

15 April 2021

Administrative Officer
(Variation No. 32)

Planning and Property Development Department

Block 4, Floor 3

Dublin City Council

Civic Offices,

Wood Quay,

Dublin 8.

Re: Proposed Variation No. 32 Dublin City Development Plan 2016-2022

A chara,

Thank you for your authority's work in preparing proposed Variation no. 32 of the Dublin City Development Plan 2016-2022 (the proposed Variation).

The Office of the Planning Regulator (the Office) notes that the purpose of the proposed Variation is to facilitate the relocation and expansion of the United States Embassy from its current location in Ballsbridge.

As your authority is aware, a key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning. The Office has evaluated and assessed the proposed Variation, under the provisions of sections 31AM (1) and (2) of the Planning and Development Act 2000 (as amended) (the Act) and this submission has been prepared accordingly.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

A submission also can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

The submission below has been prepared to provide a strategic level input to your authority in finalising the proposed Variation. It is within the above context that the submission sets out one observation.

1. Consistency with the National Planning Framework (NPF)

The proposed Variation entails the re-zoning of an existing site located in proximity to public transport infrastructure, from residential to employment related use in order to facilitate the expansion of the United States Embassy on a new site in close proximity to its existing location at Ballsbridge. The regeneration and revitalisation of these lands in the manner proposed is considered to be consistent with the NPF, in particular, National Policy Objective (NPO) 6 which sets out to regenerate and rejuvenate cities that can accommodate changing roles and functions in order to sustainably influence and support their surrounding area and NPO11 which sets out to encourage more people, jobs and activity generally within the existing city area. The proposed Variation is considered to be consistent with the policy context as set out under the NPF.

2. Consistency with Dublin City Development Plan

The proposed Variation of the development plan modifies the existing land use zoning map and development objectives for the area in question. Having regard to the relatively small size of the subject lands, the proposed and surrounding land uses and the site's proximity to Ballsbridge, it is considered that the proposal is generally consistent with the Dublin City Development Plan 2016 – 2022.

With specific regard to section 10(2)(n) of the Act, the Office is satisfied that proposed variation will contribute to the consolidation and sustainable development of Dublin City, and therefore will contribute to the reduction of energy use and the reduction of greenhouse gas emissions arising from transport activity, as the location of the site will enable future employees to undertake a greater proportion of trips by public transport and by active transport modes (walking and cycling) in line with government policy on transport, *Smarter Travel (2009)*. This approach will facilitate the transition to a low carbon future.

3. Relevant Section 28 Guidelines

Given the site is affected by flood risk, *The Planning System and Flood Risk Management, Guidelines for Planning Authorities* (2009) are of relevance to this evaluation and assessment.

The Strategic Flood Risk Assessment (SFRA) prepared for the proposed variation identifies that the site is at risk of flooding and that the intended land use is for *embassy-office* which is considered to be *commercial* in the context of the land use definition as set out in Table 3.1 of the guidelines on flood risk.

While the Office acknowledges that the proposed Variation will facilitate a 'less vulnerable development', the SFRA does not provide sufficient clarity in respect of points 2 and 3 of the justification test, concerning management of the flood risk for future vulnerable uses on site and demonstration that future development will not cause unacceptable adverse impacts elsewhere.

The Dublin City Council Development Plan SFRA, Volume 7, Appendix 3, carried out a justification test for lands which included this site (Site No 9). The conclusions therein do not appear to have been considered within the SFRA prepared for this Variation and the flood map prepared fails to indicate clearly the level of flood risk which exists within the site.

Observation 1 – Strategic Flood Risk Assessment

Having regard to The Planning System and Flood Risk Management, Guidelines for Planning Authorities (2009) and the Plan Making Justification Test set out therein, the planning authority is advised that an updated Plan Making Justification Test should be prepared as part of this Strategic Flood Risk Assessment.

Summary

Arising from the foregoing evaluation and assessment of proposed Variation, the Office concludes that no recommendations are warranted since the proposed Variation is generally consistent with national and regional planning policies and the *Dublin City Development Plan 2016 – 2022*.

Notwithstanding, the planning authority is advised to address the matters raised in the above observation regarding the Strategic Flood Risk Assessment prepared to support the proposed Variation.

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 plans@opr.ie.

Yours sincerely,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations