

Extension of Ballycullen-Oldcourt Local Area Plan 2014

**Report of the Chief Executive in accordance with Section 19
of the Planning and Development Acts 2000-2018**



May 2019

Table of Contents

1.0	Introduction.....	3
1.1	Legislative Context	3
2.0	Consistency with National Policy.....	4
3.0	Consistency with South Dublin County Development Plan 2016-2022.....	4
3.1	Vision for Ballycullen-Oldcourt.....	5
3.2	Securing the Objectives of the Ballycullen-Oldcourt Local Area Plan 2014	6
3.3	Development to Date and Outstanding Objectives	7
4.0	Statutory Procedure under Section 19 of the Planning and Development Acts 2000-2015.	10
5.0	Manager's Recommendation.....	11
	Appendix 1 – LAP MAP SHOWING DEVELOPMENT TO DATE	1

1.0 Introduction

Section 12 of the Planning and Development Act 2010 introduced a new provision that amended Section 19 of the Planning and Development Act 2000, whereby a Planning Authority may extend the life of an existing Local Area Plan (LAP), which is normally 6 years, for a further 4 years i.e. up to a total of 10 years from adoption. This is dependent on the Planning Authority resolving to extend the life of the Plan within 5 years of its original adoption date. Members will be aware that there is also a mechanism in the Act for extending individual grants of planning permission. Following the deferral of the Chief Executive's report at the April Council Meeting, a full briefing was given at the April ACM which provided an update on the provision of schools within the Ballycullen-Oldcourt Local Area Plan.

The Ballycullen-Oldcourt LAP was adopted in May 2014. Figure 1 illustrates the Plan area. It will remain in force for 6 years from its adoption until 2020. The procedure introduced under Section 12 of the Planning and Development Act 2010 gives the Council the option to extend the Ballycullen-Oldcourt LAP to May 2024 provided the Planning Authority resolve to do this before 20th June 2019 (an additional 45 days are allowable relating to the Christmas period for each year of the life of the Plan as per Section 251 of the Planning and Development Acts 2000-2015).



Figure 1: Ballycullen-Oldcourt LAP Plan Area

1.1 Legislative Context

The process set out in Section 19 of the Planning and Development Acts 2000-2015 provides that the members can resolve to extend the life of a Local Area Plan following receipt from the Chief Executive of:

- (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 LAP have not been substantially secured, and
- (iii) Confirmation that the sending and publishing of notices to commence the review of the LAP may be deferred and the period for which they may be deferred.

The purpose of this report is, therefore, to accord with Section 19 of the Planning and Development Acts 2000-2015 and to set out in the following sections the opinion of the Chief Executive that:-

- The Ballycullen-Oldcourt Local Area Plan remains consistent with the objectives and core strategy of the South Dublin County Development Plan 2016 – 2022; and
- The objectives of the Ballycullen-Oldcourt Local Area Plan 2014 have not been substantially secured.

Given the National Planning Framework and the Draft Regional and Spatial Economic Strategy was published since the making of the Local Area Plan, the consistency of the Plan with these documents is also addressed below.

2.0 Consistency with National Policy

The Ballycullen-Oldcourt Local Area Plan is consistent with the policies and objectives of the National Planning Framework (NPF) and the Draft Regional and Spatial Economic Strategy (RSES).

The National Planning Framework and the Draft Regional and Spatial Economic Strategy highlight the importance of ensuring that density is responsive to an area in terms of character and scale and is cognisant of existing and proposed infrastructure. The NPF promotes higher density in areas which are close to public transport and which have access to existing infrastructure. However, it also highlights the importance of ensuring that the same approach to density is not applied to more rural settings or areas which do not benefit from the same level of infrastructure or public transport.

The Ballycullen-Oldcourt LAP Density Strategy is consistent with National Policy in that it responds to the peripheral location of the Plan Lands, the need to create a soft transition between the suburbs and countryside and the need to protect the setting of the Dublin Mountains. Densities also reflect the sloping topography and the constraints created by the major utility lines that traverse the Plan Lands. This approach also accords with the Sustainable Residential Development in Urban Areas Guidelines (2009) and the policy of South Dublin County Council Development Plan, 2010 – 2016 in relation to transition areas, steep sites and provision of lower densities.

3.0 Consistency with South Dublin County Development Plan 2016-2022

The Ballycullen-Oldcourt Local Area Plan is consistent with the Objectives and Core Strategy of the South Dublin County Council Development Plan 2016- 2022 which sets out a coherent spatial planning framework for the County within the context of National and Regional planning policy. It is county wide policy to ensure that all new residential development provides a wide variety of housing types that cater for the diverse housing needs of the County's population. This is supported by the Interim South Dublin County Council Housing Strategy 2016-2022, which recognises the need to provide a range of house types in all residential developments and to meet different categories of housing need. The policies and

objectives of the County Development Plan are underpinned by the following overarching considerations:

- (a) **Quality of life**, with an emphasis on key economic, environmental, social and cultural indicators;
- (b) **Prosperity**, with an emphasis on contributing to a competitive business environment that supports economic development, job creation and prosperity for all;
- (c) **Sustainability**, with an emphasis on making better use of key resources such as land, buildings, water, energy, waste and transport infrastructure;
- (d) **Health and wellbeing**, by facilitating active and healthy lifestyles with increased opportunities for walking, cycling and active sport and recreation;
- (e) **Social inclusion**, with an emphasis on creating socially and physically inclusive neighbourhoods, taking account of the recommendations of The National Disability Strategy Implementation Plan 2013-2015 and Inclusion Ireland's Changing Places campaign; and
- (f) **Climate change adaptation**, with increased emphasis on reducing climate change at a local level through settlement and travel patterns, energy use and protection of green infrastructure.

3.1 Vision for Ballycullen-Oldcourt

The vision for the Ballycullen-Oldcourt LAP (2014) is to create:

- A place with a strong sense of identity, character and a good quality of life that builds upon and responds to its setting within the foothills of the Dublin Mountains and location adjacent to the countryside;
- A permeable place that links existing and new development areas through a network of pedestrian and cyclist paths that permeate the Plan Lands and connect them with the mountains and countryside;
- An attractive residential area with local shopping facilities, quality streets and useful spaces that realise, protect and enhance the full potential of existing built and natural amenities through the sensitive and considered incorporation of mountain views, vistas of local historic structures, the sloping topography, hedgerows, streams, townland and parish boundaries and archaeology;
- A developing area that retains a clear delineation between the suburbs and the countryside by softening the transition between development and rural lands.

This vision is consistent with the overarching considerations for the South Dublin County Development Plan. The Development Plan policy and objectives for Ballycullen-Oldcourt include the following:

- The Development Plan states that the Ballycullen-Oldcourt LAP area is a key growth node at the edge of the Consolidation Areas and that future development will be dependent on the delivery of a surface water drainage scheme. Social and physical infrastructure and services will also need to be provided in tandem with the delivery of housing. Delivery of the surface water drainage scheme is due during the lifetime of the Development Plan.

- The Development Plan identifies Ballycullen-Oldcourt as a priority development area and is to develop based on capacity of the public transport network and social infrastructure.
- The appraisal of community facilities in Chapter 3, ‘Community Infrastructure’, acknowledges the requirement to facilitate the provision of additional post primary schools in the Ballycullen area.
- The six year road programme outlined in Table 6.5 of the County Development Plan refers to the Ballycullen-Oldcourt Street Network which will form a strategic street network providing access to the Ballycullen-Oldcourt LAP lands.
- Chapter 7, ‘Infrastructure and Environmental Quality’ of the Development Plan identifies Ballycullen for the delivery of flood alleviation schemes in South Dublin County.

It is apparent from the above and it is the opinion of the Chief Executive that the Ballycullen-Oldcourt Local Area Plan remains consistent with the objectives and core strategy of the South Dublin County Development Plan 2016 – 2022.

3.2 Securing the Objectives of the Ballycullen-Oldcourt Local Area Plan 2014

There are a number of broad plan objectives, which in turn are accompanied by more specific objectives, set out in the LAP which will assist in realising the vision for the Plan lands. The broad plan objectives are as follows:

- Take cognisance of the area’s unique amenities and semi-rural location within the foothills of the Dublin Mountains and protect the amenities of existing dwellings;
- Sensitively integrate new development and existing development with each other and the surrounding rural and mountain context;
- Provide a Green Infrastructure Framework that will integrate natural and built heritage features, water management systems, improved accessibility, open spaces and recreational facilities;
- Provide for a network and hierarchy of linked public open spaces with varying roles and facilities;
- Create a series of small walkable residential blocks that are linked by secondary and tertiary streets and reinforce Stocking Avenue and Oldcourt Road as primary routes for activity, movement, local shopping and public transport;
- To sensitively transition densities and building heights in a manner that limits the impact of any new development on the setting of the Dublin Mountains and countryside;
- Provide a network of walking and cycling routes that further link residential blocks with each other, public transport stops and local shopping while providing routes towards the Dublin Mountains;
- Promote high quality and universal designs for streets, spaces and buildings that respond to the varying character areas and settings;

- Incorporate appropriate Green Infrastructure features that limit the impact of noise from the M50 on any future development;
- Ensure that development is phased in a manner that provides for the required community, school and parkland facilities either prior to or in tandem with development.

3.3 Development to Date and Outstanding Objectives

The policies and objectives in the Ballycullen-Oldcourt LAP are important in ensuring that permitted development is in accordance with the proper planning and sustainable development of the area and that proposed developments are consistent with the phasing requirements and land use, green infrastructure, built form and movement and accessibility frameworks set out in the LAP. In this regard, permitted development has seen some delivery of the Plan objectives.

The Local Area Plan comprises of 4 Phases which seeks to build out the lands in a sustainable manner and deliver residential development and community infrastructure such as parks, playing fields, community centres etc. The requirements of Phase 1 in terms of housing delivery have been met to date through the provision of 321 units on the eastern side (Phase 1 requires the delivery of 260 units) and 188 units on the western side (Phase 1 requires the delivery of approximately 150 – 200 dwellings). Notwithstanding the successful delivery of residential development on the lands, there is still a significant amount of infrastructure which is required to be commenced as part of Phase 1 such as Knocklyon Park Extension, Stocking Wood Community Centre, Gunny Hill Playing Pitch and various road improvement requirements throughout the plan lands. Phase 1 also requires that sites are made available for the construction of a Primary School on the eastern side of the Plan Lands and/or Post-Primary School on the westerns side of the Plan Lands. The LAP provides sufficient scope and flexibility to deliver these schools and two sites within the Plan Lands have been identified by The Department of Education and Skills who are currently working towards the acquisition of these sites and the preliminary design.

Phase 2 requires the delivery of c. 450 units, the completion of the infrastructural projects required as part of Phase 1, the commencement of Oldcourt Park landscaping, provision of additional community floorspace and commencement of landscape buffers with tracks and trails along the southern boundary of the mountains. Approximately 60 units have been delivered as part of Phase 2 however the infrastructural requirements remain outstanding as per Phase 1. Phases 3 and 4 generally require the completion of all of the infrastructural requirements outlined in Phases 1 and 2 and the delivery of an additional 660 units (approximately).

In terms of overall housing delivery, the LAP seeks to provide a total of between 2,100 and 2,800 units, approximately. These figures consider two options in relation to either retention or relocation of existing electrical lines on the western side of the LAP lands and also consider development of lands in accordance with extant planning permissions (this assumption prescribes the higher number of approximately 2,800 units). These figures also include 640 units which were already built at the time of the making of the LAP.

Table 1 below shows the Ballycullen-Oldcourt construction status since the adoption of the Local Area Plan to January 2019.

Table 1: Construction Activity in Ballycullen as of January 2019

	Total Granted	Total Completed	Total Under construction
Western Side	408	188	51
Eastern Side	456	321	103
Total	864	509¹	154

Based on the figures above, the LAP lands comprise of approximately 1,150 residential units to date which delivers almost half of the residential development prescribed under the Plan. A further 150 units are under construction and 864 units are currently granted but have not commenced.

The LAP area constitutes 125 hectares in total of which 6 hectares have been completed, 23.4 hectares is under construction and 4 hectares has planning permission and has not commenced. While a substantial amount of development has commenced or has been completed since the making of the LAP in 2014 there is still a substantial quantum of land in the LAP area which does not benefit from planning permission and which is to be built out. This is particularly the case in relation to the provision of infrastructure as identified above.

Given that development of the Plan lands is only partially completed, the full realisation of the LAP objectives remains outstanding in a number of areas:

- In terms of accessibility and movement, linkages between all previously unconnected areas of the Plan land and integration of the lands with existing neighbourhoods has not been fully achieved to date.
- In terms of green infrastructure, a network of corridors, links and green spaces remains to be delivered on the Plan lands to date.
- In terms of land-use, a sustainable mix of residential and supporting retail, commercial and community uses has not been achieved to date.
- In terms of built form, the building distribution and grid layout has not been achieved to date.
- In terms of public spaces, the provision of a linked open space hierarchy has not been achieved to date.

A number of ‘Key Outcomes’ included in the phasing strategy (Phase 1) are yet to be fully realised including:

¹This figure does not include the 640 Units existing within LAP lands at time of adoption (May 2014)

- Knocklyon Park Extension to include link to existing parkland/playing pitches to the north-east, upgrade of roundabout junction to four arm junction and 1 x NEAP; (Eastern side)
- Commencement of construction of Stocking Wood Neighbourhood and Community Centre to include at least 190 sq. m of community floorspace, at least 270 sq. m of childcare floorspace, convenience shopping (not exceeding 1,500 sq. m gross) and a bus lay-by; (Eastern side)
- Demonstrate compliance with the provision of road improvements and traffic requirements as per the Local Area Plan Accessibility and Movement Strategy and all other relevant traffic related plans, guidelines and studies; (Eastern side)
- Commencement of works on Gunny Hill playing pitches including access; (Western side)
- 1 x NEAP on western side of Plan Lands;

Phase 2 requires the delivery of an additional 150 units on the eastern side of the LAP lands and between 220-300 units on the western side. Housing delivery as part of Phase 2 has commenced, as outlined above, however key outcomes of Phase 2 in terms of infrastructure requires the completion of the Phase 1 infrastructural projects, which are yet to be commenced. Therefore, while there has been a steady delivery of housing since 2014 and the adoption of the Plan, there are a series of detailed objectives in the Ballycullen-Oldcourt LAP that have not been secured which include:

Integrated Street Network

- All development proposals that include routes for vehicular movement or sections of such routes for movement, regardless of extent, shall demonstrate compliance with the street network strategy illustrated in Figure 5.1. (Section 5.2). New streets shall follow the contours of the land in a concentric fashion in order to minimise the impact on the landscape and on natural drainage. (**Objective AM1**)
- Development shall help create and link with a curvilinear layout of streets. All development shall avail of every possibility to link and provide routes into the planned street network and provide a choice of multi-directional connections to existing and planned local facilities and services. (**Objective AM2**)

Public Transport Accessibility

- Planning applications for residential, commercial and employment development shall provide for or integrate with direct, safe and attractive pedestrian and cycle routes to existing and planned public transport stops and termini. (**Objective AM12**)
- No barriers shall be erected along Main Link Streets and existing barriers adjacent to new development especially railings along Oldcourt Road and Stocking Avenue shall be removed for improved street frontage and access. This should be carried out as part of any development that bounds or is located adjacent to the aforementioned streets. (**Objective AM13**)

Vehicular Movement

- Manage traffic and vehicle speed via the creation of a self-regulating street network. The network shall be designed to attract larger volumes of traffic to the more strategic links by offering users a legible and direct route throughout the Plan Lands at more moderate speeds. Through traffic shall be discouraged from local streets via a range of design measures that passively calms traffic and/or filters permeability. (**Objective AM14**)
- Design streets for slow vehicular speeds from the outset with designs that accord with the DMURS and incorporate a combination of measures including closer proximity of buildings, narrow carriageways, frequent crossing points, reduced visibility splays, onstreet parking, tighter corner radii, shared surfaces and horizontal and vertical elements such as low traffic tables at junctions and pinch points. This will include a design speed of 30 – 40 kilometres per hour for Link Streets and 10 - 30 kilometres per hour for Local Streets. (**Objective AM15**)

Parks

- Neighbourhood Parks shall be designed to operate as passive and active amenity spaces with extensive SUDS attenuating and storage features (ponds, basins, reed beds etc) that will act as landscape features and link with an overall SUDS network for the Plan Lands. (**Objective GI34**)

Tracks and Trails

- Upgraded and new tracks and trails should correspond with ditches, streams, surface water attenuation areas and aid the creation of a permeable network of linked open spaces including green corridors, green buffers, neighbourhood parks, wetland areas and playing pitches. Tracks and Trails should incorporate mitigating measures that protect flora, fauna and habitats through sensitive design, lighting and construction. (**Objective GI24**)
- The tracks and trails network shall be developed to link with the Dublin Mountains (especially Montpellier Hill) and existing routes towards local historic landmarks and structures including the Hell Fire Club, Saint Colmcille's Well and Carthy's Castle. (**Objective GI25**)

Thus, the achievement of the objectives in the LAP has not progressed significantly to date and cannot be said to have been substantially secured.

4.0 Statutory Procedure under Section 19 of the Planning and Development Acts 2000-2015.

Having sought and received from the Chief Executive:

- 1) The opinion that the local area plan remains consistent with the objectives and core strategy of the relevant development plan as set out this report; and

2) The opinion that the objectives of the local area plan have not been substantially secured; also as set out in this Report, it is confirmed that the sending and publishing of the notices may be deferred for a further period not exceeding 5 years from June 2019.

Subsequent to a resolution under Section 19(1)(d) of the Planning and Development Acts 2000-2015, the Planning Authority must publish notification in a newspaper circulating in the area of the Local Area Plan not later than 2 weeks after the resolution is passed. Notice of the resolution must 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.

5.0 Manager's Recommendation

Following the deferral of the Chief Executive's report at the April Council Meeting, a full briefing was given at the April ACM which provided an update on the provision of schools within the Ballycullen-Oldcourt Local Area Plan. It is recommended that the Council approve the procedure to defer the sending of a notice under section 20(3)(a)(i) of the Planning and Development Acts 2000-2015 i.e. notices for making, amending or revoking the Local Area Plans, in accordance with Section 19(1)(d) of the Planning and Development Acts 2000-2015 for the Ballycullen-Oldcourt Local Area Plan for a further period of 5 years. This will have the effect of extending the life of the Local Area Plan until May 2024.

It is recommended that the following resolution be approved at the March Council Meeting:

"That this Council approve the procedure to defer the sending of a notice under section 20(3)(a)(i) of the Planning and Development Act 2000 -2010 i.e. notices for making, amending or revoking the Local Area Plans in accordance with Section 19(1)(d) of the Planning and Development Acts 2000-2015 for the Ballycullen-OldcourtLocal Area Plan for a further period of 5 years

Appendix 1 – LAP MAP SHOWING CONSTRUCTION ACTIVITY