

20<sup>th</sup> December 2019

Ms Avril Feeney, Administrative Officer, Planning and Property Development Department, Block 4, Floor 3, Dublin City Council, Civic Offices, Wood Quay, Dublin 8

## Re: Proposed Variation No. 7 of the Dublin City Development Plan 2016-2022

A Chara,

Thank you for your authority's work on proposed variation no. 7 to the Dublin City Development Plan. The Office of the Planning Regulator (the Office) has evaluated and assessed the proposed variation to the development plan, above, under the provisions of Section 31AM(1) and (2) of the Planning and Development Act 2000, as amended (the Act).

As your authority will be aware, one of the key functions of the Office includes assessment of statutory plans and strategies to ensure consistency with legislative and policy requirements relating to planning.

In the case of assessments under Section 31AM (1) and (2), the Office is statutorily obliged to ensure it addresses the legislative and policy matters relating to development plans including:

- a. Matters generally within the scope of Section 10 of the Act, in particular subsection (2)(n) of that section, in relation to climate change;
- b. Consistency with the development plan and National Planning Framework and regional spatial and economic strategies;
- c. Relevant guidelines for planning authorities made under Section 28 of the Act, including any specific planning policy requirements specified in those guidelines;
- d. Policy directives issued under Section 29 of the Act; and
- e. Such other legislative and policy matters as the Minister may communicate to the Office in writing, the effect of which shall be published on the website of the Office.

## <u>Assessment</u>

The Office has considered the proposed variation in the context of the general requirements under Sections 31 AM(1) and (2) of the Act.

The purpose of the variation no. 7 to the Dublin City Development Plan 2016-2022 is to align the plan with the National Planning Framework (NPF) and Regional Spatial and Economic Strategy (RSES) for the Eastern & Midlands Region in accordance with Section 11 (1) (b) (iii) of the Act.

The proposed variation updates the population target figures within the Core Strategy and the related housing target figures to reflect what is set out for the City by the RSES.

As the formal review of the Dublin City Development Plan 2016 - 2022 is not due to commence until late 2020, the appropriate method of incorporating the NPF and the RSES into the development plan is by a variation to the development plan.

The Office welcomes the proposed variation and is generally satisfied that it will align the plan with the NPF and RSES.

In order to enhance the plan's alignment with section 5.4 (Metropolitan Area Strategy) of RSES and the RSES's policies on compact growth, housing and regeneration (RPOs 3.3 and 5.4), the Office provides the following comments and advice.

The Office supports the inclusion of the map from Figure 5.2 of the RSES which identifies the strategic development areas and corridors and advises that it may be appropriate to make more specific reference to the strategic development and employment areas within the city council's administrative area referred to on pages 10 and 11 of the Variation no. 7 Report.

The Office notes that RPO 3.3 and RPO 5.4 of the RSES make reference to the *Urban Development and Building Heights Guidelines for Planning Authorities* in respect of the provision of increased densities and that the variation report states that an updated building height policy will form part of the development plan review. In this regard, the Office considers that it may be appropriate to make it explicit as part of the changes included with this variation that the development plan's building height policy and standards will be reviewed as part of the forthcoming development plan.

While the majority of changes proposed in respect of existing climate change policies are acceptable, it is considered premature to include the text proposed to be inserted as the last paragraph of Section 3.3 Challenges which states

'An evidence based measurement methodology to quantify the climate impact of the strategies / policies / objectives of land use plans in terms of meeting carbon reduction targets (climate mitigation) and climate change adaptation is to be forthcoming from the Office of the Planning Regulator (OPR).'

The Office considers that the inclusion of this text in Section 3.3 may be misleading in the context of what is stated on page 41 of the RSES regarding the Assessment of Proposals for Greenhouse Gas Emissions (GHGs) and updated development plan guidelines being prepared by The Department of Housing, Planning and Local Government.

## **Recommendation 1**

Arising from the foregoing evaluation and assessment of the proposed variation no. 7 to the Dublin City Development Plan and in order to ensure effective co-ordination of national, regional and local planning requirements by the planning authority in the discharge of its development planning functions, the Office recommends Dublin City Council amend variation no. 7 to delete the text proposed to be inserted as the last paragraph of Section 3.3 Challenges which states:

'An evidence based measurement methodology to quantify the climate impact of the strategies / policies / objectives of land use plans in terms of meeting carbon reduction targets (climate mitigation) and climate change adaptation is to be forthcoming from the Office of the Planning Regulator (OPR).'

## Summary

The Office requests that your authority addresses the recommendation outlined above, which is made in the context of the provisions of Section 31AM(3)(a), in order to ensure that the City Development Plan is consistent with relevant national policy obligations, guidelines and legislative requirements.

The report of the Chief Executive of your authority prepared for the elected members under Section 13 of the Act must summarise this recommendation and the manner in which it should be addressed.

Your authority is required to notify this Office within 5 working days of the making of the variation to the development plan and send a copy of the variation as made.

Where the planning authority decides not to comply with a recommendation of the Office, or otherwise makes the variation in such a manner as to be inconsistent with any recommendations made by the Office, then the Chief Executive shall inform the Office and give reasons for the decision of the planning authority.

Such notice requirements enable the Office to consider the matters further as regards the making of any recommendations to the Minister in relation to the provisions of sections 31AM and 31AN of the Act.

Please feel free to contact the staff of the Office in the context of any queries in relation to the above, which we would be happy to facilitate. Contact can be initiated through the undersigned or at <u>plans@opr.ie</u>.

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