

## **MONTHLY MEETING OF DÚN LAOGHAIRE RATHDOWN COUNTY COUNCIL**

**12 September 2022**

### **Extension of Duration of the Woodbrook-Shanganagh Local Area Plan 2017**

Chief Executive's Report submitted in accordance with Section 19 of the Planning and Development Act 2000 (as amended), to extend the life of the Woodbrook-Shanganagh Local Area Plan 2017.

This report contains the Chief Executive's opinion and 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 provides for the extension of the valid life of a Local Area Plan, in this case the extension of the valid life of the Woodbrook Shanganagh Local Area Plan 2017 for a further period, being not greater than 5 years from 11<sup>th</sup> October 2022 to 10<sup>th</sup> October 2027.

In accordance with Section 19(1)(e)(ii) of the Planning and Development Act 2000 (as amended), this report comprises the Chief Executive's:

- a) Opinion that the LAP is consistent with the objectives and core strategy of the Dun Laoghaire Rathdown County Development Plan 2022 - 2028.
- b) Opinion that the objectives of the LAP have not been substantially secured, and
- c) Confirmation that the sending and publishing of the notices may be deferred and the period for which they may be deferred.

The format of this report is as follows;

- 1: Legislation
- 2: The Woodbrook-Shanganagh Local Area Plan 2017
3. Chief Executive's Opinion
- 4: Concluding opinion (including recommendation and resolution)

#### **1. Legislation**

Section 19 of the Planning and Development Act 2000 (as amended) provides for the extension of the valid lifespan of a Local Area Plan, from a maximum of six years to an effective maximum of ten years in total. Section 19(1)(d), (e) and (f) of the Planning and Development Act 2000 (as amended) states that:

*(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 chief executive of the decision of the authority to defer the sending and publishing of the notices, giving reasons therefor, and*

*(ii) sought and obtained from the chief executive—*

*(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.*

*(f) Notification of a resolution under paragraph (d) shall be published by the planning authority in a newspaper circulating in the area of the local area plan not later than 2 weeks after the resolution is passed and notice of the resolution shall be made available for inspection by members of the public during office hours of the planning authority and made available in electronic form including by placing the notice on the authority's website.*

The Woodbrook-Shanganagh LAP was adopted by DLR County Council at a Council Meeting on the 3<sup>rd</sup> July 2017 and is valid for a period of six years. The provisions of Section 19 of the Planning and Development Act 2000 (as amended) mean that if the Council want to ensure that the lifespan of the Plan remains statutorily valid for ten years, a Resolution must be made not later than 5 years after the making of the Plan.

It is noted that the Government made a number of Orders under section 251A(4) of the Planning and Development Act 2000 (as amended), extending the duration of all relevant periods and timelines specified in planning legislation, as a result of the Covid-19 emergency. The Government Orders extending the duration of all relevant periods and timelines specified in planning legislation are applicable in calculation of the appropriate period within which the Elected Members may 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 the Woodbrook-Shanganagh LAP 2017. This combined with the dead days of Christmas provided for in the planning Acts extended the five years to 11<sup>th</sup> October 2022.

## **2. The Woodbrook-Shanganagh Local Area Plan 2017**

The vision of the Woodbrook-Shanganagh LAP 2017 is to create a new compact sustainable residential community. The Plan Area contains two parcels of land identified for development – lands at Shanganagh Castle and lands at Woodbrook.

The ambition of the LAP is to create a new urban neighbourhood with a strong sense of place where people will want to live, an area that will attract a variety of residents and family types, providing an opportunity to live in a safe people-friendly environment with easy access to the area's unique recreational and amenity assets, including a range of neighbourhood facilities and social infrastructure.

The LAP sets out a range of elements to help deliver its overarching vision to create a new compact sustainable residential community:

- To create an attractive residential neighbourhood at Woodbrook-Shanganagh where people will want to live through all stages of life.
- To create a walkable neighbourhood with key facilities within a 5-10-minute walk from future residential properties.
- To improve pedestrian and cycle connections to, and through, Shanganagh Park providing both strategic and local routes through the LAP area and into the wider area.
- To create a distinctive and vibrant community offering an attractive place to live and visit underpinned by a high standard of urban design.

- To achieve a thriving community with high-quality residential, community, civic and recreational amenities.
- To promote a modal shift to more sustainable modes of transportation – with priority afforded to walking and cycling – to include the provision of a new DART Station at Woodbrook.
- To facilitate and accelerate the delivery of key infrastructure that will, in turn, enable development.
- To enhance the landscape, environmental and architectural heritage within the Plan Area
- To implement the Site Framework Strategies for the two identified residential areas at Shanganagh Castle and Woodbrook and the objectives pertaining to the wider Plan Area.

While the Woodbrook-Shanganagh LAP 2017 is valid for a period of 6 years, the Plan itself did not envisage that the level of development proposed would be developed within the lifetime of the Plan. The LAP acknowledged that it could take ten to fifteen years to deliver the vision of a sustainable community at Woodbrook-Shanganagh and that it would likely have an important role in terms of future housing supply and accommodating future population growth over multiple Development Plans.

## **2.1 Environmental Assessments**

In accordance with the relevant planning and environmental legislation the Woodbrook-Shanganagh LAP 2017 engaged with the Strategic Environmental Assessment, Appropriate Assessment and Strategic Flood Risk Assessment processes.

### **2.1.1 Strategic Environmental Assessment**

Strategic Environmental Assessment (SEA), was carried out in respect of the LAP in compliance with the requirements of the SEA Directive 2001/42/EC.

Having regard to the reasoning and considerations as set out in the SEA Environmental Report (Appendix 5 of the LAP) and having consulted the Prescribed Bodies in accordance with the SEA Regulations 2004 (as amended), it was determined that the Woodbrook-Shanganagh LAP was not likely to have significant effects on the environment.

### **2.1.2 Appropriate Assessment**

Stage 1 Screening for Appropriate Assessment of the Woodbrook-Shanganagh LAP was carried out (Appendix 6 of the LAP) and it was concluded that the LAP was not foreseen to give rise to any significant adverse effects on designated European sites, alone or in combination with other plans or projects.

### **2.1.3 Strategic Flood Risk Assessment**

A Flood Risk Assessment (FRA) of the Woodbrook-Shanganagh LAP was prepared (Appendix 7 of the LAP) and informed having regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities', 2009 (DEHLG & OPW) and the Strategic Flood Risk Assessment (SFRA) undertaken at County level for Dún Laoghaire-Rathdown undertaken as part of County Development Plan 2016-2022 process.

## **3. Chief Executive's Opinion**

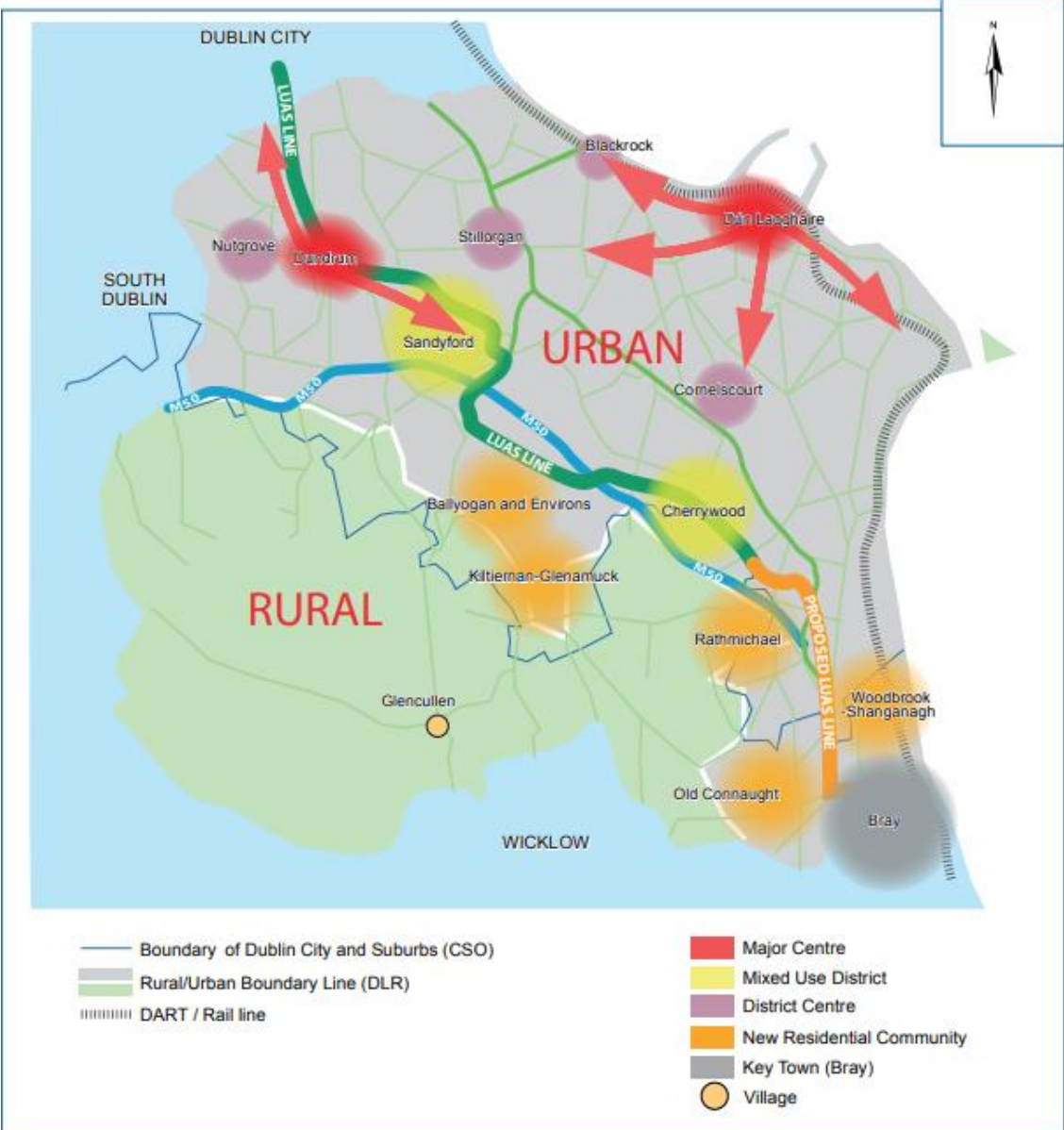
### **3.1 Consistency with the DLR County Development Plan 2022-2028**

The Woodbrook-Shanganagh LAP 2017 was adopted by the Council in July 2017 under the provisions of the DLR County Development Plan 2016-2022. It is the opinion of the Chief

Executive that the Woodbrook-Shanganagh LAP 2017 remains consistent with the objectives and Core Strategy of the recently adopted DLR County Development Plan 2022-2028. The Core Strategy Map of the DLR County Development Plan 2016-2022 identified Woodbrook-Shanganagh as a 'Future Development Area' and the LAP lands were identified as a primary growth node for residential growth in the County. The Woodbrook-Shanganagh LAP makes provision for c. 1,860 homes at the Shanganagh Castle and Woodbrook lands.

The Core Strategy Map of the DLR County Development Plan 2022-2028 identifies Woodbrook-Shanganagh as a 'New Residential Community' (see Figure 1). This designation is consistent with the Dublin Metropolitan Area Strategic Plan (MASP) which identifies Woodbrook-Shanganagh as suitable for the development of a new residential community on the North-South Corridor (DART) strategic development corridor. The Core Strategy Table of the DLR County Development Plan 2022-2028 identifies the lands at Woodbrook-Shanganagh as having a proposed residential yield of c. 2,000 homes (see Figure 2).

Figure 1: DLR County Development Plan 2022-2028 – Core Strategy Map



Source: DLR County Development Plan 2022-2028 (Table 2.9 - p.34)  
 Figure 2: DLR County Development Plan 2022-2028 – Core Strategy Table

Location	RDCA Existing Zoning (Ha)	RDCA Existing Residential Yield	County Development Plan 2022-2028 Proposed Zoning (Ha)	County Development Plan 2022-2028 Proposed Residential Yield
Infill/Windfall – Sites under Construction	35.63	1,837	35.63	1,837
Infill/Windfall – Sites with an extant planning permission not commenced	63.1	1,299	63.1	1,299
Infill/Windfall – Sites with no planning permission	67.13	1,436	67.13	1,436
Infill/Windfall	165.86	4,571	165.86	4,571
Ballyogan & Environs	71.8	4,147	71.8	4,147
Woodbrook-Shanganagh	29.53	1,998	29.53	1,998
Kiltiernan-Glenamuck	59.34	2,015	59.34	2,015
Old Connaught	50.13	2,005	50.13	2,005
Rathmichael	83.05	2,431	83.05	2,431
DLR Total (excluding Cherrywood)	459.73	17,167	459.73	17,167
Cherrywood	93.55	5,596 - 8,186	93.55	5,596 - 8,186
DLR County Total	553.28	22,763 – 25,353	553.28	22,763 – 25,353
<b>Less Actual and Estimated Completions Q1 2020 to Q1 2022</b>				1,877
<b>Adjusted Total</b>				20,886 – 23,476
<b>HST Housing Target Q2 2022 to Q1 2028</b>				15,225
<b>DLR Housing Target Q2 2022 to Q1 2028 (Inclusive of 'Headroom')</b>				18,515
<b>Excess</b>				2,371 – 4,961

Source: DLR County Development Plan 2022-2028 (Table 2.11 - p.35)

Under the DLR County Development Plan 2022-2028, the two main parcels of land identified for future development within the LAP are both zoned Objective 'A1'. The Objective for 'A1' zoned lands is as follows:

*'To provide for new residential communities and Sustainable Neighbourhood Infrastructure in accordance with approved local area plans.'*

These lands were similarly zoned Objective 'A1' under the DLR County Development Plan 2016-2022, the Plan under which the Woodbrook-Shanganagh LAP 2017 was prepared.

The DLR County Development Plan 2022-2028 includes a number of objectives and Specific Local Objectives (SLOs) relating to the Woodbrook-Shanganagh LAP lands. It is considered that the provisions of the Woodbrook-Shanganagh LAP are consistent with these objectives of the 2022-2028 County Development Plan. The relevant objectives of the DLR County Development Plan 2022-2028 pertaining to the LAP area include the following:

- SLO 18 - To promote the development of the Sutton to Sandycove Promenade and Cycleway as a component part of the National East Coast Trail Cycle Route and also the Dublin Bay trail from the boundary with Dublin City up to the boundary with Co. Wicklow. Any development proposal will protect and enhance public access to the coast

where feasible. Any development proposals shall be subject to Appropriate Assessment Screening in accordance with the requirements of the EU Habitats Directive to ensure the protection and preservation of all designated SACs, SPAs, and pNHA(s) in Dublin Bay and the surrounding area.

- SLO 22 - To retain, improve and encourage the provision of sustainable neighbourhood infrastructure facilities within the outlined group of buildings/land.
- SLO 91 - To accord with the policies of the Woodbrook/Shanganagh Local Area Plan.
- SLO 103 - To accord with the policies of the adopted Woodbrook/Shanganagh Local Area Plan.
- SLO 104 - To investigate the potential upgrading of the Wilford Interchange to provide connectivity to lands west of the M11 and Old Connaught Village with any such improvements to be informed by the outcome of the TII`s on-going Corridor Studies.
- SLO 106 - To support the development of a crematorium at Shanganagh Cemetery.
- SLO 109 - To continue the development of Shanganagh Park in accordance with the Masterplan, and to develop a sports facility and improved recreational facilities in the park.
- SLO 111 - To provide a DART Station at Woodbrook.
- `TA` symbol - To provide accommodation for the Travelling Community.
- `ED` symbol - Proposed education site.
- Provision of a public transport interchange at Woodbrook.
- Provision of a new Park and Ride at Woodbrook.
- Woodbrook/Shanganagh Access Road (6 Year Road Objective).
- The Bray to City Centre Core Bus Corridor.

The Building Height Strategy (Appendix 5) allows for the proposals which meet the performance based criteria set out therein to be permitted notwithstanding the provisions of any Local Area Plan.

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

It is the opinion of the Chief Executive that the objectives of the Woodbrook-Shanganagh LAP 2017 have not been substantially secured.

Since the adoption of the Woodbrook-Shanganagh LAP in 2017, there has been, and continues to be, significant ongoing public and private investment in the Plan area. Notwithstanding, the overarching vision of the Woodbrook-Shanganagh LAP to create a new compact sustainable residential community, has not yet been realised.

Since the adoption of the Plan, planning permission has been granted in 2020 (Ref. ABP30584419) for phase 1 of the Woodbrook lands for the development of 685 homes comprising 207 apartments and 478 houses. Construction activity commenced at the site in

Q1 2022 and works are ongoing. The first residential completions at the lands are anticipated in 2023. Further phases have yet to be submitted for planning.

At the Shanganagh Castle lands, planning permission was granted in 2020 (Ref. ABP30658320) for the approval of 597 social and affordable homes. A contractor has been appointed for the development of the residential scheme and works on site are expected to commence in Q3/Q4 2022.

Many of the objectives of the LAP are inter-related with the overarching vision to create a new compact sustainable residential community at Woodbrook-Shanganagh. The following sets out some of the main policy objectives contained within the LAP:

*Policy WS1: To plan for a new residential community at Woodbrook-Shanganagh in accordance with the aims, objectives and principles of 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual – A Best Practice Guide', 2009 and to implement a strategy for residential development based on a concept of sustainable urban villages which involves the commensurate and timely provision of community and recreational facilities.*

*Policy H1: To unlock the potential and accelerate the delivery of housing on the Woodbrook-Shanganagh, working in collaboration with all relevant stakeholders.*

*WS2: To ensure that proper community infrastructure and complementary neighbourhood facilities – including essential supporting social infrastructure such as schools, community amenities and childcare facilities - are provided concurrently with the residential units at Woodbrook-Shanganagh as a new residential growth node and sustainable community.*

*CS1: To support and encourage the provision of community, cultural, recreational and social infrastructure facilities, within the Woodbrook-Shanganagh LAP, including the provision of civic spaces, green amenity areas and quality public realm that provide an attractive setting for future residents and visitors.*

*WS3: To support Irish Water in the facilitation of the timely delivery of the water services – including adequacy of water supply and wastewater network design – as required to realise the development objectives for Woodbrook-Shanganagh as a new residential growth node as set out in the Development Plan Core Strategy and this LAP.*

*WS4: To promote sustainable transport forms such as walking, cycling and public transport as set out in the Government's 'Smarter Travel – A Sustainable Transport Future 2009-2020' and to support planned infrastructure that prioritises public transport, as well as new cycling and pedestrian interconnections to key public transport nodes, school and amenity destinations in the Woodbrook-Shanganagh LAP Area and wider environs.*

In addition, the Local Area Plan includes Site Framework Strategies for both parcels of land identified for development in the LAP area –Shanganagh Castle and Woodbrook. Each Site Framework Strategy includes key site objectives relating to urban design, density, land-use, public realm and open space, community facilities and infrastructure. The LAP also includes detailed phasing schedules for both sites. The primary purpose of the phasing schedules contained in the LAP is to ensure that key elements of infrastructure are delivered in tandem



with residential development as necessary to ensure the proper planning and sustainable development of the area.

While planning permission for residential development has been granted at each of the two primary land parcels identified for future development at Woodbrook-Shanganagh, construction activity has only recently commenced, or is planned to commence in the short term and further development is planned. While progress is being made, there remains a broad range of objectives in relation to inter alia: the delivery of homes and creation of a sustainable residential community; community and social infrastructure; sustainable infrastructure; sustainable movement and accessibility; open space, recreation and green infrastructure; and, urban design and public realm, which have not yet been realised. It is considered that the objectives of the LAP continue to remain both relevant and functional.

It is the opinion of the Chief Executive that the objectives of the Woodbrook-Shanganagh LAP 2017 have not been substantially secured.

### **3.3 Deferral of Notices**

Given that the Woodbrook-Shanganagh LAP 2017 is consistent with the DLR County Development Plan 2022- 2028 and that the objectives of the LAP have not been substantially secured, it is considered appropriate that the sending and publishing of the notices specified under section 20(3)(a)(i) and (ii) of the Planning and Development Act 2000 (as amended) be deferred and that the period for which they be deferred should be 5 years, during which time the objectives identified in the LAP may be achieved.

### **4. Concluding Opinion**

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

- The Woodbrook-Shanganagh LAP 2017 is consistent with the objectives and Core Strategy of the DLR County Development Plan 2022-2028; and,
- The objectives of the Woodbrook-Shanganagh LAP 2017 have not been substantially secured.

In these circumstances, and having regard also to progress made to date, it is appropriate that the life of the Woodbrook-Shanganagh LAP be extended for a period of five years, during which time the objectives contained therein may be realised.

### **Recommendation**

Notify the Chief Executive of the decision of the Planning Authority to defer the sending and publishing of the notices to make, amend or revoke the Wood brook Shanganagh Local Area Plan 2017 – 2023 for the following reasons;

- The Woodbrook-Shanganagh LAP 2017 is consistent with the objectives and Core Strategy of the DLR County Development Plan 2022-2028; and,
- The objectives of the Woodbrook-Shanganagh LAP 2017 have not been substantially secured.

### **Recommended Resolution**

It is recommended that the following Resolution be passed:

That the Members having considered the Chief Executive's Report under Section 19(1)(e)(ii) and having addressed the provisions of Section 19(1)(e)(i), AGREE to the deferral of the required notice under Section 20(3)(a)(i) and 20 (3) (ii) for a period not exceeding five years

and thereby approve the extension of the life of the Woodbrook Shanganagh Local Area Plan 2017, for a further period of 5 years from the 11<sup>th</sup> October 2022 to 10<sup>th</sup> October 2027.

**Note.**

For completeness, if the above resolution is agreed the Plan will be in place until the 1<sup>st</sup> December 2027. This takes into account a further 45 days (dead days of Christmas) as set out in the legislation.

**Owner:** Louise McGauran, Senior Planner