#### OPR Ref: DP-020-23



20<sup>th</sup> July 2023

Senior Executive Officer, Planning and Economic Development Department, Dún Laoghaire-Rathdown County Council, County Hall, Marine Road, Dún Laoghaire, Co. Dublin.

#### Re: Draft Dundrum Local Area Plan 2023

#### A chara,

Thank you for your authority's work on preparing the draft Dundrum Local Area Plan 2023 (the draft LAP).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authority has put into the preparation of the draft LAP against the backdrop of an evolving national and regional planning policy and regulatory context and the need to balance competing pressures within an increasingly complex system.

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 LAP under the provisions of sections 31AO (1) and 31AO(2) of the *Planning and Development Act 2000*, as amended (the Act) and this submission has been prepared accordingly.

The Office's evaluation and assessment has- regard to the Dún Laoghaire-Rathdown County Development Plan 2022-2028 (the Development Plan), the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Region, and relevant section 28 guidelines. 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 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 Office commends the significant work undertaken by the planning authority to inform the draft LAP. This includes an Area Based Transport Assessment (ABTA), Urban Design Report, Community Cultural and Civic Action Plan (CCCAP) and Architectural Conservation Area (ACA) Character Appraisal and Recommendations, as well as the relevant statutory reports including Appropriate Assessment Screening (AA Screening), SEA Report and Strategic Flood Risk Assessment (SFRA). The Office is generally satisfied that the key recommendations and findings from the aforementioned reports have been appropriately reflected in the draft LAP.

The draft LAP sets out a clear and detailed development planning framework for the development of the area over the lifetime of the LAP. In particular, the Office welcomes the detailed policies and objectives for the development of the identified *K*ey Development Areas (KDAs).

The Office also welcomes the emphasis on the 10-minute town concept and the measures proposed in the draft LAP, such as improvements to sustainable transport, regeneration, housing provision, and the enhancement of social and community infrastructure to implement this concept. In this regard, the Office strongly commends the significant efforts made in the preparation of the ABTA that has informed the draft LAP.

The Office has identified only one concern that requires further consideration prior to the adoption of the LAP, in relation to flood risk and the KDAs.

It is within this context the submission below sets out one (1) recommendation under the following ten(10) themes:

Key theme	Recommendation	Observation
Consistency with Regional, Spatial	-	-
and Economic Strategy		
Consistency with Development	-	-
Plan and Core Strategy		
Compact Growth, Zoning and		-
Infrastructural Services		
Town Centre Regeneration	-	
Economic Development and	-	-
Employment		
Transport and Accessibility	-	
Flood Risk Management	Recommendation 1	-
Environment, Natural and Built	-	-
<u>Heritage</u>		
Education, Social and Community		-
Implementation and Monitoring		

## 1. Consistency with the Regional, Spatial and Economic Strategy (RSES)

The Office considers the draft LAP to be generally consistent with the regional policy objectives of the RSES for the Eastern and Midlands Region. In this regard, the draft LAP promotes compact sustainable growth and significant housing delivery across Dundrum which forms part of one of the identified Strategic Development Areas and Corridors in the Metropolitan Area Strategic Plan (MASP). The draft LAP also promotes an

appropriate balance and mix of further retail development<sup>1</sup> consistent with Dundrum's designation as a Major Town Centre in Table 6.1 (Retail Hierarchy for the Region) of the RSES.

The draft LAP is also generally consistent with Regional Policy Objectives in the RSES for compact growth (RPOs 3.2 and 3.3), MASP sustainable transport (RPO 5.3) and MASP employment (RPO 5.6).

## 2. Consistency with development plan and core strategy

Section 19(2) of the Act requires an LAP to be consistent with the objectives of the development plan and its core strategy. This requirement also applies under section 20(5) of the Act.

The Office notes that the preparation of an LAP for Dundrum will fulfil a specific local objective of the Development Plan and a need identified in the core strategy (Table 1.3.1 and section 1.3.4.10).

The Development Plan's core strategy states that there is capacity to accommodate a potential yield of between 22,763 and 25,353 residential units across the county on 553ha of lands identified for residential development and mixed use. Dundrum will contribute to this figure with the potential to accommodate 2,020 additional residential units.

The Development Plan identifies Dundrum as a major centre in its core strategy and a strategic employment location. The draft LAP acknowledges the designations afforded to Dundrum in the Development Plan and sets out appropriate policies to support same. The Office is therefore satisfied that the draft LAP is consistent with the Development Plan, including its core strategy.

# 3. Compact growth, zoning and infrastructural services

All of the lands within the draft LAP boundary were zoned as part of the preparation of the Development Plan. As such, the Office is satisfied that the land use zonings and development framework are consistent with RPO 3.2 (compact growth), RPO 4.1

<sup>&</sup>lt;sup>1</sup> Draft LAP Objectives MTC2, MTC5 and MTC6

(settlement strategy), RPO 5.3 (MASP sustainable transport) and RPO 5.6 (MASP employment lands).

In accordance with NPO 72 and RPO 5.1, and the *Development Plans, Guidelines for Planning Authorities* (2022) (section 4.5.2), the Office is satisfied that there is sufficient infrastructural services in the area to cater for the projected growth of the town.

## 4. Town centre regeneration

The Office welcomes the strong policies and objectives included in the draft LAP to support the regeneration of key sites within the town. In this regard, it is noted that ten regeneration sites and four KDAs have been identified in accordance with NPO 6 and RPO 3.3.

The Office wishes to acknowledge and commend the considerable work regarding the preparation of site development frameworks for each of the KDAs in the draft LAP. The Office welcomes the policies and objectives for each site which support RPO 4.3 for the consolidation and re-intensification of infill/ brownfield lands, RPO 5.5 in relation to housing and regeneration in the Dublin City and suburbs, and RPO 9.7 in relation to supporting the Land Development Agency (LDA) in co-ordinating and development large, strategically located land banks.

The Office also welcomes the policies and objectives in relation to enhancements to the public realm in each of these areas consistent with RPO 6.12 which supports place making for town centres.

#### 5. Economic development and employment

The Office supports the integration of objectives and actions from the Local Economic and Community Plan for the county into the draft LAP with regard to supporting Dundrum's established retail role.

The Office welcomes the policies and objectives for the Dundrum Business Park to ensure any future development enhances the amenity of the area, creates sustainable transport connections, and encourages the regeneration for new high specification office space<sup>2</sup> in accordance with RPO 5.6. The policies and objectives to diversify the employment offering in the Major Town Centre are also welcomed by the Office.

In relation to tourism, the Office welcomes Objective EMP1 to support the current and future development of Airfield Urban Farm as an employment, social and tourism destination. The Office also welcomes Objective EMP3 to provide for a hotel in order to enhance the tourism opportunities and employment offering in the area.

## 6. Transport and accessibility

The planning authority's commitment to improving opportunities for walking, cycling and public transport is clearly evident from the extensive work undertaken in the preparation of an ABTA. This assessment provides a clear evidence basis for policies and objectives in the draft LAP, and represents best practice in planning for sustainable mobility.

This approach is welcomed by the Office and is in accordance with the National Transport Authority (NTA) guidance.

The policies and objectives to improve connectivity, enhance pedestrian and cycle movements, promote the 10-minute concept, improve modal shift and reduce vehicle movements all demonstrate consistency with the *Transport Strategy for the Greater Dublin Area 2022-2042*, the *Greater Dublin Area Cycle Network Plan* the *National Sustainable Mobility Policy* (2022) and RPO 8.4.

## 7. Flood Risk Management

A Strategic Flood Risk Assessment (SFRA) has been included as Appendix 1 of the draft LAP. The SFRA is based on the information provided in the SFRA for the Development Plan, which was prepared in accordance with *The Planning System and Flood Risk Management – Guidelines for Planning Authorities* (2009) (Flood Guidelines) and *Circular PL 2/2014,* RPO 7.12 and NPO 57.

It is noted that some areas of the draft LAP are located within Flood Zones A and B including the KDAs at the Old Dundrum Shopping Centre and Taney Cross. The

Justification Tests carried out for these lands include a number of specific flood risk considerations that do not appear to have been incorporated into any policies or objectives in the Site Development Frameworks (Chapter 2) for these lands.

In relation to the Old Dundrum Shopping Centre, these specific flood risk considerations as set out in criterion 3 of the Justification Test (Appendix 1 of the SFRA) include applying the sequential development approach, the preparation of an emergency plan and an assessment that the development would not impact on lands outside the site boundary.

In relation to Taney Cross, criteria 3 of the Justification Test (Appendix 1 of the SFRA) states that 'Options are limited to managing existing development minor alterations or renovations on the site, future redevelopment is not possible under the current high flood risk conditions'. The concluding comments in section 1.9 of the SFRA also states that:

the substantial redevelopment of the gym site opposite library and the library/health centre sites should not be supported until the completion of a catchment wide flood relief scheme at which point the development potential of these sites should be reassessed.

These constraints have not been identified in the Site Development Framework for this KDA.

In this regard, the planning authority is required to review the site development frameworks for the Old Dundrum Shopping Centre KDA and Taney Cross KDA and cross reference the relevant guidance set out in the SFRA into development objectives for these lands.

#### **Recommendation 1 – Flood Risk Management**

Having regard to:

- Regional Policy Objective 7.12 (Flooding) of the Regional Spatial and Economic Strategy for the Eastern and Midland region; and
- NPO 57 and The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009),

the planning authority is required to amend the draft LAP to:

 i) cross reference the conclusions of the Strategic Flood Risk Assessment and incorporate into the site development frameworks for the Old Dundrum Shopping Centre and Taney Cross Key Development Areas and include new policies and/or objectives where relevant, particularly in relation to the flood risk considerations identified in Criteria 3 of the Plan Making Justification Tests for these lands.

The planning authority should consult with the OPW in addressing this recommendation.

In relation to *Sustainable Urban Drainage Systems* (SuDS), the Office welcomes the inclusion of policies DLAP 32 and 33 which seek to ensure that all new developments in the area apply SuDS measures as a way to manage surface water in line with the *Water Framework Directive* and associated River Basin Management Plans.

The Office also welcomes Policy DLAP 34 which seeks to ensure the implementation of the surface water legislation *Environmental Objectives (Surface Waters) Regulations* 2009 and to ensure compliance with the policies of the Development Plan relating to the protection of existing water and drainage infrastructure. The Office supports Policies DLAP 32, 33 and 34 in accordance with NPO 57 and RPO 10.15. While this is welcomed, the Office advises that including specific reference to the implementation of SuDS measures in all of the opportunity sites would be beneficial in accordance with the guidelines.

## 8. Environment, natural and built heritage

The Office welcomes the integration of the climate action policies and objectives set out in the Development Plan into the draft LAP.

Specifically, the Office supports the inclusion of the policies and objectives as set out in the *Dún Laoghaire-Rathdown (DLR) Climate Action Plan 2019-2024* and the *DLR County Biodiversity Action Plan 2021-2025* to assist the LAP to achieve the Government Targets as set out in the national *Climate Action Plan 2023* and NPO 52 and NPO 54. Further, the Office welcomes the inclusion of climate mitigation Policies DLAP 36 and DLAP 37 in relation to sustainable energy use and renewable energy use.

The Office welcomes the policies and objectives in relation to Green Infrastructure, in particular, the promotion of biodiversity, nature based solutions to surface water management and the enhancement of the parks and recreational facilitates in the area including:

- Objective GI6 in relation to rewilding of appropriate sites to enhance biodiversity;
- Objective GI3 to seek opportunities for de-culverting of the River Slang; and
- Objective GI10 to seek the provision of new quality open spaces as part of the redevelopment of the Central Mental Hospital and Old Dundrum Shopping Centre sites.

The draft LAP sets out a strong strategy for the protection and conservation of the built and cultural heritage of the town in accordance with RPO 9.27, the designation of zones of archaeological potential, the identification of recorded monuments in the LAP-area, and the inclusion of Policies DLAP 58 and DLAP 59 to conserve archaeological heritage and protect recorded monuments from inappropriate development.

#### 9. Education, social and community

The draft LAP identifies the need for an additional primary school, and has been extended to include the former Notre Dame campus to cater for this need in the future. In this regard, the Office welcomes the inclusion of Objective P1.

At a more general level, the inclusion of Policies DLAP7 and DLAP 8 to assist with sustainable neighbourhood infrastructure will support the holistic needs of the wider community consistent with the 10-minute neighbourhood approach.

The Office also supports Objectives P3 and P4 which integrate the recommendations of the CCCAP which has been prepared for the wider Dundrum area including the LAP boundary.

#### 10. Implementation and monitoring

The draft LAP includes a detailed monitoring and implementation strategy for the delivery of relevant policies and objectives that have a defined timeframe in accordance with section 15 of the Act.

In relation to the policies and objectives that are reliant on development management, the draft LAP commits to ensuring that all planning applications will be assessed fully for compliance with the relevant aspects of the LAP. The Office is satisfied with this approach. The Office supports the reference that all policies and objectives will be continuously monitored in line with the SEA Directive.

#### Summary

The Office requests that your authority addresses the recommendation outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 20 of the Act must summarise any recommendations and the manner in which they will be addressed. Where your authority decides not to comply with the recommendations of the Office please outline the reasons for the decision in the chief executive's report or the minutes of your Council meeting.

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,

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**Anne Marie O'Connor** Deputy Regulator and Director of Plans Evaluations