

MONTHLY MEETING OF DÚN LAOGHAIRE RATHDOWN COUNTY COUNCIL

13 May 2024

Extension of Duration of the Ballyogan and Environs Local Area Plan 2019

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 Ballyogan and Environs Local Area Plan 2019.

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 Ballyogan and Environs Local Area Plan 2019 for a further period, being not greater than 5 years from 13th May 2024 to 13th May 2029 (noting that this will extend to 27th June 2029 when the 45 days over Christmas are taken into account (9 days per annum x 5 years)).

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 Dún 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 Ballyogan and Environs Local Area Plan 2019
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 Ballyogan and Environs Local Area Plan 2019 was adopted by DLR County Council at a Council Meeting on the 1st July 2019 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 wishes 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 Ballyogan and Environs LAP. This combined with the dead days of Christmas provided for in the planning Acts extends the six years to 10th October 2025.

2. The Ballyogan and Environs Local Area Plan (BELAP) 2019

The 2019 Ballyogan and Environs Local Area Plan was the first Statutory LAP to be prepared for the Ballyogan and Environs area although there was an earlier Stepside Area Action Plan (2000) which covered some of the same area. Specific Local Objective 135 of the dlr County Development Plan 2016 - 2022 required a Local Area Plan to be prepared for the area. The LAP area includes Glencairn, the central and eastern parts of Stepside, Ballyogan, The Park Carrickmines, sections of Glenamuck Road and Kilgobbin Road, the former Ballyogan landfill, and part of the Leopardstown Racecourse campus. Parts of the area are already 'built up' while others are in use for agriculture or other low-intensity uses. The LAP respects the variation between the different places within the BELAP boundary, while also seeking to connect these places together. The LAP uses the concept of 'Quarters' and 'Neighbourhoods' throughout as a way to better understand the area.

The Plan also includes environmental assessments in the form of SEA and AA screening, and the preparation of a Strategic Flood Risk Assessment (SFRA).

Section 3 of the BELAP sets out the vision for the LAP lands which is "*to help the BELAP area to develop as a good quality place to live, work, and visit*". The overarching vision also focuses on "*the need to provide new and improved linkages through the BELAP area, with a focus on sustainable modes of transport, and on linking residential areas to Neighbourhood Centres, community facilities, schools and the Luas Green Line, as well as providing recreational routes that capitalise on the area's natural heritage*".

The LAP also sets out site development frameworks for substantial undeveloped sites. It is estimated in the LAP that undeveloped sites could yield circa 4,200 additional new homes.

The quarters set out are as follows;

- The Glencairn Quarter – An objective of the LAP is to encourage and support the further development of Leopardstown Valley in its role as a Neighbourhood Centre.
- The Ballyogan quarter – The plan sets out a site development framework for comprehensive and integrated development at Racecourse South.
- The Kilgobbin Quarter – The Plan sets out a Site Development Framework for the western portion of the Quarter.
- The Stepside Quarter - The Plan seeks to preserve and enhance the village character and function of Stepside, as well as delivering pedestrian and cycle linkages through to Ballyogan Road. The repurposing of the former Ballyogan Landfill as Jamestown Park, with linkages to surrounding areas, is also a primary focus of the plan.
- The Carrickmines Quarter – The LAP supports the delivery of a Neighbourhood Centre for the northeast Quadrant of The Park Carrickmines, while securing the overall primary use of these lands for Employment.

The LAP also contains detailed policies on transport and movement with a focus on providing a high-quality pedestrian and cycle network and on facilitating the delivery of new and improved crossing opportunities of the M50 within and adjacent to the BELAP area. A detailed series of proposed new linkages are set out in the LAP.

A pre-draft public consultation process was conducted, and public submissions raised, *inter alia*, issues related to pedestrian cycle movement, future development and leisure and amenity. These submissions were considered in the drafting of the LAP.

The Draft Local Area Plan was placed on display for a period of 6 weeks from the 3rdth April January 2019 to the 14th May 2019 during which submissions and observations were invited from the public and interested parties. Following this period of public consultation, a report summarising the issues raised and the Chief Executive's recommendation was prepared.

The Elected Members had 6 weeks to consider the report and opted to make the Local Area Plan without any material amendments at a Council meeting held on the on the 1st July 2019.

2.1 Environmental Assessments

In accordance with the relevant planning and environmental legislation the Ballyogan and Environs LAP 2019 process involved screening for Strategic Environmental Assessment, Appropriate Assessment as well undertaking a Strategic Flood Risk Assessment processes.

2.1.1 Strategic Environmental Assessment

A full Strategic Environmental Assessment was carried out for the Ballyogan and Environs Local Area Plan. The SEA set out that as the Plan provided for land use development and activities, potential conflicts with environmental components could arise. Mitigation measures were set out.

2.1.2 Appropriate Assessment Screening

The Appropriate Assessment screening process considered potential effects which may arise during all phases of the implementation of the Ballyogan and Environs LAP.

Through an assessment of the pathways for effects and an evaluation of the LAP characteristics, taking account of the processes involved and the distance of separation between European Sites in the wider area, it was concluded that the Plan would not give rise to any effect on the ecological integrity of any European Sites, alone or in combination with any other plans, programmes, and projects etc.

Consequently, a Stage 2 – Natura Impact Statement was not deemed to be required for the LAP.

2.1.3 Strategic Flood Risk Assessment

A Flood Risk Assessment (FRA) for the Ballyogan and Environs LAP was prepared and was 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.

The Ballyogan and Environs LAP 2019 incorporates flood risk management objectives and emphasises the inclusion of Sustainable Drainage Systems (SUDS) measures in future development proposals.

3. Chief Executive's Opinion

3.1 Consistency with the DLR County Development Plan 2022-2028

The Ballyogan and Environs LAP 2019 was adopted in July 2019 under the provisions of the DLR County Development Plan 2016-2022. It is the opinion of the Chief Executive that the Ballyogan and Environs LAP remains broadly consistent with the objectives and Core Strategy of the DLR County Development Plan 2022-2028.

Core Strategy

Regard is had to the Section 28 "Local Area Plans Guidelines for Planning Authorities" 2013 which specifically reference the fact that a LAP cannot be prolonged in lifespan if it is inconsistent with the core strategy.

In the dlr County Development Plan 2016-2022 core strategy map the Ballyogan and Environs area is shown in the overall Metropolitan area and is identified in figure 1.3 as serviced lands. The LAP lands fell into a wider infill area with the ability to provide 18,000 homes.

The current 2022-2028 Development Plan identifies Ballyogan and Environs as a 'New Residential Community' within the comparable boundary of Dublin City and Suburbs. The core strategy table for the current CDP (table 2.11) divides out the number of units within serviced lands between the various LAPs and also includes a general windfall/infill category. It identifies that the LAP could provide for circa 4,200 new homes.

The LAP figure of circa 4,200 new homes is consistent with the core strategy.

Figure 1 below, which is an extract from the 2022-2028 development plan (page 45) outlines the LAP program for the County. It is noted that the table states that the Ballyogan and Environs LAP is broadly consistent with the core strategy.

Table 2.16: Local Area Plan-Making Programme

Local Area Plan	Plan Period	Adopted	Extended to	Compliance with Core Strategy
Ballyogan and Environs LAP 2019-2025	6 Years	July 2019		Broadly consistent with the Core Strategy.
Sullorgan LAP 2018-2024	6 Years	September 2018		Broadly consistent with the Core Strategy.
Woodbrook-Shanganagh LAP 2017-2023	6 Years	July 2017		Broadly consistent with the Core Strategy.
Blackrock LAP 2015-2021	10 Years	March 2015	March 2025	Broadly consistent with the Core Strategy.
Goatstown LAP 2012-2018	10 Years	April 2012	April 2022	Broadly consistent with the Core Strategy.
Kiltiernan-Glenamuck 2013-2018	10 Years	September 2013	September 2023	Broadly consistent with the Core Strategy.
Dundrum				New Plan to be prepared.
Dún Laoghaire and Environs				Plan being prepared.
Old Connaught				New Plan to be prepared.
Rathmichael				New Plan to be prepared.
Glencullen				New Plan to be prepared.
Sallynoggin				New Plan to be prepared.
Deansgrange				New Plan to be prepared.
Ballybrack/Loughlinstown				New Plan to be prepared.
Clonskeagh/UCD				New Plan to be prepared.

Figure 1: Extract from dlr CDP 2022-2028, Core Strategy (page 45)

The redevelopment of the balance of the key development sites identified in the LAP in accordance with their site development frameworks and in keeping with the mix objectives of the current CDP, is considered to be consistent with the core strategy.

Zoning

Under the DLR County Development Plan 2022-2028, the zoning of land within the LAP boundary has remained broadly similar, with the exception of changes to incorporate the new SNI – Sustainable Neighbourhood Infrastructure land use zoning objective which was introduced in the 2022 CDP. Gaelscoil Taobh na Cille, Gaeolscoil Sliabh Rua, Holy Trinity National school, Stepside Educate Together primary and secondary schools (separate campuses) are all subject to the new land use zoning objective SNI. The balance of the lands in the LAP area, remains unchanged from the zoning that was in place at the time that the LAP was adopted in 2019. Within the Clay Farm area there were a few strips of lands that were subject to land use zoning objective A - To protect and /or improve residential amenity in the 2016 Plan and which are zoned land use objective F – To preserve and provide for open space with ancillary active recreational amenities – in the 2022 – 2028 CDP. This change in zoning was informed by the BELAP as the site development framework for the Kilgobbin lands detail these areas as open space and/or ecological corridors to be retained.

Development Plan Objectives 2022-2028

The DLR County Development Plan 2022-2028 includes several objectives and Specific Local Objectives (SLOs) relating to the LAP lands. The relevant objectives of the DLR County Development Plan 2022-2028 pertaining to the LAP area include the following:

Type	Objective	Response
Specific Local Objective (SLO) 61	To implement and develop the lands at Ballyogan and Environs in accordance with the adopted Ballyogan and	Consistent with and supportive of the terms of the LAP.

	Environs Local Area Plan, and the Specific Local Objectives, therein.	
Specific Local Objective (SLO) 78	To review and update the 2006 Masterplan for the proposed Jamestown Park to provide parklands in association with the developing areas of Stepside, Ballyogan and Kiltiernan. These lands will be gradually developed and opened to the public on an incremental basis.	LAP is consistent with this objective. Section 9.1.6 which relates to the intention to convert and develop this 62 hectare former landfill at Jamestown into a parkland amenity and Policy BELAP ENV1 – Masterplan for Jamestown Park: To support and facilitate the development of a detailed Masterplan to develop Jamestown Park as a public area to support new housing development in the area are both consistent with this SLO.
Objective (multiple)	To protect and preserve Trees And Woodlands	Consistent with and supportive of the terms of the LAP.
Specific Local Objective 145	To investigate the feasibility of providing an animal sanctuary in Jamestown Regional Park.	LAP is consistent with this objective. Section 9.1.6 which relates to the intention to convert and develop this 62 hectare former landfill at Jamestown into a parkland amenity and Policy BELAP ENV1 – Masterplan for Jamestown Park: To support and facilitate the development of a detailed Masterplan to develop Jamestown Park as a public area to support new housing development in the area are both consistent with this SLO.
Specific Local Objective 82	To provide for the development of a Neighbourhood Centre in the north-east 'quadrant' of the Park, Carrickmines, with a net retail floorspace cap of 6000 sq.m. (approximately), and a leisure facility, to assist the existing and future retail and leisure needs of the growth areas of Carrickmines, Stepside, Ballyogan and Kiltiernan-Glenamuck, while also protecting employment use at this location. Any future development of the north east quadrant should ensure that the Ballyogan link road, parkland area and greenway (as pertaining to the lands) are completed and available for use by the	LAP is consistent with the CDP as the LAP identifies a new neighbourhood centre at The Park, Carrickmines as an opportunity and also includes Policy BELAP RET13 – Neighbourhood Centre: To provide for the development of a Neighbourhood Centre in the north-east quadrant of the Park, Carrickmines, with a net retail floorspace cap of 6,000 sq.m. and a local level leisure facility, which will help meet the existing and future retail and leisure needs of the growth areas of Carrickmines, Stepside-Ballyogan and Kiltiernan-Glenamuck.

	general public before occupation of development.	
Specific Local Objective 144	To promote the use of the former Baling station in Ballogan as a multi-use indoor sport facility.	Broadly consistent with the LAP policy on Leisure and the environment as set out in chapter 9 of the LAP.
Specific Local Objective 143	To carry out in consultation with TII and the NTA a collaborative Area Based Transport Assessment (ABTA) prior to the development of lands at Racecourse South. The local authority will engage with the landowner on the preparation of the ABTA. The ABTA will address how development will avoid undermining the safe and efficient operation of the National Road and light rail network and ensure that the strategic function of the M50 will be maintained with full build out of the lands. The ABTA will include assessment of impact on Junction 15 and LUAS operation and will be carried out in accordance with the TII/NTA Area Based Transport Assessment (ABTA) Advice/Guidance Notes (2018). The outcome and recommendations of the ABTA shall be taken into account in the assessment of future planning applications.	Broadly consistent as LAP sets out in guiding principles on movement in the racecourse south site development framework.
Specific Local Objective 10	To retain, improve and encourage the provision of sustainable neighbourhood infrastructure facilities.	LAP is broadly consistent with this objective which pertain to SNI uses within open space or neighbourhood centre areas.
Specific Local Objective 77	To provide for Phase 2 of the Samuel Beckett Civic Campus which includes a multi-purpose sports building, Sports Hall, Children's and 25 metre Swimming Pools, Dance Studio and Gym, a two-storey Library, a Changing Place facility, a two storey Car Parking Facility and a hard landscaped Civic Plaza on Council lands at Ballyogan. Provision shall be informed by the strategic review of the project.	LAP is consistent with CDP. Policy BELAP COM1 –Samuel Beckett Civic Campus sets out policy to support the implementation of Phase 2 of the Samuel Beckett Civic Campus development which will provide additional community facilities including, <i>inter alia</i> , a library and swimming pool for the growing community in the BELAP area.
Specific Local Objective 81	To ensure the provision of a combined pedestrian	LAP is consistent with CDP. The LAP places great focus on

(SLO on CDP maps is located outside the boundary of the LAP but it pertains to linkages running through the LAP lands which commence and finish outside the LAP lands.	footpath/cycleway connection between Belarmine and Kilgobbin Road to improve overall local permeability and to facilitate direct access from new residential communities to the Luas Line B1 public transport corridor.	linkages and sets out 29 proposed linkages including "Glenamuck Road to Kilgobbin Road Greenway."
Specific Local Objective 79	To continue to develop the existing sports facilities at the site known as the '8-acre field'.	LAP is consistent with CDP. Policy BELAP ENV8 – 8 Acre Field is to support the development of the existing sports facilities at the site known as the '8-acre field' to provide a range of recreational options for this growing area.

The LAP identifies 10 development sites to deliver the estimated yield of circa 4,200 homes. Two site development frameworks are also set out for the Racecourse South land and also at Kilgobbin (which includes Clay farm). Objectives set out in the site development framework dovetails with those in the County Development Plan. For example, on the lands at Racecourse South the LAP includes SDF 7 which sets out a preferred location for a school. The County Plan includes the ED symbol on the same site in the County Development Plan map. This symbol denotes a proposed education site. The Kilgobbin lands also show a preferred location for a school and again this is also denoted in the County Development Plan.

Building Height

The Building Height Strategy in the 2022-2028 CDP (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. In line with the section 28 Guidelines "Urban Development and Building Heights (2018) and appendix 5 of the CDP the BELAP identifies in Policy RES 4 areas within the plan lands that are suitable for height. The LAP can continue to serve as an indicator of appropriate building heights in the development management process.

Density

Table 5.4 of the Lap sets out target residential densities ranging from 35 u/p/h to 65/u/p/h for the 16 different neighbourhoods identified in the LAP. The overall residential capacity of circa 4,200 homes was calculated using an average density of 50 u/p /h in line with the CDP. Two policies are included relating to density.

"Policy BELAP RES1 – Density General: To achieve residential densities within the BELAP area sufficient to generate a critical mass of population to support and sustain commercial and community services and quality public transport infrastructure. Higher densities of population should be focused on services and not transport corridors alone.

Policy BELAP RES2 – Density by Neighbourhood: Any residential scheme within each of the Neighbourhoods shall as a general rule have a target net density as set out in Table

5.4, subject to the provisions of any Site Development Frameworks, where applicable. Within the site boundary, any major and local distributor roads; primary schools, churches, local shopping etc.; open spaces serving a wider area; and significant landscape buffer strips shall be deducted from gross site area to give a figure for net site area."

Under the new Section 28 Compact Settlement Guidelines lands within the plan area would primarily fall within 2 density bands – the Urban Neighbourhood with a density range of 50 to 250 unit per hectare and the suburban extension range which has a density range of 40 to 80 units per hectare.

It is considered that the Local Area plan policy on density is consistent with the policy direction of the CDP and also the new Section 28, Compact Settlement Guidelines.

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 Ballyogan and Environs LAP 2019 have not been substantially secured. Since the adoption of the LAP in 2019, there has been, and continues to be, significant ongoing public and private investment in the Plan area. Notwithstanding, a broad range of the objectives in the LAP have not yet been realised.

While development has progressed on a number of neighbourhood sites including residential development at Glencairn, a key element of the plan is to encourage and facilitate the redevelopment of the 2 key development sites through the provision of a site development framework for each. The current situation as regards the 2 identified sites is as follows:

1. Racecourse South. An Area Based Transport Assessment (ABTA) is currently being progressed for this site. It has been identified by the state as a site for housing provision to be provided by the Land Development Agency (LDA) and as such, to date the LAP objectives for this site have not been substantially secured.
2. Kilgobbin. Development of this site is reliant on the delivery of the Clay Farm Loop Road that will enable access from Ballyogan Road. While this is being progressed it has not yet been delivered.

3.3 Deferral of Notices

Given that the Ballyogan and Environs LAP 2019 is considered to be broadly consistent with the DLR County Development Plan 2022- 2028 and that the objectives of the LAP have not been substantially secured, it is 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 either in whole or in part.

4. Concluding Opinion

The Ballyogan and Environs Local Area Plan as adopted in 2019 provides a robust framework and detailed objectives for the redevelopment of a number of key sites in the Ballyogan area, alongside objectives to continue to enhance the employment and amenity provision within the area.

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

- The Ballyogan and Environs LAP 2019 is broadly consistent with the objectives and Core Strategy of the DLR County Development Plan 2022-2028; and,
- The objectives of the Ballyogan and Environs LAP 2019 have not been substantially secured.

In these circumstances, and having regard also to progress made to date, in order to ensure that the remaining sites are delivered in keeping with the objectives of the LAP, it is appropriate that the life of the LAP be extended for a period of five years, during which time the objectives contained therein may be realised in whole or in part.

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 Ballyogan and Environs Local Area Plan 2019 – 2024 for the following reasons;

- The Ballyogan and Environs LAP 2019 is broadly consistent with the objectives and Core Strategy of the DLR County Development Plan 2022-2028; and,
- The objectives of the Ballyogan and Environs LAP 2019 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 Ballyogan and Environs Local Area Plan 2019, for a further period of 5 years from the 13th May 2024 to 13th May 2029.

Note.

For completeness, if the above resolution is agreed the Plan will be in place until the 27th June 2029. This takes into account a further 45 days (dead days of Christmas) as set out in the legislation (9 days x 5 years).