



**NOTIFICATION TO ATTEND MEETING OF THE PLANNING AND PROPERTY DEVELOPMENT  
SPC**

**TO BE HELD IN THE COUNCIL CHAMBER, CITY HALL, DAME STREET, DUBLIN 2.**

**ON TUESDAY 27 NOVEMBER 2018 AT 3.30 PM**

**AGENDA**

**TUESDAY 27 NOVEMBER 2018**

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**Motion in the name Of Cllr. Dermot Lacey:**

*This Committee request the Manager to report on what consideration is given*

*To previous An Bord Pleanála decisions in relation to specific sites when new*

*applications are being made for the same site and what legislative measures*

*the Manager believes may be desirable or necessary to help ensure that best*

*planning decisions can be arrived at in these circumstances consistent with*

*the precedent of An Bord Pleanála decisions and hence avoiding unnecessary and repetitious appeals."*

**Motion in the name Of Cllr. Dermot Lacey:**

*"In light of the increased number of construction projects and to ensure disruption caused by such projects to residents are kept to a minimum, this Committee agrees to discuss and request a report from the Manager on a*

*strengthening of the Planning Enforcement regime to include some or all of the following:*

*1. The Planning Enforcement Office at Dublin City Council are required to publish a list of active construction sites in the catchment area of Dublin City Council with details of the owner of the site, the developer, the main contractor and all sub-contractors working on the site as may be the case from time to time.*

*2. It will be a requirement of the main contractor of a construction site to provide a contact number with a live person available 24 hours a day for the duration of their involvement on the site.*

*3. It will be a requirement within the planning conditions granted to all construction sites that seven days notice of an Out of Hours permit request is notified to local residents within a 500 meter distance of the boundary of the site so they may lodge objections and that the issuing officer in Dublin City Council must write their reasons for granting or denying a permit and that decision must be made available to anyone on an Freedom of Information request.*

*4. Out of Hours work permits will be restricted to a maximum of six hours past the normal working hours stipulated in the planning conditions. The normal working hours shall be set at 7am to 6pm Monday to Friday and 8am to 2pm on Saturday. Public holiday weekends from the 2pm finish time on that Saturday will not be considered for Out of Hours permit requests.*

*5. The Planning Enforcement Office at Dublin City Council must maintain and publish monthly reports on the Dublin City Council website with details of complaints made by the public against construction sites for breeches of planning conditions on the grounds of Out of Hours work where prior permission would be required. In addition, the Planning Enforcement office will be required to give a detailed report on the investigation they carried out on foot of the complaint.*

*6. The Planning Enforcement Office will be required to accept and consider any evidence supplied by a complainant in their investigation of the complaint.*

*7. The Planning Enforcement Office must complete their investigation of a complaint within six weeks of receipt of a complaint. Where a complaint requires additional time to complete the investigation a senior manager in the Planning Office may extend the period to no more than a second six week period.*

*8. Fines and penalties for breaches of Out of Hours work shall be set at 4% of the total budget of the construction project. This will apply to site owners, main contractors connected to the site. All sub-contractors working on the site will be subject to a fine of 4% on the total contract they have agreed with the commissioning party, i.e.: the site owner, the developer or*

*the  
main contractor.*

*9. In the event of repeated breaches of the Out of Hours planning conditions, officers of Dublin City Council may clamp all vouches and heavy machinery related to the site to prevent the main contractor or sub-contractor from removing them until all fines are paid.*

7 A.O.B.

**Dates for SPC Meetings 2019**

**26<sup>th</sup> February**

**30<sup>th</sup> April**





**MINUTES OF THE PLANNING AND PROPERTY DEVELOPMENT SPC MEETING**

**HELD ON TUESDAY 24<sup>TH</sup> APRIL 2018**

1. Minutes of meeting 27<sup>th</sup> February 2018

**Order: Agreed**

2. Matters arising

**Item 3: Part 8 Procedures:**

A question was raised about the draft Part 8 Procedure circulated with the last Agenda. The Assistant Chief Executive explained that once the minutes of the SPC held on the 27<sup>th</sup> February were adopted this draft Part 8 Procedure would come into effect.

**Item 4: *Strategic Housing Developments:***

A request was made at the SPC meeting held on the 27<sup>th</sup> February, that a submission be made to the Department of Housing and Planning that there be a special derogation for the month of August with regard to Planning Submissions.

Máire Igoe reported that the Department in their response had no plans for any special derogation at the moment.

3. **Protected Structures**

Discussion took place on the Report.

Concerns were raised about the number of Protected Structures waiting to be assessed.

The importance of the same methodology being used when assessing Protected Structures was highlighted together with the professional nature of this work.

The City Planning Officer indicated that he will write to the Department about the “one size fits all” grading system,

The Chair suggested that a report on the Impact of Planning Law and our procedures on Protected Structures would be useful. How are these buildings fairing in real life or is this resulting in more dilapidation.

**Order: Report noted**

#### **4. Housing Strategy Update 2015-2017**

Discussion took place on the Report.

Concerns were raised about the lack of housing and waiting for the private sector to build. A question was asked as to when the Poolbeg Site would be ready for building on.

The City Planning Officer suggested that the Poolbeg Site should be ready for building mid 2020 after the bridge and enabling works are completed.

A Report was requested on the impact of Student Accommodation and the release of accommodation onto the market.

**Order: Report Noted**

#### **5. Place Making**

The City Planning Officer gave a presentation; this was to follow up on a presentation given by Riccardo Marini.

The Presentation highlighted Dublin Cities many good examples of good Place Making and Public Realm. The residents must be taken into account when creating Place Making, they should feel engaged and proud. The idea is to promote engagement, a feeling of being safe, somewhere for people to congregate, enjoy views and sit down.

The City Planning Officer spoke about the Public Realm Strategy which is a living strategy. Some good examples were Trinity College, the Amphitheatre at the Civic Offices, Weaver Park Cork Street and Grand Canal Square.

The Kilmainham Civic Space had been nominated for a prestigious award, The Academy of Urbanism, Awards 2019, shortlisted under the heading "The Great Place".

Discussion took place after the presentation. Consultation with the local Community is key when deciding on Public Realm projects. A comment was made about the lack of public toilets and water features.

In the Development Plan there is reference to aluminium poles and their removal, 50 poles per area per year.

Meetings have taken place with the Gardaí and the Parks Department to work on anti social behaviour.

**Order: Report Noted**

#### **6. Fees for Planning Maps**

Máire Igoe provided attendees with an update on charges for copies of planning documents which is provided for under Sn. 38 of the Planning Acts. Printing of maps can be very time consuming however there is no charge for staff time involved. Sn. 38 (4) provides that the fee shall not exceed "reasonable cost".

**Order: Report Noted**

## 7. Santry River Greenway.

Mr. Odran Reid had requested that this would go back on the Agenda.

Discussion took place about the NTA and the Metro Link, the feeling is that the Santry River Greenway should be looked at in tandem with any ongoing works. Plans for a Biodiversity Research Centre at Bull Island were mentioned and that the cycleway to link Santry to this amenity would be vital.

The Chair asked if there is anything that the Management can do to support the Planning SPC moving this along.

As this project involves The Parks and Transportation Departments, the ACE will liaise with these departments to provide an update as to where this project is at and what is the expected time line.

**Order: Noted**

## 8. Acquisitions

Report on Acquisitions from July 1<sup>st</sup> 2017 to 31<sup>st</sup> December 2017 circulated at meeting. Helen McNamara explained that it was not possible to say how long it takes to acquire a property, as acquisitions can take anything from a few weeks to a couple of years to complete and will vary according to whether it is being purchased by agreement or compulsorily and whether the title is registered or not.

**Order: Report Noted.**

## 9. Vacant Sites Register.

Top 10 sites on register noted.

Discussion took place on the Report.

A question was raised about site No. 3 on the Report which was said to be under construction. Helen McNamara explained that under the legislation, it is the responsibility of property owners to notify the local authorities when building works commence in order to avoid the property going on the Vacant Sites Register. A further inspection of the site will be arranged.

**Order: Report Noted.**

## 10. Motions

### **Motion in the name of Valerin O'Shea:**

In light of the discussion at the meeting of February 27<sup>th</sup> 2018 regarding the difficulty experienced by DCC in up-loading planning application documents on to the DCC website in a satisfactory manner; and the proposal to out-source same at what are likely to be enormous cost; I propose the following to this committee:

'That this SPC agrees to request the Minister for the Environment to amend Article 22(3) of the 'Planning and Development Regulations 2001-2015 Updated to 10th September 2015' by changing the wording "*consents to*" to "*requests*" and the removal of the clause: '*where that occurs, one copy of the application or part thereof will be sufficient*'. It is proposed that Article 22(3) be amended from:

*Where the planning authority consents to the making of an application wholly or partly in electronic form, an application or any part thereof may be made by the applicant in that form; where that occurs, one copy of the application or part thereof will be sufficient*

to:

*Where the planning authority requests the making of an application wholly or partly in electronic form, an application or any part thereof may be made by the applicant in that form*"  
The suggested change in wording would enable DCC to request that one of the 6 sets of documents submitted with an application be in disc form. This would not only save enormous sums of much needed money but would also avoid the long delays (up to 15 days) in making the application available to the public. If the time required were just to check that all documents had been correctly submitted and to put the contents of the disc on the web this could perhaps be done within the 3 days suggested as desirable at the last meeting and at a tiny fraction of the cost of the time-consuming process of scanning all documents.

Máire Igoe gave a verbal response to this Motion.

Article 22 (3) refers to "partly in electronic form" this is normally a hard copy application but for example instead of 6/10 copies of a Conservation method statement, (which can be very large) 1 maybe accepted and the remaining required copies are received in disc.

Even if the application was all on disc there is a nominal exercise that would need to be undertaken whereby each document still needs to be checked, named etc in order for the documents to be retrievable on the web.

Whether documents are received on disc or hard copy the same checking procedures need to be undertaken.

In the case of an application made online the applicant fulfils part of the checking procedure. A change in legislation would be required to compel all applications to be made electronically and the online system currently would not be able to facilitate this change.

**Motion noted.**

## **11. A.O.B.**

**Next meeting:** Scheduled for 26<sup>th</sup> June 2018 @ 3.30 in the Council Chamber, City Hall.



**Councillor Andrew Montague**

**Chairperson**

**Tuesday 24<sup>th</sup> April 2018**

**Attendance:**

**Members:**

Andrew Montague  
(Chairperson)  
Dermot Lacey  
Odran Reid

**Members:**

Áine Clancy  
Gaye Fagan  
Cathleen Carney Boud

**Members:**

Patrick Costello  
Valerin O'Shea  
Ann Mulcrone

**Officers**

Richard Shakespeare  
John O'Hara

Máire Igoe  
Helen McNamara

Niamh Lambert  
Conor O'Hanlon  
Aileen Mac Dermott  
Brian Teahan

**Apologies:**

John McGrane  
Kieran Binchy

Hazel De Nortúin

Daithí De Róiste  
Graeme McQueen

**Non-Members:**

Larry O'Toole  
Críona Ní Dhálaigh

Damian O'Farrell





**MINUTES OF JOINT PLANNING AND PROPERTY DEVELOPMENT SPC AND ECONOMIC DEVELOPMENT AND ENTERPRISE SPC**

**HELD ON TUESDAY 25<sup>TH</sup> SEPTEMBER 2018**

**1 Implementing the National Planning Framework 2040;**

The Chair welcomed members of the Economic Development and Enterprise SPC. He also welcomed the MSc students who are studying spatial planning in DIT to the meeting.

The Purpose of this Special Joint meeting of the Planning and Property Development SPC and the Economic Development and Enterprise SPC is to attend a presentation regarding the upcoming Regional Spatial & Economic Strategy, given by Ms. Bernie Quinn of the Eastern & Midland Regional Assembly.

The Chair welcomed Bernie Quinn of the Eastern & Midland Regional Assembly who is one of the Planners working in the Assembly. As the Regional Spatial & Economic Strategy detailed document has not yet been published it was not possible to hand out a hard copy. Bernie gave a brief history of how the Eastern & Midland Regional Assembly evolved.

The Regional Spatial and Economic Strategy is a policy document to set out the vision for the development of the region over the next 12-20 years to 2030. It will support the implementation of the Project Ireland 2040, the National Planning Framework and the 10 year National Investment Plan. This all sets the framework for local planning and economic development. There are 11 chapters covered in The Regional Spatial and Economic Strategy, Bernie spoke about the main areas highlighted below.

**The Spatial Strategy** is a theoretical approach making sure that policy is consistent with the National Planning Framework population targets and key growth areas. This is an integrated land use and transport strategy which identifies the key growth areas within the region of which Dublin City and Suburbs would be a key settlement and includes evidence based capacity analysis, looking at the functional area of urban centres. How many people are commuting into these key settlements from surrounding areas, have they a functional role or are they merely commuter driven, what is their carrying capacity in terms of infrastructure and environment.

**The Economic Strategy** is a new element in regional planning and did not exist previously in the Regional Planning Guidelines. This strategy is aligned with National and Regional level policy such as Enterprise 2025, Action Plan for Jobs, The Dublin Regional Enterprise Strategy and Local Economic and Community Plans. There is a

focus on Economic Engines such as Dublin, Athlone, Dundalk, Drogheda and the Dublin to Belfast Economic corridor. What are the existing drivers, building on regional strengths to facilitate effective regional development? There is an Economist as part of the team who has worked up the economic strategy. One of the key elements of the economic strategy is the recognition of the importance of human capital so skills and also the importance of infrastructure in order to facilitate economic development.

**Transport Strategy** is an integrated spatial strategy for roads, public transport and green modes of travel. It is a requirement of the Regional Spatial and Economic Strategy to be consistent with transport strategy throughout the process. Thus working with the National Transport Authority to help define commuter patterns, mode shares and trip profiles for settlements across the region.

**Metropolitan Area Strategic Plans** will set out a clear and concise plan for future sustainable growth of the capital city region. Identifying the key change parameters for the city in question, i.e. population, employment, housing, retail, travel patterns and key renewal, development and amenity areas. Work out a sequence of infrastructure prioritisation, delivery and co-ordination: to deliver compact regeneration and growth. Dublin City and Suburbs population is expected to grow by 20%-25% between 2016 and 2040 with a minimum target population of 1,408,000.00.

The Metropolitan Area Strategic Plan for Dublin can identify large scale regeneration areas that can deliver significant population and /or employment growth. It will prioritise public transport, walking and cycling initiatives and focus on underutilised, infill, brownfield and state owned lands and help co-ordinate relevant agencies and government departments for phased delivery of critical infrastructure. The Urban Regeneration and Development fund of 2 Billion over 10 years can help unlock development potential.

Bernie then explained that the Draft Regional Spatial & Economic Strategy will go before the members of the Eastern & Midland Regional Assembly on the 5<sup>th</sup> October. It will then go on public display from October to December, anyone can make a submission. The whole process would hope to be finished by early spring 2019. It would then be a requirement for Local Authorities to vary or amend their Development Plan within a certain timeframe to ensure it is consistent with the Regional Strategy.

Discussion followed and the main concern is that the Regional Spatial & Economic Strategy is due to be adopted very close to the Local Elections. Councillors are worried that they may be in the middle of an Election and that it can take up to 2 months for things to bed down, between the fall and rise of a Council.

MAPS is very new and the Dublin one is very wide with a lot of rural area. The wider the area the less you get out in term of Strategic out comes. The feeling is that there needs to be a very strong voice for Dublin. The feeling is that until the governance structure for Dublin is sorted out it will be hard to implement.

From an economic side there needs to be a very strong focus on the type of Industry, how we are doing Smart Cities, this all predetermines education and training needs.

What is the input that the Economic Development and Enterprise SPC will be making into this strategy, can the members make a submission. It was pointed out that submission can be made through the 38 Councillors who are members of the RSES or anyone can make a submission when the Strategy is on public display. Originally it was hoped that the strategy would have been on public display and that this meeting would have been on during the formal consultation period. It was pointed out that there was input from semi state bodies and that the private sector can make submissions during the public consultation period. Also at the pre-draft stage there would have been submissions made by the private sector. It is also very important that the message is out on the international market that Dublin is open for business. There is a perception on the international market that Ireland is closed, headlines about housing problems that we do not have the capacity. It is vital that during this time of Brexit it is important that forward planning can be shown, it is reassuring for the International market.

**Councillor Andrew Montague**  
**Chairperson**

**Tuesday 25<sup>th</sup> September 2018**

**Attendance:**

**Members:**

Cllr. Andrew Montague (chair)  
Cllr. Deirdre Heney (chair ED&E SPC)  
Cllr. Gaye Fagan  
Cllr. Paul McAuliffe  
Cllr. Áine Clancy  
Cllr. Anne Feeney  
Cllr. Daithí De Róiste  
Cllr. Norma Sammon  
Cllr. Dermot Lacey  
Ms. Geraldine Lavin  
Ms. Ann Mulcrone  
Ms. Valerin O'Shea  
Mr. John McCrane  
Mr. Odran Reid  
Mr. Graeme McQueen

**Officers**

Mr. Richard Shakespeare, Assistant Chief Executive  
Mr. John O'Hara, City Planner  
Ms. Máire Igoe, Senior Executive Officer  
Ms. Mary Mac Sweeney, Senior Executive Officer  
Ms. Niamh Lambert, Administrative Officer  
Ms. Aileen Mac Dermott, S. Staff Officer (C)  
Ms. Sharon Beatty, Staff Officer  
Mr. Conor O'Hanlon, Clerical Officer

**Apologies:**

Cllr. Kieran Binchy	Cllr. Greg Kelly	Ms. Denise Brophy
Cllr. Patrick Costello	Cllr. Paddy Bourke	Mr. John Lombard
Cllr. Hazel De Nortúin	Cllr. Gary Gannon	Mr. Evanne Kilmurray
Cllr. Janice Boylan	Cllr. Noeleen Reilly	Ms. Geraldine Lavin
Cllr. Cathleen Carney Boud	Cllr. Mary Freehill	Mr. Martin Harte



## MINUTES OF THE PLANNING AND PROPERTY DEVELOPMENT SPC MEETING

HELD ON TUESDAY 25<sup>TH</sup> SEPTEMBER 2018

### 1 **Draft Urban Development and Building Height: Guidelines for Planning Authorities**

The Chair welcomed the MSc students who are studying spatial planning in DIT to the meeting.

The Purpose of this Special Planning and Property Development SPC is to discuss the **Draft “Urban Development and Building Height: Guidelines for Planning Authorities”**.

John O’Hara, City Planner, gave a brief introduction before he proceeded to the presentation. He explained that these are draft guidelines the final draft to be published by the Minister under Section 28 of the Planning and Development Act 2000 (as amended). Guidelines to assist in the consolidation and densification of urban area. Public Consultation until 24<sup>th</sup> September 2018. The Department agreed to give an extra few days as they had been informed that there was an SPC Meeting today. This would give time for the SPC Members to give their views.

The Guidelines contain 4 Specific Planning Policy Requirements

- SPPR 1 states:

*In accordance with Government policy to support increased building height in locations with good public transport accessibility, particularly town/ city cores, **planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued** for both redevelopment and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies **and shall not provide for blanket numerical limitations on building height.***

- SPPR 2 states:  
*In driving general increases in building heights, planning authorities shall also **ensure appropriate mixtures of uses**, such as housing and commercial or employment development, are provided for in statutory plan policy. **Mechanisms such as block delivery sequencing in statutory plans<sup>2</sup>** could be utilised to **link the provision of new office and residential accommodation**, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities.*
  
- SPPR 3 states:  
*It is a specific planning policy requirement that where;*
  1. **an applicant** for planning permission sets out how a development proposal complies with the criteria **above**; and
  
  2. **the assessment of the planning authority concurs**, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority **may approve such development, even where specific objectives of the relevant development plan, local area plan or planning scheme may indicate otherwise.**
  
- SPPR 4 states:  
*It is a specific planning policy requirement that in planning the future development of **greenfield or edge of city/town locations** for housing purposes, planning authorities must secure:*
  1. the **minimum** densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “**Residential Development in Urban Areas (2007)**” or any amending or replacement Guidelines;
  
  2. **a greater mix of building heights and typologies** in planning for the future development of suburban locations; and
  
  3. avoid **mono-type building** typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development **of 100 units or more.**



The City Planner then gave a presentation.

A discussion followed and The City Planner said that he would make a submission to the Department the following morning. Below are some of the comments made under headings

### **SPC General Comments**

Members welcomed the consultation opportunity provided to them.

There were some divergent opinions but majority were **not** in favour of the guidelines. The guidelines threaten our democracy.

Concern expressed that the guidelines through flagging the possibility of change have actually slowed down residential development.

Document guidelines are not guidelines but a directive, issue with Central Government over ruling Local Democracy.

Worried about impact on other projects, could cause slow down/delays.

Main points were:

#### **Development Plan**

DCC Development Plan struck right note. Development Plan is a local plan (versus national) decided by elected members of the city council. The Ministers proposed changes which would override the development plan could lead to unintended consequences and should be resisted.

The Development Plan takes into account the local Dublin city context. It took 2 development plans to get agreement on height. A consistency of approach to densities and understanding of local issues is what produces what is sustainable in urban areas. The planning authority understands the local planning context. ACAs give context, protected structures, LAPs etc.

Well conceived collaboration and consultation in planning leads to good results eg Concert Hall area is a Strategic Development and Regeneration Area which allows for considered height allowed with new Public Realm.

#### **SDZ**

Basis of SDZ is public consultation followed by Council decision – no appeal to ABP.

Potential to slow down development in SDZ area as there will be legal issues etc. These guidelines make SDZs less significant. Clarification is needed on this to prevent further slowing down of the market.

Concerns about agreed SDZ, changing now would be seen to be breaking contract.

#### **Consultation**

There will be difficulties with all consultations and future buy in if the Minister through these guidelines overrides the consultation processes that led to LAPs, Development Plan, SDZs etc.

This is a serious erosion of local democracy.

#### **Height / Density**

Dublin City does not have a blanket ban on height. How to achieve appropriate density is the main issue. There is a perception that Dublin is against height which is not correct and this message needs to be got out. Intensification is accepted in urban areas but it is a complex issue. The blanket lifting of heights to achieve intensification of density is flawed.

There are 14 locations for high rise identified for the city in the development plan but so far we are not seeing the demand for the heights permitted. Lifting the height elsewhere will not ensure increased supply. The uncertainty from this proposed policy change has an impact on existing projects which are stalling /getting delayed e.g. Oscar Traynor. The proposed guidelines are unsettling the market leading to delays.

The guidelines are inconsistent as on the one hand they are suggesting that height should be incentivised in some areas but not be capped in other areas. There is no policy instrument to incentivise height in certain areas. Without any other mechanism to incentivise other than to permit height in certain areas rather than in others how can you incentivise?

Bias of process is to default to give maximum protection to lowest height protected structure in area whereas in other cities they seem to be able to protect without constraining development. Greater leeway needs to be given to planners in this.

Suggestion made that at a minimum it could be suggested that the default building height of 6 storeys be removed.

The view was expressed that Dublin has very high density compared to Other European Cities, inner City of Dublin very high density. A 20 storey building has same capacity as a 5 storey perimeter block on a given site.

### **Design**

There are other issues such as design allied to quality public realm that need to be understood and taken into consideration. A view was expressed that London has real sense of design.

### **Guidelines**

Question the value of these guidelines for Dublin City.

Described as 'guidelines' but as they contain 'specific planning policy requirements' (SPPRs) it is not correct to say they are 'guidelines' as an SPPR is a mandatory requirement to be applied by the planning authority. Question the democracy of this.

There is a lack of context in the guidelines document.

**Councillor Andrew Montague**  
**Chairperson**

Tuesday 25<sup>th</sup> September 2018

**Attendance:**

**Members:**

Cllr. Andrew Montague (chair)  
Cllr. Deirdre Heney (chair ED&E SPC)  
Cllr. Gaye Fagan  
Cllr. Paul McAuliffe  
Cllr. Áine Clancy  
Cllr. Anne Feeney  
Cllr. Daithí De Róiste  
Cllr. Norma Sammon  
Cllr. Dermot Lacey  
Ms. Geraldine Lavin  
Ms. Ann Mulcrone  
Ms. Valerin O'Shea  
Mr. John McCrane  
Mr. Odran Reid  
Mr. Graeme McQueen

**Officers**

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Mr. John O'Hara, City Planner  
Ms. Máire Igoe, Senior Executive Officer  
Ms. Mary Mac Sweeney, Senior Executive Officer  
Ms. Niamh Lambert, Administrative Officer

Ms. Aileen Mac Dermott, S. Staff Officer  
Ms. Sharon Beatty, Staff Officer  
Mr. Conor O'Hanlon, Clerical Officer

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Cllr. Janice Boylan  
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Cllr. Greg Kelly  
Cllr. Paddy Bourke  
Cllr. Gary Gannon  
Cllr. Noeleen Reilly  
Cllr. Mary Freehill

Ms. Denise Brophy  
Mr. John Lombard  
Mr. Evanne Kilmurray  
Ms. Geraldine Lavin  
Mr. Martin Harte



## **Planning and Property Development Strategic Policy Committee November 2018**

### **Resourcing of Enforcement relating to Short Term Accommodation units in the Dublin City Administrative Area**

The Minister recently announced his intention to bring forward new measures next year to assist and bring clarity to regulating the short term/ holiday letting market. It is not known exactly what the form or content of these regulations will be, however the broad idea appears to be that all properties that are not the primary residence of an owner/occupier that are in use for the purposes of short term/holiday letting will be illegal and require planning permission to use for short term/holiday letting purposes. It is not fully clear what is proposed for house shares or specific letting periods permitted for short term/holiday letting where the owner/occupier resides in a property as a primary residence. This will be revealed following the publication of the regulations.

Depending on what statistics you use, there appears to have been in excess of 5000 separate properties listed on short term platforms in 2017 in Dublin City. The effect of the new proposed regulations as presented in theoretical terms will copper fasten the fact that non primary residences in use for short term lettings will be illegal. The enforcement of short term lettings is logistically very difficult with problems establishing ownership, gaining access to apartments/houses and most importantly a requirement to prove illegal occupation. Hearsay evidence regarding proof of use will also be a problem as the short term guests in situ at the time of inspections will be gone and will not be in a position to give evidence on our behalf. This fact alone will require Planning Enforcement Officers to go out in pairs in many cases to make their evidence admissible in Court if the need arises. The production of internet listings of properties from short term letting platforms will not be sufficient evidence to proceed to issue an Enforcement Notice or sustain a conviction in Court. The onus will be on the Local Authority to provide first hand evidence of occupation of properties for short term/holiday letting purposes. The owner of the property will then have to be traced and served with appropriate notices/legal proceedings as appropriate. As we could be dealing with in excess of 5000 properties it will in all likelihood be resource intensive.

Dublin City Councils understanding is that the Department of Housing, Planning and Local Government will provide resources to establish up a new regime to deal with enforcement of the regulations when they come into force. The Planning Enforcement Section is already operating at full capacity so additional resources will be required to be provided by the Department to ensure adequate enforcement of the new Regulations.

I am currently assessing the likely resources required to ensure adequate enforcement and will advise members of the precise details when the new Regulations have been introduced. Initial cost estimates are in the region of €400,000

Richards Shakespeare.