

MEETING OF DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL

10TH SEPTEMBER 2012

REPORT SUBMITTED IN ACCORDANCE WITH SECTION 19 OF THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED) IN RELATION TO STILLORGAN LOCAL AREA PLAN 2007-2012.

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 Stillorgan 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

Stillorgan Local Area Plan (LAP) was adopted by Dún Laoghaire-Rathdown County Council on 8 October 2007 and was valid for a period of 5 years, until 8 October 2012. 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 Local

Area Plan, in this case not later than 8 October 2012, whether the Local Area Plan in question is to be reviewed or whether it is more appropriate to extend the life of the Local Area Plan for a period not exceeding an additional 5 years.

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

- (I) that the Local Area Plan is 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

The Stillorgan Local Area Plan 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 a Local Area Plan, the Planning Authority must ascertain that the Local Area Plan remains consistent with the objectives and Core Strategy of the current County Development Plan – the Dún Laoghaire-Rathdown County Development Plan, 2010-2016.

The Stillorgan Local Area Plan 2007 is focussed around the District Centre of Stillorgan. The main purpose of the Local Area Plan is to facilitate the physical improvement of and accessibility to its facilities and retail provision in line with its District Centre status in order for it to be able to serve its catchment population. The development of Stillorgan, as envisaged in the Stillorgan Local Area Plan, is a central objective of the Dún Laoghaire-Rathdown County Development Plan, 2010-2016 and is a key objective in satisfying the requirements of the Core Strategy and in particular the Greater Dublin Area Retail Strategy 2008-2016.

Core retail objectives incorporated in the County Development Plan and the 'Greater Dublin Area Retail Strategy 2008 – 2016' are focussed on establishing a coherent overall retail hierarchy and the enhancement, renovation and reinvention of some of the more dated Level 3 Retail Centres in the County - of which Stillorgan District Centre is one.

The objectives of the Stillorgan Local Area Plan 2007, in relation to retailing, are consistent with the Dún Laoghaire-Rathdown County Development Plan and the broad objectives of the 'Retail Guidelines for Planning Authorities' 2012 which address:-

- The retail hierarchy, the role of centres and the inclusion of floorspace guidelines in relation both to the Level 2 Major Town Centres and Level 3 District Centres in the County.
- Definition of the boundaries of the core shopping areas of the Major Town Centres and District Town Centres.
- Identification of additional retail floorspace requirements over the lifetime of the Plan.
- Specific Policies on initiatives to encourage improvements to Major Town Centres and District Centres.
- Identification of relevant criteria for the assessment of new retail development.

The 'Overall Strategy' of the County Development Plan 2010-2016 includes an objective, *"To continue to encourage a polycentric settlement pattern by developing and expanding established towns, district centres and urban villages in the urban area where these are served by sustainable public transport services"*.

The 'Overall Strategy', and subsequently the 'Core Strategy' (Variation No. 4 of the County Development Plan 2010-2016), also focuses upon the consolidation and protection of existing and 'pipeline' retail centres and to adopt a more considered and cautionary approach to the provision of significant additional retail floorspace throughout the Plan period

The objectives of the Stillorgan Local Area Plan are also consistent with the Specific Objectives for Stillorgan District Centre as outlined in Section 7.8.1 (County Development Plan 2010-2016) and are as follows:

- To promote the future redevelopment of Stillorgan as a multi-faceted, mixed-use sustainable District Centre having regard to the broad objectives of the adopted Stillorgan Local Area Plan.
- The regeneration and redevelopment of Stillorgan District Centre should create an urban context in respect of scale, design and layout.
- Good quality residential development shall be encouraged to ensure vitality and animation both day and night.
- The creation of quality spaces and enhanced public realm will be a prerequisite.
- Priority movement for pedestrians, cyclists and public transport should be ensured. The influence and impact of the private car on the environs of the District Centre to be moderated.
- Residential amenity of established residential areas on the fringes of the District Centre to be protected and, where possible, enhanced.
- Net retail sales area in Stillorgan District Centre zoned lands to be 25,000sqm.

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 Stillorgan District Centre. Section 8 of the Environmental Report evaluates the Plan's goals, aims, policies and objectives of the County Development Plan. Those of particular relevance to Stillorgan are: Retail and Specific Objectives for Stillorgan District Centre; Community facilities; Sustainable Travel and Transportation; Environmental Infrastructure; Urban Design and Specific Local Objectives.

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

There have been no major planning permissions for development granted by the Council within the Stillorgan LAP boundary since the adoption of the Stillorgan Local Area Plan.

On the basis that no major development has proceeded to date, the policies and objectives of the Local Area Plan – in relation to the Land Use Strategy, accessibility and transportation, community uses, public realm, and infrastructure - have clearly not been met.

5. Concluding Opinion

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

- the Stillorgan 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 LAP be extended by a period of five years, during which time the objectives identified in the Local Area Plan may be achieved. Accordingly, it is recommended that the following Motion be passed.

Recommendation:

'To extend the life, by a further five years (i.e. up to and including 8 October 2017), of the Stillorgan Local Area Plan, 2007, 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, given current economic circumstances, is both necessary and in accordance with the proper planning and sustainable development of the area'.

Kathleen Holohan
Director of Planning