

# Material Alterations to Stillorgan Draft Local Area Plan

June 2018

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## **1.0 Introduction**

The Draft Stillorgan Local Area Plan was put on public display on the 12th January 2018. Written submissions and/or observations were invited during a 6-week period ending the 23rd of February 2018.

Having considered the Draft Local Area Plan and the Manager's Report on submissions received, it was resolved by the Elected Members at the Council meeting on the 14<sup>th</sup> of May 2018 to amend the Draft Local Area Plan. Two of the proposed modifications are considered to be Material Alterations to the Draft Local Area Plan and therefore, in accordance with Section 20 (3) (e) of the Planning and Development Act 2000-2010, the proposed Material Alterations shall be placed on public display for a period of not less than 4 weeks. This document outlines the proposed Material Alterations.

### **1.1 Purpose of this Document**

The function of this document is to outline the proposed Material Alterations to the Draft Stillorgan Local Area Plan and thereby inform and assist the public and other interested parties in the consideration of these proposed Material Alterations.

Written submissions or observations with respect to the proposed Material Alterations, made to the Planning Authority, shall be taken into account by the authority before the Draft Local Area Plan is finally made or amended by resolution, in accordance with Section 20 (3) (n) of the Planning and Development Act 2000-2010. Written submissions and observations shall be accepted between Friday the 1<sup>st</sup> of June and Monday the 2<sup>nd</sup> of July 2018.

### **1.2 How this Document is Organised**

The proposed Material Alterations to the Draft Stillorgan Local Area Plan are set out in Section 2 of the document. Submissions from the public are invited on the Material Alterations to the Draft Plan. Section 3 of the document addresses the screening of Material Alterations for both SEA and AA.

### **1.3 Identification of Material Alterations**

Proposed deletions to the text are shown with strikethrough. Proposed additions to the text are shown in **red text**.

### **1.4 Strategic Environmental Assessment (SEA) Screening of Proposed Material Alterations**

An SEA Screening Report on the Material Alterations to the Draft Stillorgan Local Area Plan concluded that the proposed Material Alterations would not have significant effects on the

environment and therefore Strategic Environmental Assessment (SEA) is not required. Section 3 of this document addresses the screening of the Proposed Material Alterations.

### **1.5 Appropriate Assessment Screening of Proposed Material Alterations**

A screening report for Appropriate Assessment as required under the EU Habitats Directive 92/43/EEC has been undertaken and prepared as a separate report that accompanied the Draft Stillorgan LAP. An Appropriate Assessment screening exercise concluded that development and effects arising from the proposed Material Alterations either individually or in combination with other plans and projects, would not give rise to significant effects on the integrity of any Natura 2000 site. In accordance with Section 20(3)(F) of the Planning and Development Act 2000-2010 it was determined that stage 2 appropriate assessment was not required. Section 3 of this document addresses the screening of the Proposed Material Alterations.

## 2.0 Proposed Alterations

### 2.1 Alteration No. 1

Amend Section 4.5.2.2 Leisure Plex, Library and Environs - Site Development Framework as follows:

#### Development Objectives

- Redevelopment should include a mix of uses – commercial, retail, community, cultural and residential
- Council housing to be provided
- Redevelopment of a public library on site
- Create a building line that enhances a vital street frontage onto the Old Dublin Road and also Lower Kilmacud Road
- Facilitate pedestrian permeability through the site and improved accessibility to the N11 pedestrian Underpass
- ~~• Longer term, to restrict access directly from the Old Dublin Road and to provide access via St Laurence's Park, with a potential 'left-in/left-out' at Lower Kilmacud Road~~
- It is an objective of this plan to maintain the existing access on the Leisureplex site with the potential of a 'left-in/left-out' at Lower Kilmacud Road. No vehicular access to the Leisureplex site shall be permitted through St Laurence's Park.

#### Public Realm

- Provide for pedestrian/cycle permeability through the site
- ~~• Provides a high quality public plaza/civic space at the corner of Old Dublin Road/Lower Kilmacud Road~~
- Re-align Lower Kilmacud Road/ Old Dublin Road junction to tighten corners and increase pavement/public space
- Establish strong pedestrian link along upgraded streetscape from shopping centre eastwards directly to QBC bus stop on N11.
- Consideration should be given to how any new development supports the achievement of an 'Age Friendly' environment providing safe, accessible and walkable spaces

In the interests of clarity, the graphics below illustrate the effects of the proposed Material Alteration. Figure 1 shows the proposals in the Draft Plan for the public realm changes at the LeisurePlex, Library and Environs site. Figure 2 illustrates the two proposed alterations, namely, the removal of the proposed LeisurePlex access via St Laurence's Park and the deletion of the proposed high quality public plaza/civic space at the corner of the Old Dublin Road/Lower Kilmacud Road.

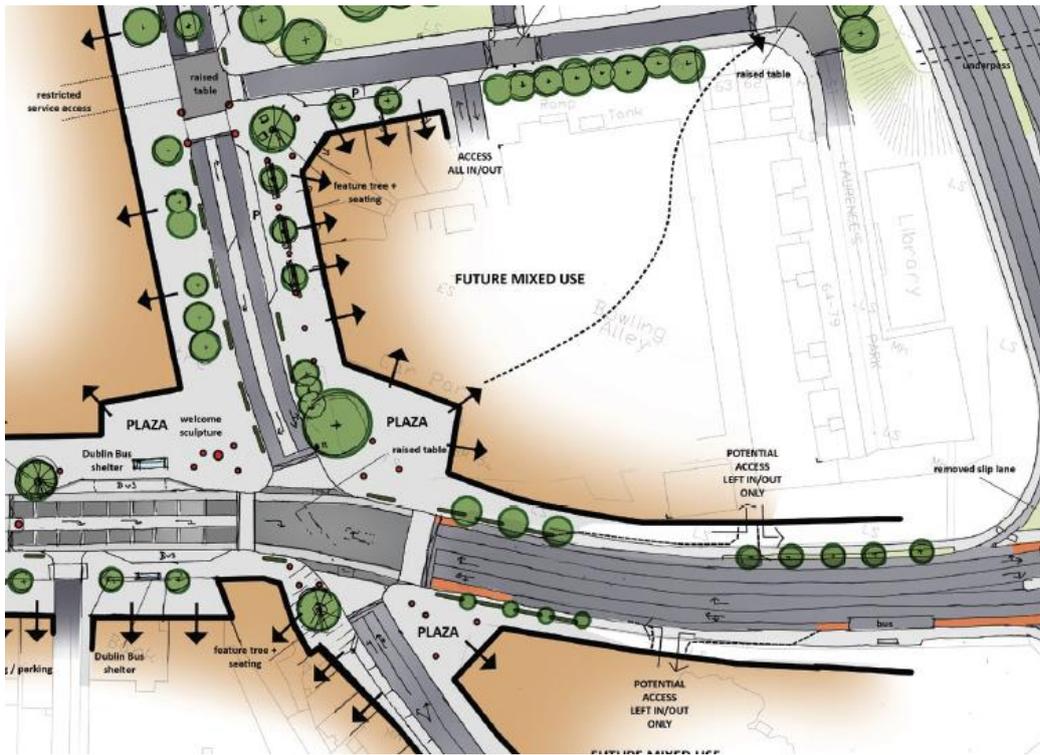


Figure 1. Existing Proposal from Draft LAP



Figure 2. Graphic showing the effects of the Material Alteration (for illustration purposes only)

## 2.2 Alteration No. 2

On foot of the following Motion, "To increase the boundary of the Stillorgan LAP to include council site at Glenalbyn Swimming pool", the Local Area Plan boundary is amended as follows:



### 2.3 Alteration No. 3

Insert an additional 'Movement Objective' MV6 on Page 25:

MV6: It is an objective of the Council to ensure that all new cycling infrastructure be provided in accordance with the standards set out in the National Cycle Manual (2012) published by the NTA, where practicable, recognising the challenges in retrofitting infrastructure within the existing road network.

### 2.4 Alteration No. 4

Insert an additional Movement Objective on Page 25:

MV7 It is an objective of the Plan that the Planning Authority will encourage the NTA, as the responsible statutory body, to increase of frequency of Bus services on the Old Dublin road, serving the Stillorgan Shopping Centre, in order to cater for those with mobility issues and senior citizens living in the wider Kilmacud / Stillorgan area.

### 2.5 Alteration No. 5

Insert an additional Movement Objective on Page 25:

MV8: It is an objective of the Stillorgan Local Area Plan to conduct a comprehensive Parking audit of the Stillorgan Local Area Plan area within 1 year of the adoption of the Stillorgan Local Area Plan

### 2.6 Alteration No. 6

Additional text to be appended to Objective MV1 (Page 25),

Dún Laoghaire-Rathdown Council will co-operate and liaise with the NTA and TII in relation to securing appropriate improvements to the road network within the Plan Area in accordance with the Stillorgan Village Area Movement Framework Plan. These improvements will be brought to the Dundrum Area Committee for consultation.

### 2.7 Alteration No. 7

Amend Section 4.4.1 'Cooperation between Landowners/Developers' (Page 27) by adding the following paragraph at the end:

Key Development Sites will be required through the Development Management System to provide Construction Management Plan prior to construction commencing on site. These Plans shall have regard to the cumulative impacts that would occur if a number of key sites were to commence

development around the same time and the plans are to propose how impacts would be ameliorated. Construction Management Plans are to include a requirement to liaise with the adjoining property owners during construction.

## **2.8 Alteration No. 8**

Add another 'Key Development Sites Objective' on page 28

KDS8 It is an objective of the Council to consider the cumulative effects of the provision of parking in relation to the key development sites within the Stillorgan LAP boundary and its future effects on traffic flows within Stillorgan.

## **2.9 Alteration No. 9**

Amend Section 4.4.2 Paragraph 5 (Page 28) to read:

In promoting apartment development in these key sites, there is an opportunity to respond to some of the strategic policy objectives of the County Development Plan and the "Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities" (2018) aimed at densifying and intensifying land use within the County and also promoting opportunities for older householders to avail of the option of 'downsizing' within their community.

## **2.10 Alteration No. 10**

Amend Residential Objective 'RS1' under 4.4.2 Residential Development (Page 25) to read as follows:

To promote high-quality homes and quality residential choices for a range of households needs, including housing choice for older people who may want to downsize, plus with a special aim to promote spacious family-friendly residential options.

## **2.11 Alteration No. 11**

Amend Section 4.3.4 Retail/Commercial Objective 'R6' (page 27) as follows:

It is an Objective of the Council to facilitate the development of commercial leisure, entertainment and cultural facilities in Stillorgan, and any redevelopment of the LeisurePlex site will be encouraged to include a commercial leisure use element".

## **2.12 Alteration No. 12**

Amend Section 4.5.1.2 Stillorgan Shopping Centre – Site Development Framework (Page 35)

Building Height: Benchmark of 5 storeys – graduated in height from the boundary of adjacent housing estates at Beaufield and Woodlands **with maximum 3 storey along the boundary with Woodlands and Beaufield Park.**

### **2.13 Alteration No. 13**

Amend Section 4.5.2.2 Leisure Plex, Library and Environs - Site Development Framework (Page 37)

Under 'Development Objectives' insert additional text:

- Redevelopment should include a mix of uses – commercial, retail, community, cultural and residential
- Council housing to be provided
- Redevelopment of a public library on site
- **On the Council's lands, an appropriate mix of social and affordable should be provided**

### **2.14 Alteration No. 14**

Amend Section 4.5.2.2 Leisure Plex, Library and Environs - Site Development Framework (Page 37) 'Signage' as follows:

- Any redevelopment proposals shall include a coherent and cohesive signage strategy.
- New shopfronts should make a positive contribution to the creation of an attractive streetscape
- **No flashing neon signs will be permitted on shopfronts**

### **2.15 Alteration No. 15**

Amend Section 4.5.2.2 LeisurePlex, Library and Environs - Site Development Framework 'Retail/Leisure Uses' (Page 37)

- The site falls within the retail core of Stillorgan. As such, redevelopment proposals shall incorporate a mix of uses, including evening uses, which enhance the vitality and viability of the area.
- Retail Impact Assessment to be submitted.
- Retail figures to be expressed in terms of lettable retail floorspace.
- Floor plan drawings should clearly distinguish between gross retail floor area and net retail sales area.
- **The Planning Authority will carefully consider the potential negative impacts of any proposals for Fast Food Outlets/Takeaways along the northern boundary with St**

Laurence's Park, having regard to potential noise, hours of operation and nuisance effects on local residents

### **2.16 Alteration No. 16**

Amend Section 4.5.2.2 Leisure Plex, Library and Environs - Site Development Framework 'Development Objectives' (Page 37) as follows:

- Facilitate pedestrian permeability through the site and improved accessibility to the N11 pedestrian Underpass. Improved pedestrian permeability can be facilitated in a number of ways and it will be up to the owner/developer of the site to offer positive proposals to improve permeability.

### **2.17 Alteration No. 17**

Amend Section 4.5.2.2 Leisure Plex, Library and Environs (Page 37) - Site Development Framework - 'Building Height/Plot Ratio' as follows:

- Benchmark height of five storeys across the site, with a landmark building of up to nine storeys at the corner of the N11/Lower Kilmacud Road junction
- The transition between the landmark height (9 storeys ) and the benchmark height (5 storeys) must be designed to ensure that excessive massing or bulk in the overall design does not detract from the 'landmark' nature of the nine storey element.
- Height should graduate downward at mutual boundaries with adjoining two-storey properties with a maximum 3 storeys directly facing dwellings at St Laurence's Park.

### **2.18 Alteration No. 18**

Amend Section 4.7.1 'Built Heritage' (Page 47) add the following paragraph at the end:

In the event of the redevelopment of cottages on Stillorgan Hill, including proposals for signage, the applicant will be required to carry out an assessment of the heritage value of the streetscape character of the existing cottages, and should ensure that the proposal makes a positive contribution to the character of the area.

### **2.19 Alteration No. 19**

Amend Section 4.8.6 'Care of Older Persons' Add an Objective under the heading 'Care of the Ageing Population Objectives' (Page 50)

Care of the Ageing Population Objectives

COE1 It is an objective of the Council to encourage and support the provision of nursing homes and assisted living accommodation within the Stillorgan area and to require that such development meet the standards set out in Section 8.2.3.4 (xiii) 'Nursing Homes for the Elderly/Assisted Living Accommodation' of the County Development Plan 2016-2022 and the 'National Standards for Residential Care Settings for Older People in Ireland' (HIQA 2016).

COE2 It is an objective of the plan to work with all local stakeholders who may be involved in the Alzheimer Society of Ireland's 'Dementia Friendly Communities' initiative for Stillorgan.

## **2.20 Alteration No. 20**

Amend Section 4.8.7 'Sports and Recreational Facilities' (Page 51) add the following paragraph to read:

In December 2013, Glenalbyn Swimming Pool, located adjacent to the Plan area and operated by the Council, closed for public safety reasons. The County Development Plan 2016-2022 has a Specific Local Objective (SLO<sub>12</sub>) that seeks 'To support and facilitate the provision of a swimming pool and leisure facility within the Stillorgan area'. This Plan will support the implementation of the Specific Local Objective to provide a new swimming pool and leisure facility within the Stillorgan area.

## 3.0 SEA/AA Screening of Material Alterations

### 3.1 Introduction

The Chief Executive's report on the public consultation process, undertaken for the display of the Draft Local Area Plan, recommends amendments to the Draft LAP, a number of which have been considered to be Material Alterations by the planning authority.

Section 12(7)(aa) of the Planning and Development Act 2000 (as amended) requires that the planning authority consider the potential impact of the Material Alterations on the environment or on Natura 2000 sites as follows: 12(7)(aa) "*The planning authority shall determine if a strategic environmental assessment or an appropriate assessment or both such assessments, as the case may be, is or are required to be carried out as respects one or more than one proposed Material Alteration of the draft local area plan*".

This Section examines the amendments in turn and comments on whether there is a resulting requirement for strategic environmental assessment or appropriate assessment, from each amendment in turn, or taken cumulatively.

### 3.2 SEA Screening of Material Alterations

The Material Alterations to the Draft Stillorgan Plan were assessed with regard to the characteristics of the likely effects of these alterations and of the area likely to be affected, having regard, in particular, to:

- (i) The probability, duration, frequency and reversibility of the effects.
- (ii) The cumulative nature of the effects
- (iii) The transboundary nature of the effects.
- (iv) The risk to human health or the environment
- (v) The magnitude and spatial extent of the effects
- (vi) The value and vulnerability of the area likely to be affected
- (vii) The effects on areas or landscapes which have a recognised European Union or international protection status

Taking into account the aforementioned criteria it is concluded that the Material Alterations to the Stillorgan Draft LAP are not likely to have significant effects on the environment. The key strategies, objectives and policies of the Dún Laoghaire-Rathdown County Development Plan (2016-2022) have been embraced during the preparation of the Stillorgan Draft LAP (2017-2023). Its implementation with regard to residential, economic, transport and community development is perceived not to have any direct adverse effects on international or national designated sites of environmental protection.

It is therefore confirmed that a full Strategic Environmental Assessment is not required in respect of the Stillorgan Draft LAP. Any localised environmental effects as a result of any proposed

development carried out on the land within the Draft LAP area can be dealt with through the assessment of individual planning applications.

The amendments were assessed against the criteria as set out in European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435/2004), as amended by S.I. 200 of 2011, and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. 436/2004), as amended by S.I. 201 of 2011.

### **3.3 AA Screening of Material Alterations**

This Section forms the Screening of Appropriate Assessment (AA) of the Stillorgan Draft Local Area Plan 2017 – 2023 in accordance with the requirements of Article 6(3) of the EU Habitats Directive and in accordance with Part XAB in the Planning & Development Acts 2000-2011.

The obligation to undertake appropriate assessment derives from Article 6(3) and 6(4) of the Habitats Directive and both involve a number of steps and tests that need to be applied in sequential order.

Article 6(3) is concerned with the strict protection of sites, while Article 6(4) is the procedure for allowing derogation from this strict protection in certain restricted circumstances. Each step in the assessment process precedes and provides a basis for other steps. The results at each step must be documented and recorded carefully so there is full traceability and transparency of the decisions made.

The first test is to establish whether, in relation to a particular plan or project, appropriate assessment is required. This is termed Screening for Appropriate Assessment. Its purpose is to determine, on the basis of a preliminary assessment and objective criteria, whether a plan or project, alone and in combination with other plans or projects, could have significant effects on a Natura 2000 site in view of the site's conservation objectives. The need to apply the precautionary principle in making any key decisions in relation to the tests of AA has been confirmed by European Court of Justice case law. Therefore, where significant effects are likely, uncertain or unknown at screening stage, AA will be required.

Circular Letter SEA 1/08 & NPWS 1/08 issued by the Department of Environment, Heritage and Local Government requires that, as a result of European Court of Justice Case 418/04 EC Commission v Ireland, any draft land use plan (or amendments or variations) proposed under the Planning & Development Act 2000 (as amended) must be screened for any potential impact on areas designated as Natura 2000 sites. The results of the screening should be recorded and made available to the public.

The 'Stage 1' Screening process stage of the Appropriate Assessment is to determine:

- a. whether the proposed plan or project is directly connected with or necessary for the management of the European designated site for nature conservation

- b. if it is likely to have a significant adverse effect on the European designated site, either individually or in combination with other plans or projects

Stage 1 Screening for AA of the Stillorgan Draft Local Area Plan has already been carried out and is detailed in Appendix III of the Plan. It was demonstrated that implementation of the Plan was not foreseen to have any likely significant effects on any European Site.

The Material Alterations were assessed based on one or a combination of the following criteria:

- where it can be shown that there are no pathways or links between activities of the Material Alterations, and the site to be screened;
- where the site is located at such a distance from Draft LAP that effects are not anticipated;
- where known threats or vulnerabilities at a site cannot be linked to potential impacts that may arise from the Material Alterations to the Draft LAP; and
- where there are no significant 'in combination' effects.

Through an assessment of the pathways for effects and an evaluation of the Material Alterations to the Draft LAP characteristics, taking account of the processes involved and the distance of separation between European Sites in the wider area, it has been evaluated that there are no likely significant adverse effects on the qualifying interests and the conservation objectives of any designated Natura 2000 sites. The ecological integrity of the relevant Natura 2000 Sites is not foreseen to be significantly affected by the proposed Material Alterations to Draft LAP.

It is concluded that it is unlikely that the Material Alterations to Draft LAP will give rise to any significant adverse effects on designated Natura 2000 sites, alone or in combination with other plans or projects. This evaluation is made in view of the conservation objectives of the habitats or species for which these Natura 2000 sites have been designated. Consequently, a Stage 2 – Natura Impact Statement is not required for the Material Alterations to Draft LAP.