

OPR Ref: DP-030-23

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. 3 of the Dublin City Development Plan 2022-2028

A chara,

Thank you for your authority's work in preparing the proposed Variation No. 3 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 of a specific site at Botany Weaving Mill Ltd, Emerald Square, Cork Street, Dublin 8. The land extends to c.0.4 ha and the frontage of the premises forms part of the Z4 Key Urban Villages/Urban Villages zoning extending south along Cork Street.



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

From: Zoning Objective Z1: Sustainable Residential Neighbourhoods – 'To protect, provide and improve residential amenities.'

To: Zoning Objective Z4: Key Urban Villages and Urban Villages – 'To provide for and improve mixed-services facilities.'

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 Residential Zoned Land Tax (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(I) (a) and (b) of the Taxes Consolidation Act, 1997, as introduced in the Finance Act 2021.

The Office notes that a request from the landowners to rezone land from Z1 to Z4 arose during, but outside of, the RZLT statutory process. The Botany Weaving Mill premises is subject to two zoning objectives. The land which is the subject of the proposed Variation is zoned Z1 while the remainder of the premises fronting Cork Street is zoned Z4 reflecting the urban village/mixed use nature of that road.

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.

Section 6 (i) of the proposed Variation assesses the implications of the zoning change on the residential yield identified for Strategic Development Regeneration Area 15 (SDRA 15) in the core strategy of the Dublin City Development Plan 2022-2028 (the Development Plan).

The planning authority estimates that the proposed Variation can facilitate the delivery of between 40 and 100 housing units in an area targeted for regeneration consistent with the core strategy of the Development Plan. Having regard to the potential future housing yield which provides for a density range of 100–250 units per hectare, the Office accepts that the proposed Variation will not materially affect the housing and population targets set out in the core strategy of the Development Plan.

3. Compact growth and consistency with the Development Plan

The subject lands are located within Key Opportunity Site 8 (the Maryland Character Area) of SDRA 15. The guiding principles for Key Opportunity Site 8 in Chapter 13 of the Development Plan identify that new development on these lands have the potential to increase connectivity within the Maryland character area, and provide for increased heights where residential amenity considerations allow.

The Office accepts that the proposed Z4 zoning would appropriately support the continuation of the existing weaving and textile industry on site while facilitating the development of urban village uses/mixed uses including residential uses on the lands in the future.

Furthermore, 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*.



The Office has considered the reasons outlined in the proposed Variation and accepts the rationale for the zoning change to Z4 - Key Urban Villages and Urban Villages and agrees that any future redevelopment of the lands under a Z4 zoning can accommodate the desired permeability interventions and compact development as provided for in SDRA 15.

The proposed Variation would therefore not undermine the capability of the Development Plan, to deliver a compact and connected city consistent with the national planning policy objectives.

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 this 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