

15th September 2021

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

Re: Draft South Dublin County Development Plan 2022 - 2028

A chara,

Thank you for your authority's work in preparing the draft South Dublin 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. In particular, the Office strongly commends the emphasis on addressing the needs of climate change throughout the draft Plan, in particular the positive approaches for green infrastructure and more sustainable travel patterns. The planning authority is also commended for the evidence-based approach supporting the policies and objectives in the draft Plan which include, inter alia, a land capacity analysis, infrastructural assessment and asset based analysis.

Subsequent to the publication of the draft Plan you will also have been notified of the publication for consultation of the *draft Development Plans Guidelines for Planning Authorities* by the Department of Housing, Local Government and Planning (August 2021) which will also provide clarity and assistance to planning authorities in the completion of development plans, notwithstanding that the Guidelines are in draft form.



As your authority is aware, a key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning.

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*) and this submission has been prepared accordingly.

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 preparation 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. The draft Plan has proactively embraced many of the challenges and opportunities identified in the NPF and the RSES including for the Dublin Metropolitan Area Strategic Plan (MASP) by directing the majority of future housing and economic growth to within the Dublin City



and Suburbs boundary with strong policy commitments to compact growth, regeneration and economic development.

In particular the policies and objectives which direct future development to the Strategic Development Zones and Strategic Development Areas such as Naas Road / Ballymount, demonstrates the planning authority's commitment to the Regional Policy Objectives (RPOs) and guiding principles for growth of the Dublin Metropolitan Area which are set out for the MASP in the RSES. The Office also welcomes the policies and objectives in the draft Plan promoting the RSES principles of *'healthy placemaking'* and the *'10 minute settlement concept'*.

The Office strongly commends the planning authority for the profile given to climate action in the draft Plan and the transparency provided regarding policies and objectives that have the potential to reduce Greenhouse Gas (GHG) emissions. In this regard, the inclusion of analysis on modes of travel at neighbourhood level and targets promoting more sustainable mode share for walking, cycling and public transport are extremely positive aspects of the draft Plan. The Office considers that the overall approach to climate action and sustainable transport in the draft Plan represents best practice.

Notwithstanding the overall quality of the draft Plan, the Office has identified a small number of areas which require further consideration in order to more fully align the development framework for the county within the current national and regional policy context. In particular, the population and housing targets in the draft Plan should clearly identify the growth targets for the 6-year plan period consistent with the *Housing Supply Target Methodology for Development Planning, Guidelines for Planning Authorities* (2020). A more sustainable level of growth for Newcastle and Rathcoole consistent with National Policy Objective (NPO 9) should also be provided for to ensure that appropriate services and facilities are available to serve new communities in these settlements.

In respect of the capacity of zoned land in the draft Plan that could accommodate residential development, the Office welcomes the policies and objectives for monitoring of housing growth and active land management, however further clarity is



required in relation to the potential housing yield figures in Core Strategy Table 9 and potential redistribution of housing and population figures (Policy CS3 and related objectives).

While the majority of housing policies and objectives are welcome and consistent with the overall strategic vision and vision statement for housing in the draft Plan, the Office has identified concerns with regard to some of the specific housing policies which are addressed in detail below.

The planning authority will also be aware that the Office's evaluation of the plan is required under section 31AM(2)(a) to address, in particular, matters within the scope of section 10(2)(n) of the Act in relation to climate change. The definition of appropriate settlement boundaries, the zoning of lands for specific uses (section 10(2)(a) of the Act), and the establishment of guiding policies for smaller towns and settlements are vital tools available to the planning authority in promoting effective integration of land use and transportation policies and addressing the requirements of section 10(2)(n).

It is within this context the submission below sets out 9 recommendations and 13 observations under the following 9 themes:

Key theme	Recommendation	Observation
Core strategy and settlement	1, 2, 3 and 4	1, 2 and 3
strategy		
Compact growth and regeneration	5	4, 5 and 6
Housing Policies	6 and 7	7 and 8
Economic development and		9
employment (including retail)		
Sustainable transport and		10
accessibility		
Climate Action and Renewable		11
Energy		
Flood risk management	8	



Environment, heritage and	9	12
amenities		
General and procedural matters		13

1. Core Strategy and Settlement Strategy

1.1 Population and Housing Targets

The Office considers that the total County population projections to 2028 in Tables 4 and 10 of the Core Strategy are generally consistent with the population prescribed for the County in the RSES and the NPF, as adjusted according to the transitional arrangements allowed for in the NPF Implementation Roadmap for headroom.

The planning authority is commended for preparing housing supply target (HST) figures and apportioning these across the various neighbourhood areas / settlements in the county settlement hierarchy. The Office notes that the HST figure (17,817 households) in Table 7 appears to be based on a 7.75 year period rather than the anticipated development plan period. The Office considers that the HST figure for the six-year plan period is in the region of 15,000 housing units.

As such, the planning authority is required to review its HST figures making the necessary adjustments to the figures in the core strategy tables for the plan period consistent with the section 28 *Housing Supply Target Methodology for Development Planning Guidelines for Planning Authorities* (2020) including Appendix 1.

This is particularly important in the context of the overall quantum of land zoned that could provide for housing which is addressed below.

Recommendation 1

Recommendation 1 – Housing Supply Targets

Having regard to the section 28 *Housing Supply Target Methodology for Development Planning Guidelines for Planning Authorities* (2020) including Appendix 1, and *Circular Letter Housing 14/2021*, the planning authority is required to revise Core Strategy Table 7 to provide Housing Supply Target (HST) figures calculated in accordance with the methodology for the <u>6-year plan period</u>, amend



Core Strategy Tables 9 and 10 accordingly, and review the allocations for settlements over the plan period in line with the overall HST for the county.

The planning authority may also consider it necessary to review the draft Housing Strategy and Housing Needs Demand Assessment in light of the finalisation of the Housing Supply Target in accordance with the methodology as per the above.

The Office welcomes the extent of information provided in the Core Strategy tables which includes potential housing yield from undeveloped greenfield and brownfield sites.

Notwithstanding, the planning authority's attention is drawn to the requirement in sections 10(2A)(c) and (d) of the Act for core strategies to include information on the area of land both (a) already zoned, and (b) proposed to be zoned for residential use or a mix of residential and other uses. This is necessary to satisfy legislative requirements and to demonstrate consistency with the *Guidance Note on Core Strategies* (2010).

Recommendation 2

Recommendation 2 - Core Strategy Table

In accordance with section 10 (2A) of the *Planning and Development Act 2000* (as amended), and having regard to the *Guidance Note on Core Strategies* (2010), the planning authority is required to supplement the core strategy table(s) in Chapter 2 of the draft Plan with the following:

- (i) in respect of the area in the development plan already zoned for residential use or a mixture of residential and other uses, provide details of the size of the area in hectares, and the proposed number of housing units to be included in the area broken down at neighbourhood area / settlement level;
- (ii) confirm the density assumptions used to calculate the land area requirements for each neighbourhood area / settlement over the plan period; and



(iii) amend the figures for total land (HA) and total housing (units) to coincide with plan period rather than 2021 – 2028.

[Development Plans, Guidelines for Planning Authorities, Consultation Draft (August 2021) (Appendix A) provides a useful reference and illustrative example of a core strategy table.]

1.2 Settlement Hierarchy

The Office is satisfied that the settlement hierarchy is generally appropriate and consistent with national and regional policy including section 4.2 – Settlement Strategy, section 4.3 – Defining a Settlement Typology and chapter 5 – Metropolitan Area Strategic Plan of the RSES.

It is acknowledged that future growth within the County will be prioritised in the Dublin City and Suburbs area first to encourage population growth close to existing and planned employment, services, key transport infrastructure and local amenities and that higher densities will be sought here.

It is also acknowledged that the growth of settlements is guided by the overarching principles of Climate Change and Quality Design and Healthy Placemaking and that the plan is striving towards a 10-minute settlement concept in line with the provisions of the RSES.

1.3 Core Strategy and zoning for residential use

The Office is generally satisfied with the distribution of population and housing growth across the settlement hierarchy which seeks to direct the majority of future housing growth to the Dublin City and Suburbs area of which a significant proportion is anticipated to occur on the designated Strategic Development Areas and Strategic Development Zones. Notwithstanding, the Office has concerns regarding the housing allocations for Newcastle and Rathcoole and the potential for a significant breach of the 30% growth limitation provided for in NPO 9. This is addressed in Recommendation 3 below.



The Office notes the outcome from the land capacity analysis that there is no requirement to zone additional land to satisfy the population projections in the NPF and RSES and the HST for the plan period. The Core Strategy Table 9 identifies that the undeveloped zoned lands have the capacity to provide additional housing units over and above what is identified in the HST for the plan period.

Notwithstanding, the Office considers that there is a need to review and amend the figures in Core Strategy Table 9 to take account of a revised HST figure for the plan period (Recommendation 1), the quantum of housing land that will be available for development over the <u>plan period</u>, and the effect of Recommendations 3 and 4 in respect of Newcastle, Rathcoole and Saggart. In respect of any surplus capacity identified from a review of the figures in Table 9, the planning authority is advised to have regard to the guidance and considerations for 'Additional Provision' of residential lands in section 4.4.3 of the draft *Development Plans Guidelines for Planning Authorities* (August 2021).

Observation 1

Observation 1 – Housing capacity from undeveloped zoned land

The planning authority is requested to review and amend the quantum of housing land that will be available for development over the <u>plan period</u>, and taking account of Recommendations 3 and 4 in respect of Newcastle, Rathcoole and Saggart, in order to demonstrate consistency with the revised Housing Supply Target for the plan period as required under the section 28 *Housing Supply Targets Methodology for Development Planning Guidelines for Planning Authorities* (December, 2020).

The planning authority is advised to have regard to the guidance and considerations for 'Additional Provision' of residential lands in section 4.4.3 of the draft *Development Plans Guidelines for Planning Authorities* (August 2021) regarding any additional capacity identified.

The Office notes that the Core Strategy attempts to strike a balance between having an excess of zoned lands (Core Strategy Table 9) and being able to deliver new



development to meet the needs of citizens acknowledging that the zoned lands are primarily within the Dublin City and Suburbs boundary.

In this regard, the Office welcomes the inclusion of policies and objectives for the monitoring of population and housing growth and active land management in particular CS3 Objective 3 which provides flexibility for the re-distribution of housing and population figures within the settlement and Neighbourhood Areas.

In the interests of transparency the planning authority should, however, provide greater clarity in respect of how they would redistribute the housing and population figures within the settlement and neighbourhood areas and outline the implications for same in circumstances where there is the potential to exceed the settlement / neighbourhood area allocation set out under Core Strategy Table 10.

Observation 2

Observation 2 – Redistribution of housing and population figures (CS3 Objective 3)

The intent of policy objective CS3 Objective 3 to provide flexibility in achieving the housing supply targets, with the potential for redistribution in the event of over-provision in any settlement or neighbourhood, is to be welcomed as a proactive approach to implementation of the draft Plan. The planning authority is requested, however, to clarify how it would redistribute the housing and population figures within the settlement and neighbourhood areas and outline the implications for same in circumstances where there is the potential to exceed the settlement / neighbourhood area allocation set out under Core Strategy and having regard to the requirements of section 10 (2A) of the *Planning and Development Act 2000* (as amended).

This may include an indication of the parameters within which such re-distribution would operate, such as the degree to which the settlement or neighbourhood area allocation set out under core strategy could be exceeded by for the different areas across the county.



Newcastle and Rathcoole

Newcastle and Rathcoole are designated as Self-Sustaining Growth Towns in the settlement hierarchy and are targeted to grow by 63% (to 5,039 people) and 47% (to 6,409 people) between 2016 and 2028 respectively. As outlined above, this would result in a significant breach of NPO 9.

The Office notes from the Asset Based Analysis (Appendix 2) that Newcastle and Rathcoole could have population figures of 7,127 and 7,975 respectively in the longer term if all the remaining capacity were to be developed. The draft Plan identifies that Newcastle has limited public transport provision and a deficit of community infrastructure and requires further infrastructure to support its development.

The draft Plan also identifies that Rathcoole has limited public transport provision and social services to date and requires further infrastructure to support its development.

Having regard to NPO 9, the infrastructure requirements identified in the Asset Based Assessment to support further development, the recent rapid growth of Newcastle and Rathcoole and the extent of remaining undeveloped and zoned land that could accommodate residential development, there is a need to review the extent of land available for housing development over the plan period and provide for phasing to align growth with infrastructure and services.

Recommendation 3

Recommendation 3 – Residential land zoning (Newcastle and Rathcoole)

Having regard to National Policy Objective 9, the recent population growth in Newcastle and Rathcoole, the infrastructure requirements identified in the Asset Based Assessment to support further development, their allocated housing units for the plan period and the extent of remaining undeveloped and zoned land that could accommodate residential development in these settlements, the planning



authority is required to review the extent of land zoned RES-N and change any surplus land without benefit of planning permission, and which provides for population growth exceeding 30% above the 2016 census figure, to strategic residential reserve. This is required to ensure that the growth of these settlements over the plan period has regard to their limited public transport provision and current deficits in social services in particular for education.

This review should also take account of any plan-making justification test undertaken for Flood Zone A and B lands (Recommendation 8).

The Office acknowledges that the draft Plan (pages 72 and 73) does recognise the need for Newcastle and Rathcoole to develop at an incremental pace based on the delivery of social, physical and transport infrastructure and services. However, in addition to the above Recommendation, the Office considers that policy CS9 (Newcastle) and CS9 Objectives 1 - 3, and policy CS10 (Rathcoole) and CS10 Objectives 1 - 3, should be further strengthened to support incremental growth to align with infrastructure and services.

Observation 3

Observation 3: Policy and objectives for Newcastle and Rathcoole

Having regard to the need for Newcastle and Rathcoole to develop at an incremental pace, based on the delivery of social, physical and transport infrastructure and services as stated in the Core Strategy (pages 72 and 73), the planning authority is requested to strengthen the policy and objectives to reflect the need to support incremental growth to align with infrastructure and services.

Saggart

Saggart is designated as a Self-Sustaining Town in the settlement hierarchy and is targeted to grow by 13% (to 3,531 people) between 2016 and 2028. To achieve this target, it is allocated 96 housing units. Notwithstanding, Table 9 identifies c. 7.1 ha of



undeveloped land (including mixed use and brownfield) in the settlement with potential for 251 units or 700 additional people.

Having regard to the recent rapid population increase in the settlement of +260.9% between 2006 and 2016 and the extent of land zoned and capacity for same, it is considered that lands not required to meet the settlement housing targets for the plan period should be considered for rezoning to strategic residential reserve.

Recommendation 4

Recommendation 4 – Residential land zoning (Saggart)

Having regards to the recent rapid population increase in Saggart, its allocated housing units for the plan period and the extent of remaining undeveloped and zoned land that could accommodate residential development, the planning authority is required to review the extent of land zoned RES-N and change any surplus land without benefit of planning permission, and which is not required to meet its housing target for the plan period, to strategic residential reserve.

1.4 Tiered Approach to Zoning

The planning authority is commended for preparing an infrastructural assessment report as part of Appendix 2 (Part 1) – Developing the Core Strategy.

It is noted that the stated purpose of the report is '...to set out the 'steps' which have been taken to deliver an evidenced based Core Strategy in line with the requirements prescribed in the NPF, namely the Tiered Approach to Land Zoning (NPO 72a, 72b, 72c & Appendix 3 of NPF).'

The Office welcomes the comprehensive nature of the four step approach which includes land capacity analysis, infrastructure assessment, planning assessment and assessment of delivery. This approach provides a robust evidence-base to inform the Core Strategy in the draft Plan and is generally consistent with NPO 72a, 72b and 72c and the methodology set out in Appendix 3 of the NPF.



2. Compact Growth and Regeneration

2.1 Compact Growth

The Office welcomes the overall approach in the Core Strategy which seeks to maximise the potential for compact growth consistent with national and regional policies. In this regard almost half of the projected growth has been allocated to strategic development areas identified within the MASP with 94% of the housing unit growth targeted for within the Dublin City and Suburbs boundary.

It is noted that CS6 Objective 2 supports achieving a target of at least 50% of all new homes to be located within or contiguous to the built-up area of Dublin City and Suburbs while CS6 Objective 3 supports achieving a target of at least 30% of all new homes to be located within or contiguous to the CSO defined settlement boundaries consistent with NPO 3b and 3c.

In respect of density, the Office welcomes the inclusion of CS6 Objective 4 which promotes higher densities of 50+ units per hectare subject to meeting qualitative standards at appropriate locations.

The Office notes that the planning authority has included a specific local objective to provide for a cluster of low density houses on Cooldrinagh Lane east of the Weston Airport (CSO 11 SLO 1). This land is located in the open break between Lucan and Leixlip and is currently zoned objective RU – *'To protect and improve rural amenity and to provide for the development of agriculture'*, and is proposed for rezoning to objective RES – *'To protect and / or improve residential amenity'*.

However, no clear justification for the proposed rezoning and objective is evident, and the Office is of the view that development at this location is not consistent with the principles of compact growth or sequential approach to development, and would erode the existing break between Lucan and Leixlip in an area that is under considerable development pressure.



Recommendation 5

Recommendation 5 - Land rezoning Cooldrinagh Lane and Specific Local Objective CS11 SLO1

Having regard to the National Policy Objective 3b supporting compact growth and Regional Policy Objectives RPOs 5.2, 5.3 and 5.4 for the Dublin Metropolitan Area, the conclusion from the land capacity analysis that there is no requirement to zone additional land for housing, and the location of the land on Cooldrinagh Lane in the open break between Lucan and Leixlip, the planning authority is required to retain the current zoning objective RU – 'To protect and improve rural amenity and to provide for the development of agriculture' and omit Specific Local Objective (SLO) CS11 SLO1 from the Draft Plan. The proposed rezoning is also inconsistent with policy CS11 which seeks to restrict the spread of dwellings in the Rural RU zone.

2.2 Strategic regeneration areas

The draft Plan identifies two strategic regeneration areas at Tallaght and the Naas Road consistent with the strategic development areas and corridors in the MASP set out table 5.1 of the RSES.

The Core Strategy sets out a more general policy (CS7) and objectives (CS7 Objectives 1 - 4) for the consolidation areas within the Dublin City and Suburbs area and more specific policy (CS2) and objectives (CS2 Objectives 1 and 2) for the Naas Road / Ballymount lands.

While the inclusion of policy CS2 and related objectives is welcome, it is considered that there could be a stronger commitment to the preparation of a development framework and LAP or similar which refers to same as a strategic priority and includes a time commitment for their preparation.



Observation 4

Observation 4 – Naas Road / Ballymount

Given the strategic importance attributed to the regeneration of the Naas Road area in the Metropolitan Area Strategic Plan in the Regional Spatial and Economic Strategy, the planning authority is requested to refine policy CS2 and objective CS2 Objective 1 to make a stronger commitment, including timelines, to the preparation of a development framework and LAP or similar, and to co-ordinate with Dublin City Council in this process.

2.3 Standards and Guidelines

The Office welcomes the 'Plan Approach' for the delivery of sustainable neighbourhoods which is based on ensuring that all development on zoned land is designed and developed around eight key principles. It is noted that applications for new development will be required to be accompanied by a statement detailing how the 'Plan Approach' has been taken into consideration and incorporated into the design of the development.

The Office also commends the planning authority for the preparation of the Building Height and Density Guide which is contained in Appendix 10 of the draft Plan. It is of note that the document contains a contextual analysis toolkit and a height strategy and urban design response for a range of indicative development scenarios. This is complemented by the policies, objectives and guidance provided at section 5.2.7 of the draft Plan.

While the intent of the guide to provide a detailed set of performance-based criteria for the assessment of developments of greater density and height is welcome, the Office considers that there is scope to set out more specific and tailored practical guidance and policy direction for various locations across the county. The Building Height Strategy prepared as part of the Draft Limerick Development Plan may provide some guidance to assist responding to this observation (Observation 5).



Observation 5

Observation 5 – Building Height and Density Guide

The planning authority is requested to consider revisions to the Building Height and Density Guide to include more specific and tailored practical guidance and policy direction for various locations across the county which could be provided at neighbourhood level for each of the seven neighbourhoods in Chapter 12 of the draft Plan.

Chapter 13 of the draft Plan sets out development management standards and criteria that arise out of the policies and objectives of the draft Plan, to ensure that development occurs in an orderly and efficient manner. While the standards are generally consistent with the performance based standards as per NPO13, there are some prescriptive standards which could militate against the principle of promoting appropriate density and compact growth including:

- A separation distance of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy.
- A minimum clearance distance of circa 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height.
- Backland development development that is in close proximity to adjoining residential properties should be limited to a single storey.

Observation 6

Observation 6 – Development Management Standards

The planning authority is requested to remove the requirement for 22 metres between opposing floor windows and limitation on building height for backland development and instead focus on assessing individual development proposals on performance based criteria dependent on location and individual site characteristics in accordance with the provisions of NPO 13.



3. Housing Policies

3.1 Part V Housing

Housing Circular 28/2021 refers to the commencement with effect from 3 September 2021 of Part 6 of the Affordable Housing Act 2021, which amends Part V of the Planning and Development Act 2000. The principal change to Part V effected by these amendments is to increase the Part V contribution for new housing developments from up to 10% for social housing to a mandatory 20% requirement, at least half of which must be applied to social housing provision and up to half of which may be applied to affordable and cost rental housing.

The exempted development size in section 97 has been reduced from less than 10 units to less than 5 units (essentially reversing the 2015 amendment). The immediate impact of commencing these provisions will relate to applications for certificates of exemption as developments of between 5 and 9 units will no longer be eligible for a certificate of exemption from 3 September 2021 on.

Therefore, the planning authority is required to amend objective H1 Objective 2 and review the housing policies and objectives in the draft Plan to ensure they are consistent with Part 6 of the *Affordable Housing Act 2021* and amendments to Part V of the *Planning and Development Act 2000*.

Recommendation 6

Recommendation 6 – Social and Affordable Housing

Having regard to Part 6 of the *Affordable Housing Act 2021* and consequential amendments to Part V of the *Planning and Development Act 2000* and *Housing Circular 28/2021*, the planning authority is required to amend H1 Objective 2 in respect of the percentage requirement and number of units to be reserved for social and affordable housing, and to review the policies and objectives in the *Draft South Dublin County Development Plan 2022 – 2028* to be consistent with the changes brought in under the aforementioned legislation.



3.2 Housing Mix

Specific Planning Policy Requirement (SPPR) 1 of the Sustainable Urban Housing: Design Standards for New Apartments (2020) states:

'Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and <u>there shall be no minimum requirement for apartments with three</u> <u>or more bedrooms</u>. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidencebased Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).' (Emphasis added)

While it is acknowledged that the housing strategy and interim HNDA examine this issue on an evidence basis, the Office considers that further refinement of H1 Objective 13 is required.

Recommendation 7

Recommendation 7 – Minimum requirements for 3-bedroom units

Having regard to the Specific Planning Policy Requirement (SPPR) 1 in the section 28 of the *Sustainable Urban Housing: Design Standards for New Apartments* (2020) the planning authority is required to amend, remove or provide further justification for objective H1 Objective 13 in respect of:

- (i) the basis for 30% as the relevant requirement, and
- (ii) the application of the requirement across the entire county (as opposed to identifying particular areas or neighbourhoods).

3.3 Local authority lands

The draft Plan includes the objective H1 Objective 19 regarding local authority lands zoned for Res/Res N or future zoned Res/ResN. The Office acknowledges the intent of the objective that such land is used for the delivery of social, affordable cost rental and affordable purchase homes. However, the blanket nature of the objective may



limit the flexibility of the planning authority to provide for diverse neighbourhoods consistent with both NPO 4 and H2 Objective 6 of the draft Plan.

Observation 7

Observation 7 – Housing objective H1 Objective 19

Having regard to National Policy Objective 4 which supports the creation of *'diverse and integrated communities'* and objective H2 Objective 6 of the draft Plan which seeks to *'... avoid additional concentration of social housing above that already in existence'*, the planning authority is advised to review objective H1 Objective 19 to provide sufficient safeguards and flexibility in relation to local authority lands zoned Res/Res N.

3.4 Residential development of land zoned for open space

It is noted that objective H3 Objective 4 supports community led housing for older people and social and affordable housing on land zoned for open space (OS).

The Office considers, however, that H3 Objective 4 which supports community / social / affordable housing on lands zoned for open space could prejudice the delivery of the primary purpose of the zoning objective OS which is *'To preserve and provide for open space and recreational amenities'*.

Observation 8

Observation 8 – Housing objective H3 Objective 4

Having regard to sections 10(2)(j) and (3) of the *Planning and Development Act* 2000, (as amended) the Office considers that the land use zoning objective as provided for within the draft Plan *'To preserve and provide for open space and recreational amenities'*, has the potential to be undermined and diluted by the inclusion of objective H3 Objective 4 which supports community / social / affordable housing on lands zoned for open space.

The planning authority is requested to provide justification for the inclusion of objective H3 Objective 4 which supports community / social / affordable housing on



lands zoned for open space, or to amend or remove the objective in order to protect the primary purpose of the zoning objective.

3.5 Traveller Accommodation

The Office notes Policy H4 regarding the implementation of the *South Dublin County Council Traveller Accommodation Programme 2019 – 2024* and the supporting objectives e.g. H1 Objective 10 which are set out in Chapter 6 of the draft Plan. In this regard, the planning authority is commended for including indicative sites for Traveller accommodation on the land use zoning maps.

3.6 Rural Housing

In respect of rural housing, the Office notes that the entire rural area of South Dublin is under strong urban influence and it is the policy of the council to restrict the spread of urban generated dwellings into rural and high amenity areas. The Office has reviewed the rural housing policies and objectives in the draft Plan and concludes that no recommendations or observations are required at this time.

4. Economic Development and Employment

4.1 Employment Zoned Land

The Office welcomes the evidence-based approach that has informed the employment strategy in the draft Plan and considered the existing land zoned for employment and the requirement for additional employment lands based on population and employment growth assumptions.

It is noted that there are currently 1,352 ha of land zoned specifically for employment use in the County of which approximately 624 ha remain undeveloped. In addition, there is 425 ha of land zoned for regeneration in Tallaght and the Naas Road / Ballymount area where there is significant scope for re-intensification to accommodate higher density employment through a mix of uses and more compact development.

The planning authority considers that the available capacity of employment lands is sufficient to meet the needs for the Development Plan period while acknowledging



the need to maintain existing jobs through the potential re-location of some business from the current brownfield regeneration lands at Tallaght and Naas Road.

The policy CS5 and objectives (CS5 Objective 1 - 4) for employment land and objectives EDE1 (Objectives 2, 4 and 5) reflect the RSES guiding principles for the Dublin Metropolitan Area and employment land and are consistent with RPO 4.3 in particular.

4.2 Policies for Economic Development

Chapter 9 of the draft Plan contains a range of detailed policies and objectives for economic development including for inter alia, the green economy, building on clusters and space extensive land uses.

The Office commends the planning authority for the comprehensive nature of the policy direction for economic development in particular the focus on climate action (EDE2 Objectives 1 - 4) and clarity provided for different employment types such as people intensive enterprise and employment (EDE4 Objective 4), hi-tech manufacturing, R&D (EDE5 Objective 1) and requirements for space extensive enterprises (EDE7 Objective 2).

4.3 Retail

The Retail Hierarchy is set out in section 9.4.2 (table 9.1) with Dublin City Centre identified at Level 1, Tallaght and Liffey Valley at Level 2 and the District Centres of Adamstown and Clonburris at Level 3.

The Retail Planning Guidelines (2012) (RPGs) seek alignment between the settlement hierarchy and retail hierarchy. In this regard the draft Plan includes Table 9 which sets out the settlement hierarchy and retail hierarchy for comparison purposes and the planning authority is commended for providing this clarity.

It is stated that the floorspace requirements in the 2008 Regional Retail Strategy are outdated and it would not be appropriate to apply them in the retail strategy set out in the draft Plan. The intent is to prepare a variation to the county development plan should it be required when regional retail strategy is updated (EDE8 Objective 2).



The RPGs also require retail strategies to define the boundaries of the core retail areas of major retail centres. In this regard the core retail areas of Tallaght, Liffey Valley and Clondalkin and the retail opportunity sites within each centre are set out in section 5.0.

The Office considers that the policies and objectives for retail development in Chapter 9 are generally consistent with the RPGs and the Regional Retail Hierarchy contained in the RSES.

4.4 Rural Economy

The NPF highlights the key role of the planning process in realising the potential of extractive industries in identifying and protecting important mineral reserves for future use. Although the draft Plan acknowledges the importance of the existing extractive resources and minerals in the county in section 9.10, it does not identify or map the location of major deposits as advised by the section 28 *Quarries and Ancillary Activities Guidelines for Planning Authorities* (DEHLG, 2004) and the guidelines are not referenced in the plan.

Observation 9

Observation 9 – Extractive Industry

Having regard to National Policy Objective 23 and the section 28 *Quarries and Ancillary Activities Guidelines for Planning Authorities* (2004), the planning authority is requested to include a map to show the location of quarries and minerals across the functional area of your authority.

5. Sustainable Transport and Accessibility

The Office welcomes the ambition of the planning authority to promote more sustainable travel in the county over the plan period and the policies and objectives supporting same. This is supported by a range of projects and initiatives and the Office commends the planning authority for the scale and ambition of the Cycle South Dublin programme of works.



The inclusion of information on current travel mode share and targets for an increase in the mode share for walking, cycling and public transport use and a decrease in the mode share for private car use is an extremely positive aspect of the draft Plan and the planning authority is commended for this.

Overall, the Office considers that the draft Plan has the potential for positive impacts in terms of energy reduction and greenhouse gas (GHG) emissions reductions as required by section 10(2)(n) of *the Act*, for new development.

The only matter which the Office considers it necessary to raise relates to the inclusion, at Table 7.5 (Six Year Road Programme), of the *Western Dublin Orbital Route,* which is a major road proposal connecting the N81 and N4 (at Leixlip).

Having regard to the ongoing review of the T*ransport Strategy for the Greater Dublin Area*, the scale of the proposed road project and the policies and objectives supporting a significant reduction in car use over the plan period, it is considered that the inclusion of the Western Dublin Orbital Route in Table 7.5, and its role in terms of future public transport provision, need to be carefully considered within the context of the forthcoming update of the Transport Strategy for the Greater Dublin Area.

Observation 10

Observation 10 – Western Dublin Orbital Route

Having regard to section 10(2)(n) of the *Planning and Development Act 2000*, (as amended), the policies and objectives in the draft Plan promoting more sustainable travel and a significant reduction in the mode share for private car use over the plan period, and the ongoing review of the *Transport Strategy for the Greater Dublin Area*, the planning authority is requested to clarify the function of any western orbital route, provide adequate protection from inappropriate forms of development which may compromise these functions, and make provision for sustainable transport along its length. Any future proposal must also be justified on the basis of, and consistent with, the forthcoming updated *Transport Strategy for the Greater Dublin Area*.



6. Climate Action and Renewable Energy

The Office welcomes the 'layered' format of the draft Plan which integrates climate actions as an overarching theme and aims to facilitate a holistic approach to ensuring climate action is at the forefront of all future development within the County.

In particular, the inclusion of a symbol for 'climate positive' objectives and a climate action audit at the end of each chapter which provides an overview of the potential sources of Greenhouse Gas (GHG) emissions alongside measures implemented to address such potential climate impacts are extremely positive aspects of the draft Plan and the planning authority is commended for this approach.

The planning authority is also strongly commended for including information on the county-wide emissions inventory for South Dublin (Table 10.1). It is noted that diesel accounts for the greatest percentage of total energy use and that energy from renewables only contributed 2% to the total fuel mix in the county.

Section 10.2 sets out energy measures to decrease reliance on fossil fuels, and in this regard the planning authority is commended for the range of policies and objectives supporting, inter alia, low carbon district heating, waste heating recovery and utilisation, solar and small scale hydro-electricity. Of particular note is the ongoing Tallaght District Heating project which will use waste from a data centre to provide low carbon heat to public sector buildings, apartments and commercial buildings in the County Town.

Notwithstanding the above, 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 11

Observation 11 – 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.

7. Flood Risk Management

A Strategic Flood Risk Assessment (SFRA) has been carried out for this development plan and the inclusion of policy objectives recommended by the SFRA have been included within the draft Plan. However the flood risk zones have not been overlaid on the land use zoning map in order to clearly outline what lands are impacted by flood risk and to assess if the sequential approach has been applied.

Furthermore, a county wide justification test has been applied which is inconsistent with the requirements of the section 28 *The Planning System and Flood Risk Management, Guidelines for Planning Authorities* (2009) and in this regard, a plan making justification test should be applied to a number of land zonings within the draft Plan in order to fully determine that the sequential approach to flood risk management based on avoidance, reduction and mitigation of flood risk.

Recommendation 8

Recommendation 8 - Flood Risk Management

Having regard to the detailed requirements of *The Planning System and Flood Risk Management, Guidelines for Planning Authorities* (2009), the planning authority is required to update the settlement plan maps to ensure the following:



- the land use zoning maps are overlaid with the flood maps prepared in the Strategic Flood Risk Assessment in order to clearly outline the sites at risk of flooding;
- (ii) a Plan-making justification test is carried out and can be satisfied for the specific land use zonings within Flood Risk A and B that include developments classified as highly vulnerable development; and
- (iii) policy objectives are included for any sites zoned for development following the application of a justification test which requires that the sequential approach be applied to ensure no encroachment onto or loss of the flood plain or that only water compatible development would be permitted for the lands identified as being at risk of flooding.

8. Environment, Heritage and Amenities

8.1 Rights of Way

The Office acknowledges the inclusion of EDE23 Objective 2 which states 'To identify, in a logical and sequenced way, existing public rights of way in relevant areas of the County and to investigate the creation of new public rights of way by taking the following steps within two years of adoption of the Plan...'

Section 10(2)(o) of the Act, however, requires public rights of way to be located on both a map and on a list appended to the development plan. The planning authority's attention is drawn to examples of good practice identified in that Case Study Paper.

Recommendation 9

Recommendation 9 – Public Rights of Way

Having regard to the requirements of Section 10(2)(o) of the *Planning and Development Act 2000*, (as amended), the planning authority is required to include written policy together with maps identifying public rights of way.



8.2 Architectural Conservation Area

Chapter 3 and Appendix 3 of the draft Plan addresses the mandatory objectives in relation to protected structures and architectural conservation areas (ACA) for the county and archaeological heritage.

It is noted that Goose Park, Old Bawn Road and TJ Burns Cottages, Old Bawn Road have been included on the list of ACA's and that an assessment is required to provide a description of the architectural character of both. The Office advices that the inclusion of these areas should be exclusively based on the criteria set out in the *Architectural Heritage Protection: Guidelines for Planning Authorities* (DAHG, 2011) and a clear justification to support designating these as ACAs provided.

Observation 12

Observation 12- Additions to list of Architectural Conservation Areas

Having regard to the built form, architectural design and location of the buildings contained in the Goose Park and TJ Burns proposed Architectural Conservation Areas (ACAs), the planning authority is advised to review the inclusion of these areas on the list of ACAs unless a clear justification can be provided based on the *Architectural Heritage Protection: Guidelines for Planning Authorities* (DAHG, 2011).

8.3 Environmental Assessments

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 (NIR) concludes that, having incorporated mitigation measures, the draft plan will not adversely affect (either directly or indirectly) the integrity of any European site, either alone or in combination with other plans or



projects. The Office notes that the AA process is ongoing and will inform and be concluded at adoption of the Plan.

9. General and Procedural Matters

9.1 Minor discrepancies

The planning authority is advised that there appears to be discrepancies between the road projects / proposals listed in tables 7.5 and 7.6 in chapter 7 and annotations shown on the land use zoning maps. For example, the upgrade of the Ballyboden Road/Stocking Lane (R115) is identified as a six-year road project in table 7.5 but is shown as a road proposal long-term on the land use zoning maps. This is also the case for the Western Dublin Orbital Route.

Observation 13

Observation 13 – Road Projects and Proposals

The planning authority is requested to review the six-year road proposals in table 7.5 and medium-long term road objectives in table 7.6 of chapter 7 for consistency with the annotations and legend for same on the land use zoning maps and to resolve any discrepancies.

Summary

The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 12 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 of the planning authority 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.



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.*

Is mise le meas,

AM C'Gnnu.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations