

# **Chapter 1:** Planning Scheme

# 1 Planning Scheme

## 1.1 Introduction

Dún Laoghaire-Rathdown County Council, which has been specified as the Development Agency by Government Order, has prepared this Planning Scheme for the Cherrywood Strategic Development Zone (SDZ) (see Map 1.1). It comprises a written document with maps, drawings and appendices. A Strategic Environmental Assessment Environmental Report, an Appropriate Assessment Screening Report and The Cherrywood Biodiversity Plan also accompany the scheme.



## 1.2 Structure of Scheme

The structure of the Planning Scheme is as follows:

### Chapter 1. Introduction, Context, Strategy and Purpose.

- This Chapter explains what an SDZ is, the background to the SDZ designation, and the policy context for the Planning Scheme. It sets out the National, Regional and Local Policy context as appropriate. With this foundation the Chapter sets out the vision, principles, and themes for Cherrywood, which underpin all the Chapters and aspects of the Planning Scheme.

### Chapter 2. Proposed Development in Scheme

- This Chapter sets out the nature, type and extent of development that will be permitted in the Planning Scheme area, and establishes a framework for the built form in Cherrywood.

### Chapter 3. Cultural and Built Heritage

- This Chapter details the broad range of archaeology and protected structures in Cherrywood, and establishes guidelines for their protection and future development.

### Chapter 4. Physical Infrastructure

- This Chapter identifies the existing infrastructure in the area and sets out the services required to provide for the quantity of development envisaged in Cherrywood. It also sets out a sustainable multi modal transport strategy for the Plan Area to provide for sustainable travel to, from and within Cherrywood, and addresses energy, telecoms, utilities and waste management.

### Chapter 5. Green Infrastructure and Biodiversity

- This Chapter identifies the existing green infrastructure in Cherrywood and details the scheme's open space strategy, a green linkages plan, and biodiversity actions.

### Chapter 6. Development Areas – Type, Extent and Overall Design

- This Chapter divides the Plan into 8 Development Areas and sets out the extent, scale, nature and form of each of these development areas. The physical infrastructure to be delivered with the development of each area is also stipulated.

### Chapter 7. Sequencing and Phasing of Development

- This Chapter sets out the sequencing of Development Areas and the phasing of development and services within Cherrywood.

## 1.3 Introduction and Context

### What is an SDZ?

Part IX of the Planning and Development Act 2000 – 2011 provides that the Government may designate a Strategic Development Zone, and specify the types of development which may be permitted. This designation is done to facilitate development, which in the opinion of the Government, is of economic or social importance to the State. The types of development for which a zone may be established include industrial, residential and commercial development, the scale of which is of importance in a national context.

The SDZ planning process is set out in Sections 165 to 171 of the Planning and Development Act 2000 – 2011 which provides that a Planning Scheme is prepared by a Development Agency specified by the Government. Dún Laoghaire-Rathdown County Council was specified as the Development Agency for the purposes of preparing the Planning Scheme for Cherrywood. When land is designated as an SDZ by Government Order, in this case on the 25th May 2010, the Development Agency must prepare a Planning Scheme in respect of all or any part of the zone within 2 years of the Government Order.

### Nature and Scale of Scheme

A Planning Scheme must indicate the types of development that may be permitted within an SDZ. The Government Order designating Cherrywood as a site for an SDZ, S.I NO. 535 of 2010, states that Cherrywood SDZ may accommodate:

“residential development and the provision of schools and other educational facilities, commercial activities, including office, hotel, leisure and retail facilities, rail infrastructure, emergency services and the provision of community facilities as referred to in Part III of the First Schedule to the Act, including health and childcare services”.

### Statutory Timeline for Public Display and Decision Making

The statutory process for the making of a Planning Scheme is set down in the Planning and Development Act 2000-2011 Section 165.

- **Weeks 1-6** The draft Planning Scheme shall be advertised, circulated to the Minister and the prescribed bodies and put on public display for 6 weeks, during which time members of the public are invited to make written submissions and observations.
- **Weeks 7-18** Within 12 weeks of giving notice of the scheme, a Manager's Report shall be prepared on any submissions or observations received during the public display period, and submitted to the Elected Members of the Local Authority for their consideration. Within 6 weeks of the submission of the Manager's Report, the Elected Members decide by resolution to:
  - Make the Planning Scheme
  - Vary the Planning Scheme
  - Not to make the Planning Scheme

If the Planning Scheme is varied by the Elected Members, the variation to the draft Planning Scheme may need to go through a further public consultation process and back to the elected members for consideration and adoption.

The Development Agency or any person who made a submission or observation in respect to the draft Planning Scheme may within 4 weeks of the making of the Planning Scheme appeal the decision of the Planning Authority to An Bord Pleanála. If there is an appeal it normally takes the form of an oral hearing. Subsequently the Board may decide to approve the Planning Scheme with or without modifications, or to refuse to approve the scheme.

#### Adopted Planning Scheme

Once an SDZ Planning Scheme is made by the Council and confirmed by An Bord Pleanála applicants can apply for development. If planning applications are in accordance with the adopted Scheme, they must be granted by the Planning Authority subject to conditions and the applicant/developer may proceed with the proposed development. If a planning application is not consistent with the Planning Scheme, it must be refused by the Planning Authority. Submissions / observations may be made by the public to planning applications within the Planning Scheme boundary, however, it should be noted that there is no provision for appeals to An Bord Pleanála by any parties.

The adopted Planning Scheme is a stand alone planning document from the County Development Plan and is not superseded by future County Development Plans. Where the Planning Scheme document does not address an aspect of a development proposal the assessment will be based on the policies and objectives of the current<sup>1</sup> County Development Plan.

#### SEA and AA

Strategic Environmental Assessment (SEA) is a statutory requirement for assessing the likely effects on the environment of plans and programmes and incorporating environmental considerations into their preparation. The Planning and Development (Strategic Environmental Assessment) Regulations 2004 require that SEA is carried out for all SDZ Planning Schemes. The SEA and the Planning Scheme work together in an iterative process. The Environmental Report is a separate document which accompanies the Planning Scheme, and details the environmental considerations in drafting the Planning Scheme.

An Appropriate Assessment screening of the Planning Scheme has been carried out, and this concluded that there is no requirement for an Appropriate Assessment to be undertaken. A copy of the Appropriate Assessment Screening Report accompanies the Planning Scheme.

#### Cherrywood Biodiversity Plan

This Plan accompanies the Planning Scheme and should be read in tandem with the maps and sections of the Planning Scheme where appropriate. The function of this Plan is to provide a strategy for the retention, protection and management of ecological resources of the area. Its objectives are to achieve the following during the implementation of the Planning Scheme:

- Avoid or minimise the disturbance to or loss of semi-natural habitats.
- Avoid or minimise the disturbance to or loss of protected flora and fauna.
- To encourage retention of existing habitats of ecological importance as part of green infrastructure and hence create ecological corridors.

- To promote management of retained and newly created habitats in order to maximise their biodiversity potential and minimise the net loss of biodiversity in the area.

## 1.4 Background

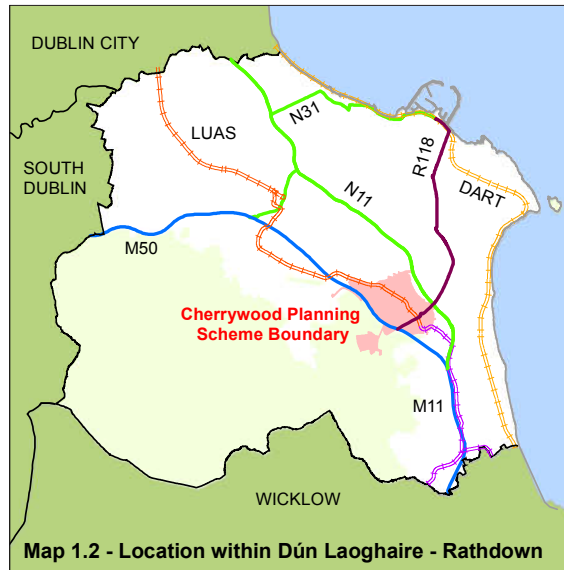
#### Why an SDZ for Cherrywood?

It was recognised that Cherrywood had the potential to be a major new residential and employment settlement in the County and the Region in the context of the sustainable provision of all associated social and physical infrastructure.

The Planning Scheme is capable of providing greater certainty regarding the phasing and delivery of new development, in tandem with the provision of essential infrastructure to serve and facilitate the development. The life of the Planning Scheme is not limited to a legal timeframe set down by the Planning and Development Acts.

#### The Designation of Cherrywood

In 2008 the Government was requested by Dún Laoghaire-Rathdown County Council to consider designating Cherrywood as a Strategic Development Zone. The lands are strategically located and have significant potential in terms of development. It was acknowledged that in order to achieve a significant scale of development in a sustainable manner, a highly co-ordinated approach to development by the landowners and service providers would be required. The SDZ legislation was considered a more appropriate procedure than a Local Area Plan process to achieve the overall aims of the plan, and to provide a framework over a longer timescale for the full-delivery and build-out of the Plan Area. In May 2010 Cherrywood was designated a Strategic Development Zone by the Government.



In the two intervening years, between the request for designation in 2008, and the actual designation in 2010, a number of important Guidelines and Plans had been produced, which have been incorporated into the plan making process. These include the Regional Planning Guidelines 2010, The Retail Strategy for the Greater Dublin Area 2008 and The Flood Risk Management Guidelines 2009. In addition, a new County Development Plan was adopted in 2010, and the economic climate had altered significantly from what it was in 2008. Local-level studies had continued in this period, on surveying and mapping biodiversity within the Plan Area, and on transport infrastructure modelling capacity for the site.

#### Site description and context

The Strategic Development Zone lands, of approx. 360 hectares which are located in the administrative area of Dún Laoghaire-Rathdown, (see Map 1.2) are the largest undeveloped land bank in the County and one of the most sizable undeveloped areas within the Dublin Metropolitan Area. The lands are located approximately 16km south east from Dublin City Centre, 8 km south of Dún Laoghaire, 3 km from the coastline, and 4 km from the Dublin Mountains. There is an historical connection to the Dublin Mountains, with Cherrywood originally being part of their hinterland, which has been severed somewhat by the completion of the South Eastern Motorway [M50] (see Map 1.2). The lands have a varied landscape and topography, flanked by three valleys; Druid's Glen, Bride's Glen and the Cherrywood/Loughlinstown River Valley, and the historical ruins of Tully Church identifying the high point of the Plan Area (see Map 1.3).

The boundaries of the area are characterised by housing along Cherrywood Road, the N11 and Brennanstown Road. The majority of the Plan Area is undeveloped and rural in context with dispersed housing along Lehaunstown Lane. There is some recent residential development in the form of housing and apartments and an emerging business park. These are located close to the D loop at the Wyattville Interchange.

The bulk of the lands are located between the N11 and the M50, with strategic road network connections, and a Quality Bus Corridor along the N11 to the city centre. Public transport infrastructure has been further improved in recent years with the extension of the Luas Green Line from Sandyford providing 5 No. Stops within the Plan Area: Carrickmines, Brennanstown, Laughanstown, Cherrywood and Bride's Glen.

#### Planning Scheme Boundary

As shown on Map 1.4 the boundary of the Planning Scheme differs to the area designated a Strategic Development Zone for Cherrywood. The Planning Scheme Area has been reduced to include only lands that benefit from investment in the common infrastructure in the scheme, and to remove land not required for road infrastructure.

The Tullyvate and Druid Valley developments have been excluded from the Planning Scheme so as not to encumber these residents with costs associated with future development. It should be noted that they, as existing residents, will benefit from the services and amenities proposed and they are included in the final population figures for the completed scheme.

<sup>1</sup> Where reference is made to the 'current' County Development Plan or Guidelines, it means the document that is current at the date of the decision of a planning application.



**Map 1.3 - Planning Scheme Boundary**

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## 1.5 National, Regional, and Local Context

The Planning Scheme for Cherrywood has been informed by National, Regional and County Guidelines and Plans. These are set out below.

### The National Spatial Strategy 2002-2020

The focus of The National Spatial Strategy (NSS) is on fostering a closer match between where people live with where they work. The NSS established a detailed sustainable planning framework for strategic spatial planning to ensure development is targeted at the most appropriate locations. The NSS places emphasis on the creation of high quality living environments through urban design and the integration of social and community amenities.

### Smarter Travel – A Sustainable Transport Future (2009)

“Smarter Travel” is the Government’s action plan to free towns and cities from traffic congestion, substantially cut CO<sub>2</sub> emissions, encourage car based commuters to leave their cars at home, and encourage a shift towards walking, cycling and greater public transport usage.

### Greater Dublin Area – Draft Transport Strategy 2011 – 2030

This document sets out the National Transport Authority’s Strategic Transport Plan for the Greater Dublin Area for the period up to 2030. The objective of the transport strategy is to provide a long-term strategic planning framework for the integrated development of transport infrastructure and services in the GDA. At the heart of this strategy is the requirement that land use planning and transport planning need to be considered together in the overall development of the region.

### Regional Planning Guidelines for the Greater Dublin Area 2010-2022

The settlement strategy identifies Cherrywood as a ‘Large Growth Town II’, the only one within the M50 corridor in the Dublin area. It is projected to be economically vibrant with high quality transport links to larger towns/city. It is envisaged that Cherrywood will ultimately accommodate in the region of 15,000-30,000 persons, which is stated as a range suitable to the scale of the town. The Regional Planning Guidelines further state that Cherrywood should form part of a Core Economic Area consisting of Bray/Cherrywood/Greystones.

### Retail Strategy for the Greater Dublin Area 2008-2016

The Strategy outlines a retail hierarchy for the various towns within the greater Dublin area (Metropolitan and Hinterland areas) and categorises Cherrywood as a ‘Level 3 Town’, within the Metropolitan area. It proposes to facilitate and promote the development of Cherrywood Town Centre on a phased basis as a large scale urban district centre located within a high density environment subject to the provision of light rail links, a sufficient resident population exceeding 10,000 and the preparation of an approved urban design master plan.

### Dún Laoghaire-Rathdown County Development Plan 2010-2016

This County Development Plan states that the Cherrywood Strategic Development Zone (SDZ) is the most significant and strategic development opportunity available to Dún Laoghaire-Rathdown to realise the County’s aspirations and requirements for additional enterprise floorspace and residential units in one of its most sustainable locations.

## 1.6 Vision for Cherrywood

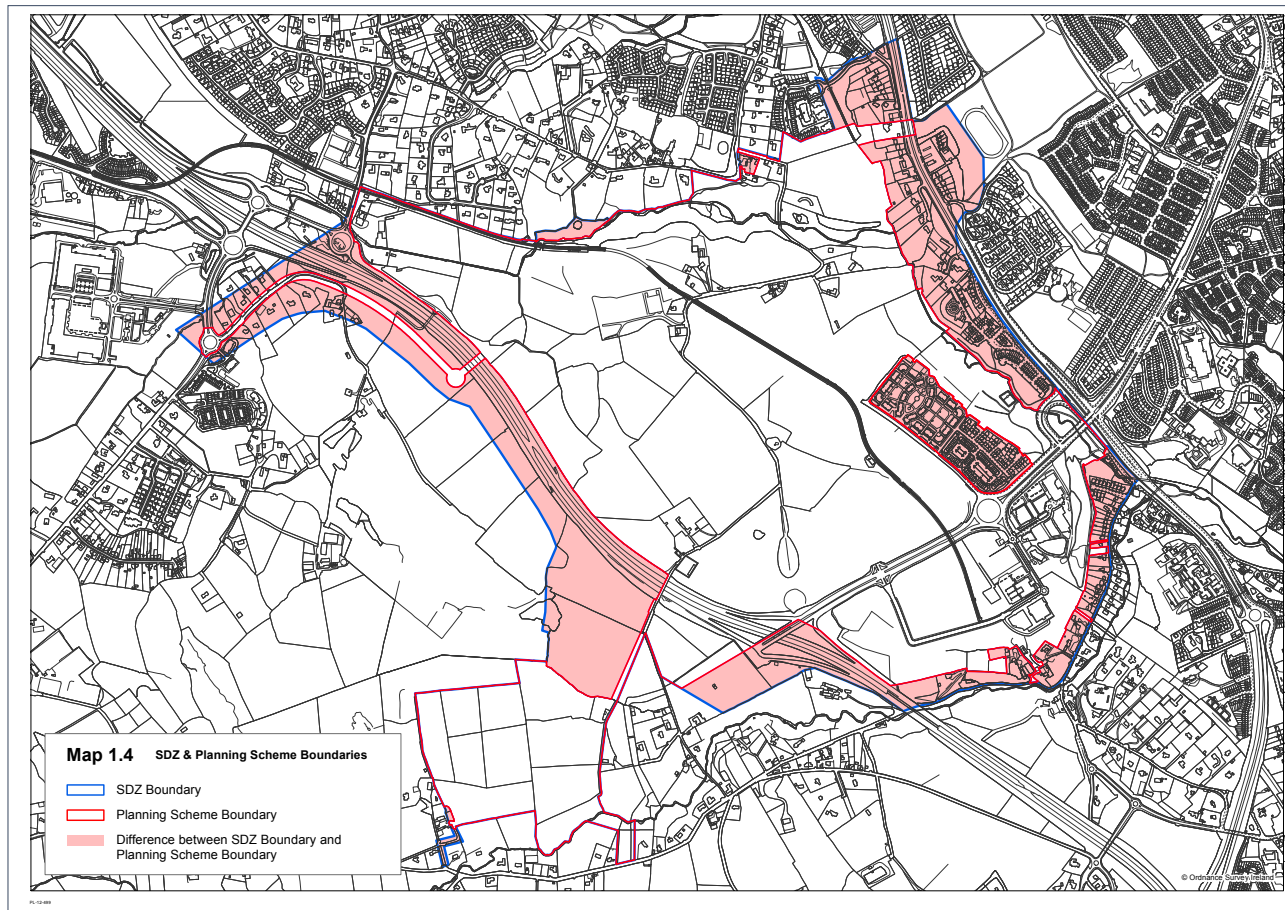
The over arching vision for the Planning Scheme is:

- To create a sustainable place with a rich urban diversity, which respects its historical and natural setting while also facilitating innovation and creativity.
- To spatially develop a cohesive and diverse community with a strong identity and environmental integrity.
- To contribute to the economic growth of the County through the development of a vibrant economic community anchored around the Town Centre.
- To provide a safe and friendly environment where people can live, work and play within an envelope of sustainable, integrated transport with a primacy of soft modes of transport throughout.

## 1.7 Principles for Cherrywood

The main principles guiding the future development of Cherrywood are:

- To promote the growth of Cherrywood which enhances and supports balanced sustainable growth in the Greater Dublin Region and does not undermine the vitality and viability of other areas in the County and the Region.
- To create the framework for the development of a sustainable town and three villages with a supporting range of uses for the resident, working and visiting population.
- To link the area to its immediate hinterland and adjoining communities by restoring connectivity that has been severed by major roads.
- To work with the landscape by designing a form that is specific to Cherrywood, with a network of places each responding to its setting, landscape and climate.
- To balance the employment, commercial and retail base of Cherrywood with the future residential growth of the Plan Area.
- To create an environment that promotes / facilitates internal pedestrian and cycle movement meeting the requirements of Smarter Travel.



## 1.8 Four Themes for Cherrywood

There are four recurrent themes underpinning the plan for Cherrywood:

- That Cherrywood will be unique.
- That services and facilities will be available locally.
- That life in Cherrywood will be inclusive.
- That development will respond positively to environmental opportunities.

## 1.9 Purpose

In line with National, Regional and County Guidelines and Plans, the purpose of the Planning Scheme is to set out the form, scale and nature of development and supporting infrastructure that will enable the delivery of smart growth that is economically sound, environmentally friendly, and supportive of healthy communities – growth that enhances quality of life.

## 1.10 Sustainable Development

In producing the Planning Scheme the Local Authority recognises the economic change in the Country, and notes that this has led to a pressure to provide development that responds to the current market. It is also noted that the Regional Planning Guidelines 2010-2022 population and housing projections for the Greater Dublin Area may not be reached by the target date.

Cherrywood is a development area of significance to the Greater Dublin Area and to the long-term growth of Dún Laoghaire-Rathdown. Given the existing infrastructure investment in public transport, water and waste management, and utilities, it is considered that Cherrywood should be developed in a sustainable fashion that maximises the capacity of the public investment and of these strategically located lands. In this regard development should be of a sufficient intensity to achieve a critical mass that ensures the sustainable use of the infrastructure and enables the creation of self-sufficient communities in which people can live, work, and play.

