

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

14th 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 Fonthill Road South, Newlands Cross in Dublin City.

Our clients strongly oppose the proposed zoning of their service station at Fonthill Road South, 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 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.

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.

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

Yours sincerely,

A black rectangular box redacting the signature of Cathal Costello.

Cathal Costello
Coakley O'Neill Town Planning Ltd.

1.0 Circle K Service Station, Fonthill Road South, Dublin City

- 1.1 The subject service station site is 0.40ha in area and is located on the southern side of Fonthill Road South at Newlands Cross, Dublin. It comprises a single storey service building of stated floor area 210sqm, located centrally on the site with forecourt area with canopy over.
- 1.2 There are four pump islands under the canopy with a further two pump islands to the South East of the site. The site has two entrances onto the Fonthill Road South. There is a large monolith sign located at eastern entrance. Carwash facilities are located to the rear of the services building, while an air and water service area is located to the east of the Main Service building.

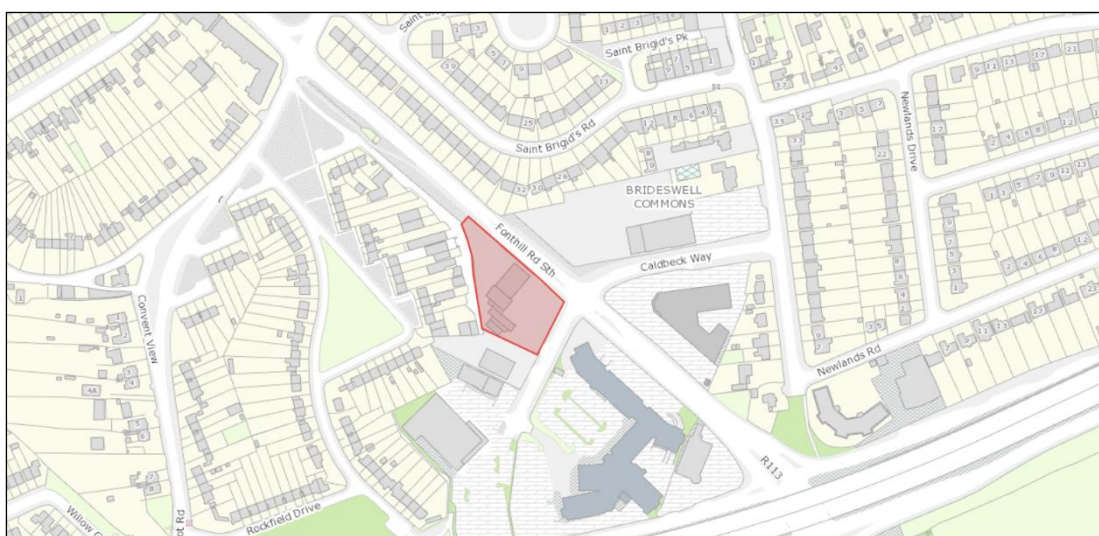


Figure 1: Site Location (generally outline in red, source MyPlan, annotated Coakley O'Neill)

- 1.3 The site operates as a service station with an off-licence on site, which was granted planning permission under the planning **Application Register Reference SD11A/0138**.
- 1.4 It is now common practice for convenience food stores to increase their services as part of their product offering. The current and proposed zoning of the site does not reflect these 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.
- 1.6 It is located directly adjoining an area zoned residential to the north, east and west, with a site zoned Local Centre to the South East on the opposite side of Fonthill Road South. It is directly and easily accessible to the surrounding residential amenities as well as areas of larger employment and services.
- 1.7 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 Context

- 1.8 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.

- 1.9 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 sq.m, 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

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

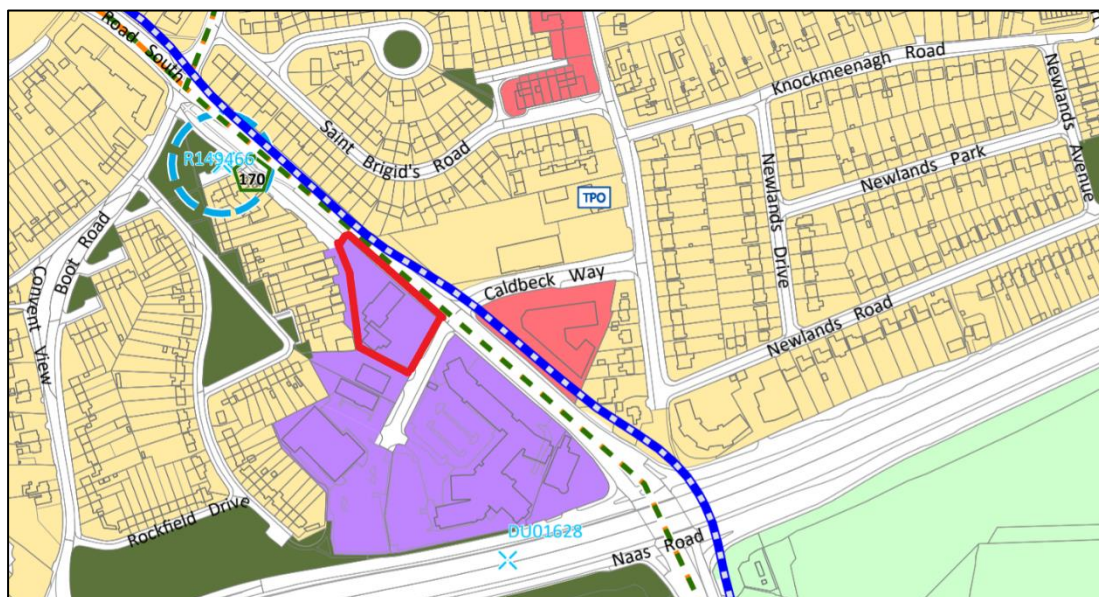


Figure 2: Proposed Site Zoning, Draft South Dublin County Development Plan, annotated Coakley O'Neill

1.11 A wide range of uses are generally not permitted within Enterprise and Employment zones, including:

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, Work-Live Units.

1.12 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.

1.13 It is clearly evident to us that the proposed Enterprise and Employment 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 Hotel use to the immediate south.

1.14 This proposed zoning is therefore, in our view, neither accurate nor reasonable in this context.

Discussion and Submission

- 1.15 This submission argues that 'local centre' zoning objective should be applied to the site of the existing Circle K Newlands Cross service station.
- 1.16 The subject site fronts onto Fonthill Road South. It comprises a Circle K Service Station. It is located adjacent to a Maldron Hotel and has been in use as an established 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.
- 1.17 The subject site is located within an established residential area, and effectively 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.



Figure 3: Site context illustrating strong residential character of area surround service station, which is shown in red.

- 1.18 On the direct opposite side of Fonthill Road South to the North East is an area zoned 'Local Centre'. Within this local centre there are a number of businesses such as, betting shops, car sales, beauty services, solicitors, and food outlets. Our clients store acts an additional service complementing this centre.
- 1.19 Into the future, the site will continue to operate as a fuel station, but the focus will be on expanding the range of services, including additional retail floorspace, expanded food court/restaurant/cafe uses and other active ground floor uses.

- 1.20 It is evident that the proposed Enterprise and Employment use does not reflect the nature of the established and permitted service station use at the subject site. Nor is it fully consistent with the recent grants of planning permission at the site.
- 1.21 Our clients cannot accept a zoning proposal that risks fundamentally undermining 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 Enterprise and Employment zoning objective is anti-competitive and contravenes the Retail Planning Guidelines in terms of its impact upon an existing retail outlet.
- 1.22 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.
- 1.23 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.

- 1.24 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.
- 1.25 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;

1.26 In the context of these national level policies objectives, it is our submission that the existing service station at Newlands Cross 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.

Conclusion

1.27 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 within a strongly residential area of the city.**
- **Its current commercial use and the fact that it has been part of the local retail resource for an extended period of time.**
- **The proposed 'Enterprise and Employment' zoning objective for the site fails to properly reflect its current and permitted use.**
- **It is now common practice for convenience food stores to increase their services as part of their product offering. The current zoning of the site does not reflect the uses at the site, nor does it allow for any reasonable expansion or future growth.**

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

1.29 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.

1.30 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.

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

1.32 In conclusion, our clients strongly oppose the proposed zoning of their service station at Fonthill Road South 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.

1.33 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.