



**Draft South Dublin County Development Plan,
2022-2028**

Lands at Kiltalown, Dublin 24

Submission on behalf of Diarmuid Phelan

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To: Senior Executive Officer
Forward Planning
Land Use Planning & Transportation Dept
County Hall, Tallaght
Dublin 24

Re: Draft South Dublin County Development Plan, 2022-2028
Lands at Kiltalown, Saggart, Co. Dublin

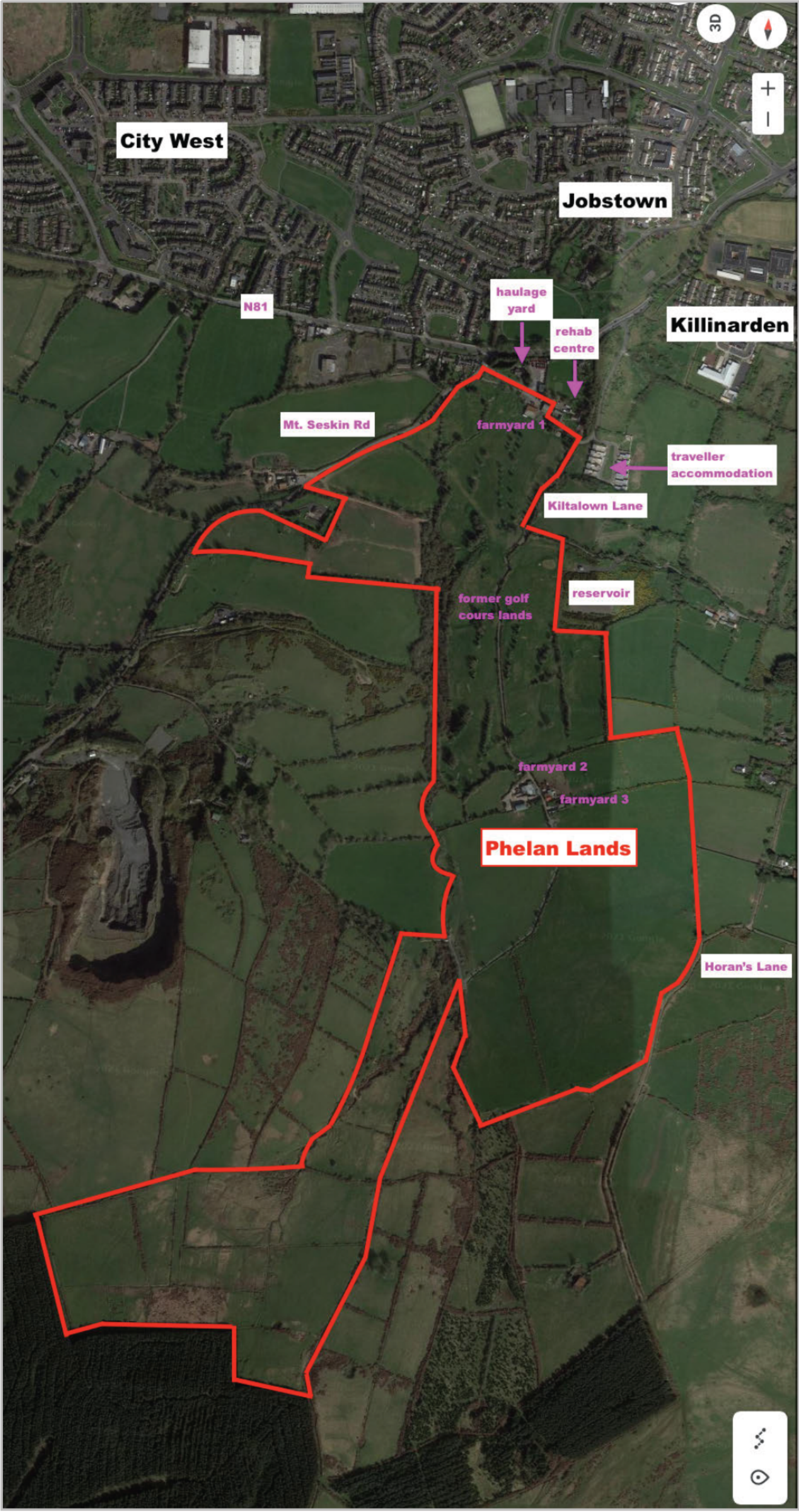
Introduction

We, Doyle Kent Planning Partnership Ltd, of 71 Carysfort Avenue, Blackrock, Co Dublin, on behalf of our client Mr. Diarmuid Phelan, Kiltalown, Dublin 24, wish to make this submission in respect of the Draft South Dublin County Development Plan, 2022-2028. Our client is the owner of a farm at Kiltalown, Saggart, of 75ha approximately in a single block of land, just off the N81 National Secondary Road, near the junction with Mount Seskin Road.

The Lands

The lands subject of this submission are to the south of the N81 National Secondary Road in the Kiltalown area. The residential areas of City West and Jobstown are located to the north-west and to the east, respectively, including the Killinarden development, located south of the N81.

The land holding subject of this submission rises from the north in a southerly direction for about 1.9km. Its northernmost point is located at about 140m OD and its southernmost point at about 350m OD. The relatively low lying northern part of the property is predominantly good quality agricultural land, whilst the southern, elevated area is also reasonable quality grazing land, forming part of the northern slopes of the nearest summit, *Knockannavea (Mount Seskin)*. The *Tallaght Stream*, a small water course, flows northward, in part along the western boundary of the lands.



Lands at Kiltalown

The N81 is located a short distance to the north of the property and is c.26m away from the property boundary at its nearest point. Along the north-west boundary of the northern, low lying part of the landholding, the property is bounded for approximately 600m by a local road, the Mount Seskin Road (c.5.5m wide) and to the east, for about 200m, by another local road, the Kiltalown Lane (c.3.5m). Access is available from the lands onto these roads. Another local road, Horan's Lane, is located further to the east and gives access to the upper, southern part of the lands.

The property is actively farmed by the owner who operates a substantial cattle and sheep breeding undertaking. There are three farm complexes in active use, containing a number of farm buildings. The first complex is near the northern property boundary, and the second and third complexes (with two farmyards) are about 700m uphill and southwards of the first. There are also two dwellings within the property, in the vicinity of the second and third farm complex.

The lower, northern part of the land was previously laid out as a golf course for more than two decades from 1988 (*Hazel Grove Golf Club*) and was served by a club house which was located near the northern boundary of the lands, adjoining the farm yard in this location. However, the golf club house was vandalised and burnt out and the golf use ceased.



Burnt out Club House



Lands of former golf course

The area of the former golf course is now incorporated into the farm and is used for grazing and silage. The greens, tees and bunkers have been decommissioned and generally now form part of the overall agricultural area.

The property is bounded along the northern boundary, in part, by a rehabilitation centre, the *New Hope Residential Centre*, located at Kiltalown Cottage, with access of Kiltalown Lane, and in part by a road haulage undertaking, *Tipper Services Ltd*, at Thornfield House, with access from Mount Seskin Road. The travellers' settlement at Hazel Hill adjoins the eastern side of Kiltalown Lane.

Located adjoining the eastern boundary of our client's property, with access onto Kiltalown Lane, is Kiltalown reservoir and water pumping station, which is part of the *Boherboy Water Supply Scheme* operated by Irish Water. From this reservoir, a 600mm diameter water main runs in a way leave north-westwards across the lands subject of this submission to serve development in that direction. There is no foul sewerage on the subject lands, but a 225mm foul sewer serves the traveller accommodation a short distance east of the boundary to the lands.

Planning History

Register Reference No. 85A/192 refers to permission granted in November 1985 by Dublin County Council for a leisure park, incorporating golf course, BMX track, tennis courts, bowling green, garden centre, together with toilets and septic tank at Kiltalown. By condition, the BMX track was omitted and a footpath was to be provided along Mount Seskin Road up to the N81.

Register Reference 89A/1263 refers to permission granted in January 1990 for retention of change of use of building from approved usage as garden centre facilities / golf course administration to golf clubhouse.

Register Reference SD02A/0568 refers to an invalidated application in 2002 by *Hazel Grove Golf Club* for permission for a two storey clubhouse of 735m², comprising changing facilities, bar, function room, office and associated car parking, landscaping, drainage, demolition of existing agricultural sheds and road works, also the conversion of 9.2 hectares of agricultural lands to golf use. This proposal was not further pursued.

Planning Policy

The Eastern and Midland Regional Assembly RSES (Regional Spatial and Economic Strategy) predicts a population of 308,000 to 314,000 for South Dublin County by 2026, compared with 279,000 in 2016, and rising to a possible 329,000 by 2031. National and regional policy is generally to intensify and consolidate development within existing settlements. Such intensification in South Dublin County includes redevelopment of existing areas of light industry / warehousing for more intensive purposes, including residential.

The Office of the Planning Regulator has recommended to the Council that a significant proportion of this increase should be directed to the south western corridor (LUAS red line) – Tallaght Town Centre / Cookstown and Fortunestown / Saggart / Citywest and has pointed to:

“The potential to re-intensify older industrial estates such as Naas Road/Ballymount, brownfield lands in Tallaght/Cookstown and to provide for high tech and research

and development employment at Grangecastle which are identified as strategic employment locations in the RSES.”

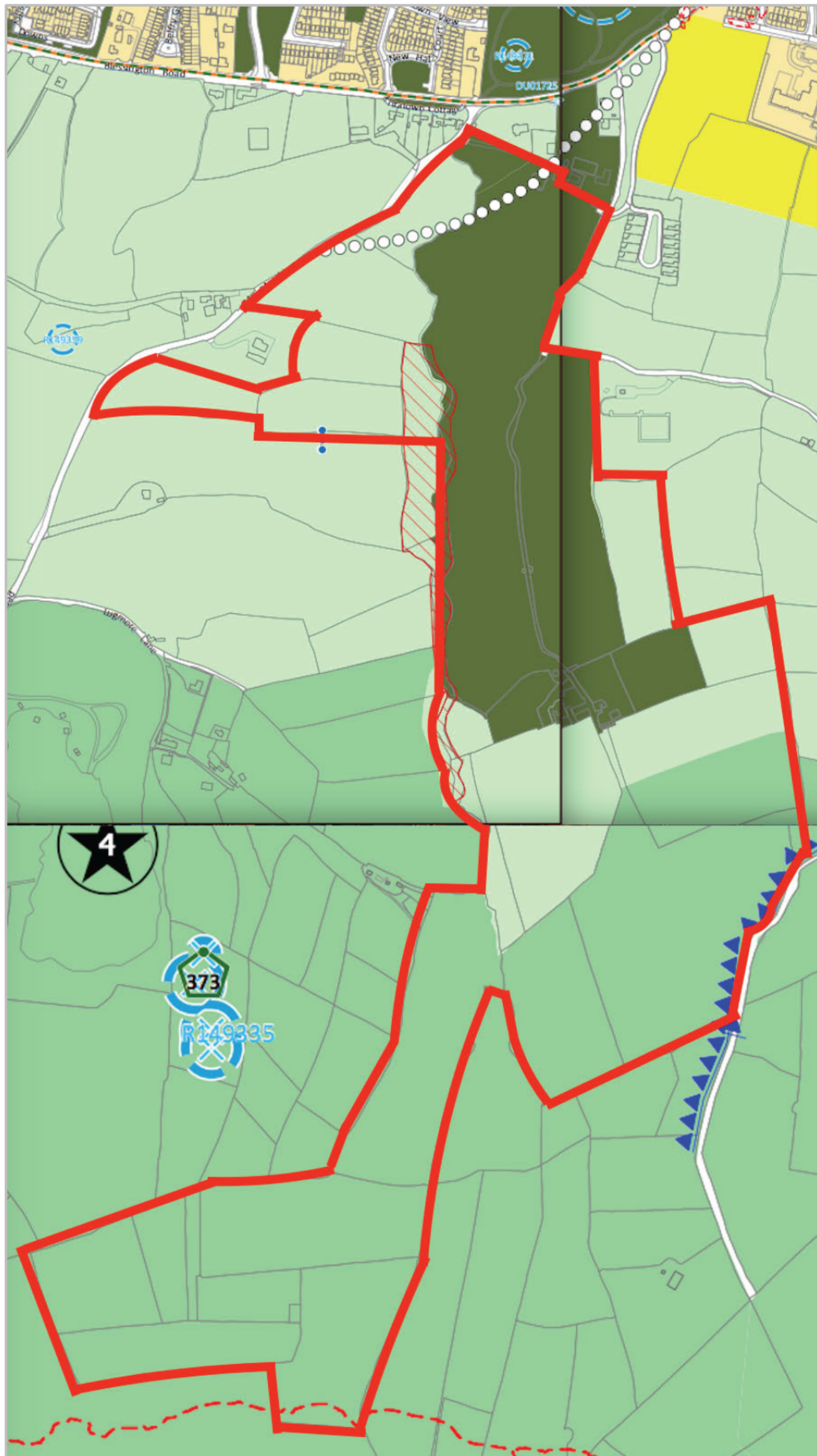
This approach is also reflected in the recently adopted Tallaght Town Centre Local Area Plan 2020, where former industrial areas (Cookstown) are designated for more intensive redevelopment. Similar policies are set out in the current Draft Development Plan for the County.

One effect of such densification is to push other, less intensive users, such as distribution warehousing, to the periphery or further afield. The increased demand for warehouse storage in the Dublin area is likely partly related to such developments, as well as other factors, such as Brexit.

Draft Development Plan 2022-2028

In the draft South Dublin County Development Plan 2022-2028, the proposed land use zonings affecting the lands subject of this submission are generally similar to those in the current South Dublin County Development Plan, 2016-2022.

Under the draft Development Plan, the subject lands are treated in three parts for zoning purposes, namely the northern area of the former golf course, the middle section of lands to the south of the former golf course and the uplands further to the south.



Draft Development Plan 2022-2028 (Phelan Lands in Red)

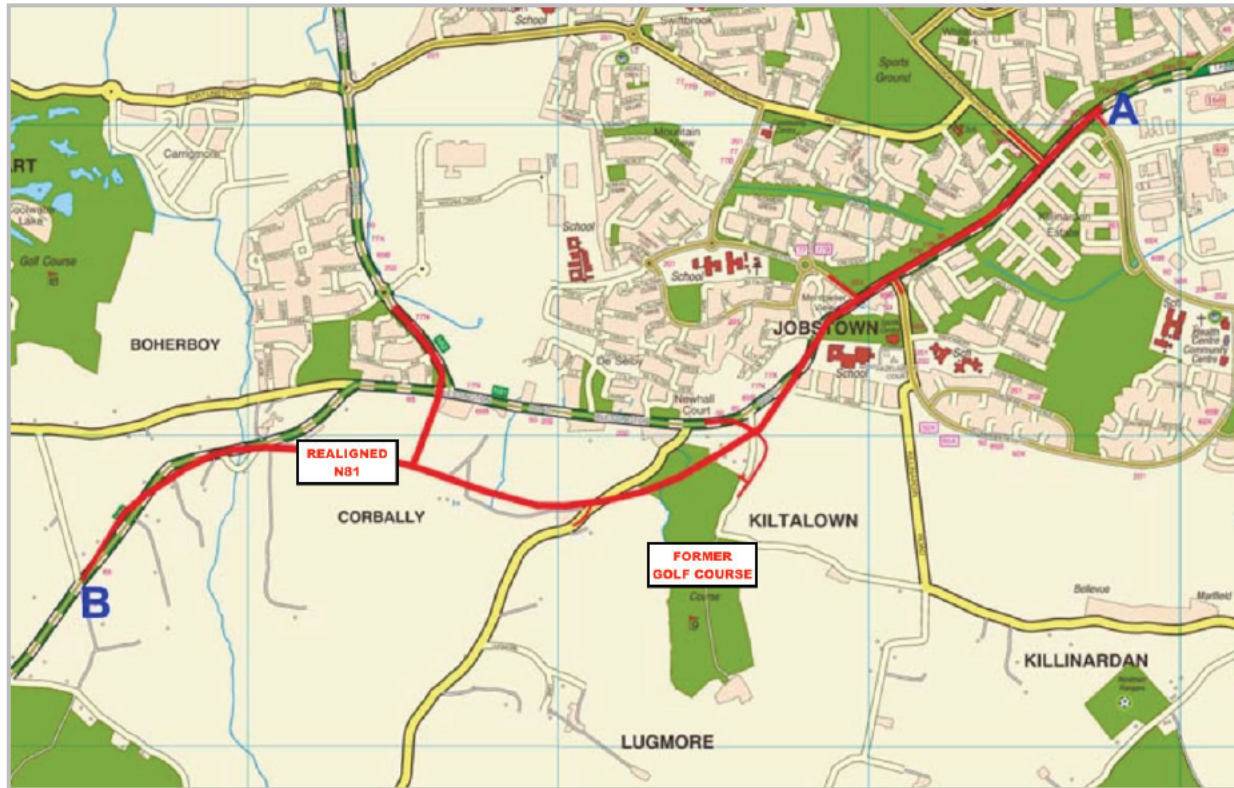
In the northern part of the land holding, an area of c.26ha, including the former golf course plus adjoining lands to the south, is designated Zoning Objective 'OS': *To preserve and provide for open space and recreational amenities*. This zoning objective permits a very limited range of land uses, including: *Allotments, Community Centre, Cultural Use, Open Space, Recreational Facility, Sports Club/Facility*. A slightly longer list of uses is *Open for Consideration*.

The middle area of the lands, which is also the smallest within the land holding (c.12ha), is designated in accordance with its use, with Zoning Objective 'RU': *To protect and improve rural amenity and to provide for the development of agriculture*. This zoning objective also applies to the lands (c.7ha) immediately to the west of the former golf course area and having frontage onto Mount Seskin Road.

The upland area (c.30ha) is designated with objective 'HA-DM': *To protect and enhance the outstanding natural character of the Dublin Mountains Area*. Only three land uses are permissible in this area, namely *Agriculture, Car parks and Open Space*.

Also of note is the designation of part of the Tallaght Stream valley as a proposed Natural Heritage Area: the Lugmore Glen pNHA 001212. This is a narrow area of the valley characterised by hazel wood vegetation.

Proposed large scale improvements to the N81 were previously outlined in the SDCC Development Plan 2016-2022. These included construction of a new section of the N81 running across the northern part of our client's lands, thus bypassing an existing substandard section of the N81 road further to the west. Subsequently, Government decided not to proceed with the major improvements to the N81 for the time being and the project does not currently appear in the TII list of projects.



Previous proposal for realigned N81 (now awaiting funds)

In the draft Development Plan 2022-2028 the proposal for a new section of road, running south-westwards across our client's lands, from the N81 to join the Mount Seskin Road, is retained although the overall improved / realigned N81 is omitted for the most part. However, the project remains as a topic on the *Transportation* section of the SDCC website, with the label "*awaiting funding*" and a map showing the full improvement line.

Amendment of the Draft Land Use Zoning Objectives

The lands at Kiltalown are located in close proximity to the built-up area of the Tallaght conurbation, which straddles both sides of the N81. The urban development is now extending further southwards and uphill (higher than the northern part of our client's lands) to the east of Kiltalown Lane, with the expansion of Killinarden. Between our client's lands and the N81 are other land uses, including a haulier's yard and a rehabilitation centre. The proposal in the Draft Development Plan to construct a stretch of new road across the lands is a further factor of significance.

Open Space Zoning

We consider that the attachment of an 'OS' open space zoning objective to the former golf course lands is no longer appropriate. The golf club ceased to exist several years ago and our client has no intention of reinstating same. Indeed the burning of the clubhouse has left him with no choice in the matter. The lands are now farmed and the 'OS' zoning no longer reflects the reality, or possibility.

Also, we note that the 'OS' zoning objective was applied to part of the lands which had never formed part of the golf course, namely the southernmost area thus zoned, but which included two farm complexes and two dwellings as well as grazing lands. Indeed, one of the said farm complexes and grazing lands were owned and farmed entirely separately to the golf club enterprise.

We request the Council to remove the OS zoning objective from the lands.

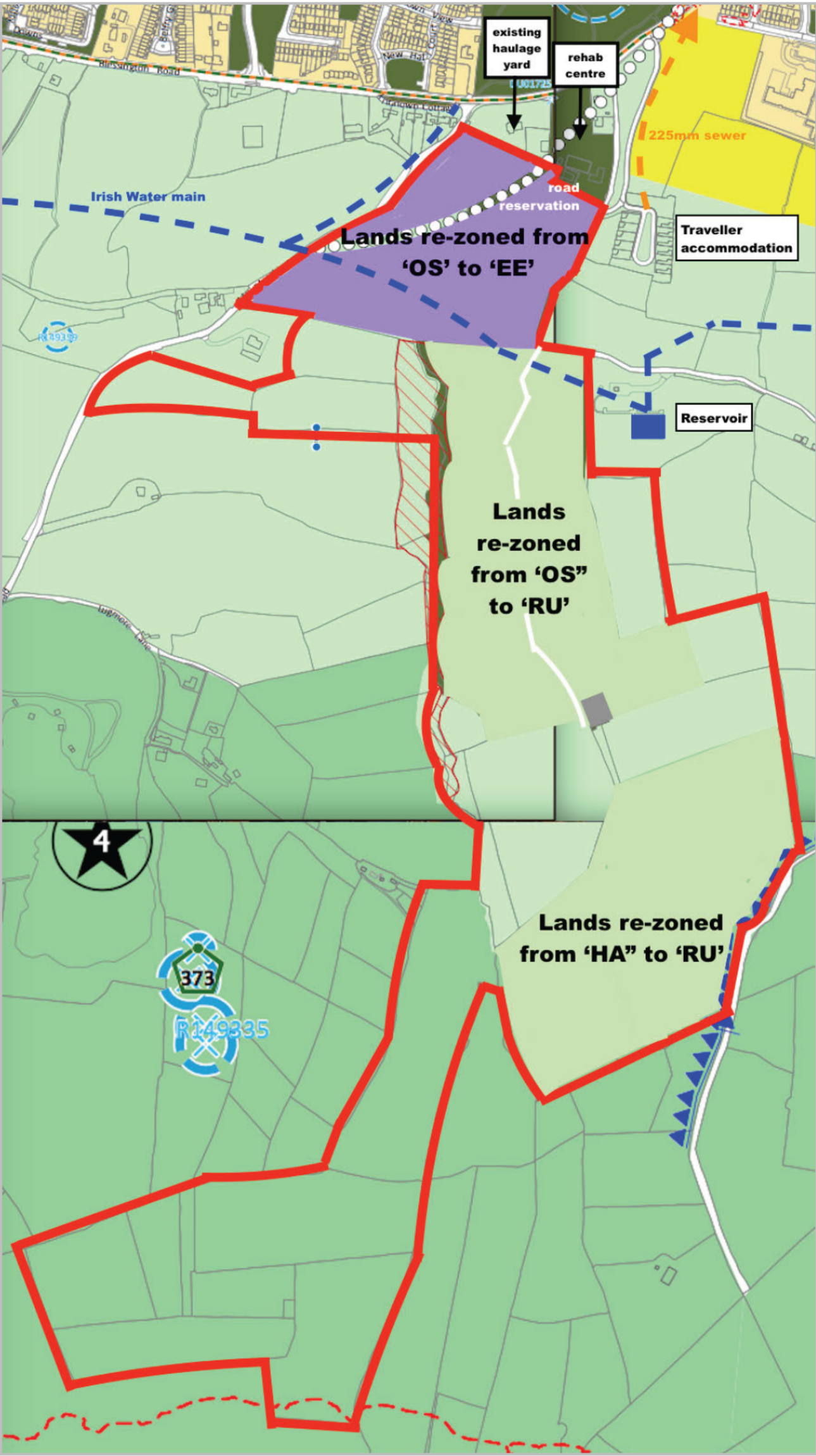
Rural and Agricultural Zoning 'RU'

The area of the farm zoned for agriculture 'RU' is relatively modest and does not correspond to the reality on the ground. In particular, the lands of the former golf course are in agricultural use and are not an open space for the enjoyment of visitors. Furthermore, the southern termination of the 'RU' zoning, where the zoning objective changes to 'HA-DM' does not correspond with the activity on the ground (see photo below).

The zoning boundary runs through grazing land with no visible boundary between the two zoning areas. We submit that a more appropriate boundary between the 'RU' and 'HA-DM' zonings is further uphill. This would still leave the major part of the uplands in our client's with a 'HA' zoning objective. Proposals for alteration to the zoning are shown overleaf.



Agricultural lands zoned HA currently



Proposed changes to zoning of Phelan lands (outlined red)

Northern part of the lands

All activity on the land has been adversely affected by its location on the urban fringe. The golf enterprise was destroyed. It was not even possible to insure these buildings prior to their destruction because of the proximity to and the character of this particular part of the urban fringe. The development of further housing in Killinarden, to the east, will bring the built-up area even closer.

In addition to the more usual trespass by outsiders, there has been considerable criminality, including illegal entry by armed criminals, destruction of equipment and the arson attack on the former clubhouse premises, intimidation of the family, threats and arson along the roadway to the existing houses and above the houses.

Tallaght Community Gardaí, Crime Prevention, the Garda Detective Unit and the Irish Farmers Association have all been involved but are unable to cope. Since the making of the current Development Plan, there have been over thirty formal investigations and innumerable call outs.¹ There have been six convictions for malicious damage and intimidation in the District and Circuit Courts. One of the accused was killed prior to trial. There is also persistent fly tipping on the adjoining roads.

The main concentration of the problems is confined to the lower, northern section of the lands, where they present very real challenges to activity. Farming activity cannot sustain the level of active discouragement required to pacify the lands nor can it fund 24 hour security operations.

This northern part of the farm is affected by a road reservation, as shown on the Draft Development Plan, and is readily serviceable with water and drainage. Existing access is available from the Mount Seskin Road, which is adequate in width and alignment to serve development of this lower area of the lands. There is also existing access to the lands at two locations on Kiltalown Lane, one such beside the entrance to the *New Hope Residential Centre*, located at Kiltalown Cottage.

¹ Our client has documentary evidence from the Gardaí in respect of these crimes, which he can produce for information at a meeting/hearing with Council officials – see below re: request for hearing.

We submit that a more appropriate use of the lands would be facilitated by a revised land use zoning objective which would permit lower intensity commercial land uses, such as storage or warehousing (not retail warehousing) in the form of land use zoning objective 'EE':
To provide for enterprise and employment related uses.

These would be appropriate land uses on the urban edge and provide both needed facilities and a buffer between the remaining farm and current problematic intrusion from the urban fringe. This approach would also accord with the advice set out in the OPR submission to the Council, where it is stated that

*"The coordination of economic development and employment with population growth and transport to ensure trip intensive uses are directed to appropriate locations, lands with strategic employment potential are retained for that purpose and **lower intensity employment is encouraged to relocate from areas with strategic redevelopment potential for employment / mixed use.**"*

Modelled on a similar objective in the Draft Development Plan (ET3 SLO 2) for Corkagh, a specific planning objective is proposed:

"To facilitate warehousing and ancillary auction uses at the former Hazel Grove Golf Club, Kiltalown, Saggart, off the N81 National Secondary Road subject to proper planning and sustainable development including protection of the operating capacity and safety of the N81 and its junction with Mount Seskin Road."

We submit that an appropriate demarcation line between the 'RU' zoning and the proposed 'EE' zoning is as shown above, which generally follows the 150m OD contour, thereby ensuring there would be no significant visual impact. This encloses an area of slightly less than 9ha of lands proposed to be rezoned to 'EE'.

Conclusion

We have set out the challenges pertaining to the continuation of farming on the lands at Kiltalown and proposed a reasonable modification of the Draft Development Plan to provide a necessary service (distribution warehousing) and ensure continuation of agriculture on the major portion of the land. Our client would be willing to facilitate the proposed road improvements set out in the Draft Development Plan insofar as these affect his lands. We note access to those lands is in any case available via the existing road network with or without the said new road. Please also note our client's submission of September 2020 in respect of the Draft Development Plan.

We request that our client be facilitated with a meeting/hearing to further explain his proposals and to discuss the Council's proposals in relation to the area, including the Jobstown-Mount Seskin proposed road reservation. In this regard, we confirm our client's support for the request for a hearing submitted on behalf of his neighbours, the Childs family of [REDACTED] (submitted per John Bird).

[REDACTED]

Karl Kent