

28th February 2020

Administrative Officer,
DLR County Development Plan,
Planning Department,
Dun Laoghaire Rathdown County Council,
County Hall,
Dun Laoghaire

Re: Issues Paper for the Dun Laoghaire Rathdown County Development Plan 2022 - 2028

A chara

Thank you for your authority's work in preparing the *Dun Laoghaire Rathdown County Development Plan 2022-2028 Issues Paper.* The Office acknowledges and welcomes the publication of this paper and your authority's work more broadly in advancing the review of the Dun Laoghaire Rathdown County Development Plan.

In accordance with the provisions of section 31AM of the Planning and Development Act 2000, as amended (the Act), the Office is obliged to evaluate and assess development plans in the context of certain statutory parameters including:

- Matters generally to be contained in a development plan (section 10) and, in particular, section 10(2)(n) in relation to climate change;
- Consistency with the National Planning Framework and the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031;
- Ministerial guidelines under section 28;
- Ministerial policy directives issued under section 29, and,
- Such other legislative and policy matters as the Minister may communicate to the Office in writing.

The Office has set out some comments and observations for your authority to consider in formulating the draft development plan.

These comments are offered without prejudice to any statutory observations and recommendations as may be forthcoming from the Office at draft and amended draft development plan stages.

Core Strategy & Settlement Strategy

The formulation of the core strategy in line with section 10 of the Act is the most significant element in developing your authority's draft development plan.

The Office endorses the statement in the Issues Paper regarding 'the need to ensure that all new development in the County leads to a sustainable, equitable, climate resilient and healthy County' as setting a clear platform for policies in the next development plan.

The National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly area are key determinants for the core strategy.

The NPF places emphasis on the following points in terms of managing the challenges of future growth:

'A more balanced and sustainable pattern of development, with a greater focus on addressing employment creation, local infrastructure needs and addressing the legacy of rapid growth, must be prioritised. This means that housing development should be primarily based on employment growth, accessibility by sustainable transport modes and quality of life, rather than unsustainable commuting patterns.'

The NPF also signals the Government's intention to secure more sustainable and compact urban development patterns into the future with specific targets for the delivery of new homes on infill and brownfield sites within urban areas.

The NPF has a target population increase for Dublin City and suburbs of between 235,000 - 290,000 people to at least 1.41 million people in total by 2040. The NPF also sets a target of at least 50% of all new homes targeted for Dublin City and suburbs to be delivered within its existing built-up footprint (National Policy Objective 3b).

To achieve this, the NPF places emphasis on the following:

'Dublin needs to accommodate a greater proportion of the growth it generates within its metropolitan boundaries and to offer improved housing choice, transport mobility and quality of life.'

'At a metropolitan scale, this will require focus on a number of large regeneration and redevelopment projects, particularly with regard to underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development.'

Page 34 of the RSES sets out specific Growth Enablers for the Dublin Metropolitan Area (DMA) which includes Bray with section 5.3 containing guiding principles for the growth of the DMA.

¹ NPOs 6, 13, 33, 34, 35 and RPOs 3.2 and 3.3 provide further national and regional policy guidance on regeneration and rejuvenation

The Metropolitan Area Strategic Plan (MASP) in Chapter 5 of the RSES sets out a strategy to achieve growth of 1.4 million people in Dublin City and suburbs and 1.65 million people in the DMA through the delivery of large-scale strategic development areas.

Since the entire Dun Laoghaire Rathdown County Council area falls within what is defined as the DMA and the MASP, the policies in the next county development plan will need to provide the strategic direction to ensure that the above NPF and RSES objectives are achieved.

As your authority will be aware, appendix B of the RSES sets out a projection of population for the county, which ranges from 241,000 (low) - 245,500 (high) to 2026 and from 250,500 (low) - 257,000 (high) to 2031 and these projections are a key element for the formulation of the county's core strategy.

It is noted that there are approximately 1,800 residential units (houses and apartments) currently under construction with a further c. 9,890 residential units with the benefit of planning permission in the county. Combined, the under construction and extant residential units referred to in the Issues Paper would have the potential to increase the county's population by approximately 30,000 people² and beyond the high population projection figure in the RSES of 245,500 by 2026.

This may be an issue in respect of the demographic trends and location of future residential development referred to the Issues Paper. The Office notes the analysis of demographic trends in the county and spatially uneven patterns of population growth between 2011 and 2016.

It appears from figure 4 (population change) and figure 8 (units under construction) that residential construction activity is largely concentrated in four main areas while many areas in close proximity to the N11, N31 and DART public transport corridors and the Core Strategy's Secondary Centres (Level 3) of Nutgrove, Stillorgan, Blackrock and Cornelscourt have stagnated or suffered population decline.

The Office considers that this will be a key issue to monitor and address in the next development plan especially in the context of current residential building trends and the opportunities that are beginning to manifest in relation to brownfield development along the corridors above. In this regard, your authority should reconsider the '0/0 Zone' which states 'where no increase in the number of buildings will normally be permitted' especially in locations close to public transport where government policy supports higher densities.

The Office welcomes the acknowledgement of the need 'to undertake a 'Housing Need and Demand Assessment' (HNDA) in order to correlate and accurately align future housing demand' which will need to respond to the socio-economic trends outlined on pages 13 and 14 and be consistent with National Policy Objective (NPO) 37 of the NPF.

The Office will provide further practical advice and technical support in the working out of the core strategy parameters above and within our statutory remit as you may require.

² Figure is estimated using the county's average household size of 2.72 persons / unit

³ Reference – page 178, section 8 of the Written Statement

In addition to wider RSES and NPF population projections, Section 5.7 on Housing Delivery (Page 113) of the RSES states:

'There is a further allowance of transition population targets in NPO 68 by way of up to 20% of the targeted growth in the city being transferred to other settlements in the MASP. This shall apply only to the three Metropolitan Key Towns in the MASP namely Bray, Maynooth and Swords, and only if they can demonstrate compact growth on high capacity planned or existing public transport corridors.

.....The determination of population targets for local authorities within the MASP in accordance with the NPF and this strategy, including the population targets for the City and the Metropolitan Key Towns, should be agreed in consultation with the MASP Implementation Group,...'

The Office understands that the consultation referred to above is underway and that the Regional Assembly, working with all the relevant local authorities and the Department of Housing, Planning and Local Government will provide clarity on the appropriate adjustments of broad NPF and RSES population forecasts to take account of NPO 68.

Given the relationship of the county's built up area with the Bray environs and planned growth at Fassaroe and the timing for the preparation of the Wicklow County Development Plan 2021-2027, the Office would like to highlight the provisions of section 9(4) of the Act, which states:

'In making a development plan in accordance with this Chapter, a planning authority shall have regard to the development plans of adjoining planning authorities and shall co-ordinate the objectives in the development plan with the objectives in the plans of those authorities except where the planning authority considers it to be inappropriate or not feasible to do so.'

Having regard to the above, engagement and co-ordination with Wicklow County Council in the ongoing review of the Dun Laoghaire Rathdown County Development Plan is essential and the Office would expect to see evidence of the above in the next stage of your development plan review process.

Development standards and Building Height

The promotion of higher residential densities in key designated areas / corridors is a core principle of the NPF and is supported by the following:

- NPO 6, which supports the regeneration and rejuvenation of cities, towns and villages of all types and scale as environmental assets;
- NPO 33, which prioritises the provision of new homes at locations that can support sustainable development; and
- NPO 35, which promotes increased residential density through reductions in vacancy, re-use / infill and increased building heights.

The Office notes the current standards and requirements for apartment development set out in Section 8 of the development plan and advises that these standards and requirements have been superseded by the Section 28 Guidelines 'Sustainable Urban Housing: Design Standards for New Apartments,

Guidelines for Planning Authorities 2018'. The written statement of the draft development plan should reflect same.

In this regard, Specific Planning Policy Requirements 1-6 (inclusive) of these Guidelines shall inform the development management standards for apartment development in the forthcoming development plan including requirements for, inter alia, mix of unit types, minimum floor areas, building height and building separation distances.

The Guidelines state 'general blanket restrictions on building height or building separation distance that may be specified in development plans, should be replaced by performance criteria, appropriate to location'.

The NPF also supports the use of performance based standards⁵ for infill and brownfield development stating

'In particular, general restrictions on building height or universal standards for car parking or garden size may not be applicable in all circumstances in urban areas and should be replaced by performance-based criteria appropriate to general location, e.g. city/town centre, public transport hub, inner suburban, public transport corridor, outer suburban, town, village etc.'

In this regard, there is an opportunity to review the current development management standards and requirements in the current development (Section 8.2.3.4) that apply to residential development more broadly.

The Office agrees with the list of key challenges (page 25) to be addressed in the forthcoming development plan, however considers that the issue of increased building height is of wider relevance to what is inferred.

The building height strategy in the forthcoming development plan shall be cognisant of the Section 28 Guidelines '*Urban Development and Building Height Guidelines for Planning Authorities* 2018', and in particular Specific Planning Policy Requirement 1 which states

'In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.'

Economic Development & Employment

Table 5.2 of the RSES outlines the strategic employment locations on the Metrolink / LUAS Green line Strategic Corridor. Cherrywood, Ballyogan and Sandyford are identified with employment potential for

⁴ The Office notes the Advisory Note in Section 8 of the Written Statement which acknowledges that the apartment standards have been superseded by the 'Sustainable Urban Housing – Design Standards for New Apartments' 2015.

⁵ Reference – page 67 of the NPF

'Mixed-use districts with significant retail and people intensive employment to complement city centre and docklands'.

In this regard, the Office welcomes the recognition in the Issues Paper of Regional Policy Objective (RPO) 5.6 – MASP Employment which states

RPO 5.6: The development of future employment lands in the Dublin Metropolitan Area shall follow a sequential approach, with a focus on the re-intensification of employment lands within the M50 and at selected strategic development areas and provision of appropriate employment densities in tandem with the provision of high quality public transport corridors.

Policies regarding economic development and employment in the forthcoming development plan should be informed by the guiding principles set out in section 6.3 of the RSES especially in relation to strategic employment areas.

The Office notes that the ratio of jobs to resident workers of 0.9 is largely consistent with the rate for Dublin City and suburbs of 0.978⁶ and agrees that 'a critical factor in the County Development Plan review process will be to assess the adequacy of the existing employment zoned lands and to consider whether additional lands may be required to meet future employment needs'.

The RSES identifies Dún Laoghaire and Dundrum as the county's Level 2 Major Town Centres and Stillorgan, Blackrock, Cornelscourt, Nutgrove and Cherrywood as Level 3 Town And / Or District Centres. The Office notes the differing roles that the centres play and acknowledges the trends, redevelopment proposals and challenges / opportunities affecting the individual centres.

Transport & Infrastructure

The Issues Paper acknowledges the importance of an integrated approach to land use and transportation and the Office commends the council for its initiatives to encourage more compact growth and sustainable travel and for the positive trends outlined on page 27.

The Guiding Principles for Integration of Land Use and Transport under the RSES should inform the plan, as required by RPO 8.1 and RPO 8.4. Compliance with this approach may assist your authority's plan in meeting mandatory objective section 10(2)(n).

The National Development Plan and National Transport Authority's (NTA) strategy contain a number of major transport projects that will serve future greenfield and brownfield development in the county including:

- Cherrywood
- Woodbrook / Shanganagh
- Old Conna
- Kilternan
- Sandyford
- Dundrum

⁶ Reference – page 170, Appendix 2 of the National Planning Framework

In respect of the proposed upgrading of the M50 (south of Sandyford) and N11/M11, one of the objectives under National Strategic Outcome 2 is 'Maintaining the strategic capacity and safety of the national roads network including planning for future capacity enhancements'.⁷

In this regard, a key issue for the next development plan is to ensure that policies maximise the benefits of existing and planned public transport investment and that planned improvements to the national road network are not eroded by a growth in demand for car travel especially for short distances in the absence of long term public transport infrastructure.

Table 5.1 of the RSES sets out the residential and employment / mixed use development envisaged for the MASP's strategic development areas and corridors including:

- the North South Corridor based on DART expansion, and
- Metrolink corridor and upgrades to LUAS.

The Office notes the identified phasing / enabling infrastructure to support these strategic development areas and the need for an integrated approach to the planning and development of areas that straddle the administrative boundaries of Dun Laoghaire Rathdown and Wicklow.

This will also require collaboration and co-ordination with the NTA, Transport Infrastructure Ireland and Irish Water to ensure appropriate phasing and early delivery of supporting infrastructure.

The Office notes the recommendations for Dun Laoghaire Rathdown and next steps contained in the *Bray and Environs Transport Study (April 2019)* including the need for the development plan to fully reflect the study.⁸

In respect of the provision of wastewater and water infrastructure, there is a need to work proactively with Irish Water to progress projects that deliver infrastructure for the county and support development in strategic development areas.

Rural Development

The Office acknowledges that a significant part of the county is predominantly rural and that these rural areas face differing development issues and challenges, in terms of supporting viable businesses, protecting rural amenity values and managing pressure for further rural one off housing.

The Office understands that updated guidance on rural housing is in development by the Department of Housing, Planning and Local Government and in the meantime, your authority's attention is drawn to NPO 19 and Circular letter PL 2/2017 from the Department of Housing, Planning, Community and local Government regarding Sustainable Rural Housing Guidelines for Planning Authorities 2005 and Local Needs Criteria in Development Plans.

The council's rural housing policies in the forthcoming development plan should have regard to Circular letter PL 2/2017. In this regard, the Office advises that Section 3.2.3 of the 'Rural Generated Housing' of the 'Sustainable Rural Housing Guidelines for Planning Authorities' 2005 will be revised

 $^{^{7}}$ Reference – page 140 of the National Planning Framework

 $^{^{8}}$ Reference – page 13 of the North Bray and Environs Transport Study – April 2019

to ensure that rural housing policies and objectives contained in local authority development plans comply with Article 43 of the EU Treaty on the freedom of movement of citizens.

Climate Action and Energy

Having regard to the *Climate Action Plan 2019* and to the objectives of the NPF and the RSES, the transition to a low carbon economy and the overall reduction in carbon emissions will become a central issue for planning policies during the preparation of the council's draft development plan.

The Office commends the council for the strong emphasis in the Issues Paper on the need to tackle climate change, support green infrastructure and biodiversity and for its achievements in these areas. The Office endorses the statement in the Issues Paper that *'Climate change is the greatest global challenge of our time'* and the council's commitment to play its role in transitioning to a climate resilient low carbon county.

The Office also acknowledges the recognition in the Issues Paper of the key role that land use planning can play in progressing climate change mitigation and adaption, and creating climate resilient communities. In this regard, the baseline emissions report provides an important data source to inform local policies and targets in the next development plan.

The Office understands that forthcoming updates to the 'Section 28' Development Plan Guidelines will contain guidance on the requirement under section 10(2)(n) of the Act to promote sustainable settlement and transportation strategies including measures to reduce energy demand and greenhouse gas emissions (in addition to adaptation to climate change), by virtue of the location, layout and design of new development.

Your authority will be aware that the Office's evaluation of the development plan is required under section 31AM(2)(a) to address, in particular, matters within the scope of section 10(2)(n) in its evaluations and assessments of development plans.

Similarly, the promotion of renewable energy within the county in accordance with the section 28 *Wind Energy Development Guidelines 2006* and *Draft Wind Energy Development Guidelines 2019* will also be critical to ensure Ireland meets its national targets and commitments for increasing renewable energy supply and reducing greenhouse gas emissions.

Summary

The preparation of the Dun Laoghaire Rathdown County Development Plan 2022-2028 is an opportunity to develop a new development strategy for a diverse, vibrant and climate resilient county that capitalises on its location and infrastructure.

The Office looks forward to reviewing the draft development plan and is committed to continued positive engagement with Dun Laoghaire Rathdown County Council in the implementation of national and regional policies at county and local level.

Please feel free to contact the staff of the Office 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.

Yours sincerely,

Gary Ryan

Director, Office of the Planning Regulator

076 100 2747

gary.ryan@OPR.ie