

Proposed Amendment No. 1

December 2016



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1.0 Introduction

South Dublin County Council (the Planning Authority) intends to initiate the procedures for making an amendment to the Ballycullen – Oldcourt Local Area Plan 2014. It is proposed to initiate the procedure for the making of an amendment to the Ballycullen – Oldcourt Local Area Plan 2014 in line with the motion below:

That this Council, for the following stated reason: To ensure the sustainable and orderly planning and development of Ballycullen – Oldcourt Local Area Plan lands amend the Phasing Strategy requirements of the Local Area Plan as set out under Sections 6.3.1 and 6.3.2 respectively.

1.1 Context

In accordance with the Government's Construction 2020 Strategy and Planning Policy Statement (2015) and the "Action Plan for Housing and Homelessness" under the Government's "Rebuilding Ireland" initiative, Local Authorities are now tasked with adopting an enhanced role in the area of active land management, requiring Planning Authorities to dynamically lead the implementation of Local Area Plans and the development process in their areas. In fulfilling this role, South Dublin County Council's Land Use Planning and Transportation Department has undertaken a comprehensive assessment of progress on the implementation of the Ballycullen - Oldcourt Local Area Plan (2014), which was adopted by the Elected Members of South Dublin County Council on the 6th May 2014. This assessment, which has involved an analysis of extant planning permissions and construction activity within the Local Area Plan boundary, as well as engagement with key stakeholders and landowners, has highlighted the emergence of an issue with regard to the Local Area Plan's phasing requirements. Importantly, this issue, as outlined in detail below, represents a significant obstacle to the delivery of the Local Area Plan and the realisation of its objectives, namely, critically needed residential development. This has a direct impact on South Dublin County Council's ability to meet its commitments under the Government's 'Rebuilding Ireland' Action plan, which places an onus on Local Authorities to support an inherently affordable supply of housing via the assurance of certainty in the planning process.

The Ballycullen - Oldcourt Local Area Plan's phasing strategy sets out thresholds for housing in each development phase and identifies the key outcomes required prior to the initiation of the next development phase. The threshold for housing provision has been reached under Phase 1 of the western side of the plan lands. Notwithstanding the significant demand for housing in the area, the requirement under Phase 2 of the western side of the plan lands for the completion and operation of the first of two proposed primary schools in the Local Area Plan lands has restricted the delivery of housing in the area. Having engaged with the Department of Education and Skills, the Planning Authority has been advised that the necessity for a school in the Local Area Plan lands is considered premature and is dependent on the provision of an increased level of housing supply in the area. Given the phasing requirements under the adopted Local Area Plan, the additional houses to support the provision of the primary school cannot be provided, hence, a significant impasse has emerged, which requires a more holistic view of the provision of schools in the Ballycullen - Oldcourt area to be adopted.

Both the Department of Education and Skills and the Planning Authority are fully committed to the delivery of the primary school, but in order for this key element of community infrastructure to be provided, it will require an amendment to the Ballycullen - Oldcourt Local Area Plan. In this regard, it is intended to amend the Local Area Plan, repositioning the requirement for the first primary school from Phase 2 to Phase 3 of the plan's phasing strategy, as well as providing for a new phase 4, which will align the provision of the second primary school with an appropriate quantum of housing.

The proposed amendment of the Local Area Plan will serve to align the requirements of the Department of Education and Skills and the proper planning and sustainable development of the area, by ensuring that a sufficient supply of housing is achieved to support the delivery of the first primary school. This will enable the Planning Authority to help accelerate the delivery of the Ballycullen - Oldcourt Local Area Plan, which will establish a new residential population, complete with all supporting education, community and parkland facilities.

A key element of Pillar 3 of 'Rebuilding Ireland' relates to the introduction of the Local Authority Infrastructure Activation Fund (LIHAF), aimed at relieving critical infrastructure blockages to enable the delivery of housing at key locations. In response to a call for LIHAF proposals by the Government, South Dublin County Council has submitted a proposal for the provision of key infrastructure, with a combined value of circa €8.1m, in the Ballycullen Oldcourt Local Area Plan lands. This application is currently under consideration by the Department of Housing, Planning, Community and Local Government, with a successful application predicated on the expedient delivery of housing supply. With this in mind, there is a heightened necessity to amend the Local Area Plan, which will serve to support the receipt of critical infrastructural funding and the early activation of housing supply.

In helping to realise the Local Area Plan's objectives, the amendment of the Plan will also support the Government's 'Rebuilding Ireland' Action Plan, by providing for housing in an appropriate location that is the subject of much needed housing demand. The Government's Action Plan highlights the severity of the undersupply of housing in the Dublin area, outlining the need to address this deficiency through the provision of housing in the right locations, and in doing so, to resolve any barriers to delivery that may exist. The amendment of the Ballycullen - Oldcourt Local Area Plan will not only resolve a barrier to the delivery of housing, it will also ensure that its core infrastructural requirements are aligned with appropriate levels of housing supply, allowing for the establishment of a new and sustainable residential community in the Ballycullen – Oldcourt area of the County.

1.2 Statutory Provisions

Section 20(1) of the Planning and Development Act 2000 (as amended), provides scope to amend a Local Area Plan. The process for amending a Local Area Plan under Section 20 is prescribed, together with the wording on the process of making a Local Area Plan, and therefore follows the same procedure, including public consultation on an amended plan with scope for material alterations. The statutory Local Area Plan process takes a minimum of approximately 18 weeks to complete, from the date on which the Draft Plan is placed on public display, up to a maximum of 35 weeks allowing for amendments to a draft amended Local Area Plan. The statutory process to undertake are detailed further below.

1.3 Process to Date

A non-statutory background data gathering process has been completed, where data and information essential to the preparation of the amendment to the Local Area Plan was assembled and analysed, including information relating to extant planning permissions within the Local Area Plan lands, levels of construction activity in the area, future development timelines, as well as key infrastructural progress updates.

1.4 Statutory processes to undertake

1. **Serving of initial public notice:** Section 20(3)(a)(i) of the Act requires that the Planning Authority intends to make, amend or revoke a local area plan to statutory consultees and the wider public and stating that the copy of the draft local area plan may be inspected for a period not less than 6 weeks.
2. **The Chief Executive's report:** under Section 20(3)(c)(i) provide to the Members within 12 weeks of the notice above the list of submissions, their broad content and appropriate recommendations; then following consideration of the report either:
3. **The amending of the local area plan in accordance with the recommendations of the Chief Executive** (in which case the Plan is deemed to have been amended 6 weeks after the furnishing of the Chief Executive's report); or
4. **The amending of the Plan otherwise than as recommended by the Chief Executive; or not amending the Plan.**
5. Following consideration of the Chief Executive's report, the Members may decide to **alter the proposed amended Local Area Plan**. If so, the Planning Authority has 3 weeks to publish notice of such alteration and any determinations under relevant EU Directives, subject to the Chief Executive considering within 2 weeks of the Members resolution whether the 3-week period above may need to be extended to facilitate consideration of any requirements arising from the alteration in relation to Strategic Environmental Assessment and Appropriate Assessment. However, it is important to note that the amended Local Area Plan cannot proceed where an Appropriate Assessment carried out under Article 6 of the Habitats Directive finds that there is the potential for a significant adverse impact on the integrity of a Natura 2000 site, or there is reasonable doubt about the potential for such an impact.
6. **Public display of the proposed materially-altered draft amended Local Area Plan.** This display is for a period of not less than 4 weeks.
7. A **second Chief Executive's report** is then prepared, within 8 weeks of the date of publication of the altered proposed amended Local Area Plan on any submissions received over the display period of those proposed amendments, which report must list the submissions made, summarise the issues raised and make appropriate recommendations;
8. **The making/amending of the materially-altered draft amended Local Area Plan**, with all, some, or none of the material amendments published must then be considered by the members within 6 weeks of the submission of the Chief Executive's report to the Members, subject to the provision under Section 20(3)(o) that where the Planning Authority decides to amend the Local Area Plan or change a material alteration, then;
9. In finalising the materially-altered draft Local Area Plan, not less than half of the Members of the Planning Authority must pass the relevant resolution and any further modification to a material amendment can only be for a minor issue and not one that would:
 - have significant effects on the environment;
 - adversely affect the integrity of a European site;
 - increase the area zoned for any particular purpose; and
 - add to or delete from the Record of Protected Structures

2.0 SEA and AA Requirements

2.1 Strategic Environmental Assessment (SEA) Requirements

The SEA Directive (2001/42/EC) requires that a process known as Strategic Environmental Assessment (SEA) must be applied to plans and programmes prepared by public sector bodies. The Directive requires Member States of the EU to assess the likely significant environmental effects of plans and programmes prior to their adoption thus providing for the assessment of strategic environmental considerations at an early stage of the decision making process.

Article 14A (2) of the Planning and Development Regulations, 2001 (as amended) requires that where a Planning Authority proposes to amend a Local Area Plan, the Planning Authority shall, prior to giving notice under Section 20(3) of the Act, consider whether or not implementation of the amended Plan would be likely to have significant effects on the environment, taking account of relevant criteria set out in Schedule 2A of the Planning and Development Regulations, 2001 (as amended). Schedule 2A sets out 'Criteria for determining whether a plan or programme is likely to have significant effects on the environment'.

The proposed amendment to the Ballycullen - Oldcourt Local Area Plan was assessed against the criteria as set out in Schedule 2A to determine as to whether or not a Strategic Environmental Assessment is required, and in this instance it was determined that the requirement to undertake a Strategic Environmental Assessment was not required. An SEA Screening Report has been prepared which evaluates the requirement for SEA to be undertaken on the proposed amendment and accompanies this report.

2.2 Appropriate Assessment (AA) Requirements

The EU Habitats Directive (92/43/EEC) requires an 'Appropriate Assessment' (AA) to be carried out where a plan is likely to have a significant impact on a Natura 2000 site. Natura 2000 sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Appropriate Assessment is referred to in Articles 6(3) and 6(4) of the EU Habitats Directive.

An AA Screening determination must be made regarding the proposed amendment to the Ballycullen Oldcourt Local Area Plan. It has been determined that the proposed amendment shall not give rise to effects on the integrity of any Natura 2000 site. Therefore, in accordance with the methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, it is concluded that the proposed amendment does not require any further assessment to demonstrate compliance with the Directive.

An AA Screening Report has been prepared which evaluates the requirement for AA to be undertaken on the proposed amendment and accompanies this report.

3.0 Proposed Amendment to Local Area Plan

This document presents the proposed amendment to the Ballycullen – Oldcourt Local Area Plan (2014). The proposed amendment is identified as a series of changes to the phasing requirements of the Plan and relate principally to Sections 6.3.1 and 6.3.2 of the Plan respectively. Where appropriate, extracts of text before and after the proposed amendment are included in order to present the amendment within its context. It is only the proposed amendment that submissions or observations can be made upon and not the contextual information.

The proposed changes to text and figures are structured to follow the sequence of the adopted Local Area Plan. This document should therefore be read in conjunction with the relevant sections of the Ballycullen – Oldcourt Local Area Plan as adopted in 2014.

Each amendment is designated with a unique reference number and is accompanied by the relevant section / figure and page number of the Local Area Plan to which the proposed amendment relates.

The nature and extent of each of the proposed amendments are identified as follows:

- Proposed alterations involving additional text are shown in green.
- Proposed alterations involving deletion of text are shown in ~~red~~.

A series of maps have been included for illustrative purposes ONLY. These do not form part of the proposed amendment. There are no proposed mapping changes to the Ballycullen-Oldcourt Local Area Plan (2014) as a result of the proposed amendment detailed below.

3.1 Strategic Environmental Assessment Screening of Proposed Amendment

A Strategic Environmental Assessment (SEA) Screening Determination must be made regarding the proposed amendment to the Ballycullen Oldcourt Local Area Plan. Such a determination shall take into account relevant criteria set out in Schedule 2A 'Criteria for determining whether a plan is likely to have significant effects on the environment' of the SEA Regulations, as amended.

Taking into account the measures that have been already integrated into the Local Area Plan that contribute towards environmental protection, environmental management and sustainable development, it is determined that the proposed amendment to the Local Area Plan did not require an SEA to be carried out. An SEA Screening Report has been prepared, which evaluates the requirement for SEA to be undertaken on the proposed amendment and accompanies this report.

3.2 Appropriate Assessment Screening of Proposed Amendment

A Screening Report for Appropriate Assessment as required under the EU Habitats Directive 92/43/EEC has also been undertaken and prepared as a separate report that accompanies this document. The Appropriate Assessment Screening Report determines that development and effects arising from the proposed amendment either individually or in combination with other plans and projects, would not give rise to significant effects on the integrity of any Natura 2000 site.

3.3 Display of Proposed Amendment

A copy of the Proposed Amendment, an SEA Screening Report on the requirement for SEA to be undertaken and a Screening Report for Appropriate Assessment as required under the EU Habitats Directive 92/43/EEC will be made available from the 15th December 2016 to the 9th February 2017 inclusive Monday to Friday, excluding Bank Holidays, and may be inspected/downloaded from the Council's website (www.sdcc.ie) or inspected at the following locations:

- County Hall, Tallaght, during normal opening hours.
- Council Offices, Clondalkin, during normal opening hours.
- Park Community Centre, Ballycragh Park, during normal opening hours.
- Whitechurch Library, Taylor's Lane, Ballyboden, during normal opening hours.

Planning staff are available to answer questions every Wednesday afternoon between 2.00pm-4.00pm in South Dublin County Council Offices, Tallaght, throughout the public consultation.

3.4 How to Make Written Submissions/Observations

Written submissions or observations with respect to the proposed amendment to the Local Area Plan, the Strategic Environmental Assessment and the Appropriate Assessment Screening Reports may be made to South Dublin County Council between the 15th December 2016 and 9th February 2017 as follows:

- Online at <https://consult.sdublincoco.ie/en/browse> **up to Midnight on the 9th February 2017**
- In writing to the Senior Executive Officer, Land Use Planning & Transport Department, County Hall, Tallaght, Dublin 24 **up to 4pm on the 9th February 2017**.

NOTE: Please make your submission by one medium only. As an online facility has been provided for your convenience, e-mail submissions will not be accepted. All submissions should include your name and a contact address and, where relevant, details of any organisation, community group or company etc., which you represent.

4.0 Proposed Amendment

Amendment Ref No. PA01	
Section Ref.	Page Ref.
6.3.1 Eastern Side of Plan Lands	38

6.3.1 Eastern Side of Plan Lands

PHASE ONE*	
Key Development	260 dwellings (if all permitted developments are modified in accordance with this Local Area Plan) ^a
Key Outcomes Required before Next Phase	<p>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 (see Appendix 2 of LAP)</p> <p>Commencement of construction of a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site on the western side of the Plan Lands^b</p> <p>Site made available for construction of a Primary School on the eastern or western side of the Plan Lands</p> <p>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^c</p>
Rationale	<p>A substantial number of dwellings have been constructed on the eastern side of the Plan Lands with little or no public open space, local convenience shopping, bus stop facilities, community facilities, childcare facilities or play facilities. To provide primarily for the needs of existing residents, these amenities must be provided prior to or in tandem with the construction of any further housing in the area.</p> <p>A primary school is also required to meet the existing population needs of the Plan Lands and its surrounding suburban hinterland.</p>

** Phase One on the eastern side of the Plan Lands includes development sites that are subject to existing permissions but is not exclusive to such lands.

Amendment Ref No. PA02	
Section Ref.	Page Ref.
6.3.1 Eastern Side of Plan Lands	38

PHASE TWO	
Key Development	150 dwellings
Key Outcomes Required before Next Phase	<p>Completion of Neighbourhood and Community Centre to include at least 190 sq.m of community floorspace in addition to the minimum quantum set out under Phase One (at least 460 sq.m community floorspace total) and upgrade of roundabout junction to four arm junction with crossing facilities.^c</p> <p>Completion and operation of a primary school on either of the two designated primary school sites within the Plan Lands.^b</p> <p>Site made available for construction of a Primary School on the eastern or western side of the Plan Lands</p> <p>Commencement of landscaping of Green Buffer with tracks and trails along southern boundary with mountains.</p>
Rationale	<p>Further community and neighbourhood facilities will be required to meet the needs of further residents on the eastern side of the Plan Lands as they continue to develop. A school will also need to be in place.</p>

Amendment Ref No. PA03	
Section Ref.	Page Ref.
6.3.1 Eastern Side of Plan Lands	38

PHASE THREE	
Key Development	Completion of balance of permissible residential development on eastern side of Plan Lands- approx. 210 dwellings 150 dwellings. ^d
Key Outcomes Required before Next Phase	<p>Site made available for construction of a second primary school on the remaining designated primary school on the eastern or western side of the Plan Lands.^b</p> <p>Completion of landscaping of Green Buffer with tracks and trails along southern boundary with mountains.</p> <p>Commencement of planning process for the provision of a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site on the western side of the Plan Lands.</p>
Rationale	<p>Two primary schools and parkland facilities will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland. Green buffers must be in place before the lands are fully developed particular the partially developed eastern side of the Plan Lands.</p> <p>Parkland facilities will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland. A Primary School is also required to meet the existing and new population needs of the Plan Lands and its surrounding suburban hinterland.</p>

Amendment Ref No. PA04	
Section Ref.	Page Ref.
6.3.1 Eastern Side of Plan Lands	38

PHASE FOUR	
Key Development	Completion of balance of permissible residential development on eastern side of Plan Lands - approx. 60 dwellings ^d
Key Outcomes Required before Next Phase	Commencement of construction of the designated Primary Schools on the eastern and western side of the Plan Lands.
Rationale	Two primary schools will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland.

Amendment Ref No. PA05	
Section Ref.	Page Ref.
6.3.2 Western Side of Plan Lands	39

6.3.2 Western Side of Plan Lands

PHASE ONE	
Key Development	Option A (relocation of 220 kV lines) – 200 dwellings Option B (retention of existing 220 kV lines) – 150 dwellings
Key Outcomes Required before Next Phase	Commencement of works on Gunny Hill playing pitches including access 1 x NEAP on western side of Plan Lands (see Appendix 2 of LAP) Commencement of construction of a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site on the western side of the Plan Lands^b Site made available for construction of a Primary School on the eastern or western side of the Plan Lands
Rationale	Public open space and children's play facilities will be required to serve new housing development on the western side of the Plan Lands. A primary school is also required to meet the existing population needs of the Plan Lands and its surrounding suburban hinterland.

Amendment Ref No. PA06	
Section Ref.	Page Ref.
6.3.2 Western Side of Plan Lands	39

PHASE TWO	
Key Development	Option A (relocation of 220 kV lines) – 300 dwellings Option B (retention of existing 220 kV lines) – 220 dwellings
Key Outcomes Required before Next Phase	Completion of Gunny Hill playing pitches including access. Completion and operation of a primary school on either of the two designated primary school sites within the Plan Lands.^b Site made available for construction of a Primary School on the eastern or western side of the Plan Lands Commencement of landscaping of Oldcourt Park with access and 1 additional NEAP for western side of Plan Lands. The provision of a minimum of 300 sq.m. of community floorspace
Rationale	Public open space and children's play facilities will be required to serve new housing development on the western side of the Plan Lands.

Amendment Ref No. PA07	
Section Ref.	Page Ref.
6.3.2 Western Side of Plan Lands	39

PHASE THREE	
Key Development	<p>Completion of balance of permissible residential development on western side of Plan Lands:</p> <p>Option A (relocation of 220 kV lines) – approx. 460 dwellings 350 dwellings</p> <p>Option B (retention of existing 220 kV lines) – approx. 460 dwellings 350 dwellings</p>
Key Outcomes Required before Next Phase	<p>Site made available for construction of a second primary school on the remaining designated primary school on the eastern and western side of the Plan Lands</p> <p>Completion of Oldcourt Park</p> <p>Commencement of planning process for the provision of a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site on the western side of the Plan Lands.</p>
Rationale	<p>Two primary schools and parkland facilities will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland.</p> <p>Parkland facilities will be required to meet the existing and future population needs of the Plan Lands and its surrounding suburban hinterland. A Primary School is also required to meet the existing and new population needs of the Plan Lands and its surrounding suburban hinterland.</p>

Amendment Ref No. PA08	
Section Ref.	Page Ref.
6.3.2 Western Side of Plan Lands	39

PHASE FOUR	
Key Development	<p>Completion of balance of permissible residential development on western side of Plan Lands:^d</p> <p>Option A (relocation of 220 kV lines) – approx. 110 dwellings</p> <p>Option B (retention of existing 220 kV lines) – approx. 110 dwellings</p>
Key Outcomes Required before Next Phase	Commencement of construction of the designated Primary Schools on the eastern and western side of the Plan Lands
Rationale	Two Primary Schools will be required to meet the existing and new population needs of the Plan Lands and its surrounding suburban hinterland.

Amendment Ref No. PA09	
Section Ref.	Page Ref.
6.3.2 Western Side of Plan Lands	39

^a Extant Planning Permissions

It is possible that 1,180* dwellings could be built on the eastern side of the Plan Lands if all extant permission for residential development were to be fully built or completed prior to their expiration. The densities, layouts and dwelling-types of these permitted developments are not in keeping with the objectives of this plan and would require extensive engineered solutions that would not be in accordance with SUDS principles. Some of these permissions are close to expiry. Furthermore, aspects of the permitted developments may no longer be viable under the current housing market and economic climate. New applications lodged for development on these sites would be looked upon favourably, provided that:

- They adhere to the density and housing mix requirements contained within the Plan
- They comply with the SUDS requirements of the Plan
- Applications for development includes for the Knocklyon Park Extension and a Neighbourhood and Community Facility.

*Figure includes recently expired permission on Ballycullen Partnership Site.

^b Primary School Provision

Two primary schools sites are designated under this LAP to cater for the existing population demands of the surrounding area and the future population demands of the Plan Lands. Further to a Material Alteration of the Local Area Plan, the Oldcourt/Gunny Hill School Site has been increased by 1.2 acres to allow for a third school site. The Phasing Strategy provides the option of constructing the first primary school on either of the two school sites initially designated to serve the Plan Lands be it on the eastern or western side of the Plan Lands. Development on the eastern and western sides of the Plan Lands shall not enter into their third phases until ~~at least one primary school has been constructed and is fully operational~~ the commencement of the planning process for a school on the designated primary school site on the eastern side of the Plan Lands OR on the designated primary school site on the western side of the Plan Lands.

^c Community Floorspace

Based on Option A (see tables presented overleaf), a total of 680 sq.m of community floorspace is required to serve the existing and future population needs of the Plan Lands. This includes for at least 190 sq.m of community floorspace to serve existing dwelling on the eastern side of the Plan Lands. The required floorspace quantum is calculated at a rate of 3 sq.m per 10 dwellings. Floorspace on the eastern side of the Plan Lands shall be provided within the planned Stocking Wood Neighbourhood/Community Centre. Floorspace on the western side shall be co-located with the permitted discount foodstore.

^d Residential Development

For the purposes of phasing assessment and in the interest of clarity, a residential unit will be defined as completed when a Certificate of Compliance on Completion (CCC), where required, has been submitted via the Building Control and Management System (BCMS), validated, and particulars entered on the Register.



Figure 1: Boundary Outline of Ballycullen – Oldcourt LAP 2014 lands

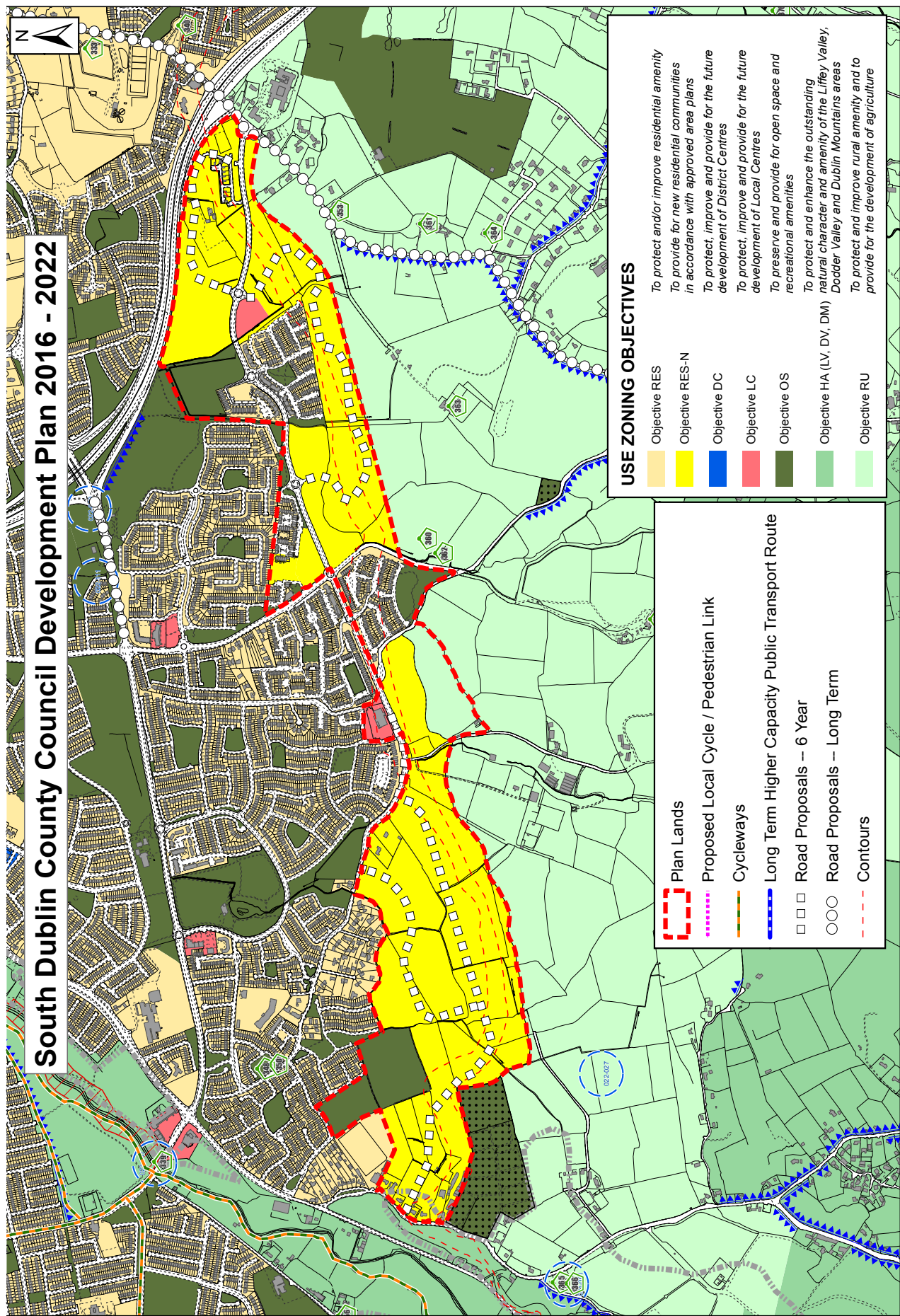


Figure 2: Zoning Map of Plan lands under South Dublin County Council Development Plan 2016 – 2022



Figure 3: Illustrated layout for Plan lands – Western Section



Figure 4: Illustrated layout for Plan lands – Eastern Section

