



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

16 April 2021

Senior Planner,
Planning Department,
Dún Laoghaire-Rathdown County Council,
County Hall,
Marine Road,
Dún Laoghaire,
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Re: Draft Dún Laoghaire-Rathdown County Development Plan 2022 – 2028

A chara,

Thank you for your authority's work in preparing the Draft Dún Laoghaire-Rathdown County Development Plan 2022- 2028 (the draft Plan).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable work your authority has undertaken in the preparation of the Draft Plan against the backdrop of an evolving national and regional planning policy and regulatory context.

More recently, you will have been notified of the Ministerial Circular relating to *Structural Housing Demand in Ireland and Housing Supply Targets*, and the associated section 28 Guidelines: *Housing Supply Target Methodology for Development Planning*. The planning authority will, therefore, be required to review the Draft Plan, and in particular the Core Strategy, in the context of this guidance which issued subsequent to the Draft Plan. Further advice in relation to this matter is provided below.

As your authority will be aware, one of the key functions of the Office includes strategic evaluation and assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. In this regard, the Office has

evaluated and assessed the Draft Plan, under the provisions of sections 31AM(1) and (2) of the *Planning and Development Act 2000*, (as amended) (the Act).

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

A submission also can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

Overview

The draft Plan is being prepared at a crucial time following the making of the *National Planning Framework* (NPF) and the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES), which seek to promote the rebalancing of regional development in a sustainable manner.

Dún Laoghaire-Rathdown, due to its location wholly within the Dublin Metropolitan Area and largely within Dublin city and suburbs, with high quality public transport and accessibility infrastructure, will be critical to the achieving of the national strategic outcomes (NSOs) of the NPF, including NSO 1 compact growth and NSO 2 sustainability.

In general, the Office supports the overall approach to sustainable settlement and transport strategies in the draft plan, such as intended focus on compact growth, including infill/brownfield development and on consolidation within or contiguous to

the existing built up area of the county; and the adoption of the Avoid-Shift-Improve approach to transportation and mobility.

However, the Office has some concerns with the population and housing supply targets included in the draft Plan, which appear to be significantly in excess of that required to facilitate growth for the Plan period, to result in surplus lands zoned for residential and for residential and other uses, thereby potentially undermining national and regional policy objectives for compact growth.

In responding to these concerns, the Office would suggest the authority focus on implementing phased development of sequentially favourable, serviced, or serviceable lands, consistent with the tiered approach to zoning (Appendix 3 of the NPF, refers). A particular focus on infill/brownfield lands and/or other sequentially appropriate lands, in proximity to high quality transport that is existing or that will be delivered during the plan period, is advised.

The potential for the combined development objectives for the Ballyogan, Carrickmines, Kiltiernan-Glenamuck and Cherrywood SDZ to materially adversely affect the strategic traffic function of the national road network (M50 and associated junction J14 and J15) and the light rail network is a serious concern in terms of consistency with government policy. The resolution of the potentially significant effects on these material assets warrants a thorough evidence-based assessment, having regard to the relevant section 28 guidelines and appropriate technical guidance in consultation with TII and the NTA.

The overall approach to transport in the draft plan is considered consistent with the requirements to address climate change mitigation under section 10(2)(n) of the Act. In particular, the Office welcomes the inclusion of an implementation monitoring strategy, including the monitoring of modal share against the existing baseline level.

Finally, although the draft Plan was informed by a comprehensive and detailed Strategic Flood Risk Assessment, the Office is not satisfied that the proposal to zone land identified in the SFRA as at risk from flooding for vulnerable uses, is consistent with the requirements of the *Flood Risk Management Guidelines* (2009). This issue may best be resolved through consultation with the OPW.

Notwithstanding the foregoing concerns, the Office commends the planning authority for the overall scope and quality of the draft plan, including the associated documents and detailed assessments appended to and informing the policies, objectives and standards of the draft Plan in support of an evidence-based approach to the planning of Dún Laoghaire-Rathdown.

In particular, the Office has identified the proactive approach to accommodating buildings of height in the county under its Building Height Strategy (Appendix 5) and Development Management Thresholds, which will facilitate compact growth, sustainable transport and climate mitigation; the guidelines on Sustainable Drainage System Measures (Appendix 7) and the Green Infrastructure Strategy (Appendix 16) which will assist the county in adapting to climate change and improve biodiversity and amenities for the county; the Interim Dún Laoghaire Urban Framework Plan (Appendix 8) and Draft Sandyford Urban Framework Plan 2022-2028 (Appendix 17) to facilitate the redevelopment of these urban areas, again with potential for positive impacts on compact growth, sustainable transport and climate mitigation; and the inclusion of comprehensive statement of compliance with section 28 *guidelines* (Appendix 14) to inform the draft plan.

Finally, the Office welcomes the inclusion of a strategy for the implementation, monitoring and evaluation in chapter 15 of the plan as an example of best practice.

The submission below sets out nine recommendations and two observations under following themes:

Themes	Recommendation	Observation
<u>Core strategy and settlement strategy</u>	Recommendation 1 and 2	
<u>Compact growth, regeneration and tiered approach to zoning</u>	Recommendation 3, 4 and 5	
<u>Economic development and employment (including retail)</u>	Recommendation 6	Observation 1

Sustainable transport and movement	Recommendation 7 and 8	
Climate action		Observation 2
Environment, Heritage and Amenities	Recommendation 9	

1.0 Core strategy and settlement strategy

1.1. Core Strategy

The proposed core strategy of the draft Plan has a target county population of 258,375 to 2028, representing an increase of 40,375. This represents an apparent excess of 4,646 against the growth provided for under the NPF Implementation Roadmap (the Roadmap).

The difference would appear to arise from the planning authority's addition of the 25% Roadmap headroom allowance for 2026 to the RSES population target for 2031. The Roadmap does not, however, provide for an increase in population above the NPF/RSES targets over the medium to longer term, but rather only amends the target to 2026 for counties that have been growing in excess of the NPF growth strategy, to allow those counties additional time to realign their growth through short-term front-loading growth. The Office considers that the application of the headroom allowance beyond 2026 is not supported under the Roadmap and results in excessive growth for the plan period.

In addition to the above, the core strategy provides for two-year's growth post 2026, notwithstanding the plan extends only to Q4 2027, or one full year. This has the effect of extending the population projections for the plan period within the Core Strategy for an additional year beyond the plan period. While the planning authority may wish to include forecast of population figures for 2031, the core strategy should be clear in terms of the current plan period.

Shortly before the publication of the draft Plan, you will have been notified of the Ministerial Circular relating to *Structural Housing Demand in Ireland and Housing*

Supply Targets, and the associated section 28 Guidelines: *Housing Supply Target Methodology for Development Planning* (December 2020). The *HST Guidelines* specify that it is necessary to demonstrate the manner in which the Core Strategy and other elements of the plan are consistent with the NPF 50:50 City housing demand projection scenario identified by the ERSI (Appendix 1, Table 9) subject to the methodology set out in Section 4.0 of the Guidelines and adjusted for your plan period.

You will also note that the Circular makes specific provision for certain local authorities, to increase housing provision up to 2026 in order to facilitate convergence with the NPF (adjustment 'E'), or to allow for an increase in the short term where housing delivery already substantially exceeds the NPF 50:50 scenario (adjustment 'F'). In the case of Dún Laoghaire-Rathdown, there would appear to be no requirement for an adjustment under E or F.

Applying the methodology under the guidelines, the Office estimates that the housing requirements under the proposed core strategy exceed the housing supply target, in part due to the population growth targets referenced above. It is noted, however that a significant proportion of the excess (e.g. 2,590 units at Cherrywood) is anticipated to be delivered during the course of the subsequent development plan period.

Recommendation 1 – Core Strategy

(a) Having regard to the population capacity targets for the planning authority under appendix B of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy and the transitional population targets and provisions contained in the NPF Implementation Roadmap, including 25% headroom to 2026, the planning authority is required to revise the core strategy population targets for the 6-year plan period to ensure that the population targets for the plan period are consistent with the Roadmap's transitional targets.

(b) Having regard to the issuing of section 28 *Housing Supply Targets Methodology for Development Planning Guidelines for Planning Authorities* (December 2020) at the end stage of the preparation of the draft Plan, and to the apparent significant over-estimate of housing units provided for under the draft

core strategy, the planning authority is required to review the core strategy to ensure consistency with the aforementioned guidelines.

1.2. Settlement Hierarchy

The Office is satisfied that the settlement hierarchy is generally appropriate and consistent with national and regional policy and with relevant legislative provisions, as applies to the highly urbanised context of the planning authority.

1.3. Residential land supply

The core strategy demonstrates that the proposed extent of land use zoning for residential development and for a mixture of residential and other uses is based on housing demand targets (c.22,800 units, including part of Cherrywood SDZ) that are significantly in excess of the housing supply targets calculated in accordance with the Housing Supply Target Methodology Guidelines (2020). As the Office estimates the housing supply target for the county to be in the region of c.15,000 for the plan period, the proposed land use zoning is based on an excess of 6,800 units, which would indicate that excessive lands are proposed to be zoned under the draft Plan.

In addition to the above, Section 2.3.7.1 of the core strategy explains that in determining the housing yield of land zoned under the Plan, the densities and capacity calculations of existing statutory Local Area Plans (LAPs) were applied. As most of those LAPs predate the NPF, the RSES and relevant section 28 guidelines, the densities and capacities applied may no longer be appropriate or, indeed, consistent with the draft Plan.

The Office also notes the methodology applied to determine housing yield and density for infill/windfall sites, which applies the permitted housing yield for sites with extant planning permission, and assumes 50% development for all other sites. In view of the fact that only 27% of the sites do not have an extant permission (according to the Infrastructure Assessment) the resulting estimated yield and residential density (28uph) appear quite low. It would provide clarity in the core strategy if the proposed residential yield was identified for these lands and a justified estimated yield for the remaining 27% of sites was separately provided.

It is also unclear whether the core strategy has included the potential yield from smaller infill sites, such as corner/side garden, backland development or subdivision of dwellings, supported by policy objective PHP19 of the draft Plan.

Recommendation 2 - Residential land supply

Having regard to section 10(2A) of the Act, the requirement for compact growth in accordance with National Policy Objective 3, and the approach to zoning required under National Policy Objective 72 (a-c), the planning authority is required to:

- a. review the quantity of land zoned for residential or a mixture of residential and other uses in the core strategy (table 2.10) to ensure consistency with population targets in the NPF Roadmap and with the housing supply targets, as required under the section 28 *Housing Supply Targets Methodology for Development Planning Guidelines for Planning Authorities* (December, 2020), having regard to current guidelines relating to residential density.
- b. Review density assumptions used to estimate the quantity of zoned land arising from the Housing Supply Targets in the revised Core Strategy having regard to the recommended residential densities for large towns, small towns and villages in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009).
- c. Review the core strategy (table 2.10) to ensure that adequate account is taken of the proposed residential yield for those sites with an extant permission with a justified estimated residential yield for those sites with no planning permission.

In view of, in general, the favourable location of lands proposed to be zoned for residential development under the draft Plan, in terms of compact growth and potential for implementation of an integrated land use transport approach consistent with the 10 minute settlement concept supported in the RSES, the planning authority should consider the range of options available to it to enable it to prioritise or expedite the sequential development of the most favourable lands for housing, consistent with the aforementioned housing supply targets, during the 6-year plan period.

Those lands for which development would be delayed through an appropriate phasing approach, consistent with the sequential approach required under the Dublin MASP (RPO 5.5 refers), should be identified and the housing and population yields specified through an evidence-based approach (see also Recommendation 3).

2.0 Compact growth, regeneration and tiered approach to zoning

2.1. Compact growth

It is an objective (NPO 3b) of the NPF that 50% of all new homes within the five designated cities and their suburbs are to be delivered within the '*existing built up footprint*' of settlements (clarified in end-note 17 of the NPF) in order to achieve National Strategic Objective 1, compact growth. RSES RPO 3.2 is also relevant in this respect.

Having regard to the nature of the CSO boundary in your area, it is important that consideration of those areas identified as contributing to compact growth is based on the UN criteria referred to in End-note 17 and the broader provisions of the NPF regarding compact growth.

The NPF clarifies that:

The [NPO 3a] target is for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites. The rest of our homes will continue to be delivered at the edge of settlements and in rural areas.

As recognised in the NPF, the challenge for urban areas such as Dún Laoghaire-Rathdown will be to deliver infill/ brownfield development and locations well served by high quality public transport as part of the transition to a low carbon economy, including the fulfilment of the requirements under section 10(2)(n) of the Act.

As referenced above, the Office considers that lands zoned for residential development in the draft Plan are generally well located. There are, however, a number of more peripheral legacy locations which require significant public transport investment in order to avoid becoming overly car dependant commuter areas.

The continuance of extensive residential zoning to the south of the M50 / west of the M11 at Rathmichael, in particular, would appear to continue a pattern of sprawl on the periphery. Rathmichael is not identified by in the RSES or Dublin MASP. It is an un-serviced area characterised by very low density, suburban style housing on large sites with onsite WWT systems (septic tanks), with an identified landbank of 83ha, although it is not clear whether this includes consideration of the potential for infill development.

The Office also considers the principle of continuing the extensive residential zoning at Old Connaught, west of the M11, at least in the short to medium term to be questionable, given the need for consolidation within Bray (in addition to the development of Woodbrook-Shanganagh LAP). Old Connaught also has major infrastructure deficits (according to the planning authority's Infrastructure Assessment) which do not appear to be realistically capable of substantially resolving within the plan period.

However, it is noted that Old Connaught forms part of the expansion of Bray key town under the RSES (RPO 4.37) and has been identified in table 5.1 as a strategic development area on the north-south corridor (DART expansion line), and that EMRA has allocated growth to the planning authority as part of the Bray key town to 2031. Provision is made for this allocation through the proposed strategic land reserve (zoned greenbelt under the draft Plan) at Old Connaught.

In this regard the Office notes that the MASP (RPO 5.5) requires that future residential development follows a clear sequential approach with a primary focus on the consolidation of Dublin and suburbs and the development of Key metropolitan towns. Consideration of same should demonstrably inform the approach to spatial planning in the county.

Recommendation 3 - Prioritisation of preferable locations

Having regard to:

- National Planning Objective 3b, to deliver at least half of all new homes that are targeted in Dublin city and suburbs within its existing built-up footprint;
- National Planning Objective 72(a-c) and Regional Policy Objective 5.5, that future residential development shall follow a clear sequential approach; and
- the need to ensure that sustainable settlement and transport strategies in the plan include measures which clearly promote measures to reduce energy use and to reduce GHG emissions through the location, layout and design of new development in accordance with section 10(2)(n) of the Act and in view of the Government's stated policy on climate change under the Climate Action Plan 2019;

the planning authority is required to prioritise the sequential development of more favourably located lands, in terms of access to quality public transport (including with regards to the projected delivery of same) in order to better achieve meaningful compact growth in accordance with the National Planning Framework and to achieve meaningful reductions on energy use and GHG emissions associated with future development through sustainable settlement and transport strategies.

2.2. Infill and brownfield development

The Office acknowledges the very positive approach the planning authority has taken to the promotion of infill and brownfield development in the draft Plan. In particular, it welcomes the inclusion of objectives to establish a database for brownfield of infill sites (CS12), to support the development of strategic regeneration sites (CS13); and to address vacancy and underutilisation of land (CS14, CS15), as part of the Active Land Management approach.

The plan also demonstrates an evidence-based approach to determining infill/windfall sites, to contribute to compact growth, representing 30% (165.86ha) of

the total area (553.28ha) of land proposed for residential development under the core strategy.

The draft Plan addresses the constraints on higher density development under section 4.3, including the potential impact on older structures that have inherent vernacular and/or streetscape value, and also on Protected Structures and structures within ACAs and other heritage designations (RMPs, heritage sites, etc.).

The draft Plan proposes to continue the O/O zone objective under the existing development plan for parts of the area of Killiney and Dalkey, along the DART line corridor. These areas are largely, but not wholly contained within, but do not fully encompass the adopted ACAs of Killiney and Vico Road – Sorrento Point, respectively. A significant proportion of dwellings in this area are also recorded as Protected Structures.

The objective provides that no increase in the number of residential buildings will normally be permitted, but on sites within a 10 minute walk of a DART station (with reference to Car Parking Zone 2 Area, Map T2) consideration may be given to small scale, sensitive infill development on suitable sites not detract from the character of the area either visually, or by the generation of traffic volumes necessitating road widening or significant improvements.

Under section 28 guidelines, including the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* (2009), *Sustainable Urban Housing: Design Standards for New Apartments* (2018) and the *Urban Development and Building Heights* (2018), it is Government policy to provide for increased residential density along public transport corridors.

In particular, the *Sustainable Residential Development Guidelines* set out the need for land use planning to underpin the efficiency of public transport services by sustainable settlement patterns, including higher densities, on lands within existing or planned transport corridors in order to maximise the return on public transport

investment. The application of the O/O objective on lands within Dublin city and suburbs (NPO 3b and RPO 3.2, also refer), located along high capacity public transport corridor of the DART line, is contrary to government policy.

It is also noted that the provisions of the draft Plan relating to the conservation of ACAs and Protected Structures provides strong policy protection for the conservation of the special character of the area concerned, having regard to the *Architectural Heritage Guidelines for Planning Authorities* (2011). In this context, the limitations provided for under the O/O objective are not justified in terms of consistency with NPO3 and RPO 3.2.

Recommendation 4 – O/O Zoning

Having regard to the national and regional policy objectives to implement compact growth within Dublin city and suburbs, including NPO 3b and RPO 3.2, and to the *Sustainable Residential Development Guidelines* which provide for increased residential density along public transport corridors, including in the interest of maximising the return on public transport investment, the planning authority is required to omit O/O zone objective from the plan as an unnecessary restriction on sustainable development.

2.3. Tiered approach to zoning

NPO 72a (and appendix 3 of the NPF) require planning authorities to apply a standardised tiered approach to zoning (TAZ) to differentiate between serviced land (tier 1) and land that is serviceable within the life of the plan (tier 2). The planning authority is required (NPO 72b) to make a reasonable estimate of costs of the full delivery of specified services, detailed in a report at draft and final plan stages. Lands that cannot be serviced within the plan period should not be zoned for development (NPO 72c).

The detailed Infrastructural Assessment attached as Appendix 1 to the draft Plan is welcomed by the Office. This report details the infrastructural constraints and the

current programmes and plans to resolve same at national, regional and/or county level.

The planning authority has identified the additional enabling infrastructure required to accommodate the outstanding infill/windfall sites under table 7. This does not differentiate clearly between tier 1 and tier 2 lands regarding wastewater or transport infrastructure delivery, notwithstanding that some projects are at an advanced stage of planning/authorisation whereas others are subject only of an objective proposed to continue from the extant plan (e.g. 6-year roads objective for Brennanstown Road Improvement Scheme).

However, should the planning authority deem such objectives to provide sufficient certainty, the cost of delivery of the specified infrastructure (and for all relevant infrastructure) is required to be detailed as part of the Infrastructure Assessment.

The inclusion of this information would enable the planning authority to better plan for infill/windfall development and to include more accurate housing yield/densities for the said lands over the plan period. It may also assist the planning authority's active land management approach.

Similar issues arise (in terms of TAZ and cost estimates) with the other major development areas identified in the draft Plan, particularly for the Old Connaught and Rathmichael major development areas. Where critical enabling infrastructure cannot realistically be available within the period of the plan, the zoning of such lands is not justified under the NPO 72a. In this regard the Office supports TII's concerns regarding the inclusion of Cherrywood to Rathmichael link road and Ferndale Road to Dublin Road, and Shanganagh link road in tables 5.3 and 5.4 of the draft Plan prior to an evaluation as prescribed under section 7 of the *Spatial Planning and National Roads Guidelines* (2012).

Recommendation 5 – Tiered Approach to Zoning

Having regard to the requirements of the NPO 72a, NPO 72b and NPO 72c, the planning authority is required to revisit its Infrastructure Assessment (Appendix 1 of the draft Plan) to differentiate between tier 1 and tier 2 lands and other lands, and regarding the timeline (to the end of the 6 year plan period) and the estimated cost of delivery of necessary infrastructure to accommodate the development of the subject sites, in respect of:

- (i) Infill/windfall sites with no planning permission (table 7). The planning authority is requested to use this information to make an evidence based determination regarding the potential residential yield to be achieved on the said sites over the plan period. This information should be incorporated into the core strategy (table 2.10) to enable the residential yield for infill/windfall sites under construction/sites with extant planning permission separately from infill/windfall sites with no planning permission.
- (ii) New residential community: Old Connaught and Rathmichael. It would appear unlikely that the extensive critical enabling infrastructure can (and will) be available within the period of the plan. The designation of these lands as tier 2 does not appear to be justified and therefore the planning authority should review its intention to zone same for development during the period of the plan.

3.0 Economic development and employment (including retail)

3.1. Retail floorspace

The draft Plan refers to the Retail Strategy for the Greater Dublin Area 2008-2016 (the RSGDA), which although significantly out of date is the current joint retail strategy to inform development plans in the Greater Dublin Region. The Office notes that the *Retail Planning Guidelines* (2012) do not require a separate county retail strategy where county in addition to the joint strategy, but does require the plan to be evidence-based.

It is the policy objective (RET2) to update the retail hierarchy and apply floorspace requirements as necessary based on the future update of the RSGDA. The draft Plan indicates that the Council has adopted a cautionary approach to retailing and retailing floorspace in view of the datedness of the Strategy and the changing face of the sector.

The RSGDA projected future retail demand and corresponding floorspace is to 2016, but incorporated an additional 25% headroom for comparison goods and 20% for convenience goods to take account of the long lead-in time for retail development to enable retail development to be planned up to 2021. In view that the baseline data for the Strategy dates from 2007 and significant economic changes that have occurred since it was made, the Strategy is of questionable utility, however it is noted that the projected floorspace for 2021 facilitates a comparison against the actual retail floorspace now existing in the county.

The draft Plan sets out a summary of the overall strategy for centres in the retail hierarchy, but provides no indication of the existing retail floorspace, or the projected increase over the plan period.

Observation 1 – Retail strategy

The Retail Planning Guidelines (2012) require the development plan's provisions for retail to be evidence-based. In the absence of an updated of the Retail Strategy for the GDA, it is suggested that the planning authority could demonstrate an evidence-based approach through the inclusion of a broad assessment of the existing retail floorspace in the county. In comparison with the projected figures for 2021 set out in the Retail Strategy for the Greater Dublin Area 2008-2016, the baseline data could be used to inform the council's strategic guidance on the appropriate location and scale of retail development and the development management criteria of the plan.

3.2. Retail hierarchy

Under section 7.5.4 the planning authority acknowledges that the RSGDA provides that neighbourhood centres usually contain convenience retail ranging in size from 1,000-2,500-sq.m with a limited range of supporting shops and retail services. The *Retail Planning Guidelines (2012)* define neighbourhood centres as comprising a small group of shops, typically comprising newsagent, small supermarket/general grocery store, sub-post office and other small shops of a local nature serving a small, localised catchment population.

The Office notes with concern the proposals to promote a number of larger neighbourhood centres in the county as local mixed-use nodes capable of accommodating a range of uses beyond simply retailing or retail services, which may conflict with government guidelines.

The draft Plan specifically refers to the Leopardstown Valley, Ballyogan, zoned objective NC. It also refers to neighbourhood centres identified through Local Area PLans at Woodbrook-Shanganagh, Kiltiernan and Old Conna, and to Carrickmines.

Recommendation 6 – Retail hierarchy

Having regard to the *Retail Planning Guidelines (2012)*, the planning authority is required to revisit its intended approach to the future development of the neighbourhood centres tier in terms of the scale and nature of retail and associated uses proposed to be accommodated, to ensure consistency with the provisions of the guidelines

The proposed neighbourhood centre at Carrickmines is zoned Objective E (Economic Development and Employment), but is subject of a SLO 82 under the draft Plan. This is a continuation of SLO 131 under the extant development plan and allows for a net retail floorspace cap of 6,000-sq.m, in addition to a leisure facility to meet the needs of Carrickmines, Stepside-Ballyogan and Kiltiernan-Glenamuck. The site is situated adjacent J15 of the M50.

Section 2.7 of the *Spatial Planning and National Roads Guidelines* (2012) require that development plans take account of and carefully manage development in the vicinity of interchanges/junctions on national road and motorways. Planning authorities must:

- exercise particular care in the assessment of development objectives and zonings close to interchanges where they could generate significant additional traffic;
- make sure that such development can be catered for by the design assumptions underpinning such junctions and interchanges, to avoid compromising the capacity, efficiency and level of service of the national roads.

There is general presumption against large out-of-town retail centres in particular those located adjacent or close to existing, new or planned national roads/motorways under the RPGs. *The Transport Strategy for the Greater Dublin Area* states that it is essential that the capacity of [the M50 and the various national routes connecting thereto] is safeguarded for strategic trips of high economic value, particularly for the movement of goods.

It is noted that permission was granted by An Bord Pleanála an extensive retail/commercial development including a neighbourhood centre, retail warehouses, cinema and other leisure space in 2019. The planning authority proposed to retain the SLO (as SLO82) until the permission is built out. Taken together with the existing retail development, the combined retail draw of this out of town centre is likely to be very substantial.

TII has raised concern about the potential impact on the M50 from traffic generation of the future development of Ballyogan LAP, including Carrickmines, in addition to the development of Kiltiernan-Glenamuck and Cherrywood SDZ. It notes that the capacity issues evident at J14 and J15 may be exacerbated by relatively minor increase in traffic volumes, contrary to national policy, as referred to above.

The Office supports TII's recommendation that the policies of the SPNRG and the RPG, in particular, concerning the protecting of the capacity of the strategic road network should be clearly reflected through the amendments to the draft Plan in Section 7.6 Assessment of Retail Development Proposals; Section 12.6 development management for large good stores; and SLO 82.

4.0 Sustainable transport and movement

4.1. Mode share

The Office considers the overall policy approach of the draft Plan to be consistent with the implementation of sustainable settlement and transport strategies under section 10(2)(n) of the Act. In particular, the alignment of the key policy areas under chapter 5 of the draft Plan with the elements of the Avoid-Shift-Improve Approach provides clarity and structure to the transport and movement strategy.

The planning authority is well placed to achieve a favourable mode share to support Government national target for mode share under Smarter Travel (2009), having made significant advances in active and public transport infrastructure in recent years.

The Office welcomes the proposal to include monitoring of the implementation of objectives with reference to mode share (based on CSO and DLR data). It is noted, however, that the plan contains no county or area-wide mode share targets, which would provide a clear focus for the implementation of the Council's transport and movement strategy.

Recommendation 7 - Sustainable transport and modal shift

In order to ensure the effective planning, implementation and monitoring of the development plan requirements under section 10(2)(n), the planning authority is required, in consultation with the NTA, to include:

- (i) Appropriate existing baseline figures for modal share for the county, or

its constituent parts, as may be appropriate,

- (ii) Realistic targets for modal change against the baseline figures provided under (i), above, to increase the effectiveness of the implementation monitoring regime proposed under chapter 15 of the draft Plan.

The planning authority should consider, in view of the information provided under (i) and (ii), whether any amendments to proposed policy objective or development management standards are appropriate to ensure the implementation of sustainable settlement and transport strategies through the development plan.

4.2. **Strategic transport infrastructure**

The *Spatial Planning and National Roads Guidelines (2012)* require the planning authority to ensure that the strategic traffic function of national roads is maintained by limiting the extent of development that would give rise to the generation of short trip traffic on national roads.

The guidelines require the authority to assess the trip generation aspects of any land use zoning objectives and how such trip generation is to be catered for, promoting the use of sustainable modes, while protecting the strategic function of the national roads network. It also requires the plan to include policies which seek to maintain and protect the safety, capacity and efficiency of national roads and associated junctions.

TII has raised significant concerns with the proposed provisions of the plan in the vicinity of J14 and J15 of the M50. This is the most heavily trafficked road corridor in the country and is at a stage where relatively minor increases in traffic volume can result in significant congestion on the mainline, its junctions and within the surrounding local network.

The draft Plan will continue to facilitate the development of extensive lands within the Ballyogan and Environs LAP, including Carrickmines, in conjunction with other major development areas such as Kiltiernan-Glenamuck LAP and Cherrywood SDZ within

the vicinity of J14 and J15 of the M50 and Luas green line (five stops). Development in Ballyogan and Environs LAP is also dependent on the use of Luas infrastructure for which it was not designed and/or anticipated, including permanent use of the Racecourse Luas Stop and pedestrian and cycle use of the Luas M50 overbridge.

The sustainable development of the major development areas of Ballyogan, Carrickmines, Kiltiernan-Glenamuck and Cherrywood SDZ is dependent, to a greater or lesser degree, on ensuring that adequate capacity is maintained on the strategic road network and the Luas green line, unless this infrastructure is upgraded to increase their capacity accordingly. The council's Infrastructure Assessment does not refer to any infrastructural investment required on the M50 or the Luas green line as necessary to facilitate the development of this area.

It is also noted that the SEA Environmental Report attached to the draft Plan does not consider in any detail the potential for significant effects on the M50, or other transport infrastructure constituting material assets.

The Office notes and supports the recommendation of TII that a more detailed and collaborative assessment and plan is required for this area to avoid undermining of the safe and efficient operation of the national road and light rail networks and to deliver a new sustainable community, carried in accordance with Area Based Transport Assessment Guidance Notes (2018, TII publication PE-PDV-02046).

Recommendation 8 – Strategic transport infrastructure capacity

Having regard to the requirements of the Spatial Planning and National Roads Guidelines (2012), the planning authority is required to determine, through an evidence-based approach how the strategic traffic function of national roads will be maintained with the full extent of development proposed to be accommodated within the vicinity of J14 and J15 of the M50 under the draft Plan.

This should be carried out in consultation with TII and the NTA, having regard to the *ABTA Guidance Notes* (2018, TII publication PE-PDV-02046) and should also

consider the implications for the safe and efficient operation of the light rail network and other transport modes.

5.0 Climate Action

The overall approach of the planning authority to climate action is set out in chapter 3 of the draft Plan, but extends throughout the draft Plan, including in its overall approach to sustainable settlement and transport strategy for the county. In general, the Office welcomes the Council's approach.

However, the manner of addressing climate change in statutory development plans is the subject of ongoing policy development. Accordingly, it would be prudent to include an objective in the draft Plan to the effect that an assessment will be undertaken in relation to the implications of the introduction of such future policy mechanisms, with a view to varying the draft Plan as made to ensure consistency with relevant climate assessment and development plan guidelines.

Observation 2 – Climate Action

Given the importance attributed to climate action by Government, as evidenced by, inter alia, the recent *Climate Action and Low Carbon Development Bill* (March, 2021) and the *Climate Action Plan 2019*, the planning authority is advised that the draft Plan should also include an objective to consider a variation of the development plan within a reasonable period of time, or to include such other mechanism, as may be appropriate, to ensure the development plan will be consistent with the approach to climate action recommended in the revised *Development Plan Guidelines* as adopted or any other relevant guidelines.

6.0 Environment, Heritage and Amenities

6.1. Flood risk

A detailed Strategic Flood Risk Assessment has been carried out by the planning authority to inform the draft Plan. The SFRA identifies flood risk zones in

Rathmichael, Old Connaught, along the Deansgrange Stream and Shanganagh River and in Carrickmines (north and south of the M50).

Much of the flood risk areas are undeveloped lands which have been zoned for development for highly vulnerable and/or less vulnerable uses. The flood risk in these areas will likely be exacerbated by climate change, as evident in the future climate change scenarios produced by the OPW.

The *Planning Authorities and Flood Risk Management Guidelines* (2009), as revised by *Circular PL 2/2014*, provide that where a planning authority is considering (in the plan) the future development (for vulnerable development) of areas at a high or moderate risk of flooding, that would generally be inappropriate under the sequential approach (section 3.2), the planning authority must be satisfied that it can clearly demonstrate on a solid evidence base that the zoning or designation for development will satisfy the Justification Test for the plan making stage (Box 4.1).

Recommendation 9 – Flood risk management

The planning authority is required to review the Strategic Flood Risk Assessment, in consultation with the OPW, to ensure consistency with the *Flood Risk Planning Authorities and Flood Risk Management Guidelines* (2009), as revised.

The land use zoning objectives under the draft Plan are also required to be reviewed and amended, as appropriate, having regard to the revised SFRA, and in accordance with the application of the sequential approach, and the Justification Test where appropriate, and having regard to potential climate change effects.

6.2 Environmental Reports

The Office notes that the environmental report (SEA) concludes that no significant residual adverse impacts are identified in the SEA taking into account the detailed mitigation which has been integrated into the draft Plan. The SEA is considered to be

comprehensive and generally consistent with the requirements of the section 28 guidelines.

The Natura Impact Report concludes that, having incorporated mitigation measures, the draft Plan is not foreseen to give rise to any significant effects on designated European sites, alone or in combination with other plans or projects. This evaluation has been made in view of the conservation objectives of the habitats or species for which these sites have been designated. The AA process is ongoing and will inform and be concluded at adoption of the Plan.

7.0 General and procedural matters

The Office considers the overall format and design of the draft Plan, including the structure and length of the written statement and the format and presentation of the individual chapters to be appropriate, easy to followed and understand, and to be engaging.

The accessibility of the individual chapters in the online version also make it easier for the public to access the relevant information. The visual quality of the Core Strategy map and associated maps are of good quality and appropriate scale and clarity.

The inclusion of the primary land uses for Cherrywood SDZ, in faded tones on Maps 9 and 10, is a useful and informative addition to the draft Plan, although it is noted that the existing map does not show the final approved scheme.

In terms of public consultation and engagement, the Office considers the level of public engagement activity undertaken in support of the draft Plan to be an exemplar.

Summary

The Office requests that your authority addresses the recommendations outlined above. As you are aware, the report of the Chief Executive of your authority prepared

for the elected members under Section 13 of the Act must summarise these recommendations and the manner in which they will be addressed.

At the end of the process, your authority is required to notify this Office within five working days of the decision in relation to the draft Plan. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the Plan in such a manner as to be inconsistent with the recommendations made by this Office, then the chief executive shall inform the Office and give reasons for this decision.

The Office acknowledges that meeting the requirements of the above recommendations and observations will require a lot of work. That work is required and should be prioritised to ensure that this Office can conclude that its adoption is in alignment with your authority's wider statutory obligations.

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 *plans@opr.ie*.

Yours sincerely,



Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations