

14th May 2019

Mary Henchy
Planning & HR Department
Dún Laoghaire-Rathdown County Council,
County Hall, Marine Road
Dún Laoghaire

RE: DRAFT BALLYOGAN AND ENVIRONS LOCAL AREA PLAN 2019-25

Dear Director,

Thank you for your authority's work in preparing a comprehensive local area plan for Ballyogan.

The Office of the Planning Regulator has assessed the draft Local Area Plan (LAP) above under the relevant provisions of the Planning and Development (Amendment) Act 2018 and under which the Office of the Planning Regulator (OPR) was established on 3rd April last.

As your authority will be aware, one of the key functions of the OPR includes assessment of statutory plans and strategies to ensure consistency with legislative and policy requirements relating to planning.

As the preparation of the draft LAP pre-dated the establishment of the OPR and the Office is developing an overall assessment methodology for statutory plans, the submission below has been prepared to provide a high-level input to your authority in finalising the plan.

1. Consistency with the Hierarchy of Statutory Plans

Statutory observations and recommendations from the OPR are aimed at ensuring broad policy consistency between national, regional and local levels of the statutory planning policy hierarchy, which in the case of the proposed draft local area plan will include the National Planning Framework, Regional Spatial and Economic Strategies and your authority's county development plan.

The draft LAP has been published just before the making of the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly area which further develops and applies the policies of the National Planning Framework (NPF) at regional level.

Once finally adopted, the RSES for the Eastern and Midland Regional Assembly area will provide strategic direction for the formulation of subsequent county/city development plans and a further context for alignment of plans at national, regional and local levels.

Following the making of the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly, your authority will be aware of the subsequent requirement to undertake a review of the Dun Laoghaire/Rathdown County Development Plan 2016-22 in order to determine whether it is consistent with the RSES and to commence any variation to the plan or the preparation of a new plan as appropriate to ensure consistency. In turn, such a variation or new county development plan as appropriate may prompt a subsequent review of local area plans to ensure their consistency with a newly varied or adopted county plan.

Therefore, and having regard to the above, it is prudent for the draft LAP for Ballyogan to signal at this point that it is subject to review in the near future to determine its consistency with any varied or new county development plan arising as a result of the making of the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly.

Recommendation 1: The Office recommends that your authority inserts a written objective to the effect of the above into the draft Ballyogan Local Area Plan.

<u>Core Strategy Delivery - Residential Development Schedule</u>

The Draft LAP indicates in broad terms a potential delivery of c.4,300 new homes in Ballyogan. However, the plan must break this down in more detail on a site/area basis with delivery estimates for identified housing sites clearly indicated.

Moreover, such a table would be useful in monitoring the progress and implementation of the LAP and the critical delivery of new housing in meeting core strategy requirements.

Recommendation 2: The Office recommends that a summary table to be provided indicating the estimated housing yield for the substantial sites identified within the LAP.

2. Compliance with Ministerial Planning Guidelines issued under s.28 of the Act

Local Area Plans Guidelines (2013)

The LAP provides for the development of substantial lands at Ballyogan for housing, employment and other uses. Timely delivery of required infrastructure and amenities is critical in ensuring that development proceeds in a planned and organised manner and that longer-term infrastructural deficits are avoided or mitigated.

The statutory guidelines issued by the Minister for Housing, Planning and Local Government on Local Area Plans (2013) highlight the critical need to identify infrastructural delivery phasing and funding mechanisms where significant new development is proposed in an LAP.

While the draft LAP for Ballyogan has identified infrastructural requirements, such as new access routes for pedestrian and cyclists, timescales and phasing and responsibilities in relation to the meeting of such requirements would need to be made much clearer to fully comply with the Guidelines above.

For example, the planned timescale for the delivery of the new 62ha public park, new road and other transport infrastructure required for new residents and businesses in the LAP area has not been sufficiently set out in an appropriate schedule or overall LAP phasing arrangement.

Such a schedule will ensure that future development is clearly phased on the basis of the timely delivery of identified new strategic infrastructure for the overall LAP including in particular the public park, required drainage infrastructure, new road and cycle network transport provision.

Recommendation 3: The Office recommends that, bearing in mind the Guidelines above, an overall Implementation and Infrastructural Delivery Schedule is developed and inserted into the LAP as provided for in chapter 6 of the Local Area Plan Guidelines 2013.

The Planning System and Flood Risk Management Guidelines (2009)

The Draft LAP is accompanied by a Strategic Flood Risk Assessment (SFRA). This document provides an analysis of flood risk within the LAP including the identification of Flood Risk Zones A and B as per the Flood Risk Management Guidelines 2009 (Figure 2, Pg.9). The SFRA identifies that the certain lands are subject to flood risk and provides approaches to assessing proposal for development in such areas.

Section 10.1.14 of the Draft LAP on 'Flood Risk' identifies areas with potential flooding issues and the SFRA is referred to in the supporting text.

Recommendation 4: The Office recommends that the conclusions and requirements of the SFRA should be more clearly integrated with the written statement of the LAP whereby specific policy and objectives on flood risk are recommended to be included.

Summary

The Office requests that your authority addresses the four specific recommendations outlined above in bold that are made in the context of the provisions of Section 31AO(3)(a) in order to ensure that the Draft LAP is consistent with relevant national policy obligations, guidelines and legislative requirements.

The report of the Chief Executive of your authority prepared for the elected members under Section 20 of the Act must summarise these recommendations and the manner in which they should be addressed. Your authority is required to notify this Office within five working days of the making of the local area plan and send a copy of the written statement and maps as made.

Should a planning authority decide not to comply with a recommendation of the Office, or otherwise makes the plan in such a manner as to be inconsistent with any recommendations made by the Office, then the Chief Executive shall inform the Office and give reasons for the decision of the planning authority.

Such notice requirements enable the Office to consider the matter further as regards the making of any recommendations to the Minister in relation to any Directions that may be required under Sections 31AO and 31AP.

Please feel free to contact the staff of the OPR in the context of your authority's responses to the above, which we would be happy to facilitate and contact can be initiated through the undersigned at plans@OPR.ie.

Yours sincerely,

Gary Ryan

Assistant Director (Evaluation of Plans)

076 100 2747 gary.ryan@OPR.ie