



2nd November 2023

Greg Bryan,
Administrative Officer,
Planning and Property Development Department,
Block 4, Floor 3,
Dublin City Council,
Civic Offices, Wood Quay,
Dublin 8.

Re: Proposed Variation No. 2 of the Dublin City Development Plan 2022-2028

A chara,

Thank you for your authority's work in preparing the proposed Variation No. 2 of the Dublin City Development Plan 2022–2028 (the proposed Variation).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable and evident work your authority has put into the preparation of the proposed Variation.

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.

Overview

The proposed Variation proposes to amend the land use zoning objective for a specific site adjacent to Dublin City University (DCU), Glasnevin Campus and Albert College Park, Glasnevin in response to the publication of the Residential Zoned Land Tax (RZLT) maps. The land extends to c.0.4 ha.



Specifically, the proposed Variation changes the zoning of the subject site as follows:

From: Zoning Objective Z12: Institutional Land (Future Development Potential) –

‘To ensure existing environmental amenities are protected in the predominantly residential future use of these lands.’

To: Zoning Objective Z15: Community and Social Infrastructure – ‘To protect and provide for community uses and social infrastructure.’

Having reviewed the proposed Variation against the relevant criteria set out below, the Office is of the view that the proposed zoning amendment does not raise any concerns in relation to consistency with the legislative and policy requirements.

1. Compliance with statutory guidelines

The *Residential Zoned Land Tax: Guidelines for Planning Authorities (2022)* (RZLT Guidelines) are the statutory section 28 guidelines in relation to the RZLT. Section 6 of the RZLT Guidelines sets out guidance on re-zonings sought on foot of the RZLT process under the provisions of section 653(l) (a) and (b) of the *Taxes Consolidation Act, 1997*, as introduced in the *Finance Act 2021*.

The Office notes that the subject lands were identified as in scope for the tax on the Dublin City Council draft RZLT map and that this determination was confirmed by An Bord Pleanála.

It is further noted that the landowner of the subject lands requested that the lands be rezoned from Z12 to Z15 as this rezoning would be consistent with the existing adjoining university land zoning and would allow for the future planned sustainable expansion of the campus.

The Office welcomes that the proposed Variation has been screened as part of the processes for Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA). In this regard, the Office notes the determination that a full SEA is not required to be undertaken, and that the proposed Variation does not require an AA or the preparation of a Natura Impact Report.



The Office concludes that the proposed Variation does not raise any issues in respect of compliance with section 28 guidelines.

2. Core strategy

The *Development Plans, Guidelines for Planning Authorities (2022)* advise that the impact of any proposed rezoning on the overall strategy for the proper planning and sustainable development of the area, including the core strategy and the housing targets for the county/city, must be considered.

The planning authority estimates that the zoning change from Z12 to Z15 reduces the residential yield from available zoned land by approximately 400 residential units. Having regard to the available capacity of zoned land to provide c. 49,000¹ units and the intent of the planning authority to bring forward lands at Glasnevin (Core Strategy Objective No. 1, CSO1) and City Edge (Core Strategy Objective No. 1, CSO2) for development, the Office accepts that the proposed Variation will not materially affect the housing and population targets set out in the core strategy of the Dublin City Development Plan 2022-2028 (the Development Plan).

3. Compact growth

The Office notes *Circular Letter NRUP 07/2022* refers to compact growth as a key planning principle and as a key planning criteria as part of the assessment of whether the zoning objective should be amended.

Having regard to the character of the Dublin City Council area, the rezoning of the subject RZLT site will not have a material impact on Dublin achieving compact growth consistent with NPO 3 of the *National Planning Framework*.

Furthermore, the Office acknowledges that the subject lands are required for the expansion of the DCU campus and agrees that changing the land use zoning to Z15 is consistent with the existing adjoining university land use zoning.

The proposed Variation would therefore not undermine the capability of the Development Plan to deliver compact growth consistent with the national planning policy objectives.

¹ Headroom of approximately 9,000 units.



Summary

As stated above, the Office accepts the rationale for the proposed zoning amendment and is of the view that it does not raise any concerns in relation to consistency with the legislative and policy requirements.

Your authority is however required to notify the Office within five working days of the decision of the planning authority in relation to 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.

Is mise le meas,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations
