

OPR Ref: IP-015-23

6th June 2023

Dún Laoghaire-Rathdown County Council, 2 Marine Road, Dún Laoghaire, Dublin, A96 K6C9.

Re: Issues Paper for the Old Connaught Local Area Plan

A chara,

Thank you for your authority's work in preparing the Issues Paper for the proposed Old Connaught Local Area Plan (the Issues Paper). The Old Connaught Local Area Plan (the LAP), is not a mandatory local area plan under section 19(1) of the *Planning and Development Act 2000*, as amended (the Act).

The Office of the Planning Regulator (the Office) welcomes the commencement of the plan-making process, through the publication of the Issues Paper, in view of the provisions under sections 18(4)(b) and 19(2B) and in view of the adoption of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 (the Development Plan) on 10th March 2022.

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 relevant public bodies 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, including housing, employment, transport and other infrastructure and services.

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



- matters generally within the scope of section 19;
- consistency with the objectives of the development plan, its core strategy, the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly (EMRA);
- 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 prescribe under section 262 or otherwise prescribe.

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 (ten) 10 themes:

- 1. Strategic policy framework
- 2. Development plan and core strategy
- 3. Zoning, compact growth and infrastructural services
- 4. Regeneration
- 5. Education, social and community amenities
- 6. Economic development and employment
- 7. Transport and mobility
- 8. Environment, built and natural heritage
- Climate change mitigation and adaptation (including flood risk management)
- 10. Implementation and monitoring

The Office's comments are offered without prejudice to any observations and recommendations as may be forthcoming from the Office at future stages of the planmaking 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 *Project Ireland 2040: 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 may ensure that it is also generally consistent with the RSES and NPF. However, the Office encourages the planning authority to liaise with EMRA in preparation of the draft LAP to ensure consistency, particularly where clarity is required on the objectives and guiding principles set out therein.

The Issues Paper demonstrates a clear understanding of the role of Old Connaught within the wider county and regional context. In this regard, the RSES identifies Old Connaught to the west of the N11/M11, in addition to Fassaroe, for new development in order to fulfil its growth potential. RPO 4.37 seeks to support the continued development of Bray, along with co-ordination between Wicklow County Council, Dún Laoghaire-Rathdown County Council, and the transport agencies to facilitate the delivery of key infrastructure required for the westward extension of the town. This includes Bray–Fassaroe public transport links and road improvements.

The Office welcomes the acknowledgement in the Issues Paper that the delivery of a sustainable public transport network needs to be commensurate with the phased incremental growth of the new community of Old Connaught. Having regard to RPO 4.2 and the significant infrastructural constraints of the LAP lands, it is essential that the LAP includes a clear phasing strategy, in consultation with infrastructure providers, to ensure that adequate capacity for services (e.g. water supply, wastewater, transport, broadband) is available to match projected demand for services and that the assimilative capacity of the receiving environment is not exceeded. The phasing strategy should clearly set out the projected timeline for the delivery of infrastructure and associated incremental development over the period of LAP (that is, year 1, 2, 3, etc.).



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 local area plans 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 would therefore caution against the introduction of any objectives that would conflict with the detailed provisions of the core strategy for Old Connaught, including the housing supply target for the settlement.

In this regard, the Office notes the Issues Paper states the area of A1 (new residential) zoned land as 66.5ha. The Office notes that these lands encompass existing residential properties, including several protected structures, which may have limited development potential. In this regard, the Office would welcome clarification of this matter in the LAP in order to demonstrate consistency with the core strategy.

3. Zoning, compact growth and infrastructural services

The objectives of the LAP are required to be consistent with the policy objectives of the RSES, including, in particular, any strategic development sites for the delivery of residential, employment or other uses.

As noted above, land-use zoning objectives have already been provided for Old Connaught in the Development Plan, which has taken account of the objectives for compact growth under the NPF (NPO 3b / c) and the RSES (RPO 3.2) and densification (NPO 35). Compact growth 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. The Office welcomes recognition in the Issues Paper of compact growth and densification, particularly with reference to the future development of high capacity transport infrastructure.

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 (2022) and should be consistent with any SPPRs therein.

The Office welcomes the identification in the Issues Paper of existing water, wastewater and transport infrastructure capacity issues and the measures required to resolve same. The Office acknowledges that the planning authority continues to liaise closely and collaborate with the relevant prescribed authorities concerning the delivery of essential services and infrastructure.

Regarding necessary wastewater infrastructure, in particular the proposed trunk sewer across the M11, it will be important for the planning authority to engage with both Uisce Éireann and TII to confirm the timeline for delivery of this infrastructure over the plan period.

4. Regeneration

Both the NPF (NPO 4, 6, 18a, 18b and 35) and the policy objectives and provisions of the RSES place a strong emphasis on the opportunities for urban and village 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.

As the subject lands are predominantly greenfield and there are a relatively limited number of existing buildings, which mostly appear to be in active use, the Office accepts that there will likely be only limited opportunities for regeneration.

5. Education, social and community amenities

The Issues Paper recognises that a wide range of local community facilities catering for social and community needs are an essential component in designing sustainable communities. It also refers to the objective under the Development Plan for a proposed education site on lands within the LAP boundary, which use is permitted for in principle on green belt zoned lands.



In this regard, 'Access to Quality Childcare, Education and Health Services', is a National Strategic Outcome (NSO) of the NPF. The LAP should be consistent with NPO 31, which seeks to align population and employment growth with investment in childcare and education facilities on well-located sites within or close to the existing built-up areas to meet the diverse needs of local populations. It should also be consistent with the objectives of the RSES for education facilities and should have regard to the provisions for social audits under the *Development Plans, Guidelines for Planning Authorities* (2022) (the Development Plans Guidelines) (or civic infrastructure audits under the LAP Guidelines).

It is an objective (NPO 4) of the NPF to ensure the creation of liveable places that are home to diverse and integrated communities and providing improved integration and greater accessibility in delivering sustainable communities and associated services (NPO 28). This includes planning for the housing, transport, accessibility and leisure needs of an aging population (NPO 30) and for the Traveller community. The LAP should also be consistent with the objectives of the RSES for social and community facilities.

The NPF expects the local authority's *Local Economic and Community Plan 2023-2028* (LECP) should inform the LAP to provide for the co-ordinated spatial planning of community services for the area. In addition, the local authority's *Traveller Accommodation Programme 2019-2024* should also inform the LAP, having regard to the specific objective for Traveller Accommodation under the Development Plan within the LAP lands.

Having regard to NPO 33 to prioritise new homes that can support sustainable development at an appropriate scale of provision relative to location, it is important that the LAP takes an integrated approach to the planning of education, social and community facilities and amenities. The LAP should consider the capacity of existing facilities, including community centres, leisure, amenity and cultural facilities to 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, social and community facilities can be easily accessed by walking or cycling from existing and proposed new residential areas.



6. Economic development and employment

As the LAP lands are zoned objective A1 (new residential), objective green belt and objective F (open space), there would appear to be limited scope for local economic development and employment growth. However, as a wide range of uses are permitted in principle and open for consideration on lands zoned objective A1, it will be appropriate for the LAP to provide clarity on how relevant economic development and employment uses will be considered within LAP lands, having regard to the Development Plan objectives, the NPF, RSES, the LAP Guidelines, and the LECP.

The LAP should consider how the demand for retail services for the anticipated population will be accommodated, whether within the LAP boundary and/or within the wider area. Regard should be had, in particular, to the sequential approach to the location of retail development and other provisions of the *Retail Planning Guidelines for Planning Authorities* (2012), and the position of the settlement in the retail hierarchy of the Development Plan.

An integrated approach to land use and transport planning for enterprise, employment and commercial / retail development will also play an important 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.

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 development of the LAP lands is contingent on the delivery of critical transport infrastructure, not least the delivery of the N11/M11 Junction 4 to Junction 14 Improvement Scheme (N11/M11 Scheme), including the upgrade of the Old Connaught interchange (Junction 5 N11/M11), and the proposed N11/M11 Bus Priority Interim Scheme (BPIS) which will tie in with Bus Connects.

The most recent bulletin (no.12) on the N11/M11 Scheme confirms that funding is not available to Wicklow County Council to advance the N11/M11 Scheme to the next phase of development at this time. While the BPIS has progressed to preferred route public consultation, in the absence of the upgrade of Junction 5, it is not clear how it would



service the LAP lands. The delay in delivery of such infrastructure will have implications for the sustainable phased implementation of an LAP for these lands. Consultation with TII, NTA and other key stakeholders will be of critical importance in this regard.

A mandatory national target of 51% reduction in GHG emissions by 2030 will be implemented through the *Climate Action Plan 2023* (Climate Action Plan), 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 Government's *National Sustainable Mobility Policy* (2022) (NSMP). The implementation of specific local objective 108 (cycle bridge over M11) will help increase active modes within the LAP lands.

The development of the LAP lands is predicated on the delivery of the Luas extension. The route indicated on the Development Plan zoning maps appears inconsistent with that indicated in the NTA's *Greater Dublin Area Transport Strategy 2022-2042* (GDA Transport Strategy), which shows the route on the east side of the M11, although it is accepted that the diagram is indicative. However, the planning authority should consider with the NTA the implications for the future development of the LAP lands, should the eventual Luas route run to the east of the M11.

An integrated approach to land use and transport planning will be central to achieving these targets. In addition to the above, the LAP should be informed by the guiding principles and be consistent with the RPOs of the RSES relating to integration of land use and transport planning, where applicable.

The RSES sets out guiding principles for integration of land use and transport planning and identifies the requirement for a Local Transport Plan (LTP) for certain settlements and/or under certain circumstances. The preparation of an LTP will enable the planning authority to '…investigate the transport implications of these new development areas with priority consideration to the creation of quality access and sustainable transport patterns' (p.10, Issues Paper).

The LAP should also set out an ambitious, but realistic, modal shift target for the area of the LAP. The LTP will be key to informing the objectives, policies and measures in the LAP so that this target can be achieved. The NTA's and TII's *Area Based Transport*Assessment Advice Note (2018) (ABTA) and ABTA How to Guide Guidance Document



Pilot Methodology (2021) should be considered by the planning authority in preparing any LTP.

The planning authority will be aware that consistency with the GDA Transport Strategy is required for LAPs within the Greater Dublin Area. The transport strategy of the LAP should also demonstrate consistency with the Avoid-Shift-Improve principle (under NSMP), the implementation of the Decide Provide approach in the GDA Transport Strategy and the 10-minute town concept in the RSES.

The proactive implementation of the *Design Manual for Urban Roads and Streets* (revised 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. Environment, built and natural heritage

The planning authority is the competent authority for the purposes of Strategic Environmental Assessment and Appropriate Assessment. The planning authority will be aware of its obligations and responsibilities under the Strategic Environmental Assessment 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). In this regard, the Issues Paper identifies Ballyman Glen, a Candidate Special Areas of Conservation (cSAC), located along the western perimeter of the LAP lands, where there may be potential for disturbance and indirect effects on petrifying springs with tufa formation, alkaline fens and rare vegetation. Engagement with the NPWS will therefore be important.

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 and/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. 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. This should be considered in implementing specific local objective 108, which seeks to provide pedestrian / cycle access across the M11 corridor in the vicinity of Allies River Road.

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 identified in the Issues Paper 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).

9. Climate change mitigation and adaptation (including flood risk management)

It is an NSO of the NPF to transition to a low carbon climate resilient society. 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 NPF acknowledges climate change as a national environmental challenge and it is an objective (NPO 54) to reduce Ireland's carbon footprint in support of national targets for climate policy mitigation and adaptation, including targets for GHG emissions reduction.

The effective implementation of climate mitigation objectives through the LAP, consistent with national and regional policy objectives (and guiding principles) identified by the Office under each of the themes above, will be critical to the achievement of the Government's



GHG emissions reduction target to mitigate climate change. This will include compact growth and accessible sustainable transport, but also the implementation of renewable and sustainable energy, such as the implementation of district heating systems (Policy Objective CA15 of the Development Plan) for which key targets have been included in the Climate Action Plan.

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 Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009), including the staged approach to flood risk assessment and, where necessary, the application of the sequential approach and the requirement to carry out the plan-making Justification Test.

In this regard, the Issues Paper acknowledges that the Flood Relief Scheme (FRS) for the area is not likely to be delivered within the lifetime of the LAP. It will be critical, therefore, for the LAP to protect the elements of the FRS so that it can be implemented in future, and to consider whether there are elements of the FRS that can be put in place by the planning authority in tandem with the phased development of LAP lands.

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. Further, the planning authority is advised to liaise with the OPW in the carrying out of SFRA to avoid issues arising at draft LAP stage. This will be of particular importance where land use zoning objectives or other designations are proposed to be included.

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.

In accordance with NPO 57, the LAP is required to integrate sustainable water management solutions, such as Sustainable urban Drainage Systems (SuDS). In this regard the Office would draw the planning authority's attention to *Nature-based Solutions*



to the Management of Rainwater and Surface Water Runoff in Urban Areas, Water Sensitive Urban Design, Best Practice Interim Guidance Document (2022) which was issued by the Department of Housing, Local Government and Heritage after the adoption of the Development Plan.

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 sections 15(1) and 15(2) of the Act, to secure the objectives of the development plan and report on progress achieved in securing those objectives. 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. In this regard, the Office directs the planning authority to the approach taken by Limerick City and County Council in its most recent local area plans, such as the Castleconnell Local Area Plan 2023-2029.

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 include a clear phasing strategy that sets out the timeline for the delivery of essential infrastructure (transport / water / wastewater / community / social services) before or in tandem with specified levels of development;
- the planning authority should address, in consultation with TII, NTA and other key stakeholders, the implications of the delayed delivery of the N11/M11 Junction 4 to Junction 14 Improvement Scheme and Junction 5 upgrade, including the implications for the delivery of bus services to serve the LAP lands;



- having regard to Policy Objective T2 of the Development Plan, a Local Transport
 Plan should be prepared to inform the LAP, based on the Area Based Transport
 Assessment approach, in consultation with NTA and TII;
- the LAP should not introduce any objectives that would conflict with the objectives of the Development Plan and its core strategy;
- the planning authority's Traveller Accommodation Programme 2019-2024 should inform the LAP, having regard to the specific objective for Traveller Accommodation under the Development Plan, within the LAP lands;
- the LAP should clarify how relevant economic development, employment uses and commercial uses will be considered;
- the LAP should consider the application of nature based solutions in implementing greenway connectivity to proposed pedestrian / cycle access across the M11 corridor in the vicinity of Allies River Road;
- as the Flood Relief Scheme (FRS) for the area is not likely to be delivered within the lifetime of the LAP, the LAP should ensure the protection of the elements of the FRS and determine what elements, if any, of the FRS that can be put in place by the planning authority in tandem with the phased development of LAP lands;
- having regard to Policy Objective CA15 of the Development Plan and the targets under the Climate Action Plan 2023, the LAP should facilitate the implementation of district heating systems; and
- as the Ballyman Glen, cSAC, is located along the western perimeter of the LAP lands, where there may be potential for disturbance and indirect effects on tufa springs and rare vegetation, early engagement with the NPWS will be important.

The Office looks forward to reviewing the future draft LAP and is committed to continued positive engagement with your authority in 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,

AM C'GNNW

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations

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