

Report submitted in accordance with Section 19 of the Planning and Development Act 2000 (as amended) in relation to Glencullen Local Area Plan 2008-2013.

Advice to the Elected Members on proposal to invoke their powers, under Section 12 of the Planning and Development (Amendment) Act, 2010, (which amends Section 19 of the Principal Act), and provides for the extension of the valid life of a Local Area Plan, in this case the extension of the valid life of the Glencullen 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

The Glencullen Local Area Plan (LAP) 2008-2013 was adopted by Dún Laoghaire-Rathdown County Council on 10<sup>th</sup> March 2008 and was valid for a period of 5 years, until 10<sup>th</sup> March 2013. 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 another 5 years, a resolution must be made at not later than 5 years from the adoption of the Plan.

To clarify, the Planning and Development (Amendment) Act, 2010, introduces a new rigour to the determination of the lifespan of LAPs and does not envisage LAPs having a lifespan greater than 6 years. The Amended Act states that the elected members may determine by resolution not later than 5 years after the making of the previous LAP, in this case not later than 10<sup>th</sup> March 2013, whether the LAP in question is to be reviewed or whether it is more appropriate to extend the life of the LAP for a period not exceeding an additional 5 years.

This report, therefore comprises the County Manager's opinion:

- (I) that the LAP is consistent with the objectives and Core Strategy of the Dún Laoghaire-Rathdown County Development Plan, 2010-2016;
- (II) that the objectives of the LAP 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**

The Glencullen LAP was adopted under the auspices of the Dún Laoghaire-Rathdown County Development Plan, 2004-2010. As part of the process for extending the lifespan of an LAP the Planning Authority must ascertain that the LAP remains consistent with the objectives and Core Strategy of the current County Development Plan – the Dún Laoghaire-Rathdown County Development Plan, 2010-2016.

The primary objective of the Glencullen LAP is to create a sustainable settlement location strategy that will:

- Accommodate local rural development needs without having adverse impacts on the environment;
- Protect and enhance the cultural and natural assets and heritage of the area; and
- Ensure that a full understanding of this cultural and natural heritage informs the location and design approach of new development.

The 'Overall Strategy' and subsequently the 'Core Strategy' (Variation No. 4 of the Dún Laoghaire-Rathdown County Development Plan 2010-2016), focuses on identifying the overall level of housing growth for the county and set outs a strategy for its distribution (based on high levels of access to public transport) while at the same time diverting pressure away from areas of limited capacity and where the environment is of overriding importance. The overall context for new development (including residential development) in the County Development Plan as it relates to the Glencullen Plan area is one of restraint with a strategy that resists development not related directly to the area's amenity potential or its existing use for agriculture, mountain or hill farming.

While the achievement of the sustainable settlement location strategy will involve all areas of the Council's range of activities, in land use terms they are reflected in the Dún Laoghaire-Rathdown County Development Plan 2010-2016 by the inclusion of a range of policies that seek to:

- Accommodate new development needs in an environmentally sensitive manner; and
- Strictly control the further expansion of the suburbs into rural and high amenity areas and control one-off housing in the countryside and so reinforce rural- urban distinctions as far as possible.

Furthermore, the protection and improvement of the designated High Amenity zone of Glencullen, as envisaged in the Dún Laoghaire-Rathdown County Development Plan, 2010-2016 is a central objective of the Glencullen LAP

It is considered that the Glencullen LAP is consistent with the 'Overall Strategy' and the subsequent 'Core Strategy' of the Dún Laoghaire-Rathdown County Development Plan, 2010-2016.

The Strategic Environmental Assessment and the Appropriate Assessment of the County Development Plan 2010-2016 included an appraisal of the policies and objectives relevant to Glencullen LAP area. Section 8 of the Environmental Report evaluates the goals, aims, policies and objectives of the County Development Plan. Those of particular relevance to the Glencullen LAP are the Specific Local Objectives for the area.

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

The Glencullen LAP includes policies and objectives in relation to: housing; environmental protection; landscape preservation & enhancement; cultural heritage; local economic & community development and transport. It is considered that all policies continue to remain both relevant and functional, however the objectives of the Glencullen LAP (as set out in Section 3 above) have not been fully realised to date.

#### **5. Concluding Opinion**

In summary, it is the opinion of the Manager that,

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

It is appropriate that the life of the LAP be extended by a period of five years, during which time the objectives identified in the LAP may be achieved. Accordingly, it is recommended that the following Motion be passed.

#### **Resolution:**

That pursuant to Section 19 (1) (d) of the Planning and Development Act 2000 (as amended) the Council resolves to defer the sending of a notice under Section 20 (3) (a) (ii) of the Act of 2000 and publishing a notice under Section 20 (3) (a) (ii) for a period of 5 years and hereby resolves to extend the life, by a further five years (i.e. up to and including 10<sup>th</sup> March 2018), of the Glencullen Local Area Plan, 2008, in accordance with the provisions of Section 12 of the Planning & Development (Amendment) Act, 2010, (which amends section 19 of the Principal Act) 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 Dún Laoghaire-Rathdown County Council and all other relevant stakeholders adequate time and opportunity to realise the strategic objectives of the LAP which is considered in accordance with the proper planning and sustainable development of the area.

**Contact:** Dave Irvine, Senior Planner.