

14th February 2022

Development Plan Team,
Planning and Property Development Department,
Dublin City Council,
Wood Quay,
Dublin 8

Re: Draft Dublin City Development Plan 2022 - 2028

OPR Ref: DP-018-22

A chara,

Thank you for your authority's work in preparing the draft Dublin City Development Plan 2022-2028 (the draft Plan).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable work your authority has undertaken in the preparation of the draft Plan against the backdrop of an evolving national and regional planning policy and regulatory context.

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 draft Plan under the provisions of sections 31AO(1) and 31AO(2) of the *Planning and Development Act 2000*, as amended, (the Act) and this submission has been prepared accordingly.

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is required to implement or address recommendation(s) made by the Office in order to ensure consistency with the relevant policy and legislative provisions.



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.

Overview

The draft Plan is being prepared at a crucial time following the preparation of the National Planning Framework, the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES), and the Office considers that the draft Plan has actively embraced many of the challenges and opportunities identified in these documents.

More recently, the Government's action plan for housing, *Housing for All – a New Housing Plan for Ireland* (2021), has been published which, together with the NPF and RSES seeks to accelerate the delivery of housing across all tenures in locations well served by physical and social infrastructure.

Indeed, a key challenge for the Dublin City Development Plan over the next 6 years will be to significantly increase housing to meet the Housing Supply Target (HST) for Dublin City of approximately 40,000 units over the plan period.

It is crucial, therefore, that delivery of all forms of housing, is accelerated and supported given the gap between the Housing Supply Target and the very low current levels of supply coming on stream. In particular, the need for private and social rental accommodation has been clearly identified in the Housing Needs Demand Assessment (HNDA).

Within this context the Office has given full consideration to the Council's observed trends regarding Build to Rent (BTR) schemes and the creation of sustainable communities, and how the broad policy aim of the Council could be served in a



manner that is supported by evidence, and consistent with both national policy and the policies of draft Plan itself (including the HST and HNDA). This is discussed in section 3 below.

While the Office otherwise supports and endorses the majority of the housing policies in the draft Plan, a serious concern is raised in relation to the validity of the Z16 zoning objective which defines specific percentages for different land uses including 40% social and affordable residential. This is also discussed further in section 3 below.

The Office also considers that the draft Plan needs to provide a clearer vision of how much development is likely to occur in the different areas across the City over the plan period. This is important both to provide greater clarity for residents, stakeholders and developers, and to inform investment in social and physical infrastructure.

This could be partially addressed by the inclusion of a Core Strategy table and Settlement Hierarchy, which are currently absent from the draft Plan. This is discussed further in section 1 below.

The Office does note, however, that the Core Strategy specifically targets future development to the 17 Strategic Development and Regeneration Areas (SDRAs) due to their location and capacity to absorb a greater intensification of development. While the Office endorses this approach at a strategic level, it is considered that the guidance and direction for the SDRAs in Chapter 13 of the draft Plan would benefit from setting out specific policies and objectives to clarify the preferred outcomes in each SDRA, and providing details of the relevant strategic priorities from the NPF and RSES. This is discussed further in section 2 below.

The Office also has concerns regarding the number of future Local Area Plans and masterplans to be prepared, and the potential this has to delay housing delivery in key locations over the plan period. This matter is also addressed in section 1.



The planning authority will also be aware that the Office's evaluation of the plan is required under section 31AM(2)(a) to address, in particular, matters within the scope of section 10(2)(n) of the Act in relation to climate change.

In this regard, the Office welcomes the range of policies and objectives in the draft Plan which support the overarching strategic approach to develop a low carbon, sustainable, climate resilient city. In particular, the Office strongly commends the planning authority for including modal shift targets and for the policies and guidance provided on basement development, green / blue roofs and surface water management.

A key focus of the draft Plan is to support city centre revitalisation, including to resist and, where possible to reverse, the loss of vacant floor space on upper floors and to actively support proposals to retain or bring upper floors into residential use.

Initiatives such as this are of key importance to revitalising the social and physical fabric of the City, and are strongly supported. Of particular note is the objective to prepare "upper floor building re-design guidelines that would be sufficiently innovative and flexible to promote the residential use of vacant upper floors" (QHSNO6). The Office considers that this guidance has the potential to provide a template for other urban areas in tackling this problem, and would support efforts to prioritise the initiative.

The Office commends the planning authority on the relatively concise nature of the written sections of the draft Plan, and the accessibility of language used. However, the Office has identified some issues regarding the mapping and visual presentation of the document which could be improved to provide greater clarity for users of the Plan, for example in relation to the zoning maps and road / bridge objectives. This is discussed further in section 9 below.

It is within this context the submission below sets out 7 recommendations and 3 observations under the following 9 themes:



Key theme	Recommendation	Observation
Core strategy and settlement	<u>1</u> and <u>2</u>	-
strategy		
Sustainable Development	<u>3</u> and <u>4</u>	1
Housing Strategy and relevant	<u>5</u> and <u>6</u>	-
policies		
Economic Development and	-	-
Employment		
Sustainable Transport and	<u>7</u>	-
Accessibility		
Climate Action and Renewable	-	-
Energy		
Environment, Heritage and	-	-
<u>Amenities</u>		
Implementation and Monitoring		
Implementation and Monitoring	-	-
General and Procedural Matters	-	<u>2</u> and <u>3</u>

1. Core Strategy and Settlement Strategy

1.1 Housing and population targets

The Office is satisfied that the total City population projections to 2028¹ in section 2.2.2 of the draft Plan are generally consistent with the population prescribed for the City in the RSES and NPF, as adjusted to comply with NPO 68 regarding the Metropolitan Key Towns in the Dublin Metropolitan Area Strategic Plan (MASP).

The planning authority is commended for preparing HST figures to determine the housing demand of approximately 40,000 housing units for the plan period. The Office considers that the methodology used to calculate the HST figure is consistent

¹ Adjusted population for Dublin City for 2028 is 625,750 (low) to 640,000 (high)



with the section 28 Housing Supply Target Methodology for Development Planning Guidelines for Planning Authorities (2020).

1.2 Settlement Hierarchy and distribution of growth

The settlement hierarchy in Chapter 2 of the draft Plan prioritises development in the inner city and the Key Urban Villages (KUVs), and also specifically targets the SDRAs where there is capacity to absorb a greater intensification of development.

The characteristics of the 17 SDRAs differ significantly. For example, some of the SDRAs are focussed around a KUVs, and some principally relate to housing delivery. Some are also governed by a local area plan (LAP) or Planning Scheme (SDZ). More significantly, the scale and capacity for housing in the various SDRAs varies considerably, for example SDRA 4 (Park West / Cherry Orchard) compared to SDRA 12 (Dolphin House).

While these characteristics are not a problem in their own right, the absence of a Core Strategy table which includes the broad settlement hierarchy for the City, means that there is a lack of clarity regarding the draft Plan's strategic preferences for development (and associated infrastructure), and the portion of the HST figure that could realistically be delivered in each KUV and SDRA over the plan period.

This is particularly important since the draft Plan anticipates that the SDRAs '...will take long periods of time to be fully delivered, with many running across two development plan cycles to reach completion'².

The absence of a Core Strategy table also makes monitoring the implementation of the Plan more difficult in terms of progress on meeting housing targets for the plan period.

While it is acknowledged that the *Development Plan Guidelines for Planning*Authorities, *Draft for Consultation* (August 2021) anticipate a different approach for city development plans in terms of a Core Strategy table compared to most planning

² Page 67 of the draft Plan



authorities in the country, it is considered that what it contained in Chapter 2 is inadequate for the reasons set out above.

Having regard to these issues, the Office considers that the information provided in section 2.4 of the draft Plan regarding the settlement hierarchy is too broad and does not adequately address the requirements of section 10(2A) (f), (g) & (h) and 10(2C) of the Act and section 3.1 (Settlement Strategy and Core Strategy table) of the Development Plan Guidelines for Planning Authorities, Draft for Consultation (August 2021).

Recommendation 1 - Core Strategy Table and Settlement Hierarchy

In accordance with the requirements of sections 10(2A) (f), (g) & (h) and 10(2C) of the *Planning and Development Act 2000*, as amended, and having regard to the *Guidance Note on Core Strategies* (2010) and the *Development Plans Guidelines* for *Planning Authorities, Draft for Consultation* (August 2021), the planning authority is required to provide a Core Strategy table in Chapter 2 of the development plan which contains:

- the broad settlement hierarchy for the City which clarifies the draft Plan's strategic preferences for development with a distinction between the city centre area, Strategic Development and Regeneration Areas, Key Urban Villages, and other lands, as relevant;
- (ii) the population and housing allocations for the plan period for each area in (i) above;
- (iii) the area zoned to accommodate residential development in hectares and estimated housing yield for each area;
- (iv) the densities used in the calculation of housing yield for each area; and
- (v) references to the Strategic Development Areas (Tables 5.1 and 5.2) in the Regional Spatial and Economic Strategy as appropriate.



1.3 Core Strategy and zoning for residential use

The Office welcomes the details provided in Chapter 2 on the estimated capacity for housing in each SDRA and on lands outside the SDRAs, which clarifies the area of existing lands zoned, and the area of land proposed for zoning that could accommodate housing³.

In respect of the total overall capacity of residential zoned land across the City, the Office is satisfied with the justification provided for the 20% surplus⁴, and considers that the approach is generally consistent with the mechanism for *additional provision* of residential lands in section 4.4.3 of the *Development Plan Guidelines for Planning Authorities*, *Draft for Consultation* (August 2021).

1.4 Local Area Plans and Masterplans

The Planning Authority will be aware of section 2.7 of the *Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities* (2009), which advocates that the programme of delivery of LAPs should be prioritised for those areas with the potential for significant development in the short term.

The Office is concerned that the extent of requirements for LAPs / masterplans in the draft Plan has the potential to delay housing delivery in key locations and undermine the planning authority's ability to achieve its Housing Supply Target which requires a significant acceleration in housing delivery over the plan period.

The Office notes that the Core Strategy includes policies supporting the preparation of 18 LAPs⁵. While the rationale for requiring LAPs for the North East Inner City, Kylemore Road / Naas Road and Glasnevin and some of the KUVs appears reasonable, many of the areas listed in table 2-14 do not have substantial redevelopment opportunities and do not form part of a KUV or SDRA such as Harold's Cross, Donnybrook and Ranelagh.

³ Tables 2-8 and 2-9 in Chapter 2 of the draft Plan

⁴ Section 2.3.2 of the draft Plan

⁵ Draft Plan policies CSO1, CSO2, CSO3, CSO4 and tables 2-13 and 2-14



The Office also notes that the draft Plan indicates that a masterplan approach is required for a substantial number of sites within the individual SDRAs, and that policy SC17 specifies the inclusion of a masterplan for any site over 0.5 ha. It is noted that the language in Chapter 13 varies from 'a masterplan shall be required' and 'a masterplan shall be prepared' to 'it is appropriate that a masterplan be prepared'. The planning authority is advised to provide consistency regarding the requirements for masterplans throughout the plan.

While the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) talk about the preparation of framework plans and / or masterplans to provide more detailed design guidance for large scale mixed development⁹, this approach must be considered in the context of the overarching role of the development plan to support and regulate new development, enhance valued assets and amenities and protect the environment.

The Office fears that the extensive requirements for future masterplans in the draft Plan would be challenging to implement, and should be reviewed to ensure that the requirement for a masterplan is limited to strategic brownfield and infill sites and complex / high profile sites. In this regard, policy SC17 should be amended to omit the requirement for masterplans on sites over 0.5 hectares, which is not related to any site specific or performance criteria consistent with NPO13.

It is also noted that some of the sites listed as requiring masterplans within the individual SDRAs (Chapter 13) appear to be also the subject of a requirement for a future LAP.

The Office also advises the planning authority to be cognisant of the potential implications concerning Strategic Environmental Assessment and Appropriate Assessment for masterplans where they are intended to be used to determine the spatial development of land.

⁷ Page 517, Connolly Station site

⁶ Page 491, Jamestown Lands

⁸ Page 518, North Strand Fire Station/Former Readymix and Chadwick's Yard sites

⁹ Section 2.13, Sustainable Residential Development in Urban Areas 2009



Recommendation 2 - Implementation of Core Strategy

Having regard to the requirement for performance criteria set out NPO 13 of the *National Planning Framework*, the guidance in relation to masterplans / framework plans in the *Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities* (2009), the guiding principles in the *RSES* for strategic brownfield and infill sites, and the need to accelerate housing delivery over the plan period, the planning authority is required to:

- (i) review and condense the list of areas proposed for a future local area plans in Table 2-14;
- (ii) review the extent of masterplans required for specific sites within the individual Strategic Development and Regeneration Areas in particular where a local area plan or social housing redevelopment is proposed; and
- (iii) omit the requirement for masterplans on all sites over 0.5 ha in Policy SC17 or replace with appropriate performance-criteria.

The planning authority is also advised to provide consistency regarding the requirements for masterplans and the language used throughout the plan.

2. Sustainable Development

2.1 Development approach for Strategic Development Regeneration Areas

Chapter 13 sets out the overarching framework and guiding principles for the 17 designated Strategic Development Regeneration Areas (SDRAs).

While it is acknowledged that the RSES and MASP are referred to in the section dealing with SDRA 1 (Clongriffin / Belmayne) and in the section dealing with SDRA 14 (St. James Medical Campus), it is considered that the alignment of Chapter 13 with the NPF and RSES could be improved to provide a more cohesive and robust policy framework.



Recommendation 3 - Alignment of Strategic Development & Regeneration Areas with the NPF and RSES

Having regard to section 10(2A) of the *Planning and Development Act 2000*, as amended, the National Strategic Outcomes (NSOs) and National Policy Objectives (NPOs) in the *National Planning Framework* (NPF), and the policies and direction for the Dublin Metropolitan Area Strategic Plan contained in the *Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Regional Assembly*, the planning authority is required to improve the alignment between the aforementioned and Chapter 13 (Strategic Development and Regeneration Areas) in respect of the following matters:

- (i) The NSOs of the NPF and in particular NSO 10 in respect of Grangegorman and the new National Children's Hospital;
- (ii) The NPOs in the NPF such as in respect of compact growth (NPO 3c);developing cities of sufficient scale to compete internationally (NPO 5);regeneration and rejuvenation (NPO 6);
- (iii) The key future growth enablers for Dublin City in the NPF which refer to, amongst others, progressing sustainable development at Clongriffin; facilitating the growth of Dublin Port with improved access; relocating less intensive uses outside the M50; and delivering Metro Link;
- (iv) The relevant Strategic Development Areas in Table 5.1 of the RSES (Docklands, City Centre social housing regeneration areas, the Naas Road and North Fringe) and RPO 5.4 MASP Housing and Regeneration; and
- (v) The relevant Strategic Employment Areas in Table 5.2 of the RSES
 (Docklands, Poolbeg and North East Inner City, Grangegorman / St. James
 Diageo, and Naas Road) and RPO 5.6 MASP Employment Lands.

As referenced in the overview section above, the Office considers that Chapter 13 could benefit from further refinement in order to provide a clear strategy to guide future development within the SDRAs.



Unlike the other chapters in the draft Plan, there are no specific policies or objectives for each SDRA set out in Chapter 13. It is difficult, therefore, to establish what policy weight the guiding principles have compared to specific policies / objectives in other chapters.

Furthermore, the guiding principles are set out as bullet points and blocks of text, sometimes with other contextual information, and it is often difficult to determine the most important information.

The SDRA sections in Chapter 13 also don't cross reference or expand on the information in the Core Strategy (Chapter 2), in particular Table 2-8 (Capacity of SDRA lands for residential or a mix of residential and other uses). This lack of clarity is exacerbated by the absence of an overall Core Strategy table, which has been addressed above.

It is noted that some of the SDRAs set out a suite of social and physical infrastructure requirements that will be necessary in order to progress their regeneration. For example, SDRA 1 at Clongriffin / Belmayne lists projects such as a new town square and link street as key infrastructure to be delivered in order to deliver the vision for the SDRA.

Further clarity could, however, be provided on what infrastructure projects are required to enable the progression of development over the plan period, including the mechanisms for delivery and how the timing for delivery might influence phasing. In this regard the Infrastructure Capacity Assessment for the draft Plan should be more detailed with respect to any infrastructural constraints in each SDRA.



Observation 1 – Contents in Strategic Development & Regeneration Area

Having regard NPO 72a, NPO 72b, NPO 72c of the NPF and RPO 4.2 and RPO 5.1 of the RSES as well as the contents in the Core Strategy regarding the Strategic Development & Regeneration Areas (SDRAs), in particular Table 2-8, the planning authority is requested to restructure and supplement the SDRA sections in Chapter 13 in respect of the following matters:

- (i) Consider including a policy statement or policies supported by objectives which complement the guiding principles and more clearly sets out the vision and anticipated outcomes for each SDRA;
- (ii) Cross reference and expand on the information contained on each SDRA in the Core Strategy (Chapter 2) in particular Table 2-8 regarding the size of the SDRA, its Housing Supply Target allocation, anticipated yield and housing density (as relevant); and
- (iii) Review the Infrastructure Capacity Assessment to include details of the enabling infrastructure requirements for relevant SDRAs, such as the mechanisms for delivery and how the timing for delivery might influence phasing over the plan period.

The Office has also observed a number of improvements that could be made in respect of the final versions of the maps for the SDRAs, including:

- Improved scale and graphical presentation of some of the guiding principles
 e.g. Figure 13-10 of SDRA 10 (North East Inner City).
- Alignment of SDRA boundaries in section 13 with the boundaries on Map K,
 e.g. SDRA 10 (Figure 13-10) and SDRA 13 (Figure 13-13).
- Alignment of the Key Urban Village boundary in SDRA 5 (Naas Road Lands)
 with the Key District Centre boundary 10 in the Naas Road Local Area Plan.

¹⁰ Map 1.4 in Naas Road Lands Local Area Plan (2013)



- Greater clarity regarding the land use zoning objectives for lands included as SDRAs. e.g. LAP boundary for SDRA 4 (Park West/Cherry Orchard) on land use zoning map D; lands zoned as 'white land' on Map D and G and consistency with the LAP.
- Clarifications, including the new road objective detailed on map D which is not in the LAP but is indicated as a 'permeability intervention' on SDRA Map (Figure 13.4).

These matters are discussed further in Section 9 below.

2.2 Residential Land Use Zoning – Z16

The Office notes that a new land use zoning objective Z16 has been included in Chapter 14, but there are no lands zoned for this purpose in the draft Plan's land use maps.

The stated objective of Z16 is 'To seek the social, economic, and physical development and/or rejuvenation of an area with mixed-use, the primary objective of which would be the delivery of affordable housing and employment.'

The zoning objective also prescribes set percentages for future land uses within the zone as follows:

"...The land uses of the new Z16 zoning would be defined as follows: 30% Employment 10% High Quality Recreational Open Space 10% Community and/or Cultural Amenities 10% Private Residential 40% Social and Affordable residential – to be comprised of a mix of social housing, affordable purchase, affordable rental and senior citizen's housing with affordability to be defined by the Dublin City Council Housing SPC with the approval of the full council."

Section 10(2)(a) of the Act requires that a development plan include objectives for

'the zoning of land for the use solely or primarily of particular areas for particular purposes (whether residential, commercial, industrial, agricultural, recreational, as open space, or otherwise, or a mixture of these uses) and to



such extent as the proper planning and sustainable development of the area, in the opinion of the planning authority, requires the uses to be indicated'.

The inclusion of land use zoning objectives within the draft Plan is, therefore, about identifying lands within a plan area for particular use types, and the best locations for such land uses. Furthermore, as outlined in the *Development Plans Guidelines for Planning Authorities, Draft for Consultation* (August 2021), the land use zoning objective for a particular area must have a clear rationale that provides a degree of certainty and clarity to the community, landowners, developers and investors regarding future development.

The Z16 zoning objective specifies the housing tenure for future development as 10% private residential and 40% Social and Affordable residential. Your authority will be aware, however, that the statutory provisions regarding social and affordable housing set out in Part V of the *Planning and Development Act 2000*, as amended, already provide for a greater provision of social and affordable housing where residential development is permitted.

The Office would, therefore, strongly question the rationale for the Z16 approach. While acknowledging the concerns of the planning authority regarding the significant need for social and affordable housing, such housing constitutes residential land use and does not represent a distinct 'use' within a land use zone and should not be used as part of a zoning objective.

The introduction of such a requirement is not, therefore, consistent with the statutory provisions set out in the Planning and Development Act 2000, as amended.

Recommendation 4 - Z16 Land Use Zoning

Having regard to the provisions of Section 10(2)(a), and of Part V, of *Planning and Development Act 2000*, as amended, the planning authority is required to remove the Z16 land use zoning objective from the plan.



3. Housing Strategy and relevant policies

3.1 Build to Rent Accommodation

The draft Plan includes policies QHSN38 and QHSN39 on Build to Rent accommodation (BTR) which facilitate the provision of BTR in specific locations, require a percentage of 'standard build to sell apartments', and discourage BTR schemes of less than 100 units amongst others. Both policy QHSN38 and QHSN40 also include provisions to foster community and to prevent over concentration of BTR developments in any one area.

It appears that the above policies are a response to the City Council's observed trend of nearly all recent planning applications for apartment development being BTR schemes, which the Council is concerned may work against the creation of sustainable communities.

In this regard the Office fully supports the need to develop long-term, secure and sustainable housing which meets the diverse needs of people seeking accommodation in the city. The Office has, however, a number of concerns regarding the above policies, and considers that they may be better expressed in a more appropriate manner.

Specifically, the Office cannot see any evidential basis for identifying a requirement that 40% of apartments in BTR developments would be required to be 'standard build to sell apartments'. It is also unclear as to how this 60:40 mix would work in practice in terms of the detailed internal design and layout of individual schemes, and indeed the interaction with other policies in the draft plan (for example, housing mix, social and affordable housing etc.).

Furthermore, the Office understands that the reference to 'standard build to sell apartments' refers to units *designed to the standards* set out in Section 3 of the *Sustainable Urban Housing: Design Standards for New Apartments* (2020).

However, the written text of the policy is ambiguous and there is a strong possibility for misinterpreting the policy's intent as seeking 40% of apartments in BTR schemes for *development for sale* to individual purchasers.



As the planning authority would be aware, there is no national policy grounding in the Minister's guidelines (December 2020) on apartment developments for specifying that 40% of BTR developments are to be of a different set of internal design standards. Indeed, SPPR 8 of the *Sustainable Urban Housing: Design Standards for New Apartments* (2020) specifically states that the requirements otherwise set out in these guidelines do not apply to BTR development.

As stated above, the Office both understands and acknowledges the context for the proposal of these policies by the planning authority in terms of failing to secure a reasonable mix of housing in an area or the potential of an undue concentration of BTR developments that may be presenting in particular parts of its area.

Nevertheless, the broad policy aim of the Council would be better served by focusing on, or indeed strengthening, what the Office would consider is a reasonable requirement under QHSN38 in respect of BTR developments that they would be

"...accompanied by an assessment of other permitted BTR developments in the vicinity (3km) of the site to demonstrate that the development would not result in the overconcentration of one housing tenure in a particular area..."

The Office considers that the above requirement provides a strong policy basis that would empower the City Council through the planning application process, including pre-application consultation, to clearly signal if an undue concentration of BTR situation was potentially presenting, and to consider alternative mixes of use and housing type. Indeed, a similar protection is provided under policy QHSN40.

Moreover, it may be helpful for the planning authority to set out alternative development plan criteria in relation to particular thresholds at or near which an undue concentration of BTR development in a spatial or tenure mix context could be presenting. This is an option for the Council to consider addressing at material amendments stage instead of additional development standards of the type in QHSN38/39 that do not have any policy grounding in the Minister's guidelines.

Similarly, there is no national or regional policy basis, or any other evidence provided, to support the view that a scheme of less than 100 units cannot provide



meaningful communal facilities and services. The Office is concerned that Policy QHSN39, which discourages BTR accommodation schemes of less than 100 units could discourage development in circumstances where a smaller BTR scheme may be an appropriate means of delivering on other key national and regional objectives including:

- NPO 4 which seeks to ensure that urban places are home to diverse and integrated communities;
- NPO 6 which seeks to regenerate cities that can accommodate increased residential population in order to sustainably influence and support their surrounding areas;
- RPO 4.3 of the RSES which support the consolidation and re-intensification of infill/brownfield sites; and
- RPO 5.5 of the RSES (MASP) which supports 'the right housing and tenure
 mix within the Dublin Metropolitan Area to follow a clear sequential approach
 with a primary focus on the consolidation of Dublin and suburbs...'

This policy also has the potential to conflict with other policies within the draft Plan in respect of compact growth (Objective CSO7) and the intensification of infill, brownfield and underutilised land where it aligns with existing infrastructure (Policy SC8 and Policy QHSN5).

Section 15.9.1 and Table 37 of the draft Plan also requires planning applications that include residential accommodation of 15 residential units or more in the North Inner City and Liberties Sub-City Areas to include the following mix of units:

- A minimum of 15% three or more bedroom units.
- A maximum of 25%-30% one bedroom / studio units

While the HNDA does provide an evidence basis for this requirement which satisfies the requirement in Specific Planning Policy Requirement (SPPR) 1 of the Sustainable Urban Housing: Design Standards for New Apartments (2020), no such provision is available in respect of BTR under SPPR 8 which clearly states:



'For proposals that qualify as specific BTR development in accordance with SPPR 7:

(i) <u>No restrictions on dwelling mix</u> and all other requirements of these Guidelines <u>shall apply</u>, unless specified otherwise;...' (Emphasis Added)'

The unit mix requirements for the North Inner City and Liberties sub areas would, therefore, have the effect of imposing a restriction on dwelling mix in BTR schemes which are obliged to contain 40% build to sell standard under policy QHSN38, inconsistent with SPPR 8 (i) of the above guidelines.

Recommendation 5 - Build to Rent Accommodation: policies QHSN38 & QHSN39

Having regard to the significant need for rental accommodation identified in the Housing Strategy and interim Housing Need Demand Assessment, the Housing Supply Target set out in the Core Strategy, the draft Plan's policies and objectives supporting housing delivery in particular CSO7, SC8, QHSN3 and QHSN5 the planning authority is required to:

- (i) omit policy QHSN39 which universally discourages BTR accommodation schemes of less than 100 units, or revise the policy to apply clear and reasonable performance-based criteria for the evaluation of communal facilities and services and having regard to national (NPO 4 and NPO 6) and regional (RPO 4.3 and RPO 5.5) policies of the *National Planning* Framework and Regional Spatial and Economic Strategy respectively; and
- (ii) amend policy QHSN38 to omit the following text which is inconsistent with SPPR 8 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DHLGH, 2020):
 - 'There will be a general presumption against large scale residential developments (in excess of 100 units) which comprise of 100% BTR typology. To ensure a sustainable mix of tenure and long term sustainable



communities, a minimum of 40% of standard build to sell apartments will be required in such instances.'

3.2 Traveller accommodation

Policy QHSN28 in Chapter 5 of the draft Plan sets out the policy context for the provision of Traveller Accommodation as identified in the *Dublin City Council Traveller Accommodation Programme 2019-2024* (TAP).

The details of the TAP as set out in the Housing Strategy identifies a need for 47 proposed new house builds and seven proposed new halting bay builds. While it is noted that 'halting site' is a permitted use within the lands zoned as Z1, Z4, Z10, there are no specific objectives on the zoning maps to indicate existing or proposed provision of sites.

It is considered that the inclusion of a policy of general support for the TAP does not serve to communicate clear and implementable objectives for the provision of accommodation for Travellers. The land use zoning maps also do not appear to indicate the location of lands to provide for such accommodation, as required under section 10(2)(i) of the Act.

Recommendation 6 - Traveller Accommodation

Having regard to the requirements of section 10(2)(i) of the *Planning and Development Act 2000*, as amended, the planning authority is required to include objectives in the plan for the provision of accommodation for Travellers, and the use of particular areas for that purpose in accordance with the legislative requirements under section10(2)(i) of the Act. This will include the identification of specific locations on the land use zoning maps contained in adopted city development plan.



4. Economic Development and Employment

4.1 Employment Zoned Land

The economic and employment strategy is set out in Chapter 6 – City Economy and Enterprise. The Office notes that the strategic approach for the city economy and enterprise includes the following:

- to safeguard and enhance Dublin's role as Ireland's internationally competitive capital;
- to promote strategic and targeted employment growth;
- to support regeneration and tackle vacancy; and
- to support the transition to a low-carbon, green, circular economy.

Specifically, the economic strategy seeks to support the shift from low intensity, more land-extensive employment uses towards more intensive office, service, retail, tourism and culture related employment activity consistent with RPO 5.6 (MASP Employment Lands) in the RSES. The strategy also promotes a more mixed use philosophy in line with the principles of the *15-minute city* including on former Z6 zoned lands consistent with RPO 4.3 (Consolidation and Re-intensification) in the RSES.

It is noted that the intent is to restrict residential development and preserve any remaining Z6 – Employment / Enterprise zoned land primarily for employment uses with residential development no longer open for consideration on Z6 land¹¹. The Office supports this approach having regard to the previous strategic study of all Z6 and Z7 lands which resulted in a number of variations to the current Dublin City Development Plan to facilitate the repurposing and redevelopment of appropriate lands for more intensive and appropriate mixed use development.

The Office considers that the strategic approach to economic development and employment generally aligns with the overall goals of the NPF, RSES and Dublin MASP for the economic development of Dublin City as Ireland's leading global city of scale. It is considered that no recommendations or observations are warranted

¹¹ Draft Development Plan, section 14.7.6 Employment/Enterprise – Zone Z6



regarding the strategic direction, policies and objectives for economic development and the city centre, urban villages and retail development contained in Chapters 6 and 7 of the draft Plan.

However having regard to the scale and nature of the City Edge Scheme being developed by South Dublin County Council and Dublin City Council, the planning authority is advised to expand and revise objectives CSO2 and CSO14 and other sections of the draft Plan, where relevant, to include a reference to the emerging City Edge project.

4.2 City Centre and Retail

The planning authority is commended for preparing a Retail Strategy acknowledging that it is an objective of the RSES that EMRA will support the preparation of a retail strategy for the region (RPO 6.10 refers).

The key objectives of the Strategy are to consolidate the city centre retail core (Level 1) as the premier retail destination in the State and to promote and consolidate the role of the Level 3 Key Urban Villages (KUVs) with a level of retail development commensurate to the catchment to cater for surrounding communities.

It is considered that the retail hierarchy set out in Table 2 accords with that set out in Table 6.1 (Retail Hierarchy for the Region) of the RSES and the Core Strategy set out in chapter 2 of the draft Plan.

The Office notes the retail trends and challenges facing traditional retailing in the city centre and KUVs. In this regard the Office welcomes and supports the wide range of measures set out in section 8 of the draft Plan such as supporting outdoor dining and cultural vibrancy and marketing which aim to support the city centre.

As discussed in the overview section above, the Office strongly commends the proposed development of guidelines for residential use of vacant upper floors as part of the Living City Initiative, and supports the prioritisation of this initiative.



5. Sustainable Transport and Accessibility

The Office commends the council for its involvement and role in progressing the achievements listed in section 8.2 of the draft Plan.

Under section 10(2)(n) of the Act, the planning authority is required to include objectives for the promotion of sustainable settlement and transport strategies. In this regard the Office welcomes the policies and objectives set out in section 8.5 which support modal shift, compact growth, decarbonising transport and transition to more sustainable travel modes, consistent with Government's transport policy, *Smarter Travel: A Sustainable Transport Future, A New Transport Policy for Ireland 2009* – 2020.

The Office considers that the draft Plan sets out clear measures to implement the relevant section 28 guidelines and policy documents, including appropriate development management standards, for example maximum rather than minimum parking standards.

The planning authority is also commended for including information on current and target mode share (Table 8.1) which are supported by a range of policies and objectives which prioritise the development of facilities for walking and cycling, public transport in general and park and ride services.

Section 8.5.9 of the draft Plan outlines the role that new road and bridge infrastructure has in the development of new areas within the city, for example, the Dodder Public Transport Bridge which is linked to the development of the Poolbeg SDZ.

There are, however, a number of roads, streets and bridges referenced in Objective SMT023 as projects that the Council 'will initiate or implement over the plan period' that are not cross-referenced on maps and would benefit from supporting text to indicate the necessity, priority or importance of the projects with respect to facilitating and improving the transport network within the city centre.

Section 4.2 and Table 3 of Appendix 10 sets out the key public transport projects as part of the Infrastructure Capacity Assessment. Indeed, the sustainable development



of some of the major development areas in the SDRAs is dependent on the planned delivery of public transport corridors, for example the Luas to Finglas village (SDRA 3) and Metrolink to the airport to service Ballymun (SDRA 2). Both of these projects, and the enclosing lands that they service, are identified as Tier 1 in the Infrastructure Capacity Assessment.

However, it is necessary for the draft Plan to demonstrate alignment and support for the projects, policies and objectives set out in the *draft Transport Strategy for the Greater Dublin Area*. This should include specific policies to support each of the major transport infrastructure projects which will commence over the plan period and which are necessary for the realisation of a sustainable transport strategy for the final Plan. In particular the following projects:

- DART +
- Metrolink from Charlemount to Swords
- Bus Connects Core Bus Corridor projects
- Delivery of Luas to Finglas
- Progress and delivery of Luas to Poolbeg and Lucan

Further, the Office notes that Policy SMT28 refers to the provision of the Southern Port Access Route, which is acknowledged as a requirement in the RSES¹² and draft Transport *Strategy for the Greater Dublin Area 2022 - 2042*¹³. Having regard to the specific and strategic nature of this project, the Office considers that the approach to the delivery of this route, should be strengthened in the Plan, in consultation with the Transport Infrastructure Ireland (TII), by way of updated policy and relevant mapping.

¹² RPO 8.21 of the RSES

¹³ Measure ROAD5, page 161



Recommendation 7 - Strategic Transport Infrastructure

In order to ensure the effective planning, implementation and monitoring of the development plan requirements under section 10(2)(n) of the *Planning and Development Act 2000*, as amended, and having regard to section 9(6A) of the Act, the planning authority is required, in consultation with the National Transport Authority (NTA) and Transport Infrastructure Ireland (TII), as appropriate, to:

- (i) update the transport objectives, and land use maps to ensure that the draft Plan and the policy objectives therein are consistent with the NTA's *Draft Transport Strategy for the Greater Dublin Area 2022 2042* and that specific policies are set out in the draft Plan for each of the major transport projects that will commence over the plan period;
- (ii) provide greater clarity between the road, bridge and street schemes listed in objective SMTO23 and the land use zoning maps including cross referencing as appropriate;
- (iii) to expand, within Chapter 13, on the details of the major transport schemes that are necessary to support the regeneration objectives of the SDRAs and to clearly outline the relationship between the development of the SDRAs and the provision of public transport infrastructure and services; and
- (iv) to include, in consultation with TII, a specific policy objective to support the delivery of the Southern Port Access Route as a public road and incorporate same into the draft Plan and on any relevant mapping including requirements for the facilitation of any grade separation requirements as identified in the *larnrod Eireann Rail Freight 2040 Strategy*.



6. Climate Action and Renewable Energy

The Office welcomes the format of the draft Plan which integrates climate actions as an overarching theme and ensures that every chapter of the plan contributes to the overall effort to adapt and mitigate the impacts of climate change.

In particular, the planning authority is commended for the range of policies and objectives supporting initiatives such as low carbon district heating, waste heating recovery and utilisation and micro-renewable energy production.

Of particular note is the ongoing Dublin District Heating System which will use waste from the Poolbeg waste energy facility to provide low carbon heat to public sector buildings, apartments and commercial buildings in the first phase of the North Lotts and Grand Canal Strategic Development Zone and the Poolbeg West Strategic Development Zone.

The manner of addressing climate change in statutory development plans is the subject of ongoing policy development. In this regard, the Office welcomes Objective CAO2 which outlines that a future variation of the development plan will be considered 'as required, to ensure consistency with the approach to climate action recommended in forthcoming ministerial guidelines or relevant legislation and government climate action policy' since the draft Plan was prepared while the new Climate Action and Low Carbon Development (Amendment) Act, 2021 was being transposed into legislation.

Further, the *Climate Action Plan 2021* has since been published and the draft Plan will require some revisions with respect to the references made to both of these statutory documents.

7. Environment, Heritage and Amenities

7.1 Cultural Heritage

Chapter 11 Built Heritage and Archaeology, and Chapter 12 Culture, outline objectives and policies to support the preservation of the unique cultural and built heritage of the plan that comply with the mandatory national policies and objectives.



The Architectural Conservation Areas (ACAs) are listed in section 3 of Appendix 6 and detailed on the land use zoning maps. The schedule of protected structures and ACAs are included in Volume II Appendix 6 and Volume 4 of the plan in line with legislative requirements.

7.2 Green Infrastructure and Nature Based Solutions

The Office welcomes the policy approach set out in the draft Plan regarding Sustainable Urban Drainage Systems (SuDs), Green Infrastructure and Nature Based Solutions and commends the planning authority for the inclusion of guidance on Green/Blue Roofs, Sustainable Drainage Design and Evaluation and Surface Water Management.

In this regard, the planning authority is requested to include reference in Policy SI22, or otherwise, to the recently published DHLGH 'Nature Based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas, Water Sensitive Urban Design Best Practice Interim Guidance Document' (November, 2021), prepared under the Local Authority Waters Programme.

7.3 Environmental Assessments

The Office notes that the Strategic Environmental Assessment (SEA) report concludes that no significant residual adverse impacts are identified in the SEA taking into account the detailed mitigation which has been integrated into the draft Plan.

The SEA report does not, however, include any analysis or discussion of the Council's deliberations of the draft Plan prepared by the executive, or any analysis of the directions or motions of the Elected Members in the process of preparing the draft Plan for public display. In order to give full meaning to the SEA process as set out in the Directive, the planning authority should ensure that as/when material amendments stage arise, the environmental reporting is iterative and transparent with the decision-making process at that stage.

The Natura Impact Report (NIR) concludes that having incorporated mitigation measures, the draft Plan is not foreseen to give rise to any adverse effects on the



integrity of the European sites, alone or in-combination with other plans or projects, in view of the conservation objectives of the habitats or species for which the subject sites have been designated. The Office notes that the Appropriate Assessment process is ongoing and will inform and be concluded at adoption of the Plan.

8. Implementation and Monitoring

The Office welcomes the inclusion of Chapter 16 Implementation and Monitoring, which indicates the planning authority's intention of securing and monitoring the implementation of City Performance Indicators' of the Plan.

The Office commends the approach set out in Table 16-1 which includes indicators such as the number of residential units constructed in SDRAs and carbon reduction that are specific, measurable, achievable, and realistic consistent with what is advocated for within the recently published *Development Plans Guidelines for Planning Authorities, Draft for Consultation* (August 2021).

9. General and Procedural Matters

9.1 Mapping

The draft Plan includes a suite of maps which illustrate the land use zoning objectives, strategic transport routes, the location of the SDRAs and the built heritage and archaeology sites for the Dublin City Council area.

It is considered, however, that the manner in which some of the information is presented makes it difficult to evaluate and/or to cross reference with specific policies and objectives of the draft Plan. The Office has noted a number of inconsistencies between the maps and the written text which include:

- SDRA 4 Park West/Cherry Orchard has no LAP boundary outlined on Land Use Zoning Map D.
- There are instances where the SDRA boundaries in Chapter 13 do not align with the boundaries on Map K (for example SDRAs 10 and 13).



- Future public transport projects on Map J are not cross referenced to the relevant policy of the draft plan and it is difficult to assess the project implications spatially.
- Flood Zone areas are not overlaid on the zoning maps.
- Boundary overlap is very unclear for plan boundary, local area plan boundaries and/or SDRA boundaries.
- Interactions between the Dublin Tunnel and the M50 Southern Port Access is not clearly legible, and consideration should be given to including the Dublin Tunnel bores and associated protection zones within the maps.

In this regard the Office would welcome the inclusion of online interactive mapping which allows for the inclusion of multiple layers of mapping to be presented in a very user friendly manner with clear visual representation of what the development plan comprises and provides a greater understanding of its spatial impact.

Observation 2 – Mapping

The planning authority is requested to review the land use zoning maps to provide greater clarity with respect to the policy objectives set out in the plan and how their implications are presented spatially. Specifically the planning authority should ensure the following:

- the alignment of the Local Area Plan boundaries and the Strategic Regeneration Development Areas boundaries;
- (ii) clearly identify the existing and proposed strategic transport projects and cross reference these projects with the written text and policies set out in the draft Plan;
- (iii) ensure the land use zoning maps are overlaid with the flood maps prepared in the Strategic Flood Risk Assessment in order to clearly outline sites at risk of flooding; and



(iv) the Development Plans Guidelines for Planning Authorities, Draft for Consultation (August 2021) (Section 2.7.2) provides a useful reference for development plan mapping.

9.2 School Sites

Section 20 (2)(I) of the Act requires that a development plan shall include objectives for the 'provision, or facilitation of the provision, of services for the community including, in particular, schools, creches and other education and childcare facilities'.

The Office notes the policies and objectives outlined in the draft Plan in relation to the provision of lands for educational purposes are generally in accordance with *The Provision of Schools and the Planning System: A Code of Practice for Planning Authorities* (2008).

Given the long-term population forecast for the Dublin City and suburbs area and the capacity for significant population increases in the Strategic Development Areas identified in the RSES¹⁴ over the long-term, the Office advises the planning authority to ensure that the draft Plan provides protection for existing school sites that may be required for the expansion of school facilities in the future.

Observation 3 – School Sites

Having regard to the urban nature of the plan area, and the level of population change envisaged for some of the larger SDRA areas in particular, the planning authority is requested to include a policy to retain and protect existing school sites within the Plan area unless it has been determined in agreement with the Department of Education that the use of the site for school provision is no longer required.

¹⁴ Table 5.1 of the RSES



Summary

The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 12 of the Act must summarise these recommendations and the manner in which they will be addressed. In accordance with section 12(5)(a)(a), where the planning authority decides not to comply with any of the Office's recommendations made in the draft plan and report, they shall inform the Office, by notice in writing containing the reasons for the decision.

At the end of the process, your authority is required to notify this Office within five working days of the decision of the planning authority in relation to the draft Plan. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations of the Office, the chief executive must inform the Office accordingly and state the reasons for the decision of the planning authority.

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,

Is mise le meas.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations