

3 PLANNING CONTEXT

3.1 Introduction

This chapter considers the Proposed Development in terms of legislative context and in relation to strategic, national, regional and local level planning policies and objectives.

3.2 Quality Assurance and Competence

This chapter has been prepared by Principal Consultant, Claire Fagan at Enviroguide. Claire holds a B.A degree in Geography from NUI Maynooth, a MSc degree in Planning and Development from Queen's University, Belfast, an Advanced Diploma in Planning and Environmental Law from King's Inns College, Dublin and is a member of the Royal Town Planning Institute (RTPI). Claire has worked as a Principal Planner with Enviroguide since 2021 and has 5 years' experience including the preparation of Planning and Policy Chapters for EIARs of a similar scale and nature to the Proposed Development.

This chapter has been reviewed by Harry Parker, Technical Director, and EIA Lead at Enviroguide. Harry is an environmental consultant with 17 years' experience in consultancy, specialising in EIAs for large-scale residential and commercial developments, working closely with a range of developers, planning consultants and architects within the public and private sector.

3.3 European Policy and Legislation

3.3.1 EIA Directive

Directive 2011/92/EU (as amended by Directive 2014 /52/EU) (together, the EIA Directive) was enacted to assess the effects of projects on the environment, and to properly ensure that any potential significant effects are assessed before a project proceeds.

Chapter 1 of this EIAR provides detail regarding European policy and legislation of the EIA Directive.

3.4 National and Regional Planning Policy Context

The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. The National Planning Framework has been published together with a 10-year national investment plan as one vision –meaning that implementation of the Framework will be fully supported by the Government's investment strategy for public capital investment and investment by the State sector in general.

On the 10th of July 2024, in accordance with Section 20C(5)(a) of the Planning and Development Act 2000, as amended, the Government published a draft of the first 6-year revision of the National Planning Framework. The draft revision focuses on the need to update the National Planning Framework in order to appropriately reflect changes in government policy that have taken places since its initial publication six years ago, including climate

transition, regional development, demographics, digitalisation and investment and prioritisation.

At the time of writing this chapter, submissions and observations are on-going until Thursday 12th September in line with Section 20C (6) and Section 20C (7) of the Planning and Development Act, 2000, as amended. It is expected that the approval and finalised document and subsequent publication will be available in October 2024.

Project Ireland 2040 includes a vision and strategy that is supported by a series of National Policy Objectives and will be aligned with the Government's ten-year National Investment Plan. The Strategy promotes:

- Compact Growth;
- Enhanced Regional Accessibility;
- Strengthened Rural Economies and Communities;
- Sustainable Mobility;
- A Strong Economy, supported by Enterprise, Innovation and Skills;
- High-Quality International Connectivity;
- Enhanced Amenities and Heritage;
- Transition to a Low Carbon and Climate Resilient Society;
- Sustainable Management of Water, Waste and other Environmental Resources; and
- Access to Quality Childcare, Education and Health Services

The shared goal for Compact Growth states:

*“Carefully managing the sustainable growth of compact cities, towns and villages will add value and create more attractive places in which people can live and work. All our urban settlements contain many potential development areas, centrally located and frequently publicly owned, that are suitable and capable of re-use to provide housing, jobs, amenities and services, but which need a streamlined and co-ordinated approach to their development, with investment in enabling infrastructure and supporting amenities, to realise their potential. Activating these strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.”*In relation to residential development the National Planning Framework states:

“A major new policy emphasis on renewing and developing existing settlements will be required, rather than continual expansion and sprawl of cities and towns out into the countryside, at the expense of town centres and smaller villages. The target is for at least 40% of all new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites”.

In terms of strategy for Dublin, the NPF states:

“Supporting the future growth and success of Dublin as Ireland’s leading global city of scale, by better managing Dublin’s growth to ensure that more of it can be accommodated within and close to the city.

Enabling significant population and jobs growth in the Dublin metropolitan area, together with better management of the trend towards overspill into surrounding counties.

Addressing infrastructural bottlenecks, improving citizens' quality of life and increasing housing supply in the right locations."

A core objective of the NPF is achieving compact growth and the framework targets a 'significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas'.

The NPF seeks to achieve "better use of under-utilised land and buildings, including 'infill', 'brownfield' and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport".

National Policy Objective 2a sets out "a target that half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs".

National Policy Objective 3a sets a target to "deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements."

National Policy Objective 3b states "Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints."

National Policy Objective 4 aims to "ensure the creation of attractive, liveable, well designed, high urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being."

National Policy Objective 5 states "to develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity."

National Policy Objective 6 seeks to "regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area."

National Policy Objective 7 relates to applying a tailored approach to urban development, with a particular focus including Dublin, and encouraging population growth in strong employment and service centres of all sizes, supported by employment growth.

National Policy Objective 11 states: "In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth."

National Policy Objective 13 states that: "In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected."

National Policy Objective 27 seeks to "Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling

accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.”

The NPF outlines there is a projected total requirement to accommodate 550,000 additional households to 2040. **National Policy Objective 33** seeks to “*Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.*”

National Policy Objective 35 of the National Planning Framework aims to: “*Increase residential density in settlements through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area of site- based regeneration and increased building heights.*”

Details on how the Proposed Development supports and complies with planning policy and legislation are detailed in the Planning Report and Statement of Consistency by Thornton O'Connor submitted separately as part of this application. Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019-2031)

The Regional Spatial and Economic Strategy (RSES) was adopted by the Eastern and Midland Regional Assembly (EMRA) on 3rd of May 2019 and came into effect on the 28th of June 2019. The vision for the RSES is to “*create a sustainable and competitive region that supports the health and wellbeing of our people and places, from urban to rural, with access to quality housing, travel and employment opportunities for all.*”

The Strategy is intended to:

- “*Support the continued growth of Dublin as our national economic engine.*
- *Deliver sustainable growth of the Metropolitan Area through the Dublin Metropolitan Area Strategic Plan (MASP).*
- *Support vibrant rural areas with a network of towns and villages • Facilitate the collaboration and growth of the Dublin – Belfast corridor.*
- *Embed a network of key towns through the Region to deliver sustainable regional development.”*

The principal purpose of the RSES is to support the implementation of Project Ireland 2040 – the National Planning Framework (NPF) and National Development Plan (NDP) and the economic policies and objectives of the Government by providing a long-term strategic planning and economic framework for the development of the region. The growth and settlement strategy of the RSES reflects the compact growth / urban consolidation objectives of the NPF.

The Eastern and Midland Regional Assembly identifies that the Region “*is home to over 800,000 households, with 4 out of 5 living in conventional housing while apartments account for around 18% of our housing stock. One of the challenges facing the Region is the continued growth rates of household formation coupled with a severe slowdown in the development of new housing stock during the economic recession, resulting in housing supply and affordability pressures in both sale and rental markets, particularly in Dublin and urban areas but affecting all of the Region.*”

The RSES sets out an ambitious target to achieve compact growth with 50% of housing to be provided within or contiguous to the built-up area of Dublin city and suburbs.

RPO 4.3: to “support the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin city and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.”

3.4.1 Housing for All - a New Housing Plan for Ireland (2021)

‘Housing for All - a New Housing Plan for Ireland’ is the Irish government’s housing plan to 2030. It is a multi-annual, multi-billion-euro plan which will improve Ireland’s housing system and deliver more homes of all types for people with different housing needs.

‘Housing for All, A New Housing Plan for Ireland’ was launched in September 2021, with the goal of increasing housing supply up to 2030. It seeks to increase housing availability and affordability, and to create a sustainable housing system into the future.

The plan contains 213 actions which will deliver a range of housing options for the delivery of over 300,000 social, affordable, cost rental and private homes in Ireland by 2030. These are backed by funding through the Exchequer, the Land Development Agency, and the Housing Finance Agency investment. The aims of Housing for All are to be delivered on through four pathways:

- “Pathway to supporting home ownership and increasing affordability.
- Pathway to eradicating homelessness, increasing social housing delivery and supporting social inclusion.
- Pathway to increasing new housing supply.
- Pathway to addressing vacancy and efficient use of existing housing stock.”

3.4.2 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities set national planning policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements.

The Guidelines replace the Sustainable Residential Developments in Urban Areas-Guidelines for Planning Authorities issued as Ministerial Guidelines under Section 28 of the Act in 2009 (now revoked). They build on and update previous guidance to take account of current Government policy and economic, social and environmental considerations. The Guidelines expand on higher-level policies of the National Planning Framework, setting policy and guidance in relation to the growth priorities for settlements, residential density, urban design and placemaking and introduce development standards for housing.

The density ranges support the application of densities that respond to settlement size and to different place contexts, recognising in particular the differences between cities, large and medium sized towns and smaller towns and villages. The development standards for housing will allow for greater flexibility and innovation and support the delivery of a greater range of housing options.

The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities “the Guidelines” will constitute Ministerial Guidelines under Section 28 of the

Planning and Development Act 2000 (as amended). Section 28 provides that planning authorities and An Bord Pleanála shall have regard to Ministerial Guidelines and shall apply any specific planning policy requirements (SPPRs) of the Guidelines, within the meaning of Section 28 (1C) of the Planning and Development Act 2000 (as amended), in the performance of their functions.

3.4.3 Sustainable Urban Housing: Design Standards for New Apartments 2023 - Guidelines for Planning Authorities

The Sustainable Urban Housing Design Standards for New Apartments were published by the Minister for Housing, Planning and Local Government and published in March 2018 and updated in 2020 and 2023 under section 28 of the Planning and Development Acts 2000 as amended.

Planning applications which provide for new apartment development must have regard to the Apartment Guidelines 2023. The Guidelines set out a number of Specific Planning Policy Requirements (SPPR), should any conflict arise between the SPPRs and the respective Development Plan the SPPRs take precedence.

3.4.4 Greater Dublin Area Transport Strategy 2022 -2040

The Greater Dublin Area Transport Strategy 2022- 2042 (Transport Strategy) replaces the previous framework, titled the Transport Strategy for the Greater Dublin Area 2016- 2035, which was approved by the then Minister for Transport, Tourism and Sport in 2016. The Greater Dublin Area, covers Dublin, inclusive of Dún Laoghaire-Rathdown County Council, Meath, Kildare and Wicklow.

The Greater Dublin Area Transport Strategy 2022- 2042 sets out Regional Strategic Outcomes (RSOs), which are aligned with the National Strategic Outcomes (NSOs) in the NPF, the RSES also identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives (RPOs).

Regional Policy Objective 4.40 states: *“To support ongoing investment in public transport infrastructure, including the appraisal, planning and design of the Luas extension to Bray. The development of Bray-Fassaroe should be undertaken in collaboration between Wicklow County Council, Dún Laoghaire-Rathdown County Council and the transport agencies to ensure the delivery of enabling transportation infrastructure and services.”*

3.4.5 Urban Development and Building Height Guidelines (2018)

The Urban Development and Building Heights Guidelines were adopted in 2018 and set out national planning policy guidelines on building heights in urban areas in response to specific policy objectives set out in the National Planning Framework and Project Ireland 2040. The Guidelines promote an increase in building height in the right locations and set out certain criteria and requirements for developments of increased height.

3.4.6 Design Manual for Urban Roads and Streets (DMURS)

The Design Manual for Urban Roads and Streets was adopted in 2013 and updated in 2022 set out design guidance and standards for constructing new and reconfiguring existing urban roads and streets in Ireland. It also outlines practical design measures to encourage more sustainable travel patterns in urban areas. DMURS aims to end the practice of designing streets as traffic corridors, and instead focus on the needs of pedestrians, cyclists, and public

transport users. The manual sets out design guidance and standards for constructing new and reconfiguring existing urban roads and streets in Ireland. Incorporating good planning and design practice and focus on the public realm, it also outlines practical design measures to encourage more sustainable travel patterns in urban areas.

The principal design guidance of DMURS has been considered in the design of this development. The Transport and Traffic Assessment prepared by Atkins Réalis provides further detail in respect of consistency of the Proposed Development with DMURS (2024).

3.4.7 Guidelines for Planning Authorities on ‘The Planning System and Flood Risk Management (November 2009)’

The Planning System and Flood Risk Management Guidelines were published by the Minister for the Environment, Heritage & Local Government in November 2009 under Section 28 of the Planning & Development Acts 2000 to 2022.

The Planning System and Flood Risk Management Guidelines require the planning system at all levels to avoid development in areas at risk of flooding, particularly floodplains, unless there are proven wider sustainability grounds that justify appropriate development and where the flood risk can be reduced or managed to an acceptable level without increasing flood risk elsewhere; adopt a sequential approach to flood risk management when assessing the location for new development based on avoidance, reduction and mitigation of flood risk; and incorporate flood risk assessment into the process of making decisions on planning applications and planning appeals.

Details on how the Proposed Development supports and complies with The Planning System and Flood Risk Management Guidelines are detailed in the site-specific flood risk assessment (SFRA) prepared by Roger Mullarkey & Associates 2024, submitted separately as part of this application and included in Appendix 3-1 of this EIAR. The SFRA concludes that the Proposed Development is appropriate at the site and with an overall low risk of fluvial, groundwater, coastal and pluvial flooding (Roger Mullarkey & Associates, 2024).

3.5 Local Policy

3.5.1 Dún Laoghaire Rathdown County Development Plan 2022-2028

Under Section 9(1) of the Planning and Development Act 2000, as amended, every planning authority is obliged to make a development plan every six years. The Dún Laoghaire Rathdown (DLR) County Development Plan 2022-2028 is the current statutory plan for the region, against which planning applications will be considered.

Section 10(1) of the Planning and Development Act 2000, as amended, states that the purpose of a development plan is to set out “*an overall strategy for the proper planning and sustainable development*” in a particular functional area.

The vision for Dún Laoghaire-Rathdown County Development Plan 2022-2028 is to “*embrace inclusiveness, champion quality of life through healthy placemaking, grow and attract a diverse innovative economy and deliver this in a manner that enhances our environment for future generations.*”

The Dún Laoghaire Rathdown County Development Plan 2022-2028 sets the land use zoning objectives and uses that would be permissible in principle and/or open for consideration within

each land use. The entirety of the Proposed Development site is located on land zoned 'Objective A' and 'Objective NC'.

- The zoning for Objective 'A' includes "To provide residential development and improve residential amenity while protecting the existing residential amenities."
- The zoning for Objective 'NC' is as follows: "To protect, provide for and/or improve mixed-use neighbourhood centre facilities."

Residential use is classed as permitted in principle for these zones as per the Dún Laoghaire Rathdown County Development Plan 2022-2028.

3.5.1.1 Policy in relation to Residential Development

Chapter 4 Neighbourhood, People and Homes of the Dún Laoghaire Rathdown County Development Plan 2022-2028 outlines the plans, policy, and objectives in accordance with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES). In order to achieve compact growth, 50% of housing must be provided for within the built-up area of Dublin City and Suburbs. In order to achieve this goal, the Plan recognises that housing delivery in DLR should accord with the provisions of the Core Strategy which sets out the appropriate locations for future development in DLR.

It is the policy of the Dún Laoghaire Rathdown County Development Plan 2022-2028 to :

PHP18: *Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12. Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.*

PHO25: *Support as appropriate the delivery of the actions set out in the 4 pathways contained in 'Housing for All – A new Housing Plan for Ireland, 2021'.*

PHP26: *Facilitate the implementation and delivery of the Housing Strategy and Housing Need Demand Assessment (HNDA) 2022 - 2028.*

PHP27: *Encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA.*

Chapter 12 of Dún Laoghaire Rathdown County Development Plan 2022-2028 details development management standards. It contains development management guidance in relation to the delivery of sustainable residential development including provisions for healthy placemaking, high quality design, density, building height, unit mix, apartment size, housing for all and social and affordable housing. Details on how the Proposed Development supports and complies with development managed standards are detailed in the Planning Report and Statement of Consistency by Thornton O'Connor submitted separately as part of this application.

3.5.1.2 Kiltiernan Local Area Plan 2013-2019

The Proposed Development site is also located within the Kiltiernan Local Area Plan 2013-2019. The existing Kiltiernan-Glenamuck Local Area Plan 2013 has now expired; however, the scheme has been designed principally in accordance with the expired LAP parameters.

Kiltiernan Neighbourhood Framework Plan 2013, which is an appendix document to the Kiltiernan Local Area Plan, sets out the development framework for the Neighbourhood Centre zone:

'Ideally there should be one Neighbourhood Centre to feature as the civic core for the LAP area. The provision of two centres, on opposite sides of Enniskerry Road, somewhat dilutes potential focus. It is intended that the southern-most NC node (Parcel No. 22) will be the primary node.'

'The Framework Plan envisages that the node centred around Our Lady of the Wayside Church will become the primary retail, commercial and community focus for the village, centred on a new 'village green' that will become the heart of the village.'

The Proposed Development includes a Neighbourhood Centre.

In the hierarchy of plans, a Local Area Plan sits under a County Development Plan, and a Local Area Plan is required to be consistent with all provisions of a County Development Plan including all land use zoning objectives and uses permissible within each zone.

Dún Laoghaire Rathdown County Council is preparing a new Local Area Plan for the Kiltiernan-Glenamuck area. The Planning Authority will prepare a Draft Local Area Plan for Kiltiernan-Glenamuck taking into account the issues raised during the pre-draft consultation.

The Draft Local Area Plan will set out a vision for the plan area and will contain a suite of policies, objectives and guidance specific to Kiltiernan Glenamuck.

Once completed, the Draft Local Area Plan will be placed on public display and the statutory process for making the plan commences.