

5 August 2020

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. 28 of the Dublin City Development Plan 2016-2022

A Chara,

Thank you for your authority's work in preparing Proposed Variation No. 28 of the Dublin City Development Plan 2016-2022 (the variation).

In accordance with the provisions of section 31AM of the Planning and Development Act 2000, as amended (the Act), the Office is obliged to evaluate and assess development plans and variations of development plans in the context of certain statutory parameters including:

- Matters generally to be contained in a development plan (section 10) and, in particular, section 10(2)(n) in relation to climate change;
- Consistency with the National Planning Framework (NPF) and the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES);
- Ministerial guidelines issued under section 28;
- Ministerial policy directives issued under section 29, and,
- Such other legislative and policy matters as the Minister may communicate to the Office in writing.

The Office commends your authority for preparing the proposed variation which will provide policy support for an infrastructure project that is anticipated to have benefits for sustainable transport, environment / climate change and social development.

The submission below has been prepared to provide a high-level input to your authority in finalising the proposed variation of the plan.

1. Matters within the scope of section 10 and section 10(2)(n)

1.1 Section 10(2) Mandatory objectives

With the exception of the mandatory objective under section 10(2)(n), which is evaluated and assessed separately, the Office considers that the variation does not raise any issues under section 10(2).

1.2 Section 10(2)(n) Climate Action

As the planning authority will be aware, this section of the Act relates to mandatory objectives for the promotion of sustainable settlement and transport strategies in urban and rural areas, including the promotion of measures to reduce energy demand and GHG emissions and to adapt to climate change, having regard to, in particular, the location, layout and design of new development.

The Office notes that the development plan promotes walking and cycling as healthy and sustainable forms of transport that can lead to improved levels of health in the community. In this regard, it is noted that it is an objective of the development plan to:

'GIO4 in Chapter 10: Green Infrastructure, Open Space & Recreation - Improve pedestrian and cycle access routes to strategic level amenities while ensuring that ecosystem functions and existing amenity uses are not compromised and existing biodiversity and heritage is protected and enhanced.'

The Office considers that amending objective MT031 (from Chapter 8: Movement and Transport) to include for a pedestrian/cycle bridge across the River Liffey will add to the current objectives in the development plan for the promotion of sustainable settlement and transport strategies, including the promotion of measures to reduce energy demand and GHG emissions and to adapt to climate change.

1.3 Section 10(2A) Core Strategy

The Office considers that variation no. 28 does not have any implications for the current Core Strategy in the development plan and therefore, the variation does not raise any issues under section 10(2A), parts (a) to (f) inclusive.

2. Consistency with national and regional policy

The Office notes that the planning authority recently adopted Variation No. 7 to the development plan to incorporate the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midlands Regional Assembly, and that the review of the development plan will address the longer term objectives and policies of both the NPF and the RSES within a wider review process.

The Office's assessment concludes that Variation No. 28 is generally consistent with the national / regional strategic outcomes and national / regional policy objectives of the NPF and RSES. In this regard, the Office considers that Variation No. 28 will support a number of strategic outcomes and policy objectives for transport, environment / climate change and social development.

The Office notes that the proposed bridge structure would contribute to the delivery of a section of the Greenway element of route NO6 of the Greater Dublin Area Cycle Network Plan and affects land owned by the Office of Public Works (OPW).

In this regard, the Office advises the planning authority to consult with the relevant prescribed authorities, in particular the OPW and the National Transport Authority in respect of the preparation of a future planning application for the bridge structure and associated works.

3. Consistency with section 28 guidelines

Given the nature and extent of variation No. 28 which proposes a minor addition to the list of road and bridge improvement schemes to be initiated and / or implemented within the six-year period of the development plan, the Office considers that no strategic issues arise regarding Ministerial guidelines under section 28. Chapter 5 – Flood and Development Management of *The Planning System and Flood Risk Management Guidelines for Planning Authorities* states the following in respect of bridge structures –

*Where development proposals include the construction or amendment of bridges, culverts or similar structures the applicant should have regard to the requirements of Section 50 of the Arterial Drainage Act, 1945.*¹

In this regard, the Office makes the following observation.

Observation 1:

The planning authority is advised to have regard to The Planning System and Flood Risk Management Guidelines for Planning Authorities which includes reference to the requirements of Section 50 of the Arterial Drainage Act, 1945 in respect of the construction of bridge structures.

4. Policy directives issued under section 29

The Office confirms that no issues arise in this regard.

5. Other legislative and policy matters as the Minister may communicate

The Office confirms that no issues arise in this regard.

Summary

Arising from the foregoing evaluation and assessment of Proposed Variation No. 28 to the Dublin City Development Plan 2016-2022, the Office concludes that no recommendations are warranted since the variation will provide policy support for an infrastructure project that is anticipated to have benefits for sustainable transport, environment / climate change and social development.

Accordingly, the Office broadly supports the proposed variation and urges your authority to finalise same, and has no specific recommendations to make under the provisions of section 31AM(3)(a) of the Act.

¹ Page 51, Section 5.25 of The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)

Your authority is required to notify this Office within 5 working days of the making of the variation and send a copy of the written statement and maps as made, in accordance with section 31AM(6) of the Act.

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through the undersigned or at plans@opr.ie.

Yours sincerely,

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Anne Marie O'Connor Deputy Regulator and Director of Plans Evaluations, Office of the Planning Regulator

087 689 4771 AnneMarie.OConnor@opr.ie



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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. 29 of the Dublin City Development Plan 2016-2022

A Chara,

Thank you for your authority's work on Proposed Variation No.29 of the Dublin City Development Plan 2016-2022 (the plan). The Office notes and accepts the reason for the proposed variation to amend the land use zoning of this small site of 0.19ha from Z6 (Employment/Enterprise).

In accordance with the provisions of section 31AM of the Planning and Development Act 2000, as amended (the Act), the Office is obliged to evaluate and assess development plans and variations of development plans in the context of certain statutory parameters including:

- Matters generally to be contained in a development plan (section 10) and, in particular, section 10(2)(n) in relation to climate change;
- Consistency with the National Planning Framework (NPF) and the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES);
- Ministerial guidelines issued under section 28;
- Ministerial policy directives issued under section 29, and,
- Such other legislative and policy matters as the Minister may communicate to the Office in writing.

This submission has been prepared to provide a high-level input to your authority in finalising the proposed variation of the plan.

1. Matters within the scope of section 10 and section 10(2)(n)

Given the size, location and existing long-term use of the site for residential purposes, the Office is satisfied that no matters of concern arise under sections 10 and 10(2)(n).

2. Consistency with national and regional policy

The Office is satisfied that the proposed variation is consistent with the NPF and the RSES.

3. Consistency with section 28 guidelines

No material inconsistency arises with section 28 guidelines.

4. Policy directives issued under section 29

The Office confirms that no issues arise in this regard.

5. Other legislative and policy matters as the Minister may communicate

The Office confirms that no issues arise in this regard The Office has no comment in this regard.

Summary

Accordingly, the Office broadly supports the proposed variation and urges your authority to finalise same, and has no specific recommendations to make under the provisions of section 31AM(3)(a) of the Act.

Your authority is required to notify this Office within 5 working days of the making of the variation and send a copy of the written statement and maps as made, in accordance with section 31AM(6) of the Act.

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

Yours sincerely,

AM C'Gnue.

Anne Marie O'Connor Deputy Regulator and Director of Plans Evaluations, Office of the Planning Regulator

087 689 4771 AnneMarie.OConnor@opr.ie



5 August 2020

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. 30 of the Dublin City Development Plan 2016-2022

A Chara,

Thank you for your authority's work on Proposed Variation No.30 of the Dublin City Development Plan 2016-2022 (the plan). The Office notes and accepts the reason for the proposed variation to amend the land use zoning of this small site of 1.38ha from Z9 (Amenity/Open Space Lands/Green Network) to Z1 (Sustainable Residential Neighbourhoods).

In accordance with the provisions of section 31AM of the Planning and Development Act 2000, as amended (the Act), the Office is obliged to evaluate and assess development plans and variations of development plans in the context of certain statutory parameters including:

- Matters generally to be contained in a development plan (section 10) and, in particular, section 10(2)(n) in relation to climate change;
- Consistency with the National Planning Framework (NPF) and the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES);
- Ministerial guidelines issued under section 28;
- Ministerial policy directives issued under section 29, and,
- Such other legislative and policy matters as the Minister may communicate to the

Office in writing.

This submission has been prepared to provide a high-level input to your authority in finalising the proposed variation of the plan.

1. Matters within the scope of section 10 and section 10(2)(n)

Given the size and location and context of the lands subject of the proposed variation, the Office is satisfied that no matters of concern arise under sections 10 and 10(2)(n).

2. Consistency national and regional policy

The Office is satisfied that no material inconsistency arises between the proposed variation and the objectives and provisions of the NPF and the RSES.

3. Consistency with section 28 guidelines

The Office is satisfied that no material inconsistency arises with relevant section 28 guidelines.

4. Policy directives issued under section 29

The Office confirms that no issues arise in this regard.

5. Other legislative and policy matters as the Minister may communicate

The Office confirms that no issues arise in this regard.

Summary

Accordingly, the Office broadly supports the proposed variation and urges your authority to finalise same, and has no specific recommendations to make under the provisions of section 31AM(3)(a) of the Act.

Your authority is required to notify this Office within 5 working days of the making of the variation and send a copy of the written statement and maps as made, in accordance with section 31AM(6) of the Act.

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

Yours sincerely,

AM C'Gnnu.

Anne Marie O'Connor Deputy Regulator and Director of Plans Evaluations, Office of the Planning Regulator

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