

Planning and Urban Form

Strategic Policy Committee – September 2021

Masterplans v LAPs Item No. 6 on the Agenda

Local Plan Making within Dublin City Council, including Local Area Plans and Masterplans

1.0 Introduction

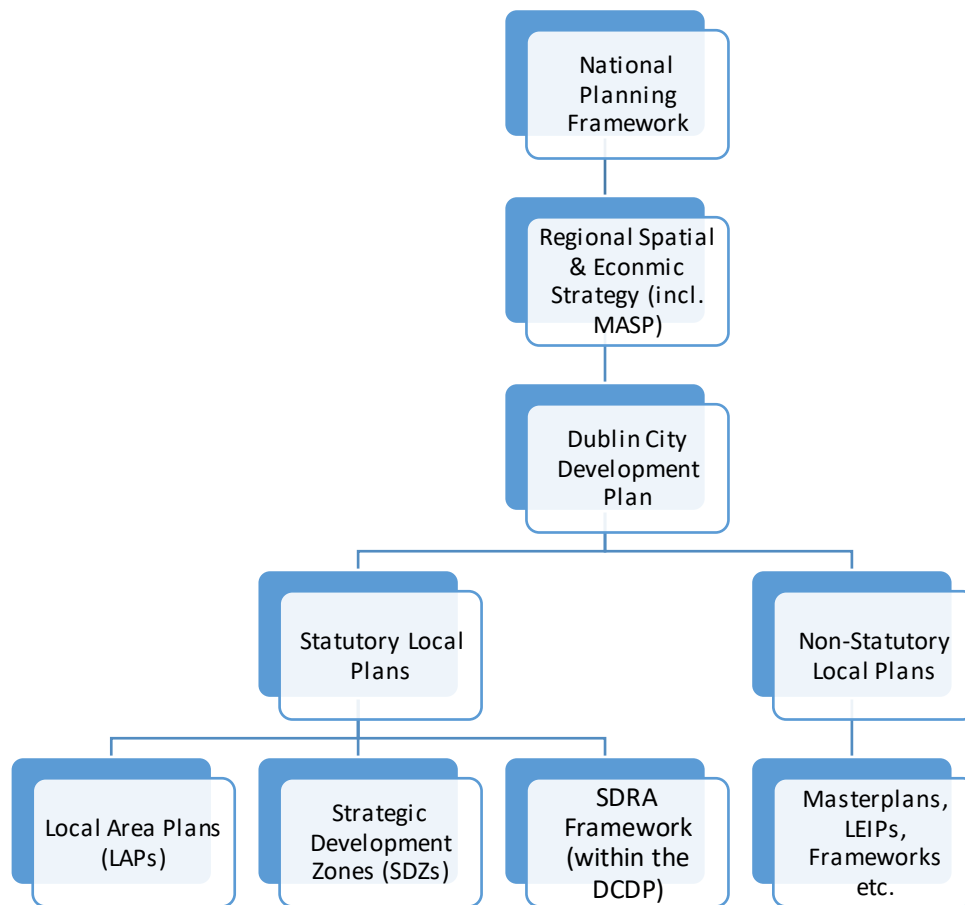
Planning policy within Dublin City Council is governed by the Dublin City Development Plan (DCDP). Prepared every six years the DCDP sets out the long term vision for the City and provides the framework within which to achieve this. Centred on a core strategy that is consistent with higher order plans including the Regional Spatial and Economic Strategy and the National Planning Framework, the DCDP provides policy, objectives and standards to implement this Vision.

Sitting under the DCDP in terms of plan hierarchy are a number of local plan options. In 2000 the Planning and Development Act introduced new procedures for local statutory plans that would sit under the City/ County Development Plans. Two new statutory planning process were established (i) Local Area Plans (LAPs) and (ii) Strategic Development Zones (SDZs). Since their introduction, Dublin City Council (DCC) has utilised both of these forms of planning to help deliver largescale regeneration within parts of the City.

Dublin City Council also utilises other forms of local plan making, including Masterplans and LEIPs, Local Environmental Improvement Plans, when dealing with smaller areas of the city; often as sub-sets of LAPs, SDRAs- Strategic Development and Regeneration Areas, or sometimes as standalone plans. These plans are non-statutory local plans, but which accord with the City Development Plan.

This report sets out and explains the differences between the various local plans, their requirements for consultation and environmental assessment; and identifies when different plans are considered appropriate.

Fig 1: Plan Making Hierarchy



2.0 Statutory Local Plans

There are two statutory independent local plan making process provided for within the Planning and Development Act 2000 (as amended), hereafter referred to as the Planning Acts. These are:

- (i) Strategic Development Zones, and
- (ii) Local Area Plans.

In addition to these standalone plans the City Council may also utilise the DCDP to provide a local planning aspect where appropriate. Both the current and the proposed new Draft Dublin City Development Plans have provided local frameworks for key Strategic Development and Regeneration Areas (SDRA), in areas essential to deliver the City's core strategy of the Development Plan.

2.1 Strategic Development Zones (SDZ)

Strategic Development Zones are designations of national importance. A Strategic Development Zone (SDZ) is an area of land that is proposed to contain developments of economic or social importance to the state. The designation of a site as an SDZ is a decision

of central Government, following a proposal by the Minister for Housing, Local Government and Heritage (hereafter referred to as the Minister). The types of development for which a zone may be established include industrial, residential and commercial development, the scale of which is of importance in a national context. The designation, which may specify the type of development permitted, is provided to allow for the quick delivery of development in accordance with a Planning Scheme. Once a Planning Scheme is made by the Council and confirmed by An Bord Pleanála, there is no provision for appeals to individual planning applications that are consistent with the approved Planning Scheme.

Introduced under the 2000 Planning Act a total of six SDZs have been adopted in Dublin, including three within the Dublin City Council administrative area.

Statutory Provision: Part IX, Section 165 to 171 of the Planning Acts.

Process: When land is designated as an SDZ by Government Order, the Development Agency specified by the Government must prepare a draft Planning Scheme in respect of all or part of the zone within 2 years of the Government Order. The Development Agency can be the local authority, Dublin City Council or a specified agency as in the case of the Grangegorman Development Agency.

Timeline for Consultation and Decision Making

Non-statutory Consultation: In general there is a period of circa one year allocated for non-statutory consultation, research and data gathering in preparation of making a Draft Planning Scheme.

The **statutory process** for the making of a Planning Scheme is set down in the Planning Acts (Section 165).

- Weeks 1-6 The draft Planning Scheme is advertised, circulated to the Minister and the prescribed bodies and put on public display for 6 weeks, during which time members of the public are invited to make written submissions and observations.
- Weeks 7-18 Within 12 weeks of giving notice of the scheme, a Chief Executive's Report is prepared summarising the key issues raised in the public submissions, and submitted to the Elected Members of the Local Authority for their consideration.

Within 6 weeks of the submission of the CE Report, the Elected Members decide by resolution to make or vary the Planning Scheme, or indeed to not make the scheme.

If the Planning Scheme is varied by the Elected Members, the variation to the draft Planning Scheme (and any subsequent environmental assessment) may need to go through a further public consultation process and back to the elected members for consideration and adoption.

The decision to make the Planning Scheme is made by the Local Authority. However, the Development Agency or any person who made a submission or observation in respect to the draft Planning Scheme may within 4 weeks of the making of the Planning Scheme appeal the decision to An Bord Pleanála. Subsequently the Board may decide, usually following an oral hearing, to approve the Planning Scheme with or without modifications, or to refuse to approve the scheme.

Plan Hierarchy / Adopted Planning Scheme

An SDZ Planning Scheme shall be deemed to form part of any development plan in force in the area of the scheme until the scheme is revoked. It does not have an expiry date or limit on its lifespan. As a standalone document it remains in force and is not superseded by subsequent Development Plans in the area.



Current SDZs within the City: The City Council has three SDZs operational within the City, as per Table 1 below.

Table 1: Dublin City Council, SDZ Schemes:

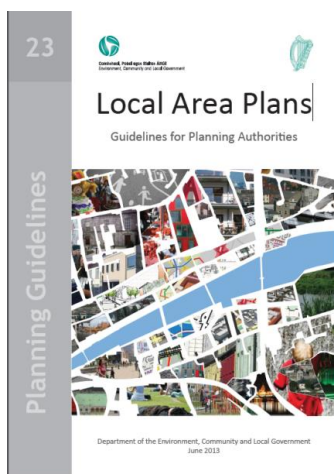
Name	Date of Adoption	Large scale quantum of Development
North Lotts and Grand Canal Dock SDZ (Docklands SDZ) Managed by DCC	May 2014	Approximately 400,000 sq. m. of commercial and 2,800 residential units have been permitted with the vast majority of the lands already complete or under construction.
Grangegorman SDZ Managed by Grangegorman Development Agency	May 2012	c. 30 ha, home to Technological University Dublin (formerly DIT), to accommodate over 20,000 students. Also home to a new Primary Care centre, school, parks and greenway.
Poolbeg West SDZ Managed by DCC	April 2019	Proposes approx. 3,500 residential units c. 100,000 sq. m. commercial floor space.

Other SDZs within the wider Dublin area include Adamstown SDZ (2003; it was the first in the country) and Clonburriss SDZ (2008), both in South Dublin County Council, Cherrywood SDZ (2014), in Dun Laoghaire Rathdown County Council and Hansfield SDZ (2006) in Fingal County Council area.

2.2 Local Area Plans (LAPs)

Dublin City Council has prepared a number of Local Area Plans to deliver the DCDP vision and core strategy and to coordinate the development of significant new housing/regeneration for the city at a more local level. The function of a Local Area Plan is to set out principles for the future sustainable development of the area, ensuring consistency with the provisions of the Dublin City Development Plan. LAPs are usually required for areas in need of renewal or areas likely to be subject to large-scale development. These areas are identified within the DCDP, as key areas in the delivery of the core strategy and/or in providing a catalyst for regeneration.

Legislation: Part II, Chapter II of the Planning and Development Act 2000-2011, Section 18-20; and Part 3 of the Planning and Development Regulations 2001-2012 (hereafter referred to as the Planning Acts and Planning Regulations).



In addition to the primary legislation, the Department of the Environment, Community and Local Government, (now the Department of Housing, Local Government and Heritage, hereafter referred to as the Department), issued *Guidelines for Planning Authorities on Local Area Plans* (June 2013). These Guidelines were issued under Section 28 of the Planning Act thereby requiring planning authorities to have regard to them in the performance of their functions under the Planning Acts. The Guidelines are accompanied by a non-statutory best practice manual (June 2013).

Plan Hierarchy: Section 19(2) of the Act requires local area plans to be consistent with the objectives of the Development Plan, its core strategy, and any regional spatial and economic strategy. Where a LAP is no longer consistent with the development plan, it must be reviewed within one year following the making of the development plan.

Requirement to Prepare a Local Area Plan

Under the Planning Acts, it is mandatory for a planning authority to make a local area plan in respect of an area which is designated as a town (in the most recent census) and which has a population in excess of 5,000. While this requirements applies to many towns across Ireland, it does not apply to the built-up area of Dublin City. Here the legislative context is more discretionary, as set out in Section 19(1)(a):

19.—(1) (a) A local area plan may be prepared in respect of any area, including a Gaeltacht area, or an existing suburb of an urban area, which the planning authority considers suitable and, in particular, for those areas which require economic, physical and social renewal and for areas likely to be subject to large scale development within the lifetime of the plan.

The Guidelines advise that such a decision would normally take on board criteria such as

- the degree to which major development is anticipated
- the resource implications.

Lifespan of Local Area Plans: Local Area Plans are in general made for periods of 6 years (in keeping with Section 19 of the Act). However a Planning Authority may decide, before the end of the 5th year, to extend the life of the Plan by an additional 5 years.

Preparation of Local Area Plans

Preliminary Consultation & Information gathering: 1 year

From a resource perspective the *Guidelines* recommend allowing for up to one year prior to the commencement of the statutory timeframe to allow for research, background data, information collection and to allow for meaningful engagement with stakeholders. The Planning Acts state [Section 20(1)] that the planning authority must take whatever steps they consider necessary to consult with the Minister and the public before preparing, amending or revoking a LAP, including consultations with local residents, public sector agencies, non-governmental agencies, local community groups and commercial and business interests in the area. As part of this process, in preparing a LAP, DCC has published non-statutory “Issues Papers” for each LAP undertaken. This process takes place prior to the drafting of the LAP. Submissions are summarised and presented to the Council as part of a CE report, highlighting the key areas of concerns.

This period is also used to commence environmental assessments, including flood risk assessment, Appropriate Assessment and Strategic Environmental Assessment, and their integration with the LAP preparation process.



Statutory Plan Making Process:

The statutory LAP process takes between 18-35 weeks to complete, and comprises the following key stages:

Key milestones of the LAP process (largely taken from the *Guidelines for Planning Authorities*):

Preliminary Work:

- **1 year background preparation including publication of an Issues Paper**
- **Consultation with all stakeholders**

Statutory Process:

1. **Serving of the initial public notice** under Section 20(3)(a)(i) that the planning authority intends to make, amend or revoke a local area plan to statutory consultees and the wider public and putting the draft local area plan on public display for a period not less than 6 weeks during which time submissions or observations may be made;
2. **The Chief Executive's report** under Section 20(3)(c)(i) to the members, summarising the list of submissions, their broad content and appropriate recommendations, within 12 weeks of the notice above; then following consideration of the report either:
3. **The making, amending or revoking of the draft local area plan in accordance with the recommendations of the Chief Executive**, in which case the plan is deemed to have been made/amended/revoked, 6 weeks after the furnishing of the Chief Executive's report; or
4. **The making, amending of the plan otherwise than as recommended by the Chief Executive; or not making, amending or revoking the plan.**
5. Following consideration of the Chief Executive's report, the members may decide to **alter a draft 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 manager 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 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 local area plan** then follows 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 proposed amended draft 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 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 make or 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.

The Local Area Plan then **has effect 4 weeks from a decision** under (9) above and planning authorities must send a copy of the local area plan as made to statutory consultees.

DCC Local Area Plans

Dublin City Council has prepared a total of 8 Local Area Plans since the legislation came into effect, of which six remain in force, see table 2.

Table 2: Local Area Plans by DCC

Name	Date of Adoption	Date of Expiry
Ballymun	October 2017	October 2023 (option to extend, prior to Oct 2022).
Ashtown/Pelletstown	December 2013	(Extended) December 2023
Park West - Cherry Orchard	October 2019	October 2025 (option to extend prior to Oct 2024)
Clongriffin-Belmayne	December 2012	(Extended) December 2022
George's Quay	July 2012	(Extended) July 2022
Naas Road	January 2013	(Extended) January 2023
Liberties LAP	May 2009	Expired
Phibsborough-Mountjoy LAP	October 2008	Expired
Draft Phibsborough LAP	Not adopted	

2.3 SDRAs: Strategic Development and Regeneration Areas (SDRA): Frameworks set out within the DCDP.

The City Council also utilises the Development Plan to provide local statutory frameworks for the key Strategic Regeneration and Development Areas (SDRA) of the City. These are areas for which have been identified in the DCDP as capable of delivering significant quantities of homes and employment for the city, either through the development of greenfield lands or through regeneration of the existing built city.

For each SDRA an overarching Framework map and series of guiding principles is set out. These guiding principles set out an overall strategy for each site in terms of the appropriate form and scale of development, key routes and permeability, open space etc.

Many of the SDRAs overlap with Local Area Plans, thus reinforcing the statutory context, and also providing continuation of policy on the expiry of a LAP. Other SDRAs call for the delivery of Masterplans to refine the detail of the Framework.

Forming part of the DCDP, the SDRA frameworks are subject to the two year DCDP consultation process, and all associated environmental assessments.

3.0 Non-Statutory Area-Specific Plans: incl. Masterplans, LEIPs etc.

The statutory local plans set out above provide developers, the local community and the planning authority with detailed planning policies for an area which can be highly beneficial in securing rejuvenation for parts of the City, and providing security for investors. However the downside is their preparation is highly time consuming and costly. It is a process best suited to large scale regeneration/ development as per the Planning Acts. The Department's *Guidelines for Planning Authorities on Local Area Plans* (June 2013), provides the following advice in considering other / alternative appropriate plan context:

“Beyond statutory plans, documents such as village design statements, environmental improvement plans or individual site development briefs may be drawn up, as long as they are consistent with the parameters laid down by statutory plans, to guide specific development proposals”.

In examining smaller scale areas with potential for (re)development Dublin City Council utilises a series of non-statutory plans/ strategies including Masterplans, Local Environmental Improvement Plans (LEIPs) and development briefs as appropriate.

A **Masterplan** in general provides a 3-dimensional and design guide for a vacant or brownfield site(s) that is subject to (re) development. It should set out a detailed design, spatial hierarchy, street/block, layout and form for specific lands or an area, having regard to and consistent to higher level Frameworks, Plans and Policy.

Two recent examples of Masterplans prepared by DCC include:

- (i) Masterplan for Belmayne and Beclamp. In this instance the Clongriffin-Belmayne Local Area Plan (2012) identified the need for a more detailed site specific masterplan for the lands at Belmayne and Belcamp. The Masterplan is directly informed and led by the LAP. Non-statutory public consultation was carried out in conjunction with the local area committee.

- (ii) Masterplan for Gulistan, Rathmines. DCC is this month publishing a Draft Masterplan for a site at Gulistan. The site, which measures 1.13 ha is a brownfield site zoned for mixed use development. The Masterplan in this instance is guided and informed by the DCDP. It provides detailed plans for new housing, a primary care centre and community building.

While the starting context for these plans is different, they each provide a design-led response to higher order plans and policy, ensuring the plan responds to its context. As plans prepared by DCC for publically owned land, they were both subject to non-statutory public consultation.

In other cases where an individual is applying for planning permission on lands zoned Z12 or Z15, or as part of some SDRAs, where the development relates to a portion of the overall land holding, then Dublin City Council will request the provision of a Masterplan to set out the overall strategy for the site. In these cases the Masterplan is available for public consideration as part of the planning application process.

LEIPs, Local Environmental Improvement Plans have been prepared for parts for the city, where large scale development is not anticipated, but where growth is to be encouraged and where public realm enhancements are sought. They tend to focus on village and neighbourhoods centres outside of the City centre core, rather than single site(s). The current DCDP lists a total of 31 no. urban villages with an objective to prepare a number of LEIPs.



Examples of Local Environmental Improvement Plans prepared to date include Dolphins Barn (2018), Ringsend/ Irishtown (2017), Phibsborough LEIP, (2016) and Fairview Marino Plan, (2014).

Non-statutory local based plan making can be considered accessible by virtue of the scale and size of projects/ schemes put forward. They also offer flexibility in terms of time allocation for consultation and decision making, not subject to the strict timeframes of statutory plan making. They offer an approach to engage with the public and address key issues such as movement, public realm, open space, community facilities, education, greening etc. As non-statutory plans they guide rather than direct future planning decisions. However importantly they also allow for locally based strategies to be developed that can inform future actions and investment by the council.

Table 1: DCDP 2016-2022 List of Proposed Local Environmental Improvement Plans (LEIPs)

1	Artane
2	Ballyfermot
3	Bluebell
4	Cabra
5	Camden St/ Wexford St/ Redmond's Hill/ Aungier St and Georges St area
6	Clontarf
7	Crumlin
8	Donnycarney
9	Donnycarney incl. Malahide Road and Collins Avenue
10	Dolphin's Barn
11	Driminagh
12	Drumcondra Village
13	East Wall Area
14	Finglas
15	Glasnevin
16	Gracepark Road
17	Inchicore / St. Michael's / Kilmainham
18	Irishtown
19	Killester Village
20	Liffey Quays
21	Little Camden
22	Navan Road
23	North Strand
24	North Strand – Ballybough/ Clonliffle
25	Phibsborough
26	Ringsend
27	Sherrif Street/ North Wall
28	Stoneybatter
29	Terenure
30	Walkinstown
31	Whitehall

4.0 Environmental assessment

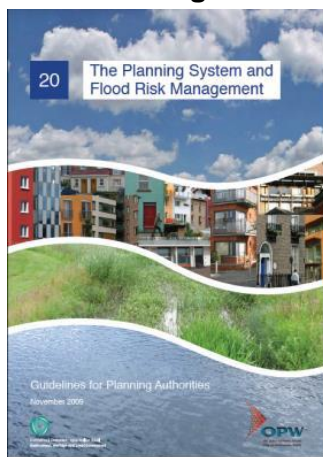
Environmental assessment of Plans is carried out under the following three processes:

Strategic Environmental Assessment (SEA) SEA is a systematic process of predicting and evaluating the *likely significant environmental effects* of implementing a proposed plan or programme, in order to ensure that these effects are adequately addressed at the earliest appropriate stages of decision-making in tandem with economic, social and other considerations. SEA is undertaken in accordance with Directive 2001/42/EC and the Planning and Development (Strategic Environmental Assessment) Regulations 2004-2011. The findings of an SEA assessment shall be published within an SEA Environmental Report to be made available for inspection alongside draft statutory land use plans, including the

DCDP, LAPs and SDZs. Smaller non-statutory plans should be assessed in terms of the need for full SEA, using criteria as set out in Schedule 2A of the Planning Regulations, and the findings of this assessment made publically available.

Appropriate Assessment (AA) In compliance with Article 6(3) of the EU Habitats Directive (92/43/EEC) and EU Birds Directive (79/409/EEC), as transposed into Irish legislation by the Natura 2000 Communities (Birds and Natural Habitats) Regulations 2011 and Planning and Development Act 2000 (as amended), the potential effects of any draft land use plans on sites that are designated for the protection of nature under EU legislation must be assessed as an integral part of the plan process in accordance with the Planning Acts. All landuse plans should therefore be assessed accordingly. A full Appropriate Assessment including a Natura Impact Statement will always be carried out in conjunction with the DCDP, and all plans must be screened for SEA/AA in the first instance.

Strategic Flood Risk Assessment (SFRA) is required in keeping with the EU



Floods Directive 2007/60/EC and with procedures set out in Irish government guidance; '*The Planning System and Flood Risk Management Guidelines for Planning Authorities*' (2009), published by the Department.

A Strategic Flood Risk Assessment (SFRA) is prepared as part of Development Plans, LAPs and SDZ Planning Schemes. The SFRA informs the strategic land use planning decisions by providing an assessment of all flood risks within Dublin City.

Non-statutory local plans will be informed by the higher order SFRAs, and depending on the location and nature of the proposed plans, will determine the level of additional flood risk assessment required.

4.0 Conclusion

The Dublin City Development Plan forms the key policy land use framework for the development of the City. Ensuring an over-arching strategic vision is essential to deliver a sustainable and resilient city and to set clear goals for meeting the objectives of higher order plans at regional and national level. However the both the Planning Acts and the Planning Authority recognise that at times a more refined and detailed analysis is required at local level to enable development that's responds to its particular local context.

In general the carrying out of statutory local plans is a response to regenerate and/or develop large scale areas of the City. Statutory plans in the form of Local Area Plans and Strategic Development Zones each take circa two years to prepare and to go through the statutory process. They are also resource intensive, and on this basis they are reserved for areas where large scale development is anticipated. The City Development Plan is also used to provide statutory local frameworks and guidance in areas of significant regeneration and development.

Dublin City Council also utilises a series of non-statutory plans/ strategies including Masterplans and Local Environmental Improvement Plans (LEIPs) to provide guidance on local development issues and to direct public investment.

All plans, be they statutory or non-statutory, all sit within a clear hierarchy of plan making, from national, regional to city and then local plans; each responding to the objectives of the higher order plan, whilst addressing issues pertinent to the area at hand.

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