

DÚN LAOGHAIRE – RATHDOWN COUNTY COUNCIL

8 June 2015

Report submitted in accordance with Section 19 of the Planning and Development Act, 2000 (as amended), in relation to the Deansgrange Local Area Plan, 2010

Advice to the Elected Members on the proposal to invoke their powers under Section 19 of the Planning and Development Act, 2000 (as amended), and provide for the extension of the valid life of a Local Area Plan, in this case the extension of the valid life of Deansgrange Local Area Plan for a further period, being not greater than five (5) years.

1. Legislation

Section 12 of the Planning and Development (Amendment) Act, 2010, (which amends Section 19 of the Principal Act) provides for the extension of the valid life of a Local Area Plan from 6 years for a further period not exceeding 5 years.

Section 12 of the Amendment Act, 2010, states:

- (d) *'Subject to paragraph (e), not more than 5 years after the making of the previous local area plan, a planning authority may, as they consider appropriate, by resolution defer the sending of a notice under section 20(3)(a)(i) and publishing a notice under section 20(3)(a)(ii) for a further period not exceeding 5 years.*
- (e) *No resolution shall be passed by the planning authority until such time as the members of the authority have:*
 - (i) *notified the manager of the decision of the authority to defer the sending and publishing of the notices, giving reasons therefore, and*
 - (ii) *sought and obtained from the manager—*
 - (I) *an opinion that the local area plan remains consistent with the objectives and core strategy of the relevant development plan,*
 - (II) *an opinion that the objectives of the local area plan have not been substantially secured, and*
 - (III) *confirmation that the sending and publishing of the notices may be deferred and the period for which they may be deferred.'*

2. Background

Deansgrange Local Area Plan (LAP) was adopted by Dún Laoghaire-Rathdown County Council on 22 June 2010 and was nominally valid for a period of ten (10) years, until 22 November 2020. Amendments to the Planning and Development Act, 2010, mean that if the Council want to ensure that the lifespan of the Plan remains statutorily valid for 10 years, a resolution must be made at not later than 5 years from the adoption of the Plan.

The Planning and Development (Amendment) Act, 2010, states that the Elected Members may determine by resolution not later than five (5) years after the making of the previous Local Area Plan, in this case not later than 22 June 2015, whether the Local Area Plan in question is to be reviewed or whether it is more appropriate to extend the life of the Plan for a period not exceeding an additional 5 years.

This report, therefore comprises the Chief Executive's opinion,

- (I) that the Local Area Plan remains consistent with the objectives and core strategy of the Dún Laoghaire-Rathdown County Development Plan, 2010-2016,
- (II) that the objectives of the Local Area Plan have not been substantially secured, and

- (III) confirmation that the sending and publishing of the notices may be deferred and the period for which they may be deferred.

3. Compliance with Dún Laoghaire-Rathdown County Development Plan, 2010-2016

Deansgrange Local Area Plan was adopted under the current Dún Laoghaire-Rathdown County Development Plan, 2010-2016, and as such, is fully consistent with it. The primary objective of the LAP is to guide the regeneration of run-down brownfield areas within Deansgrange, to improve the public realm by providing upgraded civic spaces and, to create a more attractive and safe shopping and living environment. This fully accords with Chapter 3 Development Areas and Regeneration of the County Development Plan.

Good urban design is central to creating vibrant and attractive settlements in the renewal of areas in need of regeneration. Good urban design will thus be central to achieving a high quality built environment within Deansgrange. Chapter 15 of the County Development Plan, Urban Design, gives good urban design guidance and sets out clearly both the objectives and principles of best practice in this regard. All developments within the Plan area will therefore be required to adhere to this guidance and demonstrate that the design and layout of proposals has been adequately informed by this.

Under the current County Development Plan, both of the business parks within the Plan area are zoned Objective 'E', 'To provide for economic development and employment'. Section 4 of the LAP sets out clear guidance and objectives aimed at facilitating the upgrade of both the Deansgrange and Pottery Business Parks in order to create high quality business parks capable of securing economic development and employment within the Plan area.

The 'Overall Strategy' of the County Development Plan, 2010-2016, and subsequently the 'Core Strategy' (Variation No. 5 of the County Development Plan, 2010-2016), identifies that '*a key strand of the overall Settlement Strategy focuses on the continued promotion of sustainable development through positively encouraging consolidation and densification of the existing urban/suburban built form – and thereby maximising efficiencies from already established physical and social infrastructure-*'. The development of Deansgrange environs, as envisaged in the LAP, is an objective of the current County Development Plan and is a key objective in satisfying the requirements of the Core Strategy, the Housing Strategy and the population projections obligations under the Regional Planning Guidelines.

In accordance with the Planning and Development (Strategic Environmental Assessment) Regulations, 2004, the Planning Authority screened the Deansgrange LAP to determine whether or not the Plan would be likely to have significant effects on the environment. The screening document concluded that an SEA was not required.

The Appropriate Assessment of the County Development Plan, 2010-2016, included an appraisal of the area covered by the LAP with regard to the objective '*To prepare a Local Area Plan for Deansgrange to cover the area within half a kilometre radius from the Deansgrange crossroads*'. The appraisal concluded that this objective would not give rise to any direct, indirect or cumulative potential impacts for any of the SPAs listed.

4. The Objectives of the Local Area Plan have not been substantially secured

Since the adoption of the Local Area Plan there have been a number of improvement schemes completed within the environs of the area such as the refurbishment of the Deansgrange Library, the Pottery Road Improvement Scheme, and the Flood Alleviation Works on the Deansgrange Stream in Clonkeen Park. In addition, the National Rehabilitation Hospital facility redevelopment is identified in Objective C10 of the LAP, and this site was the subject of the recent grant of permission for the Strategic Infrastructure Development for the construction of a new purpose built 120-bed facility and associated facilities.

While these have contributed to progressing the vision of the LAP, there remain a broad range of policies and objectives in relation to urban design, movement and accessibility, business parks, community uses and amenities, retail uses, and residential which have yet to be met. Critically, of the five potential redevelopment areas identified following an assessment of the urban structure and character of Deansgrange, only one has been redeveloped to-date.

It is considered that the policies and objectives continue to remain both relevant and functional, that only one of the potential redevelopment sites identified has been redeveloped, and that the overall objectives of the Local Area Plan have not been substantially secured.

5. Concluding Opinion

In summary, it is the opinion of the Chief Executive that,

- the Deansgrange Local Area Plan remains consistent with the objectives and Core Strategy of the Dún Laoghaire-Rathdown County Development Plan, 2010-2016, and
- the objectives of the Local Area Plan have not been substantially secured.

It is appropriate that the life of the Local Area Plan be extended by a period of five years, during which time the objectives identified may be achieved.

Accordingly it is recommended that the following resolution be passed.

Resolution:

'To extend the life, by a further five years (i.e. up to and including 22 June 2020), of the Deansgrange Local Area Plan, 2010, in accordance with the provisions of Section 19 of the Planning & Development Act, 2000, (as amended) and provides for the extension of the valid life of a Local Area Plan (LAP). The extension of the LAP is sought in order to provide Dun Laoghaire-Rathdown County Council and all other relevant stakeholders adequate time and opportunity to realise the strategic objectives of the LAP which, given the current economic circumstances, is both necessary and in accordance with the proper planning and sustainable development of the area'.

Mary Henchy,
Acting Director of Services