

Senior Executive Officer,
Forward Planning Section,
Land Use Planning & Transportation Department,
County Hall, Tallaght, Dublin 24

Date: 26th April 2022
JSA Ref: 21113

Dear Sir/Madam,

RE: SUBMISSION TO THE MATERIAL AMENDMENTS TO THE DRAFT SOUTH DUBLIN COUNTY DEVELOPMENT PLAN 2022-2028 ON BEHALF OF CAIRN PLC IN RESPECT OF LANDS AT NEWCASTLE, CO. DUBLIN.

1.0 Introduction

- 1.1 On behalf of our client, Cairn PLC (“Cairn”), 7 Grand Canal, Grand Canal Street Lower, Dublin 2, we wish to make a submission in respect of the proposed material amendments to the draft South Dublin County Development Plan 2022-2028 published on the 29th of March 2022.
- 1.2 We welcome the opportunity to make a submission in relation to the proposed material amendments to the County Development Plan on behalf of our client in respect of their lands at Newcastle.
- 1.3 Cairn is an Irish homebuilder founded in 2014 with a clear strategy to deliver high-quality new homes with an emphasis on design, innovation and customer service. Cairn have delivered c. 3,175 new homes across the Greater Dublin Area in the space of 5 years, with 743 of these delivered in 2020. Cairn is uniquely positioned to help address the chronic housing shortage due to their strategic landbank, and ability to deliver large high-quality developments quickly. Cairn aim to deliver 2,500 new homes before the end of 2022. Cairn is committed to working with South Dublin County Council in the delivery of much-needed new homes together with the associated infrastructure necessary to deliver new communities with improved and high-quality amenities.
- 1.4 Cairn have a reputation for speed of delivery, quality of finish and the provision of excellent ancillary facilities. Cairn began development in Newcastle in February 2020 and have commenced 388 homes, with circa 150 of these already occupied. A mixture

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of houses, duplex and apartments have been delivered to date and all homes are finished to the highest specifications with quality brick and render elevations. The development includes a greenway connecting the Main Street to the new town park that will be delivered as part of the final phase. This is currently under development and due for completion in Q4 2022. Pre-application discussions have also commenced with the Council in relation to a residential development in the region of 300 homes on remaining Cairn land to the west of Newcastle, accessed primarily from Athgoe Road. It is hoped that a planning application will be lodged for this development in the coming months, before the making of the new Plan and enable the continuation of the Cairn construction team beyond 2022. Subject to demand, Cairn anticipate that the Cairn land will be developed and occupied by early 2025 (within the lifetime of the new Plan).

Summary of Key Points and Recommendations to Adopted South Dublin County Plan in respect of lands at Newcastle, Co. Dublin.

- 1.5 Cairn request that the following are taken into account in the adoption of the Development Plan for the County and for the lands at Newcastle, Co. Dublin:

Recommendation to Proposed Material Amendment no. 2.1 (Update Table 10 Amend to Table 11)

It is respectfully requested that the adopted Development Plan does not constrain the delivery of housing and to ensure the adopted Plan can take into account in its core strategy the 'additional provision' outlined in the Draft Development Plan Guidelines 2021.

Cairn note the recognition that the zoned lands in Newcastle are classified as Tier 1 lands and the (amended) capacity assessment which identified that an additional 646 no. dwellings could be facilitated over the Development Plan period within the town.

However, Cairn consider that the identification of just 398 no. dwellings between 2022-2028 (a reduction of 240 no. dwellings). Noting the Draft Development Plan Guidelines 2021 and the "additional provision" allowable, it is submitted that 498 no. dwellings would be appropriate to allow for flexibility in the delivery of dwellings over the Development Plan period 2022-2028.

Recommendation to Proposed Amendment 2.12 (Amended Text)

Cairn are committed to delivering the elements of the LAP as they relate to lands under their control. In this regard Cairn has concerns in relation to the text proposed in amendment no. 2.12 so as to recognise that some lands close to the town centre are not going to be brought forward for development due to their existing land use.

Our Client is seeking the following amendment to the text (in blue):

The growth in Newcastle is mainly focused on the adopted Local Area Plan. ~~It is estimated that the remaining units in current permissions will, at an average of 80 units per year, take 7 years to develop. The remaining LAP lands which could accommodate 886 units do not have permission to date. The continued growth of Newcastle will be dependent on the delivery of the phasing and infrastructure required in the LAP.~~ The overarching principle for the town is to improve the social and physical services **in tandem with a phased approach to development** to provide for the growing population. **A phased sequential approach to development from the village core and existing development to the north and south recognises the ongoing construction activity and the delivery of key infrastructure identified in the Newcastle Local Area Plan, where it can be delivered as part of a planning application on lands under the control of the applicant.**

Recommendation to Proposed Amendment 2.12 (Amended Text) CS9 SLO3, CS9 SLO4**Recommendation to CS9 SLO3 (1) Taobh Chonaic Park**

Section 5.1 of the Draft Development Plan Guidelines 2021 requires that an objective should be capable of implementation. It is evident that CS9 SLO3 1) is not capable of implementation due to ownership as the western portion of the Taobh Chonaic lands are not within Cairn's control to deliver in a planning application. It is respectfully requested that the objective is omitted from the adopted Development Plan. However, if the objective is retained, it is requested that the number of units is increased to take into account the anticipated build out of our client's lands, located to the south of the Main Street and that additional text is included for clarification:

1) No more than ~~200~~ 340 units to be permitted before the commencement of the remaining lands of c. 1.4ha to provide for the full Taobh Chnoic Park to the south, to the satisfaction of the Planning Authority.

Recommendation to Proposed Amendment 2.12 CS9 SLO3 2) Urban Park/Square c. 1ha in size (Burgage South Park).

It is respectfully submitted that the Planning Authority recognises the reality in terms of ownership and the existing St. Finian's School, which renders the completion of the remainder of South Burgage Park unachievable.

In light of this it is submitted that CS9 SLO3 2 is clearly not capable of implementation, and this should be taken into account in the Development Plan text and our client is seeking the following to be omitted.

~~2) Urban Park/Square c. 1ha in size (Burgage South Park),~~

Recommendation CS9 SLO4:

It is respectfully submitted that the aspirations of CS9 SLO4 are already facilitated by CS9 SLO3 and as such is not required. It is further noted that there are no phase 2 lands designated.

As such our client is seeking the removal of CS9SLO4 from the adopted Plan:

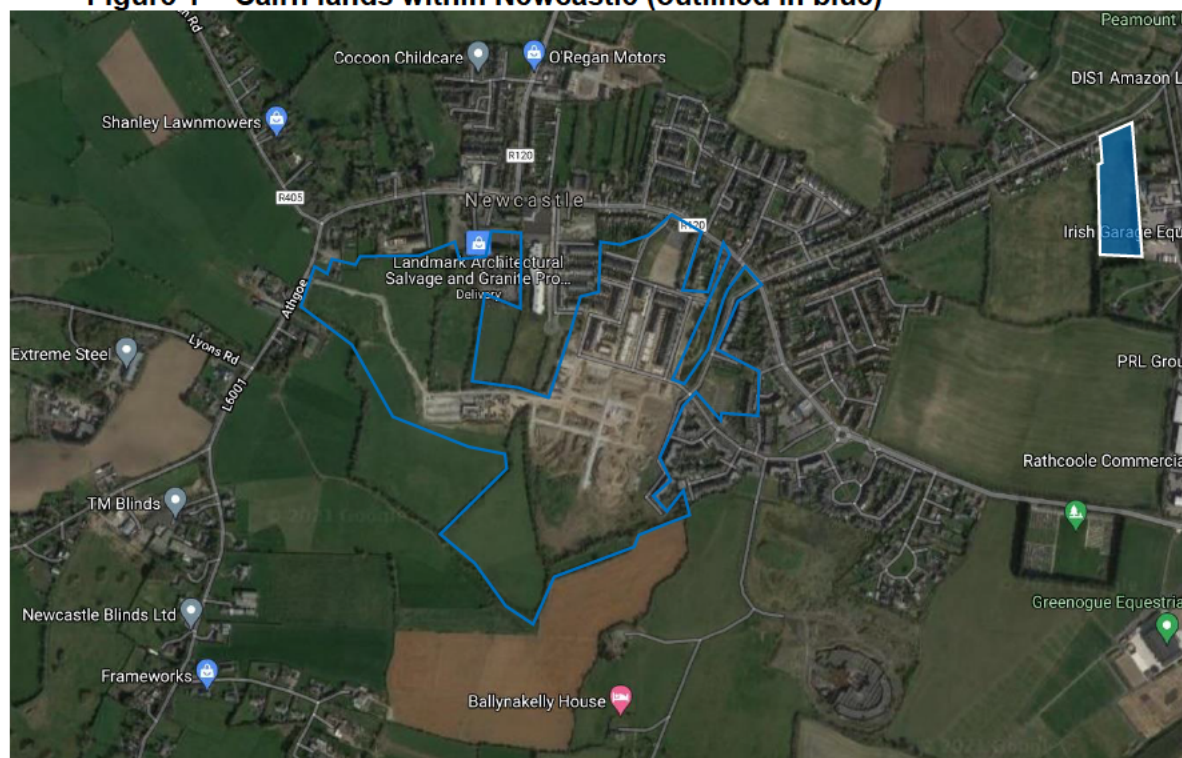
~~CS9 SLO4: To commit to only facilitate the delivery of Phase 2 residential lands once identified infrastructure comprising of the Urban Park/Square c. 1ha in size, the additional 1.4ha for Taobh Chnoic Park and the East/West Link Street required within Phase 1 have been delivered to the satisfaction of the Planning Authority.~~

- Cairn is committed to the appropriate and high-quality development of their lands at Newcastle. We trust this submission will be taken into consideration in the preparation of the finalised County Development Plan.

2.0 Site Location

2.1 Our client's lands are located mainly to the south of the main street of Newcastle (shown in blue).

Figure 1 – Cairn lands within Newcastle (outlined in blue)



Source: Google Maps

2.2 Cairn are in the process of delivering Phase 1 of their lands which comprise some 388 no. dwellings in a high quality development at Graydon and are committed to completing the development of the western portion of their lands in the short term (projected to be complete in 2025).

3.0 Commentary on the Proposed Amendments to the SDCC Draft Plan

Proposed Material Amendment no. 2.1 (Update Table 10 Amend to Table 11)

- 3.1 Cairn support the identification of Newcastle in the Core Strategy as a “*Self-Sustaining Growth Town*” in the Settlement Hierarchy, which is based on the analysis contained in the Development Plan and the ability of Newcastle to absorb further growth over the period 2022-2028 in tandem with social and physical infrastructure.
- 3.2 It is noted Section 95 (1) of the Act, planning authorities are obliged to ensure that sufficient and suitable land is zoned for residential, to meet the requirements of the housing strategy and to ensure that a scarcity of residential land does not occur at any time during the period of the plan.
- 3.3 It is well established that population growth levels in recent years have not been adequately met by housing supply, leading to a national housing crisis as set out in “Rebuilding Ireland”, “Housing for All” and other key government documents which seek to address the housing crisis.
- 3.4 While some progress has been made in this regard, there remains a very significant gap between new housing construction levels and the need for new houses nationally and in the region.
- 3.5 Where sites are serviced, and in proximity to relevant amenities (social and retail), then there should not be an undue constraint on the capability of such sites delivering housing. It is important that Tier 1 lands are prioritised in Newcastle, in this regard.
- 3.6 The Draft Development Plan Guidelines 2021 (DDPGs) were published on the 13th of August 2021.
- 3.7 Section 4.3 of the DDPGs recognise the difficulty in managing medium and long-term planning and incorporating population targets into the 6-year statutory development plan cycle.
- 3.8 We would highlight that the DDPGs confirm that it is not the intent of the planning system and the development plan process “*to facilitate the hoarding and speculation of serviced development land.*” The Draft Development Plan Guidelines further recognise that “*there is a need for some degree of competition and choice in the residential development land market.*”

Ensuring Sufficient Provision of Housing Lands/Sites

- 3.9 Section 4.4.3 of the Draft Development Plan Guidelines (DDPGs) recognise that additional land should be zoned over and above the projected housing demand for that settlement where it is stated:

“In providing housing sites for development within settlements, it may be necessary to zone more serviced land and sites for residential (or a mixture of residential and other uses), than would equate to meeting precisely the projected housing demand for that settlement. This approach recognises that a degree of choice in development sites to be provided locally is desirable to avoid restricting the supply of new housing development through inactivity on a particular landholding or site.”

- 3.10 The DDPGs confirm that after identifying the site/land requirements to meet a housing supply target for a settlement, the Planning Authority may also identify additional sites/lands to “ensure sufficient choice for development potential is safeguarded.”

*“In making provision for housing within settlements in the core strategy of a development plan, in certain instances a planning authority may therefore provide zoned residential sites in addition to those required to meet the settlement housing supply target. This means that a planning authority, after identifying the site/land requirements to meet the housing supply target for that settlement, may **also identify additional sites/lands to ensure sufficient choice for development potential is safeguarded.**”*

‘Additional Provision’

- 3.11 To address the requirement to ensure sufficient provision of housing land/sites, the DDPGs include an allowance for ‘Additional Provision’, of zoned lands of 20-25% of the required quantum of zoned land and sites in settlements in any planning authority area as a whole for any six-year plan period.
- 3.12 To bring the additional provision into effect, the DDPG outline that the ‘additional provision’ should be undertaken on a settlement basis, to determine which zoned lands and sites in excess of that required to match the agreed housing supply target are provided where they state:

“Accordingly, on a settlement basis, the precise extent to which zoned lands and sites in excess of that required to match the agreed housing supply target are provided, is to be determined by the planning authority.”

Settlement Type	Neighbourhood Area / Settlement Name	2016 persons	2016 units & share (%)	Estimated Built 2016 to Q4 2020 and share (%)	Total Land (HA) 2021 - 2028	Total Housing (Units) 2021 - 2028 and share (%)	Total 2028 units and share (%)	Target 2028 persons and share (%)	Population Growth from 2016 persons No. (%)
Self-Sustaining Towns	Saggart	3,133	1,142 (1%)	85 (1%)	3.57	96 (0.5%)	1,323 (1%)	3,531 (1%)	+398 (13%)
Self-Sustaining Growth Towns	Newcastle	3,093	1,109 (1%)	100 (2%)	32.66 25.81	638 398 (3.6%) (3%)	1,847 (2%)	5,039 (2%) 5,122	+1,046 (63%) (35%)
	Rathcoole	4,351	1,599 (2%)	250 (4%)	24.43 21.18	580 487 (3%) (3%)	2,429 (2%)	6,409 (2%)	+2,058 (47%) (31%)

Recommendation to Proposed Material Amendment no. 2.1 (Update Table 10 Amend to Table 11)

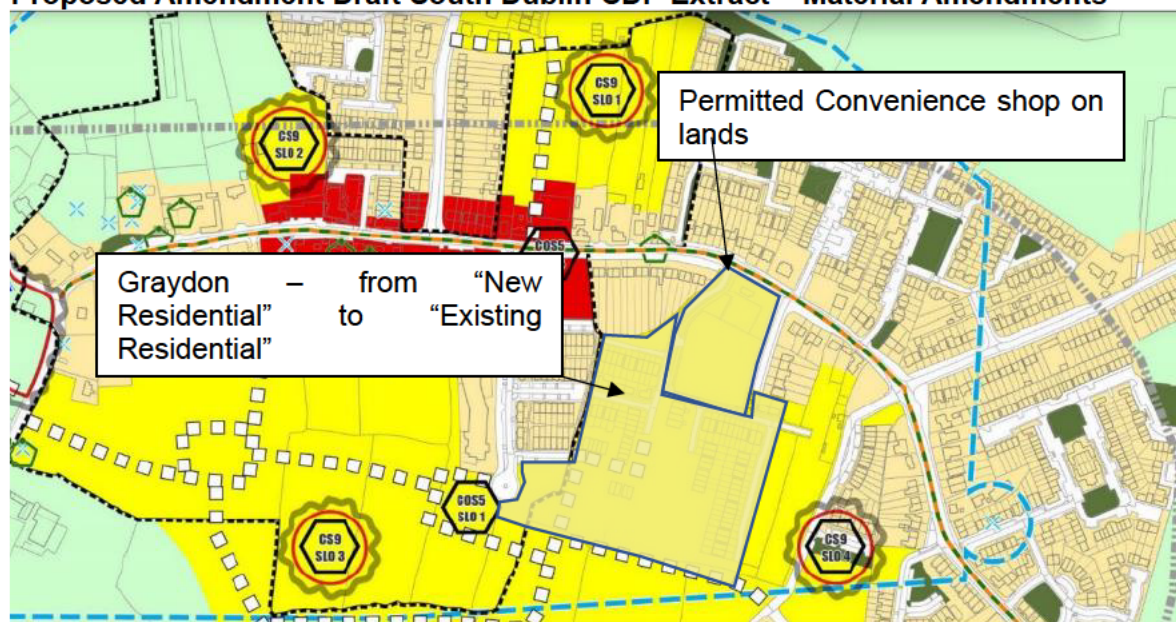
It is respectfully requested that the adopted Development Plan does not constrain the delivery of housing and to ensure the adopted Plan can take into account in its core strategy the ‘additional provision’ outlined in the Draft Development Plan Guidelines 2021.

Cairn note the recognition that the zoned lands in Newcastle are classified as Tier 1 lands and the (amended) capacity assessment which identified that an additional 646 no. dwellings could be facilitated over the Development Plan period within the town.

However, Cairn consider that the identification of just 398 no. dwellings between 2022-2028 (a reduction of 240 no. dwellings). Noting the Draft Development Plan Guidelines 2021 and the “additional provision” allowable, it is submitted that 498 no. dwellings would be appropriate to allow for flexibility in the delivery of dwellings over the Development Plan period 2022-2028.

- 3.13 With reference to the existing built out elements of Graydon and the permitted (and to be constructed SuperValu site), it is respectfully submitted that these lands should be amended from R-SEN “New Residential” to RES “Existing Residential” as consequential amendments to Table 10.

Proposed Amendment Draft South Dublin CDP Extract – Material Amendments



Extract of draft Map 07

- 3.14 The sustainable development of Newcastle (in accordance with NPO7 and NPO9) which provides a focus of development of main streets and lands close to the town core, which is aligned with NPO 3c, and which result in the creation of vibrant areas while also supporting the surrounding rural hinterland.

Proposed Amendment 2.12 (Amended Text)

- 3.15 The proposed amendment no. 2.12 seeks the following:

The growth in Newcastle is mainly focused on the adopted Local Area Plan. ~~It is estimated that the remaining units in current permissions will, at an average of 80 units per year, take 7 years to develop. The remaining LAP lands which could accommodate 886 units do not have permission to date. The continued growth of Newcastle will be dependent on the delivery of the phasing and infrastructure required in the LAP.~~ The overarching principle for the town is to improve the social and physical services **in tandem with a phased approach to development** to provide for the growing population. **A phased sequential approach to development from the village core to the north and south recognises the ongoing construction activity and the delivery of key infrastructure identified in the Newcastle Local Area Plan.**

- 3.16 Our client supports the delivery of social and physical services in tandem with a phase approach to development. Cairn is in the process of delivering in tandem with the Graydon development some 3.9 hectares of open space along with reserving a site for a primary school, as well as key elements of the Newcastle LAP road network.
- 3.17 Cairn are committed to delivering the elements of the LAP as they relate to lands under their control. In this regard Cairn has concerns in relation to the text proposed in amendment no. 2.12 so as to recognise that some lands close to the town centre are not going to be brought forward for development due to their existing land use.
- 3.18 Our Client is seeking the following amendment to the text (**in blue**):

The growth in Newcastle is mainly focused on the adopted Local Area Plan. ~~It is estimated that the remaining units in current permissions will, at an average of 80 units per year, take 7 years to develop. The remaining LAP lands which could accommodate 886 units do not have permission to date. The continued growth of Newcastle will be dependent on the delivery of the phasing and infrastructure required in the LAP.~~ The overarching principle for the town is to improve the social and physical services **in tandem with a phased approach to development** to provide for the growing population. **A phased sequential approach to development from the village core and existing development to the north and south recognises the ongoing construction activity and the delivery of key infrastructure identified in the Newcastle Local Area Plan, where it can be delivered as part of a planning application on lands under the control of the applicant.**

Proposed Amendment 2.12 (Amended Text) CS9 SLO3, CS9 SLO4

- 3.19 The proposed amendment no. 2.12 (New CS9 Objective 4) seeks the following:

New CS9 Objective 4, CS9 SLO1, CS9 SLO2, CS9 SLO3, CS9 SLO4 to be added to read:

CS9 Objective 4: To facilitate and commit to the delivery of new residential development in a coordinated manner, ensuring alignment with investment infrastructure and supporting amenities and services. Such measures shall be delivered through appropriate phasing in line with CS9 SLO1, SLO2, SLO3 and SLO4.

CS9 SLO3: A sequentially phased programme to be submitted alongside any planning application on the subject lands which provides for the delivery of the following in tandem with development or as described

- 1) No more than 200 units to be permitted before the commencement of the remaining lands of c. 1.4ha to provide for the full Taobh Chnoic Park to the south
- 2) Urban Park/Square c. 1ha in size (Burgage South Park),
- 3) East-West Link Street,
- 4) Sean Feirm Park c. 0.2ha in size,
- 5) a portion of Tower House Park c. 0.1ha.

All applications shall demonstrate to the satisfaction of the Planning Authority how they are supporting the delivery of North South Street connections to the Main Street.

With regards delivery of a new primary school at Taobh Chnoic, the timing of this will be subject to educational needs in consultation with the Department of Education. Prior to completion of 200 units confirmation to be provided from the Department of Education on the transfer of lands to provide for the school, subject to their confirmation of need.

- 3.20 As a general comment there is an inferred obligation in the Act that the planning authority will put into effect the objectives indicated in a Development Plan. The courts have held that objectives must be positive (Glencar Explorations v Mayo County Council [1992] 2 I.R. 237). It is acknowledged that the concept of an 'objective' is a broad one. However, specifying text as an 'objective' means that there is no flexibility in the application of objective, as planning authority may not materially contravene an objective of the plan, without engaging in material contravention procedures.
- 3.21 This presents very significant risks of judicial review of decisions which do not go through the material contravention procedure. This consideration also applies the Council's own developments. These new objectives in the Plan would be more appropriately identified as development management standards or guidelines as currently worded are too prescriptive, not achievable by any single landowner and contrary to Section 5.1 of the Draft Development Plan Guidelines 2021 requires that an objective should be capable of implementation.
- 3.22 The following provides some commentary and recommendations:

CS9 SLO3 (1) Taobh Chonaic Park

- 3.23 With reference to CS9 SLO3 (1), it is noted that the ownership of the remainder of the Taobh Chnoic Lands in LAP area are in dispute, and not within our client's ability to include in a planning application.
- 3.24 As part of the permitted 'Graydon' development by Cairn provides for the delivery of 3.9ha of open space providing a range of spaces and plan areas and experiences, which includes the eastern portion of Taobh Chnoic (some 2.7 hectares (6.7 acres), detailed below.

Figure 2 – Graydon Development with Open Space Areas

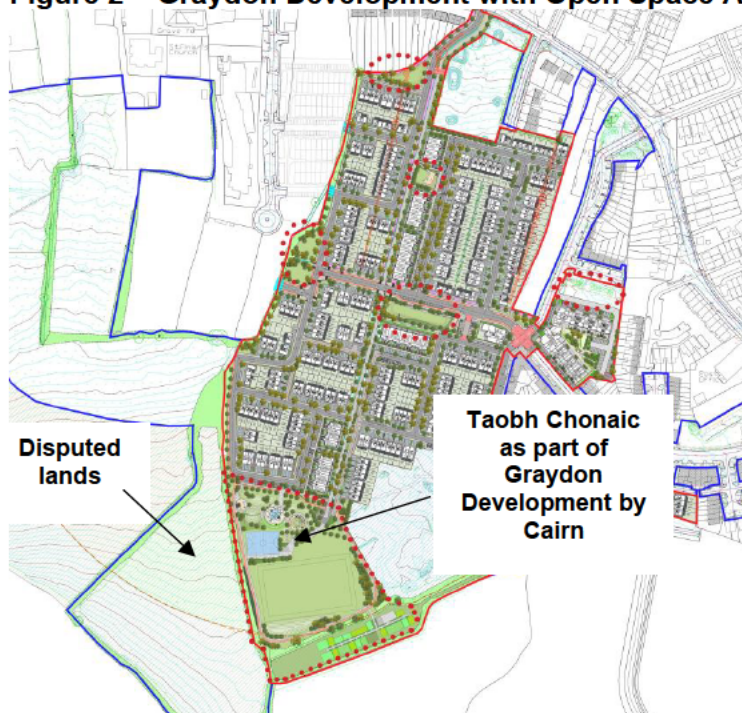


Figure 3 – Eastern Portion of Taobh Chonaic Park



3.25 It is noted CS9 SLO3: 5 recognises that ownership effectively determines the ability of an applicant to deliver certain elements of infrastructure.

3.26 Section 5.1 of the Draft Development Plan Guidelines 2021 requires that an objective should be capable of implementation. It is evident that CS9 SLO3 1) is not capable of implementation due to ownership as the western portion of the Taobh Chonaic lands

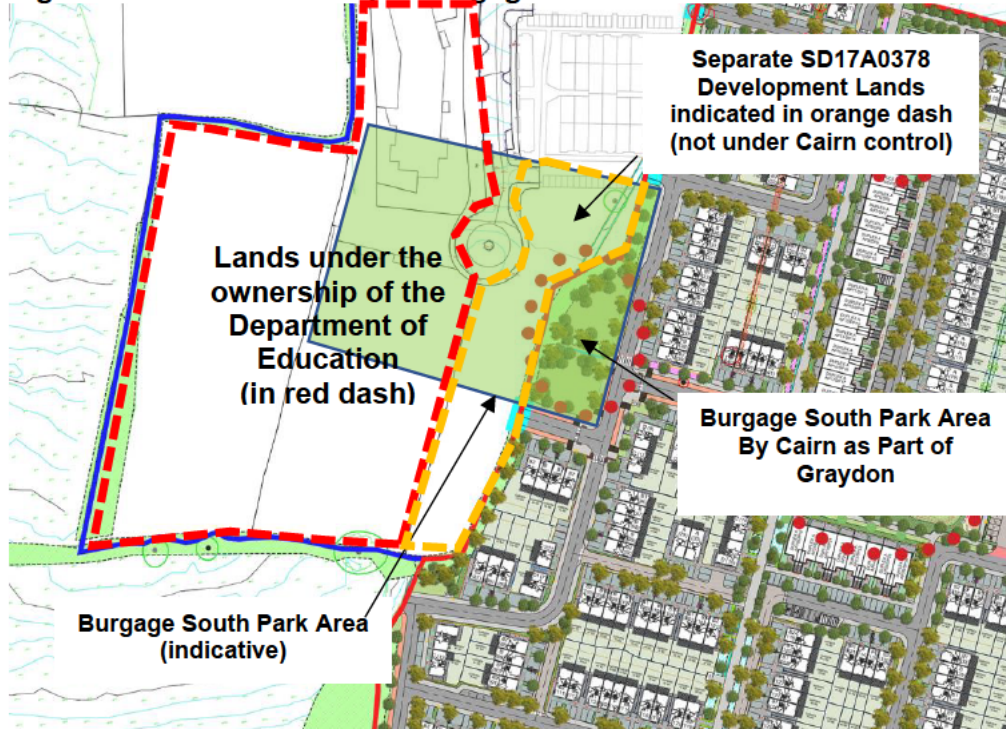
are not within Cairn’s control to deliver in a planning application. It is respectfully requested that the objective is omitted from the adopted Development Plan. However, if the objective is retained, it is requested that the number of units is increased to take into account the anticipated build out of our client’s lands, located to the south of the Main Street and that additional text is included for clarification:

1) No more than ~~200~~ 340 units to be permitted before the commencement of the remaining lands of c. 1.4ha to provide for the full Taobh Chnoic Park to the south, to the satisfaction of the Planning Authority.

CS9 SLO3 2) Urban Park/Square c. 1ha in size (Burgage South Park),

3.27 It is noted the majority of the Burgage South Park Lands are under the ownership of the Department of Education. Cairn delivered a portion the Burgage South Park Lands on the eastern side of the park as part of the Graydon Development. However as can be seen from the graphic below, St. Finian’s School (Building and road including roundabout), encroaches significantly into Burgage South Park.

Figure 4 – Land Ownership – Burgage Park South



3.28 Cairn has provided c. 0.19 hectares of Burgage South Park as part of the Graydon application (see above). It is further noted that the north eastern portion of the Burgage South Park was permitted under an adjoining development to the north. However, the remainder of the lands are under the ownership of the Department of Education and Skills and therefore not within Cairn’s control to deliver as part of any future planning application.

Recommendation to Proposed Amendment 2.12 CS9 SLO3 2) Urban Park/Square c. 1ha in size (Burgage South Park),

It is respectfully submitted that the Planning Authority recognises the reality in terms of ownership and the existing St. Finian's School, which renders the completion of the remainder of South Burgage Park unachievable.

In light of this it is submitted that CS9 SLO3 2 is clearly not capable of implementation, and this should be taken into account in the Development Plan text and our client is seeking the following to be omitted.

~~2) Urban Park/Square c. 1ha in size (Burgage South Park);~~

CS9 SLO3: 3) East-West Link Street.

- 3.29 With reference to the East-West Link Street, our client is committed to delivering this key link as part of a future planning application.

CS9 SLO3: 4) Sean Feirm Park c. 0.2ha in size.

- 3.30 Cairn has an excellent track record of delivering high quality interconnected open spaces within their developments. Cairn is committed to delivering Sean Feirm Park as part of a future planning application.

CS9 SLO3: 5) a portion of Tower House Park c. 0.1ha.

- 3.31 Our client supports the delivery of a portion of Tower House Park as it relates to their landholding as part of a future planning application.

CS9 SLO3: Remainder of Text

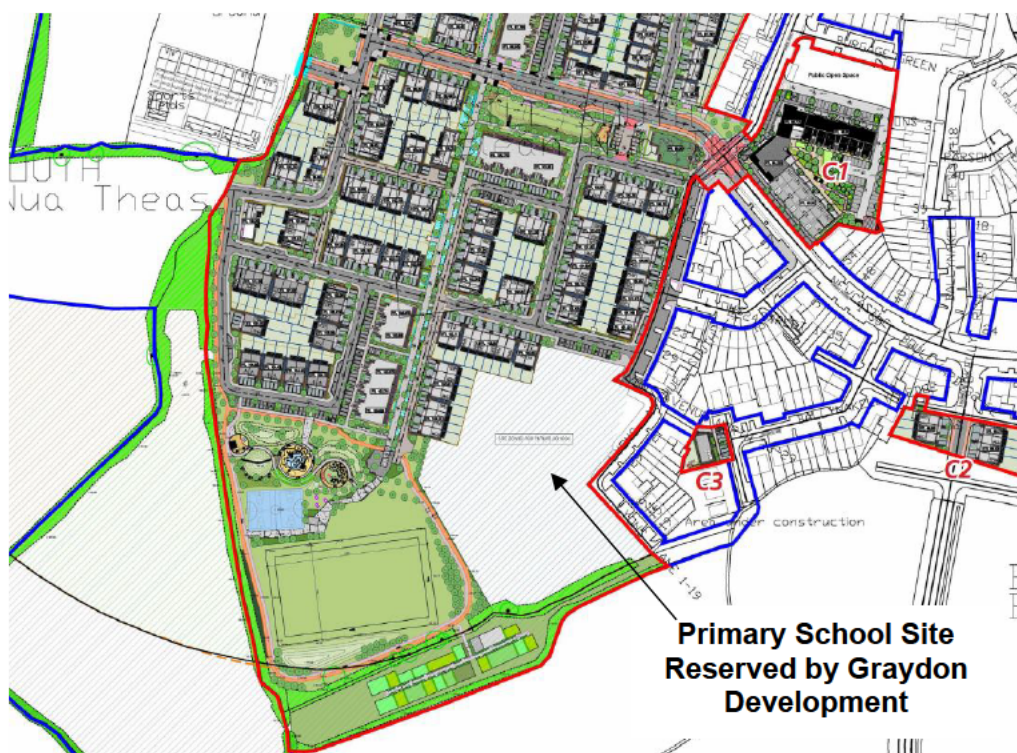
All applications shall demonstrate to the satisfaction of the Planning Authority how they are supporting the delivery of North South Street connections to the Main Street.

- 3.32 Cairn have already provided a north south link to the Main Street as part of the Graydon Development.
- 3.33 As part of any future application Cairn will include connections to the boundary of their lands to link into existing development, which will complete the link.

With regards delivery of a new primary school at Taobh Chnoic, the timing of this will be subject to educational needs in consultation with the Department of Education. Prior to completion of 200 units confirmation to be provided from the Department of Education on the transfer of lands to provide for the school, subject to their confirmation of need.

- 3.34 As part of the Graydon Development, our client has reserved a site for the provision of a new primary school (see extract below).

Figure 5 – Site Reserved for Primary School



Recommendation CS9 SLO4:

It is respectfully submitted that the aspirations of CS9 SLO4 are already facilitated by CS9 SLO3 and as such is not required. It is further noted that there are no phase 2 lands designated.

As such our client is seeking the removal of CS9SLO4 from the adopted Plan:

~~**CS9 SLO4: To commit to only facilitate the delivery of Phase 2 residential lands once identified infrastructure comprising of the Urban Park/Square c. 1ha in size, the additional 1.4ha for Taobh Chnoic Park and the East/West Link Street required within Phase 1 have been delivered to the satisfaction of the Planning Authority.**~~

4.0 Summary & Conclusion

- 4.1 It is reiterated that Cairn is committed to the appropriate and high-quality development of their lands at Newcastle.
- 4.2 We trust this submission will be taken into consideration in the preparation of the finalised County Development Plan.

Yours faithfully,



John Spain Associates