

24th October 2019

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

Re: Draft Tallaght Town Centre Local Area Plan 2020-2026

A Chara,

Thank you for your authority's work in preparing a comprehensive local area plan for Tallaght. The Office of the Planning Regulator (OPR) has assessed the draft Local Area Plan (LAP) above under the provisions of Section 31AO(2) of the Planning and Development Act 2000, as amended (the Act).

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.

The Office is currently 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 LAP will include the Regional Spatial and Economic Strategy (RSES) and your authority's development plan, including its core strategy.

Regional Spatial and Economic Strategy of Eastern and Midlands Regional Assembly - The draft LAP has also been published subsequent to the making of the Eastern and Midland Regional Assembly RSES, as acknowledged in the draft LAP, which further develops and applies the policies of the National Planning Framework (NPF) at regional level. The draft Local Area Plan states that

it has been prepared in line with the RSES (in addition to the NPF), although it does not specifically reference any Regional Policy Objectives (RPOs) of the RSES.

The RSES takes on board the National Planning Framework's objective (NPO 3b) which sets a target to deliver 50% of housing within or contiguous to the built-up area of Dublin City and suburbs (and the other four cities).

The Metropolitan Area Strategic Plan (s.5.4) identifies residential and employment corridors along key public transport corridors that contain development opportunities including brownfield lands in Tallaght (on the south-western corridor) for intensified, mixed-use development in the town centre and in Cookstown (table 5.1/5.2)

The RSES also identifies Tallaght as a Level 2 Major Town Centre & County (Principal) Town Centre in the retail hierarchy for the region (table 6.1). RSES objectives of particular pertinence include, inter alia;

- RPO 4.3 Support the consolidation and re-intensification of infill/brownfield sites to provide
 high density and people intensive uses within the existing built up area of Dublin City and
 suburbs and ensure that the development of future development areas is co-ordinated with
 the delivery of key water infrastructure and public transport projects.
- RPO 5.4 Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas'[1], 'Sustainable Urban Housing; Design Standards for New Apartments' Guidelines[2], and 'Urban Development and Building Heights Guidelines for Planning Authorities'.
- RPO 6.12: Local authorities shall include objectives in development plans and local area plans supporting emphasis on place-making for town centres, for example through inclusion of a Place-making Strategy for towns and implementation of Town Centre Renewal Plans.
- RPO 6.13: Local authorities shall support the preparation of Design Guidelines to provide for improvements in the appearance of streetscapes and for revitalising vacant spaces for example with cost effective, temporary uses that build on the longer-term vision for space.
- RPO 6.14: EMRA will support the use of targeted financial incentives to re-establish the dominant role of town centres provided for in planning policy to encourage a greater take up of town centre development opportunities for retail, residential, commercial, and leisure uses.

The approach proposed in the draft LAP is broadly supported by the OPR and is consistent with these objectives, in particular RPO 5.3, 6.12, and 6.13.

Whilst the LAP does not include a clear sequential or phased approach to plan area, the objectives of the RSES regarding sequential development, include RPO 5.5 and 5.6 refer to larger scale sequencing over the Dublin Metropolitan Areas Strategic Plan area, rather than a detailed localised

sequencing. The development of Tallaght town centre as an important centre and county town within the metropolitan area is consistent with the said objectives.

South Dublin County Development Plan 2016-2022 - Your authority will be aware of the requirement to undertake a review of the South Dublin County Development Plan 2016-22 in order to determine whether it is consistent with the adopted RSES and to commence any variation to the plan or the preparation of a new plan as appropriate to ensure consistency. Whilst the proposed draft variations nos. 3 and 4 currently on display are noted, it is possible that the draft LAP may have to be amended to take account of any such variations that properly aligns the County Development Plan with the provision of the RSES. It would be appropriate to include an objective or reference to this effect in the LAP.

Land Use Zoning Objectives. There is potential for conflict between the provisions of the draft LAP concerning residential development on lands zoned objective EE (enterprise and employment) at Whitestown ('The Centre' neighbourhood area) and at Greenhills, which land use zone would appear to exclude residential development. There is also an apparent degree of conflict between the REGEN land use zoning objective under the plan and the nature of development and the mix of uses proposed for neighbourhood area 'The Centre' at Whitestown and also at the neighbourhood zone 'TUD/TC' zoned Town Centre, as envisaged under s2.5.

Flood risk – S.7.3.0 Flood Risk Management, refers. IE3 Objective 3 requires that sites identified as at risk from flooding be subject to site specific flood risk assessment at an appropriate level of detail. It is an Action of the CDP that local area plans be subject to flood risk assessment in accordance with the *Flood Risk Management Guidelines* (DEH&LC, 2009).

The draft LAP has been subject of a Strategic Flood Risk Assessment (SFRA) which identifies sites at risk and requires that they be subject to site-specific flood risk assessment. However, whilst the SFRA considers the potential extent of flood zone A in the event of climate change, the implications for the extent of flood zone B does is not evident from the assessment, and its implications of the development of lands within the Whitestown area within the potential extent of the said flood zone do not appear to have been fully considered. Your authority is advised to consider same, including through engagement with the OPW, as necessary.

2. Consistency with the NTA Transport Strategy for the Greater Dublin Area

The principle key piece of transport infrastructure proposed under the draft LAP is a new transport interchange in the town centre (for pedestrian, cycle, regional and city bus and LUAS) for which it is an objective of the NTA's Transport Strategy for the GDA to achieve. Your authority should satisfy itself that the proposed draft LAP and the specific proposals concerning the transport interchange are consistent with the *Transport Strategy for the GDA 2016-2035*.

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

Having regard to the provisions of the *Local Area Plans Guidelines for Planning Authorities* (DEC&LG, 2013), the draft LAP should consider sequential development and phasing programme

for the LAP area, linked with any necessary investment in water services, public transport, community facilities, and schools, as relevant.

The proposals regarding *Spatial Planning and National Roads Guidelines for Planning Authorities* (DEC&LG, 2012) are relevant to the N81, national secondary route passing through the draft LAP. The proposals regarding the N81 include '*improved connections across the N81 and to the surrounding area*', which may have implications for safety, capacity and efficiency of national roads, contrary to the requirements of the Guidelines. Your authority should satisfy itself and through engagement with the Transport Infrastructure Ireland and the National Transport Authority that the proposed draft LAP and proposals concerning the N81 are consistent with the said Guidelines in this regard.

The draft LAP includes enterprise and employment zoned lands within 'The Centre' neighbourhood area which includes provision for residential development on lands which include flood zones A and B in the vicinity of Tallaght stream. Residential use is a more vulnerable use, which is generally considered inappropriate in flood zones A and B under the *Flood Risk Management Guidelines* (2009), unless the requirements of the justification test can be met. Your authority should consider this issue in consultation with the OPW.

Recommendations

Having regard to the provisions of Section 31AO(3), the Office requests your authority to address the following recommendations:

Recommendation 1: Your authority is requested to resolve an apparent inconsistency in the provisions of the draft LAP concerning residential development on lands zoned objective EE (enterprise and employment) at Whitestown ('The Centre' neighbourhood area) and at Greenhills, which land use zone excludes residential development as not permitted. Your authority is also requested to resolve an apparent inconsistency between the REGEN land use zoning objective under the plan and the nature of development and the mix of uses proposed for neighbourhood area 'The Centre' at Whitestown and also at the neighbourhood zone 'TUD/TC' zoned Town Centre, as envisaged under s2.5.

Recommendation 2: Having regard to the provisions of the *Local Area Plans Guidelines for Planning Authorities* (DEC&LG, 2013), your authority is requested to include an infrastructure delivery programme and schedule consistent with the guidelines above in the draft LAP to provide for a sequential development and phasing programme in relation to necessary investment in water services, public transport, community facilities, and schools, as relevant.

Recommendation 3: The draft LAP includes "EE" zoned lands within 'The Centre' neighbourhood area which includes provision for residential development on lands in flood zones A and B in the vicinity of Tallaght stream. Residential use is a more vulnerable use, which is generally considered inappropriate in flood zones A and B under the Flood Risk Management Guidelines (2009), unless

the requirements of the justification test can be met. Your authority is requested to resolve this

matter in consultation with the OPW.

Summary

The Office requests that your authority addresses the three specific recommendations outlined above, which are made in the context of the provisions of Section 31AO(3)(a), in order to ensure

that the 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 5 working days of the making of the local area

plan and send a copy of the written statement and maps as made.

Where the planning authority decides 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 matters further as regards the making

of any recommendations to the Minister in relation to the provisions of Sections 31AO and 31AP of

the Act.

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. Contact can be initiated through the undersigned or

at plans@opr.ie.

Is mise le meas,

Gary Ryan

Director, Office of the Planning Regulator

076 100 2747

gary.ryan@OPR.ie