

NEW PROCEDURE UNDER S.12 OF THE 2010 PLANNING AND DEVELOPMENT ACT REGARDING LIFFEY VALLEY TOWN CENTRE LOCAL AREA PLAN

1) 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 (the normal LAP duration is 6 years) for a further 4 years (i.e. up to a total of 10 years from adoption) provided the Planning Authority resolve to do this within 5 years of the original adoption date. (Members will be aware that there is also a mechanism in the Act for extending individual grants of planning permission.)

The Liffey Valley Town Centre LAP was adopted in March 2008. The Liffey Valley LAP will remain in force for 6 years from its adoption until March 2014. The new procedure introduced under Section 12 of the Planning and Development Act 2010 gives the Council the option to extend the Liffey Valley LAP to March 2018 provided the Planning Authority resolve to do this before March 2013. The Tallaght Town Centre LAP was extended for a further period of four years in October 2011 in accordance with this legislation.

The purpose of this report is, in accordance with Section 12 of the Planning and Development Act 2010 and Section 19 of the Principal Act as amended, to set out below the opinion of the Manager that:-

- a) The Liffey Valley Town Centre Local Area Plan remains consistent with the objectives and core strategy of the South Dublin County Development Plan 2010 – 2016; and
- b) The objectives of the Liffey Valley Town Centre Local Area Plan have not been substantially secured.

2) Consistency with the objectives and core strategy of the South Dublin County Development Plan 2010-16

The South Dublin County Council Development Plan 2010- 2016 sets out a coherent spatial planning framework for the County within the context of the National Spatial Strategy (2002) and the Dublin and Mid East Regional Planning Guidelines.

The primary aim of the **Core Strategy** as articulated in the Development Plan is as follows:-

“The core strategic aim of this Development Plan is to promote a more consolidated and compact urban form for this County. This will entail the following:

- The consolidation/strengthening of our designated town centres.....”.

The Development Plan policy for Liffey Valley Town Centre is as follows:-

“Policy TDL15: It is the policy of the Council to facilitate a high quality urban design based town centre development at the Liffey Valley Shopping Centre and to ensure that the centre is developed as a compact urban form in accordance with the Liffey Valley Town Centre Local Area Plan (2008).”

The Liffey Valley Town Centre Local Area Plan (2008) aims to:

- Facilitate the development of Liffey Valley Town Centre as a vibrant and sustainable Town Centre, where people can avail of the highest standards of housing, employment, services and amenities.
- Facilitate the long term development of Liffey Valley as a Level 2 Retail Centre.
- Promote Liffey Valley as a desirable place to live, work and visit.
- Promote an improved Urban Form by applying the principles of good urban design, providing key frontages, integrated streets, squares and parks and an appropriate range of people intensive day and night time uses.
- Promote and facilitate improved accessibility and linkage through provision of an integrated public transport network as an alternative to the private car and the provision of secure pedestrian and cycle networks.
- Promote the strengthening and diversification of the local economy & encourage and facilitate local participation.
- Provide for improved physical and socio-economic linkages with adjoining communities.
- Encourage the provision of appropriate community and cultural facilities to enhance the character and diversity of the Town Centre.
- Provide high quality civic spaces within the Town Centre and to establish clear linkages to the Liffey Valley Park.
- Ensure that buildings are appropriately scaled, according to their setting and combined with a proper network of streets, squares and civic spaces that enhance the Town Centre environment.

It is apparent from the above and it is the opinion of the Manager that the Liffey Valley Town Centre Local Area Plan remains consistent with the objectives and core strategy of the South Dublin County Development Plan 2010 – 2016.

3) Securing the Objectives of the Liffey Valley Town Centre Local Area Plan

The detailed objectives of the Liffey Valley Town Centre LAP are divided into four main areas as follows:-

Land Use and Intensity;

Access and Movement;

Public Spaces; and

Community and Social Infrastructure.

The achievement of the objectives in the LAP has not progressed significantly to date. 25 planning applications have been made within the LAP area since the

adoption of the LAP in March 2008. 19 planning applications sought permission for relatively minor developments such as lighting/signage and alterations to existing units; and 6 planning applications sought permission for more significant developments. A summary of the major applications is outlined below:

Major Developments Granted and Built:

- SD12A/0198: Events Area (2359sq.m.) to host a series of temporary uses (e.g. ice rink, funfairs etc); to the rear of shopping centre (3 year permission to expire in 2015).

Major Developments Granted and Not Constructed to date:

- SD10A/0034: Three storey building (3014.5sq.m.) adjoining Vue Cinema to contain 5 restaurants and offices.

Major Developments on Appeal to An Bord Pleanala

- SD12A/0014: Tesco Foodstore; 11,020sq.m of retail floorspace granted permission by South Dublin County Council.

Active Planning Applications for Major Developments

- SD12A/0226: 3,444sq.m Restaurant/Office space; 827sq.m cinema extension; 6640sq.m retail space; 3,300sq.m landscaped civic space, and temporary events area. Request for additional information issued in January 2013.

Major Developments Refused Planning Permission:

- SD09A/0162: 11,787sq.m retail anchor store (inc. Foodstore) and associated ancillary retail stores. Permission granted by South Dublin County Council and refused on appeal by An Bord Pleanala.
- SD09A/0161: 68,537sq.m of mixed use retail, commercial and civic/community development - 60,745sq.m retail, 7,792sq.m civic space (library, community facilities), 5 storey car park. Permission granted by South Dublin County Council and refused on appeal by An Bord Pleanala.

The implementation of the LAP has not progressed and no significant development has occurred since the adoption of the Plan. Two concurrent planning applications for major developments were made in April 2009 and permission was refused by An Bord Pleanala in November 2010 (Reg. Ref. SD09A/0161 and SD09A/0162 refer). There is 3,014sq.m of permitted floorspace undeveloped (Reg. Ref. SD10A/0034 refers). There are also two planning applications under consideration for a food store in the designated retail core (Reg. Ref. SD12A/0014 refers); and for 10,900sq.m of retail / commercial floor space and a civic space in the designated civic core (Reg. Ref. SD12A/0226 refers).

The policies and objectives in the Liffey Valley Town Centre LAP have been 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 set out in the LAP.

In terms of **Land-Use** a sustainable mix of retail, commercial, community and residential uses has not been achieved to date.

In terms of **Built Form** an upgraded urban form has not been achieved to date.

In terms of **Land-Use** a sustainable mix of retail, commercial, community and residential uses has not been achieved to date.

In terms of **Access and Movement** upgraded transport infrastructure and improved permeability and linkage have not been achieved to date.

In terms of **Public Spaces**, the provision of a hierarchy of interlinked spaces including a landscaped civic quarter has not been achieved to date. A proposal for a landscaped civic space is currently under consideration under Planning Reg. Ref. SD12A/0226.

In terms of **Community and Social infrastructure**, the provision of a library, community facilities and other civic facilities have not been achieved to date.

4) Objectives of the LAP not secured

There are a series of detailed objectives in the Liffey Valley Town Centre LAP that have not been secured. These are as follows:-

Land Use and Intensity Objectives:

- To promote a sustainable mix of retail, commercial, community and residential uses at appropriate locations within the Town Centre.
- To concentrate new development into three development cores focused on civic, retail and residential uses.
- To position land uses in a sustainable manner that accounts for proximity to transport and services and takes into account local conditions and aspirations.
- To encourage mixed use development that provides a range of services and facilities and promotes an active day and night time environment within the Town Centre.
- To maintain the existing shopping centre, multiplex cinema, office complex, retail parks, hotel, public house and motor mall and allow for the incremental growth of these areas.

Intensity and Built Form Objectives

- To focus development into three core areas, to generate the critical mass of development in each area that is needed to promote sustainable and lively areas.
- To promote a hierarchy of intensity within the Town Centre, emanating from the Civic Core.
- To promote an upgraded urban form within the Town Centre focused around a network of linked urban squares and streets, innovative buildings and people intensive land uses.

Access and Movement Objectives

- To ensure that transport infrastructure within the Town Centre is upgraded in tandem with new development.
- To facilitate expansion of the public transport network through enhanced bus services within and accessing the Town Centre.
- To facilitate the developer in delivering key junction improvements to ensure that there is adequate capacity on the local road network.
- To ensure that necessary mobility management mechanisms are implemented by the developer in tandem with development.
- To ensure that the design and layout of the new town centre optimises opportunity for access to the Town Centre by 'alternative modes of transport' such as public transport, walking or cycling.
- It is required that ongoing discussions are held with the National Roads Authority as part of the preparation of Planning Applications and associated Mobility Management Plan.
- It is required that evaluation of any Planning Applications and associated Mobility Management Plan have regard to the consequence of the development proposed in the Planning Application on traffic volumes at the time on the old Lucan Road between the Woodies junction and Millstream Road, and Lucan Village.
- The traffic model be re-run with sensitivity tests at planning application stage to provide a view as to the impact of Metro West and Luas on the road network and junctions and including modal split impacts.
- It shall be an objective of the Local Area Plan that there shall be an evaluation of any Planning Applications and associated Mobility Management Plan so as to have regard to the consequence of the development proposed in the Planning Application on traffic volumes at the time on Kennelsfort Road.

Public Spaces Objectives

- To achieve open spaces that are attractive, permeable, multi functional and safe.
- To ensure a clearly defined hierarchy of interlinked spaces based on their location and function.
- To ensure that public squares are overlooked by active ground floor uses such as shops, restaurants and civic and community uses that create activity and interest.
- To ensure that existing open spaces such as Quarryvale Park are upgraded in conjunction with new development.
- To provide a positive interface between spaces and the built form e.g. building frontages, windows and entrances should face onto and overlook the street and open spaces.
- To promote design that creates a clear distinction between public and private space. This will improve safety and security and give clear direction.
- To promote layouts that enclose public spaces and take account of local climate conditions such as sunlight, daylight and prevailing winds.
- To ensure that the public realm is characterised by high quality materials such as paving, street furniture, lighting and planting. Opportunities for public art should be created particularly in public squares and at gateways.
- To ensure that the public realm is accessible to people of all ages and abilities.
- To ensure a comprehensive management and maintenance regime is established to look after all public realm areas.

Community and Social Infrastructure Objectives

- To facilitate the provision of higher order community facilities in the Town Centre, to meet the needs of existing and future populations within and adjoining the Town Centre.

It is considered that the objectives of the Liffey Valley Town Centre LAP 2008 have not been substantially secured.

5) Statutory Procedure under Section 12 of the Planning and Development Act 2010.

Having sought and received from the Manager:-

- 1) The opinion that the local area plan remains consistent with the objectives and core strategy of the relevant development plan; and
- 2) The opinion that the objectives of the local area plan have not been substantially secured;

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 February 2013.

Subsequent to a resolution under S. 19 (1) (d) of the Planning and Development Act 2000 (as amended by Section 12 of the Planning and Development Act 2010), 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 and 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.

6) Manager's Recommendation

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 Act 2000 -2010 (i.e. notices for making, amending or revoking the Local Area Plans as amended by Section 12 of the Planning and Development Act 2010) for the Liffey Valley Local Area Plan for a further period not exceeding 5 years.

It is recommended that the following resolution be approved at the February 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 as amended by Section 12 of the Planning and Development Act 2010) for the Liffey Valley Local Area Plan for a further period not exceeding 5 years."