

OPR Ref: IP-014-23

31st May 2023

Senior Executive Officer.

**Dublin City Council,** 

Planning & Property Development Department,

Block 4, Floor 3,

Civic Offices,

Wood Quay,

Dublin 8,

D08 RF3F.

Re: Issues Paper for the Balie Bogán (Ballyboggan) Draft Local Area Plan

A Chara,

Thank you for your authority's work in preparing the Issues Paper which will inform the preparation of the Baile Bogán (Ballyboggan) Local Area Plan (the LAP). The LAP will develop a planning framework to underpin the regeneration of the area consistent with objectives in the Dublin City Development 2022 – 2028 (the Development Plan), which is the current statutory plan for the area.

The Office welcomes the timely commencement of the plan-making process, through the publication of the Issues Paper, in view of the provisions of the *Planning and Development Act 2000*, as amended (the Act) and the recent adoption of the Development Plan on 14<sup>th</sup> December 2022.

The Office recognises the strategic importance of these lands in terms of meeting the planning authority's housing supply target in a highly sustainable location within close proximity to existing and proposed public transport connections including the existing LUAS line and proposed LUAS extension to Finglas.



Clarity in the forthcoming LAP regarding the phasing and delivery of the necessary infrastructural upgrades, and having regard to addressing land ownership issues, will be critical to optimising the full potential of these lands over the plan period.

In this respect, the Office understands that preparation of the LAP will fulfil the requirements of Development Plan objective CSO1 which states;

To prepare a feasibility study and a local statutory plan for the Z6 zoned lands at Glasnevin (Dublin Industrial Estate and environs) in consultation with the relevant stakeholders, including an infrastructural audit with costings and implementation strategy to enable sustainable regeneration and development.

The Office acknowledges your authority's work, more broadly, in advancing the preparation of the LAP.

As section 20(1) does not prescribe the requirements for public consultation at pre-draft stage for LAPs, the planning authority is commended for publishing an Issues Paper, engaging proactively with the public and notifying the Office of the intention to prepare the LAP. The future LAP has the potential to deliver on key objectives of the Development Plan with particular reference to the need for intensification on former industrial lands<sup>1</sup>.

In accordance with the provisions of section 31AO of the Act, the Office is obliged to evaluate and assess LAPs in the context of certain statutory parameters including:

- matters generally within the scope of section 19;
- consistency with the objectives of development plan, its core strategy, the Regional Spatial and Economic Strategy for the Eastern & Midland Regional Assembly (the RSES):
- consistency with the transport strategy of the National Transport Authority;
- ministerial guidelines made under section 28;
- ministerial policy directives issued under section 29; and
- such other matters as the Minister may prescribed under section 262 or otherwise prescribe.

<sup>&</sup>lt;sup>1</sup> Policy SC8: Development of the Inner Suburbs (Development Dublin City Development Plan 2022 – 2028)



The Office has set out some broad issues, relevant to the preparation of most, if not all LAPs, in addition to some specific issues of particular relevance to the preparation of this LAP, under the following eleven themes:

- 1. Strategic policy framework
- 2. Development Plan and Core Strategy
- 3. Zoning, compact growth and infrastructural services
- 4. Regeneration
- 5. Social, cultural and community development
- 6. Economic development and employment
- 7. Transport and mobility
- 8. Climate change and flood risk management
- 9. Environment, built and natural heritage
- 10. Implementation and Monitoring
- 11. Other Matters

The Office's comments are offered without prejudice to any observations and recommendations that may be forthcoming from the Office at future stages of the plan making process. They do not affect the obligation on your planning authority to comply with the relevant legislative requirements, or to be consistent with the fullness of the detailed policy context of the higher order plans and strategies and Ministerial guidelines.

## 1. Strategic Policy Framework

The planning authority will be aware that section 20(5) of the Act requires the LAP to be consistent with the objectives of the RSES, in addition to the National Planning Framework (NPF), the specific planning policy requirements (SPPRs) of section 28 guidelines and the relevant development plan.

The provisions of the RSES have generally been transposed through the Development Plan. Therefore, in ensuring consistency with the Development Plan and core strategy, the planning authority should ensure that it is also generally consistent with the RSES and NPF.



The Office encourages the planning authority to liaise with the Eastern & Midland Regional Assembly in preparation of the draft LAP to ensure consistency with the RSES, particularly where clarity is required on the objectives and guiding principles for the Metropolitan Area Strategic Plan (MASP).

Any feasibility analysis undertaken to inform the draft LAP should include a service capacity investment audit detailing infrastructural requirements to facilitate the densification and intensification of the area given its locational proximity to existing public transport corridors. The purpose of this is to ensure that the spatial priorities for development identified are based on evidence that development can occur.

In aligning with the RSES, the LAP should also consider the strategic vision, goals and guiding principles of the RSES, in addition to consistency with the relevant regional policy objectives (RPOs).

Furthermore, the RSES seeks to increase employment in strategic locations, providing for people intensive employment at other sustainable locations near high quality public transport nodes, building on commercial and research synergies in proximity to large employers, industry clusters and smart specialisation and activating strategic sites to strengthen the local employment base.

# 2. Development Plan and Core Strategy

Section 19(2)(b) of the Act also requires that the LAP shall be consistent with the objectives of the development plan and its core strategy. A key message of the section 28 *Local Area Plan Guidelines for Planning Authorities* (2013) (LAP Guidelines) is that consistency between LAPs and the core strategy of development plans is an essential requirement, particularly in relation to the quantum and location of lands identified for development.

The Office therefore cautions against the introduction of any objectives and/or policies that would conflict with the detailed provisions of the core strategy for the proposed area of the LAP and the housing supply targets.

The Office commends the planning authority for recognising Dublin Industrial Estate and environs as a vibrant and economically important asset to the city, albeit existing as a substantial underutilised land bank that may accommodate a greater intensity of development. It is further understood that the Development Plan provides an estimated future housing yield of approximately 6,000 units for the combined lands at Glasnevin and



Naas Road (Table 2-10), however it does not seem to differentiate between the two in relation to housing growth allocation. The Office therefore highlights the need to provide a detailed breakdown of anticipated housing growth capacity for the LAP area as well as density targets which should be aligned with the core strategy of the Development Plan.

# 3. Zoning, Compact Growth and Infrastructural Services

Prioritising development that achieves compact growth in accordance the NPF (NPO 3b) and the RSES (RPO 35) will play a central role in achieving the National Climate Objective and the government's obligatory target of 51% for Greenhouse Gas (GHG) emissions reduction by 2030 and for a carbon neutral economy by 2050.

In this regard any provisions or standards for residential density or building height in the LAP should have regard to relevant section 28 guidelines, including *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas: Cities, Towns & Villages* (2009), *Urban Development and Building Heights Guidelines for Planning Authorities* (2018), and *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities* (2020) and should be consistent with any SPPRs.

# 4. Regeneration

Both the NPF (NPOs 4, 6, 18a, 18b and 35) and the policy objectives and provisions of the RSES place a strong emphasis on the opportunities for urban regeneration to create attractive, liveable, well-designed, high quality urban places that provide for a high quality of life and well-being. Regeneration and revitalisation of settlements through reuse of brownfield sites and vacant/underutilised buildings will play a crucial role in mitigating climate change and in achieving the government's obligatory target of 51% for GHG emissions reduction by 2030 and for a carbon neutral economy by 2050.

The Office also refers to RPO 4.3 in the RSES which seeks to support the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water and public transport projects.



The Office notes that it is an objective of the Development Plan under CS01 to prepare a feasibility study and Local Statutory Plan for Z6 lands at Glasnevin. It is understood that these lands namely, Glasnevin (Dublin Industrial Estate and surrounding lands) have been identified in the Development Plan as a Future Development Area which will lead to the regeneration of lands predominately zoned Z6 Employment / Enterprise. The Development Plan recognises these lands as having a significant potential for regeneration as new mixed use communities. The draft LAP should also set out clear development parameters in relation to building heights, pattern of development, density projections and design approaches as well as how the internal transport network will enhance the permeability of these lands for pedestrians, cyclists and vehicles.

Given the challenges that are likely to arise in terms of delivering on any future LAP, it will be key that the plan clearly sets out specific investment and/or infrastructure to support regeneration development, such as site assembly, land acquisition, and/or sustainable transport initiatives. Consideration of the best use of the planning authority's own powers in terms of land activation, such as compulsory purchase, derelict sites will be important in this context.

The Office advises the planning authority to be mindful of the Land Value Sharing and Urban Development Zones Bill 2022 and the potential to designate areas which have potential for significant development for housing as Urban Development Zones. The authority should further explore these mechanisms to secure the timely delivery of infrastructure combined with a clear phasing approach.

#### 5. Social, Cultural and Community Development

The Issues Paper correctly identifies that while the area exists as a predominately industrial employment area, there are also a number of existing community and cultural uses within the LAP boundary that serve the wider community. In light of this, the LAP should seek to align any proposals with NPO 4 of the NPF which seeks to ensure the creation of liveable places that are home to diverse and integrated communities and NPO 28 in relation to providing improved integration and greater accessibility in delivering sustainable communities and associated services.

The emerging LAP should also consider housing / transport / accessibility and leisure needs of an aging population (NPO 30) as well as for the Traveller community as relevant. The



LAP should also be consistent with the objectives of the RSES for connectivity and quality of life such as RPO 8.7 (Mobility Management and Travel Plans), RPOs 9.1 and 9.2 (Diverse and Inclusive Region) and RPO 9.10 (Healthy Placemaking).

The LAP should have regard to the provisions for social audits / settlement capacity audits under the *Development Plans, Guidelines for Planning Authorities* (2022) (Development Plans Guidelines) (or civic infrastructure audits under the LAP Guidelines)<sup>2</sup>. As part of this, the LAP should establish the capacity of existing facilities, including community, leisure, amenity and cultural provision / uses which serve existing and future residents. Specifically, in relation to schools, the planning authority should consult with the Forward Planning and Site Acquisitions Section of the Department of Education.

In addition, and aligned with the need for a sustainable settlement and transport strategy, the LAP should also ensure that education, childcare, and social and community facilities can be easily accessed by walking or cycling from existing and proposed residential areas.

# 6. Economic Development and Employment

The Development Plan Guidelines state that LAPs should include objectives to promote local economic development and employment growth to ensure there is an appropriate balance between future residential development and employment uses and supporting services.

The Office is aware that these lands are transitioning from predominately employment / industrial uses. The draft LAP should therefore set out clearly how the transition to more intensive and mixed uses will play out in terms of the land use strategy for future uses in addition to employment / industrial uses that may remain. A detailed master-planning approach will be critical to balancing the relationship and synergies between competing uses particularly in respect of new residential development adjoining employment / industrial uses.

Careful consideration should also be given to the facilitation of retail uses as part of the LAP. Regard should be had, in particular, to the sequential approach to the location of retail

<sup>&</sup>lt;sup>2</sup> The Athy Social Infrastructure Audit, which supported the Athy Local Area Plan, 2021 – 2027 is a good example of such an audit.



development and other provisions of the *Retail Planning Guidelines for Planning Authorities* (2012).

### 7. Transport and Mobility

The objectives and provisions of the NPF (NPO 27, NPO 33 and NPO 64, among others) and the RSES recognise the importance of implementing an integrated land use and transportation approach. The planning authority will be aware of the need for consistency with the National Transport Authority's Transport Strategy for the Greater Dublin Area for LAPs within the Greater Dublin Area.

A mandatory national target of 51% reduction in GHG emissions by 2030 will be implemented through the *Climate Action Plan* (2023), which commits to delivering an additional 500,000 daily sustainable journeys by 2030 (an increase of 14% on current levels) through, among others, a significant increase in walking and cycling, supported by the goals of the government's *National Sustainable Mobility Policy* (2022).

The Office refers the planning authority to section 5.6 of the RSES and RPOs 5.2 and 5.3 (MASP Sustainable Transport) which set out the guiding principles underpinning the development of the MASP including the effective integration of transport planning with spatial planning policies, from regional down to local level and the alignment of associated transport and infrastructure investment priorities.

The Issues Paper appropriately recognises the established public transport connections within the wider LAP area which includes the Luas / Rail interchange at Broombridge and the Royal Canal Greenway.

The Office also welcomes the reference to the proposed Bus Connects route along the Finglas Road to the east of the plan area (as illustrated in Figure 3: Urban Structure Concept) as well as the indication of potential new routes through the LAP lands which may accommodate dedicated bus and cycle lanes. The Office encourages further examination of these potential new routes in consultation with the National Transport Authority (NTA) and the Transportation Department of Dublin City Council.

The Office also refers to Table 8.2 of the RSES which identifies new rail stations to provide interchange with bus, LUAS and Metro network including at Glasnevin. The Office welcomes the identification of future transport projects including the Finglas Road Core Bus Corridor, the DART+ West and Metrolink link and the preferred emerging route of the Luas Green



Line Finglas extension that will travel through the LAP Area as indicated in Figure 4 of the Issues Paper.

The Office notes the proposed (indicative) strategic green links which permeate through the LAP area. These green links are welcomed and should be further explored to improve pedestrian linkages with particular consideration given to the relationship with Tolka Valley Park which should be recognised as an important recreational asset to the north of the LAP area.

The proactive implementation of the *Design Manual for Urban Roads and Streets* (2019), including in particular filtered permeability, will ensure that over time the area will better accommodate pedestrians and cyclists, in addition to public transport where available. Similarly, the implementation of the NTA's *Permeability Best Practice Guide* (2015) will also ensure enhanced pedestrian and cycle routes within the area of the LAP.

# 8. Climate change and flood risk management

The Office notes that the Development Plan sets out a number of policies and objectives<sup>3</sup> which reference national climate action policy and the Dublin City Council Climate Change Action Plan (CCAP) as well as the climate action principles set out in the NPF and RSES.

In terms of climate adaptation, flood risk management is the most critical climate change adaptation measure to be addressed in the LAP, informed by Strategic Flood Risk Assessment (SFRA). The planning authority should ensure that it has regard to the detailed requirements and provisions of the section 28 The *Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) (Flood Guidelines). The planning authority is advised to liaise with the OPW regarding the requirements in respect of the LAP.

The planning authority should overlay the flood risk zones on any proposed land use zoning maps, to illustrate the potential flood risk arising and to demonstrate how the sequential approach has been applied. The planning authority is also requested to make a copy of digital mapping data available to the Office and to the OPW to facilitate assessment.

<sup>3</sup>CA01: Dublin City Council Climate Change Action Plan

CA02: Variation of Development Plan to reflect new guidance

CA03: Quantification of Greenhouse gases



The Office also notes that there is an existing Flood Relief Scheme for the River Tolka and that the flood mapping for the area is under review. The Office therefore encourages early engagement with the OPW to ensure that any future development proposals and/or policies and objectives are based on an accurate and up-to-date evidence base mapping in relation to flood risk management.

As noted above, the implementation of objectives for green and blue infrastructure consistent with national and regional policy objectives should also form an important part of the LAP's response to climate change adaptation.

The Office notes the Development Plan contains a number of objectives and policies in relation to the integration of sustainable water management solutions such as CA26 Flood Water and Water Resilience and CA28 Natural Flood Risk Mitigation. The draft LAP will provide further opportunity to clearly set out how these objectives and/or policies can be appropriately integrated into the future redevelopment of the area.

### 9. Environment and natural and built heritage

The planning authority is the competent authority for the purposes of Strategic Environmental Assessment (SEA) and Appropriate Assessment. The planning authority will be aware of its obligations and responsibilities under the SEA Directive and under the Habitats Directive.

In this regard the planning authority is required to have regard to the revised section 28 Strategic Environmental Assessment Guidelines for Regional Assemblies and Planning Authorities (2022). It should also consider the Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (2010), as revised.

It is an objective (NPO 52) of the NPF to ensure that the planning system responds to national environmental challenges and that development occurs within environmental limits. The planning authority should ensure the LAP is consistent with objectives of the NPF concerning environmental protection (NPO 52, NPO 57, NPO 58, NPO 60, NPO 62, NPO 63, NPO 64 and NPO 65, among others), in addition to the objectives or guiding principles of the RSES.

In particular, the Office highlights the importance of integrating green and blue infrastructure into the LAP, in accordance with NPO 58 and the objectives and guiding principles of the RSES including RPOs 7.22, 7.23, 7.24 and 7.25. Planning for green and blue infrastructure,



such as public parks and water bodies can contribute to climate change adaptation, in particular flood risk management through nature-based solutions. It can also make a positive contribution to climate mitigation, when integrated with greenways, and have positive impacts on biodiversity.

The Office notes that part of the LAP area includes a section of the Royal Canal Greenway which should be recognised as an important recreational as well as environmental asset in the objectives of the LAP. In this regard, the Office draws the planning authority's attention to section 5.6 of the RSES, which states Where greenways pass through a designated environmental area, careful assessment, routing and design will be required to avoid significant impacts on habitats and species.

Regarding built-heritage, NPO 17, the RSES and several section 28 guidelines (LAP Guidelines and the Development Plans Guidelines, among others) recognise that protecting, conserving and managing sites and features of special interest, in addition to public realm improvements, can instigate a heritage-led regeneration of settlements to generate economic benefits in terms of tourist footfall, improved retail environment and improved quality of life. The re-use of built heritage will contribute to compact growth and regeneration and to climate change mitigation having regard to embodied carbon.

Although the key built-heritage related objectives and policies are contained in the Development Plan, the planning authority should consider what location specific objectives or measures would assist in the protection or improvement of built heritage over the period of the LAP. In this regard the planning authority should have regard to the *Architectural Heritage Protection Guidelines for Planning Authorities* (2011), as amended.

The Office welcomes the recognition of the open space context of the LAP which includes existing spaces and green corridors of Tolka Valley Park, Tolka River, Mount Bernard Park, the Royal Canal and the sports facilities at TU Dublin's Broombridge sports complex. The planning authority should consider the relationship with these recreational / environmental assets with particular consideration given to how access and utilisation of open space areas can be appropriately integrated into any redevelopment proposals.

#### 10. Implementation and monitoring

The NPF and the RSES place increased emphasis on and recognise the importance of monitoring the implementation of statutory strategies and plans, as a measure of plan



effectiveness and to continually update a relevant evidence base to inform future planning strategies.

The planning authority will be aware of its duty and function under section 15(1) and 15(2) of the Act, to secure the objectives of the Development Plan and to report on progress achieved. As the implementation of the objectives of the LAP derive from the objectives of the Development Plan, the obligations under the aforementioned subsections are also relevant to the LAP.

The planning authority is therefore encouraged to provide for monitoring of implementation of the objectives of the LAP, having regard to the provisions of the Development Plans Guidelines and the LAP Guidelines.

The Office notes the challenges associated with the long term and sustainable delivery of the LAP given the various landowner and leaseholder interests. It is within this context that detailed phasing plans should be formulated as well as the identification of the mechanisms that will ensure the future redevelopment of these lands. Phasing plans will be fundamental to securing the successful implementation of the LAP. These may include, inter alia, land acquisition through Compulsory Purchase Order (CPO) process and Land Value Sharing.

#### 11. Other matters

The Office invites the planning authority to submit a digital copy of all mapped data in respect of the proposed draft LAP in order to better facilitate its evaluation and assessment of the plan. In this regard, all spatial data should be in the format of either Web Map Service (WMS) or shapefile format, with the relevant attribute information attached.

The Office also refers the local authority to the recently approved publication of the general scheme of the Land Value Sharing<sup>4</sup>. The general scheme provides for:

 local authorities to secure a proportion of the increase in land values arising from public decisions to zone land for development including housing, or subject to an Urban Development Zone designation; and

<sup>&</sup>lt;sup>4</sup> General Scheme Land Use Sharing and Urban Development Zones Bill 2022



 designation of Urban Development Zones which have potential for significant development for housing and other purposes.

These proposed measures have been developed further in the objectives set out in the government's *Housing for All*, the national plan on housing to 2030, and for the State to secure a greater share of community gain from the planning and development process.

# Summary

In summary, the Office commends your authority for the preparation of this Issues Paper. The Office advises your authority to pay particular attention to the following issues in the preparation of the LAP:

- The LAP should identify specific investment and/or infrastructure to support regeneration development, such as site assembly, land acquisition, and/or sustainable transport initiatives and provide clarity regarding the potential phasing of future development.
- The planning authority should also engage with the NTA and TII at an early stage in seeking to deliver future public transport initiatives required to secure future growth and associated sustainable transport patterns for the LAP area.
- The local authority should give particular consideration to the activation of land, such as compulsory purchase, land value sharing, derelict sites etc.
- The LAP should have regard to the provisions for social audits / settlement capacity audits which should establish the capacity of existing facilities, including community, leisure, amenity and cultural provision / uses which serve existing and future residents.
- The LAP should consider and seek to align any proposals with NPO 4 of the NPF which seeks to ensure the creation of liveable places that are home to diverse and integrated communities and NPO 28 providing improved integration and greater accessibility in delivering sustainable communities and associated services.
- The LAP should ensure the proactive implementation of the Design Manual for Urban Roads and Streets (2019), including in particular filtered permeability over the lifetime of the plan to better accommodate pedestrians and cyclists, in addition to public transport where available.



- The LAP should further explore and seek to enhance pedestrian linkages with particular consideration given to the relationship with Tolka Valley Park which should be recognised as an important recreational asset to the north of the LAP area.
- The planning authority should engage with the OPW at an early stage of the plan
  preparation process to ensure that any future development proposals and/or policies
  and objectives are based on an accurate and up-to-date evidence base in relation to
  flood risk management.
- The LAP should recognise the importance of integrating green and blue infrastructure into the LAP, in accordance with NPO 58 and the objectives and guiding principles of the RSES including RPOs 7.22, 7.23, 7.24 and 7.25.
- The LAP should include Strategic Flood Risk Assessment (SFRA) and include policies and objectives in relation to the implementation of SuDS and nature based solutions as a means for managing surface water run-off at key development sites.

The Office looks forward to reviewing the future draft LAP and is committed to continued positive engagement with your authority in the implementation of national and regional policies at the county and local level.

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

Is mise le meas,

**Anne Marie O'Connor** 

Deputy Regulator and Director of Plans Evaluations