permitted retail use in conjunction with recent planning applications and, on this basis, merits inclusion within a Local Centre zone.

1.26 Failing this it must be considered reasonable that it is given a zoning that reflects its developed, brownfield nature.

1.27 It must be acknowledged with respect to the proposed rural zoning, that section 13.7.3, subsection (iii) of the Draft Plan with regards development at service station states:

*...while necessary, have the potential to cause disturbance, nuisance and detract from the amenities of an area and as such, proposals for new or extended outlets will be carefully considered. **Motor***

fuel stations will not generally be encouraged within the core retail area of urban centres or in rural areas.

- 1.28 Irrespective of policies relating to non-conforming uses, the proposed rural zoning objective for our clients' service station, coupled with the above policy statement, fundamentally undermines the continued operation and future development of the station. It provides, for example, an unreasonable and unfair opportunity to object to future development proposals on zoning grounds.
- 1.29 The development plan process should not ignore this inconsistency, nor its potential negative implications for our clients. New land use zoning objectives should be reflective of planning permissions granted and uses in place and not curtail any reasonable expansion of these established uses.
- 1.30 Not alone this but given the rapidly changing nature of forecourt retailing, we suggest that any new planning policies or objective for motor fuel stations should reflect current and developing market dynamics to encompass the changes in the market, acknowledge the emergence of new players, and reflect different petrol retail formats, particularly existing service stations in sustainable urban locations.
- 1.31 It should be acknowledged that a significant proportion of these urban stations, including that at Blessington Road, exist in sustainable locations in terms of their proximity to established residential areas.

Conclusion

- 1.32 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 location adjoining existing residential and commercial properties**
 - **Its current developed brownfield nature and commercial use and the fact that it has been part of the local retail resource for an extended period of time.**
 - **The current zoning of the site does not reflect the permitted and established uses at the site, nor does it allow for any reasonable expansion or future growth**
 - **The proposed 'Rural and Agriculture' zoning objective for the site again fails to reflect its current and permitted use.**
- 1.33 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 Rural and Agriculture zoning in the Draft Plan.
- 1.34 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 expand its services in a reasonable manner.
- 1.35 Furthermore, the site's designation for 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.

- 1.36 In addition, it places an appropriate emphasis on the regeneration and growth of existing developed lands and the provision of sustainable employment generating uses.
- 1.37 In conclusion, our clients strongly oppose the proposed zoning of their service station at Blessington 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.
- 1.38 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. Failing this it is only reasonable and appropriate that it is given a zoning that reflects its developed, brownfield nature.