OPR Ref: DP-001-24



31st January 2024

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

Re: Proposed Variation No. 5 to the Dublin City Development Plan 2022 - 2028

A chara,

Thank you for your authority's work in preparing the Proposed Variation No. 5 to the Dublin City Development Plan 2022 – 2028 (the proposed Variation) in respect of 'Build-To-Rent' (BTR) accommodation following the publication of the section 28 guidelines *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities* (2023) (Sustainable Urban Housing Guidelines).

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 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 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 Office acknowledges at the outset that the rationale for the proposed Variation is to make a technical update in relation to BTR accommodation in response to the 2023 revision to the Sustainable Urban Housing Guidelines, which removed BTR as a specific housing typology. The details of the technical update are summarised in Table 1 of the proposed Variation.

The proposed Variation also inserts a new Appendix (Appendix 19) into Volume 2 of the Dublin City Development Plan 2022 – 2028 (the Development Plan) containing transitional arrangements for BTR accommodation proposals that are subject to consideration within the planning system on or before 21st December 2022.

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

1. National and Regional Policy Framework

The proposed Variation does not raise any issues regarding the national / regional policy objectives contained in the *National Planning Framework* (NPF) and the Regional Spatial and Economic Strategy for the Eastern & Midland Regional Assembly area.

2. Development Plan

The Office notes that the Development Plan contains a number of references to BTR accommodation including policies QHSN40, QHSN41, QHSN42 and QHSN44, and that the Development Plan was adopted when the 2020 Sustainable Urban Housing Guidelines were in force. The 2020 Sustainable Urban Housing Guidelines established BTR as a separate class of development for planning purposes.

The revisions to the 2020 Sustainable Urban Housing Guidelines removed the planning requirement that BTR is identified as a separated development type, with specific design standards. Consequently, the standards for BTR development are now the same as those for all other permitted apartment development.

In light of these revisions, the planning authority seeks to include transitional arrangements for certain development proposals for, or including, BTR Accommodation as indicated in Appendix 19 of the Development Plan. This includes the planning authority's BTR policies which are renumbered as QHSN40(a), QHSN41(a), QHSN42(a) and QHSN44(a).

In respect of the transitional arrangements provided for in the 2023 Sustainable Urban Housing Guidelines, the proposed Variation includes the following text in Section 2 of Appendix 19:

To comply with the 2023 guidelines, under these transitional arrangements relevant BTR proposals will be considered and decided in accordance with (1) the 2020 Guidelines and, (2) the interim development plan BTR policies, objectives and standards as set out below.

The Office's evaluation concludes that the amendments in the proposed Variation are generally acceptable in relation to their consistency with other policies and objectives in the Development Plan.

3. Environmental Assessments

The Office notes that the proposed Variation has been screened as part of the processes for Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA), and the conclusions are noted.

Summary

The Office's evaluation and assessment of the proposed Variation concludes that no recommendations or observations are warranted.

The Office looks forward to continued positive engagement with your authority regarding the implementation of the Development Plan. Please note that 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 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,

AM C'Onne.

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations