



**FÓGRA FREASTAIL ar CHRUINIÚ SPEISIALTA NA COMHAIRLE
i SEOMRA NA COMHAIRLE, HALLA NA CATHRACH, CNOC CHORCAÍ,
DÉ hAOINE, ar 23 MEÁN FÓMHAIR 2016 ag 3.30 i.n.**

**NOTIFICATION TO ATTEND A SPECIAL MEETING OF COUNCIL
TO BE HELD IN THE COUNCIL CHAMBER,
CITY HALL, DUBLIN 2, ON FRIDAY 23rd SEPTEMBER 2016 AT 3.30 p.m.**

Do Gach Ball den Chomhairle.

A Chara,

Iarrtar ort a bheith i láthair ag **Cruinniú Speisialta** de Chomhairle Cathrach Bhaile Átha Cliath a thionólfar i **Seomra na Comhairle, Halla na Cathrach, Cnoc Chorcaí, ar 23 Meán Fómhair 2016 ag 3.30 i.n.** chun an ghnó seo leanas a phlé agus gach is gá i dtaca leis a dhéanamh, nó a chur a dhéanamh, nó a ordú a dhéanamh:-

Silent Prayer/Reflection

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|----------|--|-----------|
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| 2 | Consideration of Report No. 263/2016 of the Chief Executive's Report on Submissions Received on the Proposed Amendments to the Draft Dublin City Development Plan 2016 - 2022. | 1 - 148 |
| 3 | Consideration of Report No. 264/2016 of the Chief Executive's Report on Motions Received on the Proposed Amendments to the Draft Dublin City Development Plan 2016 - 2022. | 149 - 284 |
| 4 | Adoption of the Dublin City Development Plan 2016 - 2022. | |

**Deirdre Ni Raghallaigh,
Riarathóir Cruinnithe,
An Ché Adhmaid, Baile
Átha Cliath 8**

16 Meán Fómhair 2016

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Chief Executive's Report on Submissions Received on the Proposed Amendments to the Draft Dublin City Development Plan 2016-2022

August 2016



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

**CHIEF EXECUTIVE’S REPORT
ON SUBMISSIONS RECEIVED ON THE PROPOSED AMENDMENTS TO THE
DRAFT DUBLIN CITY DEVELOPMENT PLAN 2016 - 2022**

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Part 1

Introduction

The Chief Executive's Report on the Submissions to the Proposed Amendments to the Draft Dublin City Development Plan 2016– 2022

Introduction

This Report forms part of the statutory procedure for the preparation of the City Development Plan, as required by the Planning and Development Acts 2000 (as amended). It consists of the Report of the Chief Executive on the submissions/observations received on the Proposed Amendments to the Draft Dublin City Development Plan 2016-2022.

The Report contains the following:-

- A summary of the Submission by the Minister for the Environment, Heritage & Local Government (Part 2)
- A summary of the issues raised by the submissions/observations, The Chief Executive's Response to the issues raised and The Chief Executive's Recommendations on the issues raised (Part 3)
- Site Specific Zoning (Part 4)
- A list of the persons or bodies who made submissions/observations (Part 5).

For ease of reference the Material Alteration Reference Number from the Amended Draft is quoted. The layout of this report is similar to the previous Chief Executive's Report in that submission issues are grouped by topic and each topic is dealt with in chapter order and section order as per the Draft Plan. In instances where there are no submissions on a particular topic, the corresponding section does not appear in this report.

Minor typographical errors or discrepancies will be amended in the final Plan. Similarly, where draft plans or policy documents, prepared by other bodies, have been up-dated or approved during the development plan preparation process, these will be amended accordingly in the final Development Plan as will changes to names of Government Departments or any bodies/agencies.

In accordance with Section 12 (7) of the Planning and Development Act 2000 (as amended), this report addresses only those submissions made in relation to the Proposed Amendments and likely significant effects on the environment of implementing the proposed amendments.

Process to Date

The consultation period for the making of the Dublin City Development Plan 2016-2022 commenced with the launch of an Issues Paper which was on public display from 10th November 2014 to 14th January 2015. A series of public information sessions and consultation workshops were held throughout the city to inform the Draft Plan. A total of 303 written submissions, together with opinions and comments arising from public consultation sessions and consultation with communities, infrastructure providers, sectoral groups, statutory agencies and adjoining local authorities were taken into account. The Members having considered the views expressed by the public proposed 394 pre draft motions which were considered at the Special Council on 5th May 2015 at which Members gave direction to

the Chief Executive regarding strategic and policy issues to include in the Draft Development Plan.

The Chief Executive prepared the Pre-Draft Plan which was circulated to Members for their consideration only, on foot of which Members submitted 561 motions. All changes agreed at the Special Council meeting held on 16th, 17th and 18th September 2015 to consider the proposed Draft Development Plan and the Chief Executives Report on motions received informed the Draft Dublin City Development Plan 2016-2022.

The Draft Dublin City Development Plan 2016-2022 was placed on public display from the 1st October 2015 to 11th December 2015. A total of 1484 submissions/observations were received in response to this stage of the public consultation process. In accordance with the requirements of Section 12(4)(b) of the Planning and Development Act (as amended), the Chief Executive's report was prepared, which summarised and detailed the submissions received on the Draft Dublin City Development Plan and provided a response and recommendations of the Chief Executive to the issues raised during the consultation.

The Members, having considered the views expressed by the public proposed 392 motions giving direction to the Chief Executive regarding strategic and policy issues to amend in the Draft Dublin City Development Plan. The Chief Executive provided a response and recommendations to the issues raised in the motions.

The Members of Dublin City Council considered the Draft City Development Plan 2016-2022 and the Chief Executives Report on submissions received and the Chief Executives Report on motions received on 30th and 31st of May and June 1st and resolved to amend the Draft Plan. As these amendments constituted a material alteration to the Draft Dublin City Development Plan the Council resolved to place the proposed amendments on 4 weeks statutory public display in accordance with the provisions of the Planning and Development Act 2000 as amended. The display period for the Proposed Amendment of the Draft Dublin City Development Plan took place from 21st June 2016 until 19th July 2016. The Proposed Amendment of the Draft Dublin City Development Plan was accompanied by an Addendum Report prepared in accordance with the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (as amended) and in accordance with Article 6 of the Habitats Directive (92/43/EEC). As the Proposed Amendment of the Draft Dublin City Development on public display omitted a small number of proposed amendments a further Supplemental Report with the omitted Proposed Amendments was placed on public display from 6th July to 4th August 2016.

Submissions

A total of 298 submission/observations were received which is a 160% increase in the number of submissions/observations received compared with the amount received at the same stage during the 2011-2017 Development Plan. Furthermore, petitions and groups of submissions were received for Bridgefoot Street and St Teresa's Gardens.

As 2 submissions/observations were received after the prescribed deadline they are excluded from further consideration and are not provided for in this report.

The full text of all the written submissions/observations received during the second public display period is available in soft copy to Members. A hard copy of each submission/observation is also available in the Planning Department. Each submission/observation was fully considered. The issues raised in the submissions/observations have been summarised in the Chief Executive's Report which includes his response and recommendation to the issues.

Where submissions/observations were received the relevant Material Alteration Reference Number is quoted in this report; however the text is generally not repeated. Accordingly, in addition to the Draft Dublin City Development Plan, this report should be read in conjunction with the Proposed Amendment of the Draft Dublin City Development Plan report and the Supplemental Report.

Consultation Strategy

In addition to the public display which took place in locations throughout the city all public documents were placed on the website specially designed for consultation on the Draft Plan. www.dublincitydevelopmentplan.ie The website included a facility to make submissions/observations on-line and 245 such submissions/observations were received electronically.

The JCDecaux billboards (which form part of the public amenities and outdoor advertising concessionary contract) were used throughout the city to promote participation in the consultation process and radio adverts were run on City FM. The City Council's dedicated social media sites were used and advertisements were placed in the national newspapers.

Public information days took place each Wednesday afternoon throughout the public display period for this stage where planning staff were available to answer questions in relation to the Proposed Amendment of the Draft Dublin City Development Plan.

Strategic Environmental Assessment (SEA) & Appropriate Assessment (AA)

The Proposed Amendment of the Draft Dublin City Development Plan was accompanied by an Addendum Report prepared in accordance with the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (as amended) and in accordance with Article 6 of the Habitats Directive (92/43/EEC). The SEA & AA process have been integrated into the plan-making process. Any amendments proposed arising from the Chief Executive's Recommendations have been screened and assessed for the purposes of SEA & AA. The Environmental Report and Appropriate Assessment Report will be modified to take account of any material amendments and additional mitigatory measures, and the provisions of the Addendums that formed part of the second public display, will be incorporated in the final SEA & AA Reports. An SEA Statement and an AA Conclusion Statement / Natura Impact Report (NIR) will also be prepared on final adoption of the plan, demonstrating how environmental and ecological considerations have been integrated into the Plan.

Next Steps

The Members have up to 6 weeks to consider the Chief Executive's Report and accordingly Members will consider the Proposed Amendments to the Draft Plan and the Chief Executive's Report at a Special Meeting of the City Council on **Friday 23rd September 2016**

from 15:30pm until 21:30pm, and any unfinished business at an adjourned meeting on **Monday 26th September 2016 from 13:30** if necessary.

Pursuant to Sections 12(9) and 12(10) of the Planning and Development Act 2000 as amended, having considered the amendments and the Chief Executive's Report the Members shall, by resolution, make the Development Plan with or without the proposed amendments except where it is decided to make a modification to a material alteration providing it is 'minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site'. The Act also stipulates that a further modification shall not be made where it relates to an increase in the area of land zoned.

The Development Plan shall have effect 4 weeks from the day that it is made.

Information Sessions for Members

To assist members in their consideration of the Proposed Amendments and the Chief Executive's Report on the submissions received, information sessions for Members only have been arranged for the following dates:-

Thursday 25th August @ 13:00 to 14.30pm

Monday 29th August @ 8:30- 9.30am

Additional information sessions for Members will be arranged if necessary.

Part 2

**Submission on behalf of the Minister for the
Environment, Community and Local Government**

Submission on behalf of the Minister for the Environment, Community and Local Government

Summary of Issues

The Department of Environment, Community and Local Government on behalf of the Minister generally welcomes that the observations made in the submission of 11th December 2015 have been addressed in the proposed amendments, particularly those relating to urban regeneration, active land management, the vacant site levy, the removal of the passive house requests, the inclusion of revised apartment guidelines; the amendments to the student accommodation standards and the housing strategy. All of these measures support the delivery of much needed housing.

The Department is concerned about the proposed reduction in maximum height for residential development from 28 to 24m (Inner City) and from 16m to 13m (outer city), as it will have a negative impact on the delivery of housing, as set out in the Core Strategy.

The Department expresses specifically its concern about the amendment requirement for 15% open space and 20% open space (including a 80m x 130m playing pitch) at O'Devaney Gardens and St Theresa's Gardens respectively, and requests the City Council to be mindful of the need to promote housing in well located areas.

The Department considers the above concerns also apply to the proposed amendment on Z9 open space, confining the applicant for any exceptional housing to be the sports club owner/occupier. As such, these stipulations should be removed as they reduce the capacity to deliver housing in sustainable locations.

The Department notes that while the inclusion of 3 retail centres (Clongriffin, Phibsborough and Naas Road) has merit, they are not identified as Level 3 centres in the Regional Retail Strategy. It recommends that such designation be considered in a revised regional strategy. There is also concern by the Department about the proposed ban on new fast food outlets within 250m of schools as it may be at odds with the mix of uses needed in town centres.

The Chief Executive's Report considers all of the above matters in the relevant sections below.

Part 3

Summary of submissions and Chief Executive's Response and Recommendations

Chapter 1 - Strategic Context for the City Development Plan 2016-2022

Submission Number(s):

4151, 4259, 4264

Section: 1.2 - A New Approach

Summary of Issues

Material Alteration Reference Number 1.1

The vacant land levy is welcomed. Levy should be ring fenced for local areas such as Phibsborough.

Chief Executive's Response

The Urban Regeneration and Housing Act (2015) in Section 23 sets out the following:

“(1) Any money received by a planning authority pursuant to section 15 shall be spent by it:

(a) where the vacant site comprises residential land, on the provision of housing on residential land in the vicinity of the site,

(b) where the vacant site comprises regeneration land, on the development and renewal of regeneration land in the vicinity of the site.”

The issues raised in the submissions are fully covered by the Act as set out above and so no change is recommended.

Chief Executive's Recommendation

Retain text in Amended Draft.

Chapter 2 - Vision and Core Strategy

Submission Number(s):

4016, 4085, 4108, 4116, 4127, 4129, 4151, 4155, 4186, 4255, 4256, 4259, 4264, 4266, 4267, 4271, 4272

Section: 2.2.8.1 Area Specific Plans

Summary of Issues

Material Alteration Reference Number 2.4

The proposed LAPs and SDZ are welcomed. There is an urgency regarding the O'Devanney Gardens LAP. The Harolds Cross LAP is welcomed. The Phibsborough LAP could be started soon as much work has already been done.

Sandmount & Merrion Road Residents Association express concerns about Poolbeg West SDZ and potential negative impacts. It is stated that some of these lands were constructed from hazardous waste.

Chief Executive's Response

The welcome for the LAPs and the SDZ is noted. Concerns about the Poolbeg West SDZ can be addressed in the preparation and assessment of the SDZ scheme. The Amendment states that; **“The ordering of the delivery of such LAPs to be determined by City Councillors”**.

Chief Executive's Recommendation

Retain text in Amended Draft.

Chapter 3 - Addressing Climate Change

Submission Number(s):

4006, 4009, 4012, 4160, 4186, 4229, 4236, 4266

Section: 3.2 Achievements

Summary of Issues

Material Alteration Reference Number 3.1

ESB Networks in their submission (4006) set out the role of ESB Networks in the electricity industry. They are a separate business unit within the ESB group which serves all electricity customers in the ROI. They own the Electricity network and licensed Distribution System which is responsible for planning, operating and maintaining all the sub transmission networks which in Dublin City include the 110kv and 38kv network the medium voltage (10kv) network and low voltage network. They request that the highest priority be assigned to the provision of electricity infrastructure should future development necessitate the reinforcement of the Distribution System. They set out in their submission a number of their current planned reinforcement requirements, which also includes over the long to medium term a new HV substation in the region east of O'Connell Street/Parnell Square/North Fredrick Street and a new substation in the South city region between Ballsbridge and Elm Park/Merrion.

Chief Executive's Response

The Amendment reads as follows:

“Amend First Bullet point (page 17

The Council, in co-operation with CODEMA (City of Dublin Energy Management Agency) has embarked on various initiatives/events to help reduce **domestic** energy usage. These include the ‘Think Energy’ campaign, a 3-year programme to reduce energy demand, and also other initiatives for business/industrial sector including the ‘Green IFSC’ initiative and E-merge project”

The submission from ESB Networks is welcomed, and Dublin City Council is committed to working with all the service providers and in particular where it is intended to enhance or upgrade existing facilities or networks, subject to proposals being consistent with the provisions set out in the current Dublin City Development Plan, including those requirements pertaining to environmental protection, visual amenities, and amenities of residential properties.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 3.3 Challenges

Summary of Issues

Material Alteration Reference Number 3.3

To retain the phrase “33% reduction by 2020”

Chief Executive’s Response

This Amendment set out the following:

“Amend first paragraph , last line (page 17) under challenges.

Dublin City has sought a more ambitious target of **a 33% reduction by 2020 20% reduction for the whole city and for a 33% reduction for the Council’s own energy by 2020, and the EU Mayors Adapt Initiative has agreed to reduce Carbon Dioxide emissions by at least 40% by 2030.** “

This amended text was agreed by council. on foot of a submission from Codema, in the Chief Executives Report on Submissions , see page 54/55. (March 2016) . The figure of 33% relates to Dublin City Council’s own energy targets but that overall , the target is 20% emissions reductions for the whole city.

Chief Executive’s Recommendation

Retain text in Amended Draft.

Section: 3.4 Policies and Objectives

Summary of Issues

Material Alteration Reference Number 3.9

A number of submissions were received in relation to the Amendment 3.9 which relates to the omission of objective CCO11, (see below) ‘

CCO11: All new buildings will be required to meet passive house standards or equivalent. In this case ‘equivalent’ means where there is robust evidence to support a buildings efficacy (with particular regard to indoor air quality, energy performance, and prevention of surface/interstitial condensation). The only exceptions shall be buildings specifically exempted from BER ratings by the SEAI. ‘

The submissions outline reasons for the re-introduction of a Passive House Energy Standard and refer to a similar energy standard being introduced by the City Council by way of a variation to the then City Development Plan 2007. A reference is also made to similar provisions for Passive House Energies being adopted and included by both Fingal County Council, Dun Laoghaire Borough County Council and Wicklow County Council in their reviews of their respective County Development Plans. Another submission addresses the legal objections outlined in the Department of the Environments submission to the fact that the proposal may be ultra-various and contrary to competition law. Further submissions refer to the current global effects to reduce CO2 emissions and that the Energy Performance Building Directive (EPBD) will require all buildings from 2020 be designed and constructed to achieve almost zero energy. This submission also notes that if a Passive House Energy Standard

cannot be introduced by way of the City Development Plan then the City Council should give consideration to introducing it by way of a bye-law.

Chief Executive's Response

The submissions are deemed out of order as they are inconsistent with national legislation – Section 9 Planning & Development Act as amended refers. Furthermore section 130 of the Local Government Act 2001-2014 states that “it is the duty of

every Chief Executive to carry into effect all lawful directions of the elected council”. Any changes to internal energy standards for buildings should be implemented via changes to the Building Regulations at National level. The Building Regulations Part L (2008 and 2011) and relevant national policy and guidelines cover this area. To use the Development Plan to impose a standard different from the Statutory Building Regulations will leave the City Council open to litigation. It would make deciding on planning applications problematic as it would effectively impose on the Planning Authority the requirement to consider the proposed standard rather than objectively considering the requirements of proper planning and sustainable development. It would also result in a situation where you had conflicting standards being applied by the city council as a Building Control Authority and a Planning Authority. There would be no planning means of enforcing the different standard and as the standard would be different from the Building Regulations it could not be enforced under that legislation. Application and implementation would be uncertain and difficult to comply with so effectively a loophole would be created that could be exploited to the detriment of the public.

An additional reason not to include the standard is the additional upfront costs. To impose higher costs on an already struggling Dublin City market without the same costs being applicable to the commuter belt would likely lead to families being further priced out of the market. This could lead to an increase in unsustainable commuting with all its consequent impact on quality of life, long days in childcare, separation from extended family and supports, increased emissions etc.

A further point is that this is anti competitive. The passive house standard is proprietary and there are other providers with their own standards. It would be very difficult to ascertain what is an equivalent standard without a clear common measure. In addition the passive house standard has not been tested in this State against European standards, and there are concerns that it does not calculate carbon emissions.

It should be noted that the Building Control Standards in Ireland covering energy efficiency are currently being updated in accordance with the DECLG policy document "Towards Nearly Zero Energy Building in Ireland - Planning for 2020 and Beyond" which is part of the Energy performance of Building Directive from the EU. The stated policy is that by 2020 all new buildings in Ireland will have a minimum BER of A3 or higher. The Building Standards Division of the DOE has recently published a series of documents supporting the conservation of fuel and energy in buildings, all in support of Irelands National Climate Change Policy and which are at least the equivalent of other proprietary standards. Dublin City Council as a Building Control Authority fully supports the introduction of these higher energy efficiency standards for all buildings nationally.

Finally, it is pointed out that the City Council as a Planning Authority is fully committed to

encouraging the efficient use of energy in new and refurbished buildings in the City. For the first time, the draft City Development Plan has an entire chapter (Chapter 3) devoted to addressing climate change, which includes objectives on energy from renewable sources, district heating and embodied energy.

Chief Executive's Recommendation

Retain text in Amended Draft (Delete CCO11).

Chapter 4 - Shape and Structure of the City

Submission Number(s):

4057, 4085, 4151, 4162, 4177, 4255, 4256, 4259, 4264

Section: 4.4 The Strategic Approach

Summary of Issues

Material Alteration Reference Number 4.1

There are 2 no. submissions relating to Section 4.4 of the Amended Draft Plan.

One submission states that the amendment to Section 4.4. of the Draft Plan was not discussed at the City Council meetings of 30th May 2016, 31st May 2016 and 1 June 2016. The submission states that the additional wording (“which are designed to facilitate walking and cycling”) should be removed as this section is not presented as amended by Motion 2032 and the additional wording was never discussed or agreed by City Councillors.

A separate submission on behalf of Ringsend Housing Action Group seeks to amend the second bullet point in Section 4.4 of the Draft Plan, by inserting the additional sentence “Communities to be involved in the development process, including by means of cooperative and ‘co-housing’ initiatives”.

Chief Executive’s Response

The Amendments to the second bullet point of Section 4.4 state:

“The creation and nurturing of sustainable neighbourhoods, **which are designed to facilitate walking and cycling**, close to public transport **insofar as possible**, and a range of community infrastructure, in quality, more intensive mixed-use environments.” (page 18 of June Amendments)

Members agreed that the Chief Executives report on Submissions was agreed unless the item was the subject of a Motion. In relation to the second bullet point in section 4.4 the Chief Executives report on Submissions (page 67) recommended the addition of the words “which are designed to facilitate walking and cycling” before the words “close to public transport”.

The Motion submitted sought that the words “insofar as possible” be added after the words “close to public transport”. The Chief Executives recommendation to adopt the Motion and amend the bullet point to read as follows:

“The creation and nurturing of sustainable neighbourhoods, close to public transport **insofar as possible**, and a range of community infrastructure, in quality, more intensive mixed use environments” was not agreed and instead the Motion was put and carried.

As the Motion did not seek the removal of the words “which are designed to facilitate walking and cycling” from the Submissions report the Material Alteration that was

placed on public display included that wording in addition to the wording sought by the Motion to read as follows:

“The creation and nurturing of sustainable neighbourhoods, **which are designed to facilitate walking and cycling**, close to public transport **insofar as possible**, and a range of community infrastructure, in quality, more intensive mixed use environments”

With regard to the submission on behalf of the Ringsend Housing Action Group, the matter raised was not a material alteration on the Draft Plan and is **outside the scope** of the plan at this stage. Notwithstanding this, the matter is adequately addressed elsewhere in the Plan.

Section 5.4 of the Draft Plan outlines the Strategic Approach for the Quality Housing chapter, and the second last bullet point in Section 5.4 states ‘Providing the right quantity of appropriate housing in the right locations that is accessible and affordable for all residents of the city through the implementation of the housing strategy’. In addition, Policy QH4 states that it is policy of Dublin City Council to support proposals from the Housing Authority and other approved housing bodies and voluntary housing bodies in appropriate locations subject to the provisions of the Development Plan.

Chief Executive’s Recommendation

Retain text in Amended Draft.

Section: 4.5 Policies and Objectives

Summary of Issues

Material Alteration Reference Number 4.11

Section 4.5.5 The Public Realm

The submission from Dublin Chamber of Commerce questions the removal of the reference to ‘wider footpaths’, and states that it would make sense that increased numbers of pedestrians can be accommodated on pavements in and around College Green. Wider footpaths should be considered in areas, i.e., Nassau Street and Merrion Row, where road space can be reduced without negatively impacting the amount of road space required to cope with existing traffic volumes.

Chief Executive’s Response

Amended Objective SCO8 states the following:

“To prioritise the redevelopment of College Green as a civic space, **to include including** the pedestrianisation of Foster Place, **and to include the provision of wider footpaths.**”

Objective SCO8 is composed in the context of the re-development of College Green, and includes reference to Foster Place. Accordingly, the text relating to the provision of wider footpaths should not be read as relating to wider footpaths in the broader city centre or citywide contexts, as SCO8 relates to College Green and Foster Place.

Accordingly, there is a significant framework being developed to address the re-development of College Green as a largely pedestrianised civic space, and similarly the matter of adequate footpath widths elsewhere in the city centre is a matter for the City Centre Public Realm Masterplan.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 4.5.1.1 Approach to the Inner City

Summary of Issues

Material Alteration Reference Number 4.3

The submission seeks to expand Policy SC1 to include 'Ringsend Former Glass Bottle Site'.

Chief Executive's Response

The Amended Policy SC1 states:

"To consolidate and enhance the inner city by linking the critical mass of existing and emerging clusters and communities such as Docklands, Heuston Quarter, Grangegorman, Stoneybatter, [Digital Hub, Newmarket](#), Parnell Square, the Ship Street Area and Smithfield with each other, and to regeneration areas".
(page 18 of June Amendments)

An SDZ Scheme is currently being prepared for Poolbeg West, which includes the former Glass Bottle Site. The inclusion of Ringsend Former Glass Bottle Site at this stage is a new topic and is out of order as it was not the subject of a material amendment on display.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 4.5.1.2 Approach to the Docklands and the Port

Summary of Issues

Material Alteration Reference Number 4.7

One submission seeks to insert the following additional text after the last paragraph of Section 4.5.1.2: "A Docklands Heritage Trail be established to promote the history, heritage and amenities of the area".

A separate submission from Transport Infrastructure Ireland (TII) states that with regard to proposals to support additional hotel and exhibition facilities in the area east of the Point, that the Council will be aware of the strategic road and light rail projects

planned for this area. TII requests that such development proposals are developed cognisant of the strategic transport schemes identified by the NTA Transport Strategy for the Greater Dublin Area 2016-2035 and requests consultation as proposals progress.

Chief Executive's Response

The Amended Section 4.5.1.2 Approach to Docklands and the Port states the following:

“New proposals by Dublin Port to accommodate cruise ships directly east of the East Link Toll Bridge will **if permitted** further animate the campshires and general Docklands area, enhance the social and commercial environment of this urban quarter and will improve connectivity between the port and the city. There is potential to include a marine services, **hotel and exhibition** centre **in** the Point area immediately east of the SDZ, to consolidate this cluster **and complement the Cruise Shipping facility**. Dublin City Council recognises Dublin Port as a major source of employment in the area as well as the need for a ferry terminal service and linkages to the natural amenities of Dublin Bay.”

(page 19 of June Amendments)

The Draft Plan contains a range of details relating to heritage and amenities of the Docklands.

SDRA 6 Docklands (SDZ and wider Docklands Area) sets out under Section 15.1.1.7 (Docklands Area) the aim of developing and championing a Maritime Heritage Strategy to attract visitors to the Docklands Area, and of promoting the Docklands as a location of sustainable tourism including cultural, recreational and business tourism.

In addition, under Section 11.1.5.16 (City Heritage Plan), Policy CHC13 is to promote the awareness of Dublin's industrial, military and maritime (including lock-keepers' dwellings) heritage.

Other more detailed policies and objectives relating to heritage are also contained elsewhere in Chapter 11 (Culture and Heritage), such as Objective CHCO16, which is to undertake a feasibility study to identify suitable uses, potential partners, funding opportunities and a conservation strategy for the former Pigeon House hotel and former Pigeon House Power Station.

Accordingly, it is considered that the matter of the promotion of the history, heritage and amenities of the area are already adequately addressed elsewhere in the Draft Plan.

Furthermore, the pedestrian wayfinding scheme in the Docklands is now well established, and Policy SC22 (Section 4.5.7 Pedestrian Wayfinding Scheme) is to consolidate and expand the scheme which will provide a basis for a more coherent system of pedestrian signage. As the emphasis of the wayfinding scheme is on key cultural, civic and religious places of interest, the consolidation and expansion of the scheme in Docklands and elsewhere facilitates people in locating the many attractions of the city along the most appropriate route.

With regard to the submission from TII, it is recognised that as part of the development management process, it is a requirement of the planning regulations that planning applications are referred to certain bodies, where appropriate. One of the bodies specified (in the Planning and Development Regulations 2001, as amended), in cases where development might significantly impact on surface transport in the Greater Dublin Area, is Dublin Transportation Office, or any body that replaces that

office. Accordingly, this is an operational matter, and as such no further amendments to Section 4.5.1.2 are recommended.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 4.5.4.1 Approach to Taller Buildings

Summary of Issues

Material Alteration Reference Number 4.9

The submission from An Taisce and one other separate submission state that the proposed amendments in Section 4.5.4.1 show that 10 areas are in the mid-rise category, and that only 9 areas are listed as being suitable for mid-rise buildings in the table at Section 26.7.2 (*sic*) of the Draft Plan. This would appear to be an error.

The submission from Dublin Chamber of Commerce states that density and building heights pose a fundamental question for Dublin's future development. Dublin Chamber is an advocate for higher density commercial development.

Chief Executive's Response

Amended Section 4.5.4.1 states the following:

"4.5.4.1 Approach to Taller Buildings

Of the 15 14 specific areas identified for mid-rise (up to 50m) and taller (above 50m) buildings...

- ...11 10 are in the mid-rise category of which 6 4 are in areas already subject of local area plans and SDZs
- ...4 are in taller category, and comprise the Docklands Cluster, Connolly, Heuston and George's Quay. (Part of the Docklands is covered by the SDZ planning scheme)."

(page 19 of June Amendments)

The numbers set out in green above are correct taking into account the inclusion of the NCHQ and Phibsborough.

The inclusion of the National Concert Hall Quarter and removal of the removal of Phibsborough brings the total number of areas in the mid-rise category to 10.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 4.5.5 The Public Realm

Summary of Issues

Material Alteration Reference Number 4.10

The submission from Phibsborough Tidy Towns welcomes the undertaking to carry

out an audit of existing street furniture and removal of at least 20% of redundant elements. It is requested that this audit be initiated in Phibsborough where there is an inordinate level of “pole littering”.

With regard to the Amended Objective SCO6, the Chamber believes that a percentage above 20% should be possible, and that consideration should be given to removing redundant street furniture items such as bollards, guardrails, signposts, etc.

Consideration should also be given to removing the need for lamp posts by suspending street lights from nearby buildings. Much improved cycle parking areas are required also to help the amount of bicycles which are tied to lamp posts on pavements and in areas which are difficult to navigate for pedestrians.

Chief Executive’s Response

Amended Objective SCO 6 states:

“To carry out an audit of existing street furniture poles and signage in the public realm, with the aim of removing **at least** 20% of such redundant elements, in order to reduce street clutter and to seek the multiple uses of poles for road and directional signage including butterfly bike locking.”

With regard to the submissions received from both Phibsborough Tidy Towns and Dublin Chamber of Commerce in relation to Amended Objective SCO6, the implementation of this objective is an operational matter, and is a matter for the relevant SPC. No further changes to Objective SCO6 are recommended.

With regard to the suggestion that consideration should be given to suspending street lights instead of using lamp posts, the use of street lights on buildings can have significant implications for lighting provision. Wayleaves are required, and where a building owner does not allow the provision of street lighting on a building, this can adversely impact on the light provision in a given area. Accordingly, while some street lighting on buildings already exists in some locations in the city centre, the provision of street lighting on buildings in lieu of lamp posts as a general approach is unfavourable.

The City Centre Public Realm Masterplan is due to be launched in Autumn 2016. The Public Realm group has advocated for a pedestrian-friendly core. It is intended that a pedestrian friendly core will deliver gains for pedestrian movement where possible.

Chief Executive’s Recommendation

Retain text in Amended Draft.

Chapter 5 - Quality Housing

Submission Number(s):

4002, 4057, 4111, 4160, 4162, 4215, 4216, 4239, 4255, 4256, 4259, 4264, 4269

Section: 5.4 The Strategic Approach

Summary of Issues

Material Alteration Reference Number 5.1

One submission called for an addition to the amended final bullet point within Section 5.4 of the Draft Plan: (proposed addition underlined):

Providing for the creation **and improvement** of attractive mixed-use sustainable neighbourhoods which benefit from the phased delivery of supporting infrastructure. This will include promoting the involvement of communities in the development process, with special consideration being given to cooperative and 'co-housing' initiatives to provide affordable, socially and generationally inclusive and sustainable housing and other facilities.

Other submissions were received within the context of the strategic approach to housing but did not relate to any specific amendment, rather calling for overall improvements in the delivery of quality housing.

The submission from IBEC called for the Plan to be revised to allow implementation of the 'Action Plan for Housing' which aims to double the output of overall housing to at least 25,000 nationally per year by 2020. An adequate supply of housing would improve Dublin's potential to grow and attract jobs and investment. Increased investment in purpose-built student accommodation and social housing for example would ease pressure on other parts of the private rental market, provide affordable and quality accommodation for our student population and help tackle the homelessness crisis.

Chief Executive's Response

The submission which seeks changes under amendment Reference No. 5.1 is in fact seeking the inclusion of additional new content, specifically requesting the involvement of communities in the development process and to give special consideration to cooperative and co-housing initiatives. This is considered outside the context of the amendment set out in reference 5.1 and therefore outside the scope of this stage in the Development Plan process. In any case policy QH6 and the Housing Strategy already promotes neighbourhoods with a variety of housing types and tenures, with supporting community facilities.

Other submissions seeking quality housing, a focus on student housing and social housing are considered to be adequately addressed within the Draft Development Plan. These submissions are not specifically related to any amendment, and are therefore outside the scope of this stage in the Development Plan process. It is however agreed that reference should be made in the Plan to the Government's

Action Plan for Housing and Homelessness (July 2016).

Chief Executive's Recommendation

Retain text in Amended Draft and add:

“In addition the City Development Plan will through its active land management approach seek to implement the National Action Plan for Housing and Homelessness (2016).”

Section: 5.5.1 National and Regional Guidelines and the Housing Strategy

Summary of Issues

Material Alteration Reference Number 5.4

A number of submissions were received in relation to amendment reference number 5.4, which deals with Policy QH3.

A submission seeks to alter the percentage of units reserved for social housing in residential developments from 10% to 30%, with a further 10% reserved for affordable units.

A submission refers to the Draft Plan stage which sought to amend the policy to include the prohibition on any financial or off-site deals to circumvent the 10% social housing requirement within a development, unless the financial amount is received and ring fenced to purchase identified similar quality properties, or the off-site properties are of similar quality, ready for occupation and ownership transferred in advance of development commencement. The submission reiterates this motion stating that an outright prohibition is not sought, rather a prohibition on the types of deals that have in the past resulted in the non-delivery of Part V housing and/or financial contributions.

A further submission sought to further amend Policy QH3 by the inclusion of an additional requirement seeking the promotion of cooperative and co-housing community initiatives.

Chief Executive's Response

The changes set out in amendment ref. 5.4 for policy QH3 do not relate to the percentage of social housing to be secured through the implementation of the City Council's Housing Strategy. The amendment retains the 10% as per the original Draft Plan with the amendment clarifying that this applies to land and not units, and expands the policy to promote engagement in active land management. The submission which now seeks to change the percentage of social housing from 10% to 30% is out of order. The promotion of cooperative and co-housing community is already in the Housing Strategy which provides sufficient policy framework for this matter.

The amendments did not include the prohibition of any financial or off-site deals to circumvent the 10% social housing requirement within a development, as set out

under Motion 2051 previously submitted. This motion was ruled out of Order. As set out in the CE report previously, the Urban Regeneration and Housing Act 2015 explicitly prohibits the option of providing cash payments in lieu of social housing; whereas it does allow for off-site provision where housing units (and not land) can be provided. The focus of this new legislation is to ensure that social housing units are provided,

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 5.5.4 Quality Housing for All

Summary of Issues

Material Alteration Reference Number 5.6

A submission was received seeking further additions to Section 5.5.4 Quality Housing for All, as amended by Amendment Reference No. 5.6, to add an additional new sentence at the end of the 4th paragraph (page 37/38 of the Draft Plan), as follows (proposed new text underlined):

Add to 4th paragraph (page 37/38)

As people live longer, the number over the age of 65 in Ireland is expected to increase substantially, reaching 1.4 million by 2041, or about 22% of the total population. The Dublin City Age Friendly Strategy 2014- 2019 recognises that there is insufficient alternative accommodation, such as sheltered accommodation and nursing homes in local communities. In this context, the provision of specific accommodation for older people is supported and this would provide alternative residential choices for older people not wishing to enter a nursing home and may free up larger family homes in established residential areas. **As a general rule step-down housing for the elderly should be located in close proximity to existing village centres/ amenities, to enable people to continue to interact with their local communities.**

The planning section of Dublin City Council will give favourable consideration to proposals which include a mix of standard and step-down residential accommodation.

Chief Executive's Response

The amendment proposed under Reference no. 5.6 includes a statement that step-down housing for the elderly should be located in close proximity to existing village centres/ amenities to allow people to interact with their local communities. The submission seeks a new additional element favouring a mix of standard and step-down residential accommodation. This does not address the proposed amendment, rather seeks additions to the Plan and is therefore **out of order** for this stage in the Development Plan process.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 5.5.7 Houses

Summary of Issues

Material Alteration Reference Number 5.8

Four submissions were received seeking the rejection of amendment reference no. 5.8

QH23: To ensure that new housing development close to existing houses **reflect has regard to** the character and scale of the existing houses unless there are strong design reasons for doing otherwise.

And the reinstatement of the original wording for Policy QH23 i.e. The submissions request that the term “reflects” be instated in lieu of “has regard” to.

Chief Executive’s Response

This change came about on foot of public submissions on the Draft Plan which expressed concern that the policy was leading to pastiche developments and was restricting the ability to achieve higher densities on in-fill housing sites within 2-storey housing areas.

The Chief Executive in the response to this submission also had regard to Appendix 17 of the Draft Plan, Guidelines for Residential Extensions, whereby support is given for good contemporary designs in dealing with extensions: Section 17.10 of the Draft Plan states that *“a contemporary or modern approach, providing unique designs, can offer a more imaginative solution to an unusual dwelling type or a contrast to a traditional building and are still required to take account of the design issues outlined in this document. Contemporary solutions should not detract from the character of an area and undeniably, if well designed, can make a positive contribution to the streetscape and the character of the area”*.

It is considered that a similar approach should be taken with regard to new housing and in-fill developments, and that the proposed amendment is appropriate. The policy still requires new development to have regard to the character and scale of existing houses in an area, and indeed new developments must adhere to the development standards set out within Chapter 16 of the Plan. The amended policy does however allow for a modern interpretation within an area. It is also considered that certain housing designs and layouts from the later 20th century should not be reflected in new buildings either in terms of quality or standards.

Chief Executive’s Recommendation

Retain text in Amended Draft.

Section: 5.5.8 Demolition and Reuse of Housing

Summary of Issues

Material Alteration Reference Number 5.9 and 5.10

Under Section 5.5.8 Demolition and Reuse of Housing, it was requested that the following new paragraph be added:

“The practice of detenancing existing social housing in need of refurbishment over an extended period of time leads to slum conditions for the remaining tenants and dereliction for the property and should be ended”.

Two submissions were received (one on behalf of the RIAI) in relation to amendment reference number 5.10 and the changes to QH25. Both submissions seek the inclusion of additional text into this amended policy, by inserting after ‘through measures such as the living city initiative’, the following additional text: “encouraging appropriate waivers of building regulations where such regulation is incompatible with the reuse of historic buildings”. The submissions acknowledge that the waiver is not ‘in the gift of the planning process’, but requests that the route to it should be highlighted as a solution to a planning problem.

Chief Executive’s Response

Amendment Reference no. 5.9 on Section 5.5.8 Demolition and Reuse of Housing merely inserted a paragraph break into the first paragraph of this section in order to decouple two different topics and to improve the readability of the Plan. The submission seeking amendments to this section is requesting the inclusion of an entirely new statement in relation to detenancing social housing. As a new addition it is beyond the scope of this stage of the Development Plan process and therefore is considered **out of order**.

The submission on behalf of the RIAI and others, is seeking the Development Plan to encourage waivers of Building Regulations in order to secure the reuse of historic buildings. As set out in previous CE responses on this issue, it is beyond the scope of the Development Plan to promote the waiver of building regulations. The Draft Plan acknowledges that there can be conflicts between the Development Plan standards and Building regulations, and indeed states that residential development standards set in the Development Plan may be relaxed for refurbishment projects subject to the provision of good quality accommodation.

Chief Executive’s Recommendation

Retain text in Amended Draft.

Chapter 6 - City Economy and Enterprise

Submission Number(s):

4008, 4018, 4085, 4129, 4136, 4170, 4171, 4177, 4205, 4259, 4264, 4296

Section: 6.5.3 Tourism/Visitors

Summary of Issues

Material Alteration Reference Number 6.2 and 6.3

Fáilte Ireland state that the City is experiencing unprecedented hotel occupancy rates peaking at over 94%. Fáilte Ireland has undertaken a detailed assessment of tourist accommodation stock in the City. The assessment identified the scale of additional accommodation required to meet anticipated levels of demand in Dublin over the coming years.

They recommend that the following proposed text be inserted as a new policy CEE in Section 6.5.3:

“To promote and support the development of additional tourism accommodation at appropriate locations throughout the City. The City Council will favourably consider applications for new modes of accommodation where these are compliant with the overall policies of the Plan in order to allow the City’s accommodation stock to diversify in-line with the changing profile of the market and identified needs for accommodation.”

The Environmental Protection Agency welcome the proposed additional policy CEE 13 which commits to supporting the preparation and implementation of a strategic regional tourism related plan for the Dublin City region. There is a need to be sure that development is closely linked to the ability to provide the necessary critical service infrastructures and also a need to ensure that the proposed plan will provide an appropriate level of protection to environmental sensitivities /vulnerabilities.

The RDS (4170) broadly supports the Amendment Reference Number 6.2 which states:

“Add to Policy CEE12 (page 45)

(i)“To promote and enhance Dublin as a world class tourist destination for leisure, culture, business and student visitors”

(ii)“To promote and facilitate the optimum benefits (including the international marketing benefits) to the city of the Convention Centre Dublin, as well as all other major existing and future visitor attractions.”

However, they request specific recognition of the important city and national role of the RDS. They propose a wording that includes the Council supporting “appropriate consolidation/enhancement of uses at RDS lands (including ancillary office

development), to support the ongoing RDS operations at Ballsbridge all subject to relevant planning considerations

Request to add text stating that as owner of Dalymount Park, DCC commits to the negotiation of a local agreement on permissible concert and event numbers with Phibsborough residents.

Chief Executive's Response

The RDS submission requesting recognition in the Development Plan for the RDS cannot be included at this stage in the Development Plan process as it is not the subject of a material amendment on public display and to include it would be **out of order**. CEE12 makes no reference to specific venues.

Regarding the Failte Ireland submission, the draft Plan already sets out the following policies:

CEE12: To promote and facilitate tourism as one of the key economic pillars of the city's economy and a major generator of employment and to support the provision of necessary significant increase in facilities such as hotels, aparthotels, tourist hostels, cafes and restaurants, visitor attractions, including those for children.

CEE13: To work with Failte Ireland and other stakeholders, to deliver on the ambitious tourist targets set out in 'Destination Dublin – A Collective Strategy for Growth to 2020'; (Grow Dublin Taskforce, including aim to double the number of visitors by 2020).

The June 2016 Amendments report put out for public consultation included the following addition to Policy CEE13:

“To support the preparation, adoption and implementation of a strategic regional plan for tourism for the Dublin City region, to provide a framework for the sustainable and efficient provision and management of tourism across the region”.

Having regard to the importance of tourism to the city, it is considered that the Failte Ireland proposed policy is reasonable to the extent that “To promote and support the development of additional tourism accommodation at appropriate locations throughout the City” could be added to CEE 13

As regards consultation re. events and concerts at Dalymount, this is not a matter for the Development Plan.

Chief Executive's Recommendation

Retain text in Amended Draft CEE12

Retain text in Amended Draft CEE13 and Add

“This Plan will include policies to promote and support the development of additional tourism accommodation at appropriate locations throughout the City”

Section: 6.5.5 Employment, Enterprise and Economic Development Sectors

Summary of Issues

Material Alteration Reference Number 6.6 and 6.7

A submission welcomes the commitment to social labour clause and living wage employment for Dublin City Council Developments . To add new sentence ' All businesses within the City boundaries should be strongly encouraged to embrace living wage employment for their employees'

Diageo (4171) welcomes the reference to the inclusion of 'visitor centres' in the text proposed for CEE18. In this regard they refer to the fact that the Guinness Storehouse is Ireland's No. 1 International Tourist Attraction for paying visitors. Visitor numbers to the Storehouse have continually increased in recent years and they expect this to continue over the coming decade. They expect that this visitor centre will form an important anchor to the new urban quarter on their Southern lands. They note however that there is no specific reference to the Guinness Brewery or the safeguarding of the existing brewery in the Draft City Plan or the Amended Draft overall. This is of concern to their clients and they make proposals for additions to policy to recognise Guinness Storehouse and Guinness Brewery

Chief Executive's Response

The proposed amendment to Policy CEE17 is **“to promote social labour clauses for Dublin City Council developments to promote social labour clauses and living wage employment for Dublin City Council developments. jobs which provide quality of life and allow workers to play a full social and economic role in the development of the city.”**

Policy CEE4(iii) of the Draft Plan sets out: “To promote jobs which provide quality of life and allow workers to play a full social and economic role in the development of the city.”

Section 2.2.4 of the Draft Plan on 'Employment and Enterprise Strategy' sets out the following:

“The ultimate purpose of the development plan is social, providing for people's needs in all aspects of their lives and across their life cycle in areas such as housing, employment, recreation, social and commercial services, in a sustainable manner. This is reflected in the three principles of the core strategy and in every chapter of the Development Plan. The social purpose of the Development Plan is complemented by the Local Economic & Community Plan.”

Goal 7 of the Local Economic and Community Plan refers to increasing quality employment and the LECP is incorporated into the Draft Plan Vision and Core Strategy. Overall, the Development Plan provides sufficient policy to enable living wage employment to be provided.

However a living wage is not deliverable through the Development Plan, and as such is **outside the scope** of the plan.

Amendment Reference Number 6.7 sets out the following 6.5.5 Employment, Enterprise and Economic Development Sectors

Add to CEE18 (page 47)

(viii) **'To recognise that craft enterprises, designer's studios/workshops etc., along with visitor centres, provide economic development and regeneration potential for the city including the promotion of tourism. To promote Dublin City Centre as a destination for such craft enterprises'**

Diageo request additions to Policy CEE18 as follows after "**visitors centres**" add (including the Guinness Storehouse) and after "**craft enterprises**" add and to support Guinness Brewery in their continued development to safeguards employment, industry and tourism in the Southwest City.

The inclusion of Guinness Storehouse and Guinness Brewery was not the subject of a material amendment on display and so cannot be included at this stage, i.e. **Out of order**

Retain text in Amended Draft and add Policy CEE 17 as follows:

“ To promote social labour clauses and living wage employment for Dublin City Council developments”.

Chief Executive's Recommendation

Retain text in Amended Draft for CEE17

Retain text in Amended Draft for CEE 18

Chapter 7 - Retailing

Submission Number(s):

4022, 4151, 4215, 4216, 4217, 4241, 4266, 4269

Section: 7.6.1 Primacy of the City Centre & Retail Core Area

Summary of Issues

Material Alteration Reference Number 7.2

A submission requested that a change be made to revert the minimum floor to ceiling height from 4m to 5m to allow the adaption of ground floor apartments to commercial uses in the retail core area.

Chief Executive's Response

Amendment 7.2 reads as follows:

"7.6.1 Primacy of the City Centre & Retail Core Area
Amend second paragraph (page 52)

The purpose of this designation is to protect the primary retail function of these streets as the principal shopping streets in the retail core with an emphasis on higher order comparison retail and a rich mix of uses. The designation controls the extent of provision of non retail uses at ground floor level, but also allows for uses complementary to the main shopping focus such as a cafés, bars, restaurants and galleries. Also ground floors should have a **minimum** commercial floor to ceiling height of **4m (4-5m)** for design, use and adaptability reasons."

With regard to the minimum floor to ceiling height, to allow for adaption from apartment to commercial use, a 4m minimum is regarded as a practicable figure for design and adaptability purposes as set out in paragraph 7.6.1.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 7.6.4 Retailing in the Wider City

Summary of Issues

Material Alteration Reference Number 7.1

Submissions were concerned that policy RD8A (regarding the location of fast food outlets vis a vis schools) was variously discriminatory, unenforceable, arbitrary, and outside the normal ambit of land use planning. It was proposed that such issues were better dealt with by public health bodies and if such a policy is necessary it should only be introduced after evidence based research has concluded that it is of benefit. The policy was also deemed to be pre-emptive as steps have been taken in recent years to add greater (and healthier) variety to takeaway options and reduce levels of salt, sugar and fat in them as well. Other submissions welcomed the policy.

Chief Executive's Response

Material Alteration Reference Number 7.1 sets out the following;

“RD8A: To safeguard the health of young people that no further fast food outlets shall be permitted within 250m radius of primary and secondary school.(not to apply to delis and convenience stores)”

Motion 2070 at the May council meeting stated that “to safeguard the health of young people that no further fast food outlets shall be permitted within 500m of primary and secondary schools. The Motion was amended by reducing the distance to 250m and excluding delis and convenience stores on foot of concerns raised by the Chief Executive regarding restricting competition and protecting existing operators. There are a range of measures that the City Council can and does undertake to encourage healthier lifestyles in the city and amongst people of all ages including those policies to encourage walking and cycling and engagement with sports and also policies outlined in Chapter 10 ‘Green Infrastructure, Open Space and Recreation’. In the light of the submissions received, the Chief Executive remains concerned that the policy would be used to restrict competition and would have other unintended consequences. It is considered that the following should be added:

“unless an evidence based case is made by the applicant that the proposed development would be in the interests of the proper planning and development of the area”

Chief Executive's Recommendation

Retain text in Amended Draft and add text:

"unless an evidence based case is made by the applicant that the proposed development would be in the interests of the proper planning and development of the area"

Section: 7.6.5 Policies and Objectives

Summary of Issues

Material Alteration Reference Number 7.3

A submission requested that additional text be added to Policy RD17A to provide mixed use urban villages that provide for and reflect the changing demographic and

increasing number of 1 and 2 person households in the city. Another stated that the most successful urban village models predated the era of shopping centres and that many of these centres in the city are mono use retail outlets.

Chief Executive's Response

The Amendment sets out the following;

“RD17A: To promote the retail provision in the Key District Centres, District Centres and Neighbourhood Centres, including the revitalisation of existing established centres, (see Appendix 3 Retail Strategy).”

In relation to Policy RD17A, residential development, in the various centres described, from district centre to neighbourhood centre will be subject to the development provisos contained in development plan (S16.10 – Standards for Residential Accommodation) relating to new development in the city. These stipulate that a proportion of units suitable for 1 and 2 person households be provided in development above a certain threshold. This will ensure that the city will continue to have residential units suitable for all household sizes and stages in the life cycle.

Chief Executive's Recommendation

Retain text in Amendment Draft.

Chapter 8 - Movement and Transport

Submission Number(s):

4001, 4005, 4007, 4016, 4049, 4057, 4085, 4104, 4123, 4136, 4151, 4154, 4161, 4162, 4166, 4177, 4186, 4191, 4192, 4195, 4196, 4205, 4223, 4230, 4251, 4257, 4259, 4264, 4266, 4271, 4272, 4275, 4276, 4284, 4285

Section: 8.1 Introduction

Summary of Issues

Material Alteration Reference Number 8.1

The National Transport Authority strategy will do little to improve journey times . Congestion charges should be implemented within the canals. Concern raised regarding the lack of cycleways in the city

Alteration 8.1 has the effect of incorporating the National Transport Authority strategy 2016-35 into the development plan. If this is to be done then the NTA strategy must be subject of Strategic Environmental Assessment by Dublin City Council . Hence this alteration should be omitted.

The Department of Environment, Community and Local Government supports the proposed alteration.

Material Alteration Reference Number 8.2

Health is not mentioned in relation to avoidance of exhaust fumes and particulate matter. There are ways of minimising exposure. Community housing and car-pooling initiatives should be encouraged.

Chief Executive's Response

Material Alteration Reference Number 8.1

The proposed alteration is solely an updating of the title of the strategy.

Material Alteration Reference Number 8.2

Text in the proposed alteration already relates to the principle of needing to reduce transport related emissions , implicitly for health reasons. Alternatives to private car use are addressed in section 8.5.5 which includes mobility management.

Chief Executive's Recommendation

Material Alteration Reference Number 8.1

Retain text in Amended Draft.

Material Alteration Reference Number 8.2

Retain text in Amended Draft.

Section: 8.3 Challenges

Summary of Issues

Material Alteration Reference Number 8.3

Environmental Protection Agency ; The Plan should support relevant aspects of the forthcoming National Policy Framework for Alternative Fuels Infrastructure for the Transport Section (AFF)

National Transport Authority ; The Transport strategy does not in fact state a 30% mode share target for walking and cycling. The City Centre Transport Study similarly does not set out mode share targets. The references to targets being stated in those documents should therefore be removed and replaced with either separate stand alone target or a qualitative objective

Chief Executive's Response

The proposed alteration should be modified to a qualitative objective as suggested.

i.e. delete final bullet point par 8.3 page 58 of Draft Plan and replace with qualitative objective rather than the text proposed in the Amended Draft.

Chief Executive's Recommendation

Delete final bullet point in 8.3 and delete the proposed Amendment and Add:

Increasing significantly the existing mode share for active modes, i.e. walking and cycling, and supporting the forthcoming National Policy Framework for Alternative Fuels Infrastructure.

Section: 8.4 The Strategic Approach

Summary of Issues

Material Alteration Reference Number 8.4

Alteration 8.4 has the effect of incorporating the National Transport Authority strategy 2016-35 into the development plan. If this is to be done then the NTA strategy must be subject of Strategic Environmental Assessment by Dublin City Council. Hence this alteration should be omitted (submissions by Dublin City Traders Alliance and some individual companies)

'Dart' should be spelled in capital letters.

The emphasis on public transport and commitment to Metro North is welcomed.

Chief Executive's Response

The National Transport Authority website states that ;

In compliance with Article 9(1) of SI 435 of 2004, a Strategic Environmental Assessment (SEA) of the draft Strategy has been carried out. An Environmental Report has been prepared which assesses, at a strategic level, the likely significant effects on the environment of implementing the draft Strategy. An SEA Statement was prepared on approval of the Strategy.

Given that Strategic Environmental Assessment has already been conducted, there is no obligation for Dublin City Council to carry out a second assessment.

'Dart' should indeed be spelled 'DART' as it is an acronym.

Chief Executive's Recommendation

Retain text in Amended Draft and amend 'Dart' to 'DART' (upper case)

Section: 8.5.1 Integrated Land-use and Transportation

Summary of Issues

Material Alteration Reference Number 8.6

There is conflict between the proposed omission of Dublin City Centre Transport Study (DCCTS) and its insertion at proposed alteration reference 8.5

Iarnrod Eireann submission;

The National Cycling Policy Framework and also the National Cycling manual should be added to MT1

Remove word 'draft' from National Transport Authority strategy. Also, final paragraph should be expanded to include

Also to ensure that land-uses and zoning are fully integrated with the provision of a high quality transportation network that accommodates the movement needs of Dublin City and the Region (to be added).. Development sites adjacent the public Transport corridors shall ensure that proposed building layouts and construction methodologies do not pose a safety risk or curtail the operating environment of the public service provider during the construction and occupational phases of development.

Material Alteration Reference Number 8.7

Proposed alteration Ref 8.7 is supported by Dublin Chamber of Commerce

Material Alteration Reference Number 8.8

Reference to the CCTS should be removed. It has already been proposed for removal from section 8.5.1 under Amendment reference 8.6 (motion 2079 relates). The democratic decision should be recognised.

Alteration reference 8.8 has the effect of incorporating the Dublin City Transport Study into the Development Plan. The requirement to examine associated impacts using Strategic Environmental Assessment has not been followed and therefore neither the public nor the elected representatives have been properly informed of the impacts. Hence this alteration should be omitted.

Chief Executive's Response

Material Alteration Reference Number 8.6

The omission of the DCCTS from MT1 at 8.5.1 **Dublin City Centre Transport Study** under amendment 8.6 is at broad policy level, and results in a document list that is strategic in nature and applicable to all Planning Authorities in the Dublin Region. The proposed inclusion of reference to the DCCTS under section 8.4 (alteration ref 8.5) is more appropriate as it provides more focused detail .

It is agreed that the National Cycling Policy Framework (Dept of Transport) and also the National Cycling Manual (sic) -a National Transport Authority initiative, should be added to MT1 (note that the correct title is national Cycle manual)
It is agreed that the word 'draft' should be removed from 'National Transport Authority's Draft ..' strategy in bullet no. 2

The text recommended in the Iarnrod Eireann submission, whilst relevant generally is not appropriate in this policy section as it is not strategic in nature – but rather relates to implementation and development management, wherein proposals adjacent to public transport corridors can be referred to IE for comment.

Material Alteration Reference Number 8.7

Acknowledged

Material Alteration Reference Number 8.8

The paragraph on CCTS is simply a commentary that a draft city centre transport strategy is underway as the overall approach to transportation as set out in the draft Development Plan . Proposed amendment 8.5 includes reference to the study as one of a set of principles informing the strategic approach. Its wholesale removal from the plan would be a lost opportunity to improve traffic management arrangements and also public realm.

In relation to Strategic Environmental Assessment , the CCTS consists of a series of interlinked projects all of which will be screened for SEA / EIS / AA and as part of due process and procedure. The Transport study must also be consistent with the policies and objectives of the Development Plan. If and when the CCTS is approved it can be included under Policy MT1 at a future date.

Chief Executive's Recommendation

Material Alteration Reference Number 8.6

Delete text as proposed in Amendment Draft (5th bullet) and delete the word Draft from the second bullet point and Add final bullet point.

MT1 ; To support the sustainability principles set out in the following documents;

- The National Spatial Strategy/National Planning Framework.
- The National Transport Authority's **Draft** Transport Strategy for the Greater

Dublin Area.

- Smarter Travel, A sustainable Transport Future 2009-2020.
- Regional Planning Guidelines for the Greater Dublin Area
- **Dublin City Centre Transport Study**
- Design Manual for Urban Roads and Streets.
- **National Cycling Policy Framework and National Cycle Manual**

Material Alteration Reference Number 8.7

Retain text in Amended Draft.

Material Alteration Reference Number 8.8

Amend text in Amended Draft to read as follows for 8.5.1

This **Draft** Plan supports the approach of **the any approved** City Centre Transport Study, in redefining the transport network and improving public realm.

Section: 8.5.3 Public Transport

Summary of Issues

Material Alteration Reference Number 8.5

Alteration 8.5 has the effect of incorporating the Dublin City Transport Study into the development plan. SEA process has not been followed. Hence this alteration should be omitted (submissions by Dublin City Traders Alliance and others)

A specific objective should be inserted to implement the proposals of the City centre transport study. Alternatively, a listing of specific measures could be included (NTA submission)

This alteration attempts to insert a new section to reference the City Centre Transport Study (a study not yet completed or adopted by the City Council) without any motion having been submitted to effect this addition. Motion 2079 was passed by the City Council by 21 votes to 2 thus requiring an amendment to Section 8.5.2 by removal of reference to the DCC Dublin City Centre Report Study as agreed by the councillors by way of the vote. In this same section, the CE has now attempted to add a reference to the City Centre Transport Study to the Development Plan, notwithstanding the vote taken to remove it. Its removal must be effected to ensure that the democratic decision of the members is reflected. Request that the references to the Dublin City Centre Transport Study at Section 8.4 (ref 8.5) and at 8.5.1 (ref 8.8) be removed.

Reference to RPA and NRA should be amended to read 'Transport Infrastructure Ireland (TII)'.

Material Alteration Reference Number 8.9

The concept of the Airport Metro as shown is not supported by Dublin Cycling campaign.

The National Transport Authority strategy includes Luas Green line enhancements (Transport Infrastructure Ireland)

Iarnrod Eireann seeks to remove 'draft' from National Transport Authority strategy. Sub divide 1st bullet into two ;Metro Nth and South, and secondly, DART Expansion including DART underground. Also, in relation to the last line of the amendment, this should be changed to include ;

"Transport Infrastructure Ireland (in relation to Metro, Luas and Road Developments) and Iarnrod Eireann (in relation to DART expansion and DART Underground) will be consulted" ... (etc)

Figure 9 should be updated to reflect all infrastructure shown on updated Map J.

National Transport Authority submission states ; 'In the longer term' should be removed.

'is guided by' should be replaced with ' must be consistent with'

Reference to Dart underground should be replaced with the 'DART expansion programme', as this include necessary extensions .

Map J

All future projects (BRT Luas, Metro and Dart expansion) should all be qualified in the legend by a footnote stating that the details shown are 'indicative and subject to design development'

Separate submissions seek the deletion of Luas to Poolbeg from Map J because it has no current status and there are safety concerns (J Spain on behalf of Amphitheatre Ireland 3 Arena) which need further assessment.

Material Alteration Reference Number 8.11

The amendment to MTO5 is generally supported.

Iarnrod Eireann has investigated the potential of opening the entrance and has concluded that it is not cost effective. It is not in the capital investment programme. That said, there is no objection to it assuming funding can be secured.

National Transport Authority submission; The start of the new insertion should read 'subject to a station layout assessment'

Material Alteration Reference Number 8.12

The proposal is welcome, but a timeline for delivery of this rail station is required. Other submissions seek a stand alone development (rather than integrated into a mixed uses scheme)

Iarnrod Eireann states that a new station at Cross Guns is not included in the transport strategy for the Greater Dublin Area. It is premature to include MTO6A in the Plan without any prior assessment by Iarnrod Eireann or the National Transport Authority regarding feasibility and passenger demand projections. DCC should seek clarification from the National Transport Authority

A further submission has sought a change to the text to state "... at Cross Guns and the New Cabra Road serving the development ..."

National Transport Authority have requested that MTO6A should start with 'Subject to an economic assessment ...'etc

Chief Executive's Response

Material Alteration Reference Number 8.5

The paragraph on CCTS is simply a commentary that a draft city centre transport strategy is underway as the overall approach to transportation as set out in the draft Development Plan . Proposed amendment 8.5 includes reference to the study as one of a set of principles informing the strategic approach. Its wholesale removal from the plan would be a lost opportunity to improve traffic management arrangements and also public realm.

In relation to Strategic Environmental Assessment , the CCTS consists of a series of interlinked projects all of which will be screened for SEA / EIS / AA and as part of due process and procedure. The Transport study must also be consistent with the policies and objectives of the Development Plan. If and when the CCTS is approved it can be included under Policy MT1 at a future date.

The Draft Dublin City Centre Transport Study (DCCTS) was referenced in the Draft Reference to RPA in MT6(i) should be amended to read 'Transport Infrastructure Ireland (TII)'.

Material Alteration Reference Number 8.9

Metro North as proposed is considered progressive in supporting public transport accessibility.

Green line enhancements to Luas can be added to the bullet point setting out key public transport elements of the strategy

It is agreed that the word 'draft' should be removed (from 'Draft Transport Strategy') . Also, 'DART Expansion including' DART underground can be added to the first bullet point.

It is recommended that Figure 9 should be updated to include routes shown on updated Map J ; ie Luas to Poolbeg and also the eastern bypass route.

'In the longer term' can be removed from the text of the proposed alteration. 'Is guided by' can be replaced with ' must be consistent with' Reference to Dart underground should be replaced with the 'DART expansion programme', as this include necessary extensions .

In relation to Map J; The first line of the existing note at the base of the box titled ' Proposal under Draft Transport Strategy for the GDA 2016-2035' can be amended to read ; 'The routes shown are indicative only and subject to design development' Requests to omit the illustrated Luas to Poolbeg route are not accepted given that the route is contained in the National Transport Authority strategy for the Greater Dublin Area .

Material Alteration Reference Number 8.11

Iarnrod Eireanns concern is understood, but because funding may be secured at a later date it would not be necessary to omit the proposed amendment which remains relevant.

The amendment could indeed be modified to read 'subject to a station layout assessment' (National Transport Authority recommendation)

Material Alteration Reference Number 8.12

It is not possible for Dublin City Council to provide a timeline for delivery as this is beyond the control of the Council.

Limiting the potential of the site to a stand alone station is not in the interests of the public who may benefit from potential mixed uses (such as improved local services). An integrated development may optimise airspace and site potential.

In relation to the submission from Iarnrod Eireann stating that the objective is premature, the objective is not to develop a station but rather to 'promote and seek the development of' . In addition, a station at this location has previously been included in an earlier Phibsborough plan and it is understood that the National Transport Authority had no objection at that time. Future feasibility and passenger demand projections may influence future policy.

The proposed text change to include New Cabra Road would relate to the provision of a second station at New Cabra Road. This does not relate to the amendment per se.

In relation to the NTA request that MTO6A should start with 'Subject to an economic assessment ...' this is not recommended as the provision of a station would be subject to multiple assessments including passenger and demand projections, economic and other feasibility studies etc. These all relate to later stages in the process, whereas the objective is primarily to support the principle of a station at this location.

Chief Executive's Recommendation

Material Alteration Reference Number 8.5

Retain text in Amended Draft and Add to section 8.4

Any approved project in the Study will be subject to Environmental Screening and Assessment

Replace acronym 'RPA' in first line of MT6(i) to read '**Transport Infrastructure Ireland (TII)**'.

Material Alteration Reference Number 8.9

Retain text in Amended Draft subject to the following at 8.5.1 to read as follows ;

(amend 1st para p 59)

In the longer term, Dublin City Council policy on public transport **is guided by must be consistent with** the content of the National Transport Authority's **Draft** Transport Strategy for the Greater Dublin Area 2016-2035. Key Public Transport elements of this strategy include ;

- **Alignments for** Metro North and South and the DART **expansion programme including** DART underground..
- Luas to Lucan, Finglas and Poolbeg, **and also Green Line enhancements.**

- Road Link from Port Tunnel to the South Port
- Bus Rapid Transit Network and also Core Bus Network

Whilst delivery of these will take longer than the immediate Development Plan period, it is policy to protect route alignments from inappropriate development. The National Transport Authority and Transport Infrastructure Ireland will be consulted in relation to all significant proposals along these routes.

Also on Map J;
Title of inset box

‘**Proposals under Draft Transport Strategy for the GDA 2016-2035**’
‘**Proposals under Transport Strategy for the GDA 2016-2035**’

The first line of the existing note at the base of this box to be amended to read ; ‘**The routes shown are indicative only and subject to design development**’

Figure 9 on p 60 (s. 8.5.3) to be updated to include routes shown on updated Map J ; ie Luas to Poolbeg and also the eastern bypass route. Cross reference to Map J also to be provided

Material Alteration Reference Number 8.11

Retain text in Amended Draft and Add:

Subject to a station layout assessment at MTO5 (ii)

Material Alteration Reference Number 8.12

Retain text in Amended Draft.

Section: 8.5.4 Promoting Active Travel: Cycling & Walking

Summary of Issues

Material Alteration Reference Number 8.13

Reference 8.13 is welcome. There is a problem with cyclist behaviour however – they are using footpaths (Dublin Chamber of Commerce).

Text could indicate that permeability and accessibility studies would relate to both Luas routes and station (Transport Infrastructure Ireland)

Material Alteration Reference Number 8.14

MT7 is supported as it will ensure the protection of natural environments and habitats in the implementation of walking and cycling routes.

Material Alteration Reference Number 8.15

Dublin Cycling Campaign seeks MT10 to be reinstated and amended to include the whole city.

The National Transport Authority does not support complete removal of this policy but recommends the following ;'To assess on a case by case basis, and implement where appropriate, 30kph speed limits in residential neighbourhoods in order to enhance safety and to promote walking and cycling'.

Another submission states that MT10 should be reinstated to improve road safety

Material Alteration Reference Number 8.16

Policy MT8 should be amended to include " cycling Ireland" after the words 'Green Schools initiative'. Secondly to insert the word 'Unit' after 'smarter travel' (The Dublin Cycling Campaign)

Chief Executive's Response

Material Alteration Reference Number 8.13

Cyclists using footpaths may be a problem -but it is not a development plan matter.

It is accepted that the policy could indicate that permeability and accessibility studies would relate to both Luas routes and stations. Having considered this, it is considered that the text should be amended to relate to routes and stations of all Luas, Rail and BRT (rather than Luas alone)

Material Alteration Reference Number 8.14

Content of submission is accepted.

Material Alteration Reference Number 8.15

MTO10 was removed at material amendment stage because another more appropriate objective was agreed for inclusion. i.e. MTO10A which states "to support the implementation of appropriate speed limits throughout the city in accordance with guidelines published by the Department of Transport Tourism and Sport." It is considered that this proposed objective addresses the concerns raised in the submissions.

Material Alteration Reference Number 8.16

Inserting 'unit' is reasonable. Reference to cycling Ireland is however is **outside the scope** as it was not a material alteration.

Chief Executive's Recommendation

Material Alteration Reference Number 8.13

Retain text in Amended Draft at 8.5.3 and Add:

MT10A; To continue to promote improved permeability for both cyclists and pedestrians in existing urban areas in line with the National Transport Authority's document " Permeability – a best practice guide". Also to carry out a permeability and accessibility study of appropriate areas in the vicinity of **all Luas, Rail and BRT**

routes and stations, in cooperation with Transport Infrastructure Ireland and the National Transport Authority.

Material Alteration Reference Number 8.14

Retain text in Amended Draft.

Material Alteration Reference Number 8.15

Retain text in Amended Draft (ie the deletion of MT10).

Material Alteration Reference Number 8.16

Retain text in Amended Draft and Add the word unit after smarter travel to read as follows:

MT8 ; To work with and actively promote initiatives by relevant agencies and stakeholders such as An Taisces Green Schools Initiative and the NTAs Smarter Travel **Unit**, to promote active travel in schools and communities, recognising the health and social benefits of walking and cycling as well as the environmental benefits.

Section: 8.5.4.1 Cycling

Summary of Issues

Material Alteration Reference Number 8.17

MTO7 should refer to the Draft City Centre Cycle Parking Strategy

Chief Executive's Response

This is addressed already in the proposed alteration.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 8.5.4.2 Walking

Summary of Issues

Material Alteration Reference Number 8.20

Urgent action is required to implement MTO16A . The bridge sought in MTO16B should be located west of Dakota Apartments. Concern expressed at lack of footpath on South side of Whitworth Road.

'Subject to a feasibility assessment ..' should be added to start of MTO16A (National Transport Authority submission)

Chief Executive's Response

Given the range of considerations and possible design options it is considered

appropriate to commence the text with ‘Subject to a feasibility assessment ..’

Chief Executive’s Recommendation

Retain text in Amended Draft as follows:

MTO16A ; Subject to a feasibility assessment, to upgrade Cross Guns Bridge Phibsborough for pedestrian and cyclist use.

Section: 8.5.5 Mobility Management and Travel Planning

Summary of Issues

Material Alteration Reference Number 8.19

The new objective is welcome (Phibsborough Tidy Towns). A prioritised timeline is requested (Phibsborough combined residents group)

Material Alteration Reference Number 8.21

National Transport Authority submission states ;It is dubious that a pedestrian/cycle bridge can be provided given the space constraints in this area. If retained, the following should be added to the start ; ‘Subject to a feasibility assessment ..’

A submission states that; The bridge referenced in MTO 16B should be located west of Dakota Apartments to maximise permeability. The lack of a footpath on the southern side of this road makes it dangerous.

Iarnrod Eireann should be consulted at early design stage to ensure adequate clearances and design.

The proposal should maximise permeability.

Chief Executive’s Response

Material Alteration Reference Number 8.19

It is not possible to provide a definitive timeline for completion at this stage, given the necessary research and feasibility work that is required.

Material Alteration Reference Number 8.21

The NTAs submission is accepted and therefore ‘Subject to a feasibility assessment’ should be added .

Matters relating to siting, position, design, and permeability are all non-strategic matters and relate to the later design stage.

Chief Executive’s Recommendation

Retain text in Amended Draft.

Material Alteration Reference Number 8.21

Retain text in Amended Draft and Add at

MTO16B **Subject to a feasibility assessment**

Section: 8.5.6 Car Parking

Summary of Issues

Material Alteration Reference Number 8.23

MT13 should be removed (Dublin Cycling Campaign).

Another submission states that MT13 should be changed to “To balance any loss of on street parking , particularly in areas of high demand, with an improvement in public transport infrastructure, public realm and cycle lane”

National Transport Authority Submission ; Removal of this policy was recommended previously by the NTA . An alternative wording should be considered ;
'To minimise the loss of on street car parking, except where such removal is required for, or in relation to sustainable transport provision, access to new developments, or a public realm improvement.'

Material Alteration Reference Number 8.24

National Transport Authority request the deletion of the proposed alteration to MT 14

Chief Executive's Response

Material Alteration Reference Number 8.23

The submissions relate to the desire to generally maintain a necessary level of parking whilst not militating against the facilitation of improved public transport infrastructure and services.

Having considered the various comments it is considered that the policy should not be removed. The suggested text of the National Transport Authority is appropriate subject to amendment, such that it states

'To minimise the loss of on street car parking, while recognizing that some loss of spaces is required for, or in relation to sustainable transport provision, access to new developments, or a public realm improvement.'

Material Alteration Reference Number 8.24

Having considered the limited potential impact of the proposed alteration in conjunction with the National Transport Authority's comment, the proposed alteration should be deleted.

Chief Executive's Recommendation

Material Alteration Reference Number 8.23

The Amended Draft is adopted as amended to read as follows:

Amend Policy MT13

'To minimise the loss of on street car parking, while recognizing that some loss of spaces is required for, or in relation to sustainable transport provision, access to new developments, or public realm improvements.'

Material Alteration Reference Number 8.24

Delete text in Amended Draft and retain text in Draft Plan as follows:

MT14 ; To discourage commuter parking and to ensure adequate but not excessive parking provision for short term shopping, business and leisure uses.

Section: 8.5.7 Road and Bridge Improvements

Summary of Issues

Material Alteration Reference Number 8.25

It is understood that the bridge connecting Fishamble Street with Arran Street East is for walking, cycling and public transport. The idea of buses coming through Arran Street East would be strongly resisted by local residents.

Arran Street East is unsuited to buses on residential amenity grounds. Residents are not in favour of it. This should have been a matter for wider discussion before being entered in the amendments. Buses coming through Arran Street East would be detrimental to amenity by reason of noise and fumes. The proposal should have gone to public consultation prior to inclusion in the plan.

The link from the Dublin tunnel to the south port included in alteration 8.9 and 8.26 could also be included at alteration ref 8.25

Submssion from National Transport Authority ;The following text should be added to the introductory para of MTO27 '....and subject to compliance with the 'principles of Road Development' set out in the Transport Strategy'

The bridge to connect Fishamble Street and Arran St East has not been identified in the City Centre Transport Study. The amended draft does not set out the function of the bridge. As such its inclusion in the plan cannot be supported by the National Transport Authority. It should be removed or its function clarified in a manner that can be supported by the Authority.

Material Alteration Reference Number 8.26

MTO27A should be deleted in order to reduce carbon emissions and to avoid sterilising land

Sandymount & Merrion Road Residents Association state that the proposal was deleted by the Councillors whose reserved function it is to make a Development Plan, at the special Council meeting to debate the draft held in May 2016. The reinsertion of this proposal by the Executive of Dublin City Council is in conflict with the expressed wish and vote of elected Councillors. The study of future/possible strategies /or routes does not impose a statutory obligation to include it within a Development Plan as if it were a fact. The proposal sterilises lands within the inner and outer city and is in part in conflict with a number of possible road routes within Dublin Port which has been changed in the Port plans for redevelopment of Alexandra Basin as passed by An Bord Pleanála. They seek deletion of this proposed reinserted amendment by the executive and the retention of the proposal passed by the Councillors in May 2016 which seeks deletion of all references to a proposed route reservation.

Both the Chamber of Commerce and Transport Infrastructure Ireland support the bypass.

Chief Executive's Response

Material Alteration Reference Number 8.25

The concept of a bridge at this location has not been previously set out as a requirement by Dublin City Council in relation to the evolving movement network, nor is the proposal part of the National Transport Authority strategy.

Also – the bridge has not been identified in the proposed amendment as a pedestrian/cycle bridge only, and because of this, residents concerns are reasonable in regard to the possibility of buses using Arran Street East. The street is narrow and relatively quiet at present and would be impacted negatively by increased vehicular traffic.

Furthermore, it remains unclear how the proposed bridge would benefit the area including those who might use it.

Because of the above concerns which question the fundamental concept of a bridge at this location, it is recommended that the bridge is omitted from the list. This said, the NTAs recommendation to add the following text to the end of the introductory paragraph is accepted

;'...and subject to compliance with the 'principles of Road Development' set out in the Transport Strategy'

(The eastern by-pass is dealt with separately at material alteration 8.26)

Material Alteration Reference Number 8.26

The Eastern Bypass is planned under National-level policy and there is a legislative obligation to ensure the Planning Authority is consistent with the transport strategy. Section 9 (6A) of the Planning and Development Act (as amended) relates. There is no evidence at present that omitting the objective would reduce carbon emissions and similarly no evidence that land would be sterilised if the objective is retained.

Notwithstanding the expressed wishes of both elected representatives and others (including Sandymount & Merrion Road Residents Association), the omission of the objective would be contrary to both legislation and national policy. This is not

considered an appropriate course of action given the responsibilities of Dublin City Council as a Planning Authority.

Chief Executive's Recommendation

Material Alteration Reference Number 8.25

Delete text on Amended Draft and amend MTO27 by Adding;

To initiate and/or implement the following road improvement schemes and bridges within the six year period of the development plan, subject to availability of funding, environmental requirements, **and compliance with the 'Principles of Road Development' set out in the NTA Transport Strategy.**

Material Alteration Reference Number 8.26

Retain text in Amended Draft.

Section: 8.5.8 Traffic Management

Summary of Issues

Material Alteration Reference Number 8.27

In relation to MTO32, Transport Infrastructure Ireland welcomes consultation where there would be implications for national roads and Luas.

Material Alteration Reference Number 8.28 and 8.29

Cabra Road Residents Association

MTO36 should be extended to include objectives V9 and G105 of the Draft

Phibsborough LAP 2015. ie ;

V9 ; 'upgrade public open space and the quality of the public realm, landscaping, and recreational areas in the plan area, including the expansion of Mount Bernard Park, providing an important link to the Royal Canal.'

G105 ; 'To expand and enhance Mount Bernard Park ;

- a) Liaise with the RPA in relation to the new LUAS Stop at the entrance to Mount Bernard Park, and to improve the access to the park.
 - b) Extend the park northwards to the Canal, following agreement with the RPA/ CIE.
 - c) Provide a bridge over the Canal, linking the park to the wider Canal corridor subject to agreement with the NTA.
 - d) Provide a new nature garden and/or allotments north of the Canal, subject to agreement with CIE.
 - e) Provide improved play facilities at Mount Bernard Park
 - f) To monitor and control the spread of invasive species in the park.
- The above to be carried out as part of an overall landscape strategy for the Park"

Material Alteration Reference Number 8.30

The text needs amending to recognise the accessibility and parking needs of

residents, businesses and visitors at different parts of the day. This is because there is proliferating coach parking in the vicinity of Trinity College and Merrion Square, where coaches and buses idle for lengthy periods.

Also ; a tourist tax should be applied in return for free public transport access.

Material Alteration Reference Number 8.31

In relation to the traffic layout at Doyles Corner, the Phibsborough Combined residents group state that action should be taken within 2 years of the plan coming into effect

Other submissions state that commitment to review the existing traffic layout is welcome as the layout at Doyles corner is a problem at present.

Chief Executive's Response

Material Alteration Reference Number 8.27

It is normal procedure to consult with Transport Infrastructure Ireland in relation to any significant proposals for traffic management that may affect national roads and their operation.

Material Alteration Reference Number 8.28 and 8.29

The submission material does not appear to relate to the content of the alterations

Material Alteration Reference Number 8.30

The wording as amended does in fact refer to the need to recognise the needs of the city through different parts of the day. No change is therefore required to the wording.

The idea of imposing a tourist tax in return for free public transport access, was not subject of public display as a material amendment, and so is **outside scope** of Plan at this stage.

Material Alteration Reference Number 8.31

The wording of the proposed amended objective recognises the need for improvements to the junction. It is however not possible on resource grounds to commit to action being taken on site within two years. The layout review as sought within the lifetime of the Plan will however go to inform future work and a design re-evaluation.

Chief Executive's Recommendation

Material Alteration Reference Number 8.27

Retain text in Amended Draft.

Material Alteration Reference Number 8.28 and 8.29

Retain text in Amended Draft.

Material Alteration Reference Number 8.30

Retain text in Amended Draft.

Material Alteration Reference Number 8.31

Retain text in Amended Draft.

Section: 8.5.10 Dublin Port Tunnel Structural Safety

Summary of Issues

Material Alteration Reference Number 8.34

Iarnrod Eireann submission ;

MT21 should indicate the Development Assessment requirements of DART underground in addition to the Dublin Port Tunnel. Section 6 of the DART underground Corridor Protection report (submitted to Dublin City Council on 04/04/16) included details of Development Assessment required to determine if the integrity of the Dart underground would be compromised.

Appendix 6 of the Development Plan should also include these Development Assessment Requirements.

Chief Executive's Response

Whilst DART underground is not specifically mentioned in MT21 as amended, it is appropriate that its corridor is appropriately protected and that this is reflected in policy. MT21 should be modified to refer to the protected corridor for Dart Underground . Details of the development assessment required are not considered necessary in this high-level policy.

Chief Executive's Recommendation

Retain text on Amended Draft MTO27 and Add;

MT21 ; To require the submission of a Development Assessment for all development proposals located in the vicinity of Dublin Port Tunnel, **the proposed DART Underground protected corridor**, **or and** any proposed public transport tunnel. Detailed requirements for Dublin Port Tunnel are set out in Appendix 6, and Iarnrod Eireann should be consulted in relation to heavy rail.

Chapter 9 - Sustainable Environmental Infrastructure

Submission Number(s):

4016, 4057, 4151, 4171, 4189, 4223, 4233, 4259, 4260, 4264, 4266

Section: 9.2 Achievements Section

Summary of Issues

Material Alteration Reference Number 9.1

“Achievements Section 9.2 Add new text after last paragraph text (page 69) ‘Text to be inserted on District Heating Project.’ This should also be cross referenced to Chapter 3, Section 3.5.2.(See Paragraph under District Heating).

The Dublin District Heating System (DDHS) is currently being progressed by Dublin City Council, initially focussing on the Dublin Docklands Strategic Development Zone (SDZ) and the Poolbeg Peninsula. The Dublin Waste to Energy Plant and other industrial facilities have been identified as potential and initial sources of waste heat within the local docklands area. Elements of the DDHS have been installed within the north docklands area, and within the new Liffey Tunnel which facilitates the roll out of district heating network both north and south of the river Liffey. During the Lifetime of the Plan DCC shall work to ensure the successful implementation of this critically important piece of infrastructure which will make Dublin City a more sustainable and energy efficient city, less dependent on imported and fossil fuels, more competitive and environmentally clean, thus attracting foreign direct investment, and aiming to be an effective leader in managing climate change.

One submission suggests that the private owners, a foreign holding company will benefit by the sale of heated water and by the receipt of grants or subsidies claimed for the provision of renewable energy. Whether this will be environmentally clean is debatable. There are other ways and sources of providing block and /or community heating which are sustainable and not dependant on one source or the production of unnecessary waste material in order to maintain it. Unclear as to where or what additional plant will be required , the cost, or on what sites it would be constructed in order to pump the heated water from and to the Poolbeg area. Another submission proposes amending reference no. 9.1 by replacing the second sentence as follows:

The Dublin District Heating System (DDHS) is currently being progressed by Dublin City Council, initially focussing on the Dublin Docklands Strategic Development Zone (SDZ) and the Poolbeg Peninsula. *“The Council will undertake a comprehensive review of the Dublin Waste to Energy Plant in order to address concerns regarding safety and ongoing emissions”.*

Chief Executive's Response

District heating has been shown to be a modern , competitively priced utility that provides a cost effective and environmentally sustainable utility option for Dublin.

The WtE plant in Poolbeg which is well underway will accelerate European sustainable status for Dublin. The public Private Partnership (PPP) project between the Dublin Local authorities and Covanta is currently under construction . The new facility will be a key factor in enabling Ireland to meet both domestic and EU waste targets. The energy from treating waste at Poolbeg will eventually go into the new district heating project which will be central heating for Dublin underground. Currently Dublin waste is being transported on trucks down the M7 to Cork Port , then being shipped to Stockholm and Amsterdam for incineration , which is not sustainable. When the plant was first proposed it was recognised that there were indeed concerns over emissions but all these early concerns were comprehensively dealt with through an innovative stakeholder engagement process including assembling a Community interest group (CIG) to represent the views of the local people.

As part of the WtE plant a licence was obtained from the EPA. The Environmental Protection Agency is the competent authority to deal with all issues relating to environmental licencing and pollution and will enforce the licence.

As part of the WtE plant a licence was obtained from the EPA. The Environmental Protection Agency is the competent authority to deal with all issues relating to environmental licencing and pollution and will enforce the licence.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 9.5.12 Energy Facilities

Summary of Issues

Material Alteration Reference Number 9.12

A submission seeks the insertion of new text after line ' or provide new infrastructure in order to extend or strengthen energy supply to meet demand' add new text ' And meet climate change reduction targets.

Chief Executive's Response

"9.5.12 Energy Facilities Add new text (page 80)

The development of a secure and reliable energy network is recognised as an important element for not only supporting economic development but also to provide for the needs of every sectoral interest in the city. Dublin City Council will support a wide range of energy supply solutions to meet future demand, with particular emphasis on renewable energy sources and those which are less carbon intensive. Dublin City Council is cognisant of the future requirements of the service providers in relation to enhancing and upgrading existing facilities or networks **for all users , both domestic , FDI , commercial or industrial.** Where possible, Dublin City Council will support the statutory providers of national grid infrastructure by safeguarding strategic corridors where identified from other developments which might inhibit the provision of energy supply networks.

Dublin City Council will be open to the future requirements of the major service providers including Bord Gais, Eirgrid and the ESB, where it is proposed to enhance or upgrade existing facilities or networks, **or provide new infrastructure in order to**

extend or strengthen energy supply to meet demand.

The proposed addition is considered reasonable.

Chief Executive's Recommendation

Retain text in Amended Draft and add text after the proposed amended text to read; 'and meet climate reduction targets'

Section: 9.5.3 Flood Management

Summary of Issues

Material Alteration Reference Number 9.4

The submission states that as proposed material alteration Reference No. 9.4 would ensure that all planning applications illustrate how they meet the requirements of the Flood Risk Management Guidelines. The requirements of Objective SIO8 are not only considered excessive but are also unnecessary and may conflict with the provisions of Policy SI 10 where the Guidelines clearly do not support the requirement for a site specific Flood Risk Assessment. Based on this it is requested that the Planning Authority either remove Objective SIO8 as the requirement for site-specific Flood Risk Assessments is now addressed under Policy SI 10 or amend this Objective in line with the provisions of the Flood Risk Management Guidelines and Policy SI10 as follows

Material Alteration Reference Number 9.5

The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs: consider that some of the proposed amendments have the potential to impact on the natural heritage. These include the proposed upgrading of bridges, the new objective SIO 12A for coastal defence works including Sandymount and at Clontarf (ref 9.8.) and the Amendment to GI15 (Ref. 10.6) It is unclear what the amendments to GI 15 (including daylighting where safe and feasible) means exactly.

It is stated that the proposed amendments regarding bridges and GI 15 have been deemed to have no significant impact on European sites (AA screening) and no potential adverse impacts on the EPS(SEA screening) . The reason given appears to be that mitigatory policies and objectives are included in the draft plan. It would appear however that SIO12A has not been assessed. Depending on the nature of the erosion protection there is a potential for a significant effects on European sites and this issue needs to be screened for AA and it seems likely that it may require AA. Depending on the nature of the protection methods envisaged. The assessment may need to consider coastal processes and any resulting changes in the movement of sediments, which may lead to erosion elsewhere. In addition the assessment will need to consider impacts on roosting and feeding areas for birds and impacts on annexed habitats. In combination effects of erosion protection need to be assessed, Any AA screening assessment made must include complete and precise findings and a conclusion capable of removing all reasonable scientific doubt as to the effect of the amendments proposed on qualifying interests of European sites in light of their conservation objectives.

Another submission states that the inclusion of Sandymount in this proposal is linked elsewhere with proposals to construct a major coast road and which involve reclamation of designated SPA, SAC , pNHA and Ramsar 2000 foreshores in the

absence of any inquiry into or consideration of the adverse effects. Coastlines of and tidal influences on Clontarf and Sandymount are completely different. It is recognised that in many cases where soft coastlines are involved the accreting , natural sand banks and emergent dune formations provide the best effective means of coastal flood defence and coastal zone management. Hard engineered proposals, could result in additional flooding of the now lower lying residential areas landward of any such construction. In the amended flood risk assessment maps it is difficult to identify the areas concerned due to the scale and similarity of colours.

A submission proposes addition after ‘National Guidelines; “Home insurance companies will be kept informed of all flood defence work carried out in the City so that these protective measures can be reflected in their insurance policies.”

Chief Executive’s Response

Material Alteration Reference Number 9.4

The amendment under 9.4 was added on foot of motions and proposes additional policy which reads as follows:

“9.5.3 Flood Management Add to Policy SI10 (page 75)

(ii)To require planning applicants and all statutory and non statutory plans to illustrate how they meet the requirements of the Guidelines for Planning Authorities on the Planning System and Flood Management and Technical Appendices, 44 November 200, published by the Department of Environment Community and Local Government, as may be revised/updated , when submitting planning applications and in the preparation of such plans”

However the requirements for applicants to submit site specific flood risk assessments is already set out in Objective SIO8, and SIO9 of the draft Plan (see page 76). It is considered that these sufficiently deal with applications to carry out site specific flood risk assessments. The issue of requiring site specific flood risk assessment under Objective SIO8 was dealt with previously in the Chief Executives Response on Submissions page 159 (March 2016). The issue with not requiring a FRA for a particular small development (eg single house) is that the new development might be in a flood risk location or in a flood path and hence it is better and in keeping with the OPW Guidelines, to carry out an appropriate level Flood Risk Assessment. A change of use application could be problematic for example if the proposal is to introduce usage to say a basement or some other vulnerable location. Objective SIO9 of the draft Plan sets out the approach to be taken in ‘minor developments’ such as small-scale infill , small extensions to houses and most changes of use etc. These should be assessed in accordance with the Guidelines for Planning Authorities and Technical Appendices, having regard to Section 5.28 which sets out the requirements for Strategic Flood Risk Assessments.

It is recommended that the Amendment Reference 9.4 be deleted in the interests of clarity as this is already covered under objective SIO8 (page 76 of the draft).

Material Alteration Reference Number 9.5

Amendment 9.5 reads as follows:

“9.5.3 Flood Management Add New Objective after SIO12 (Page 76) SIO12A: **To undertake a programme of flood defence works for the City and in particular to protect its coastal area (including Sandymount and Clontarf) from the effects of flooding and climate change in line with National Guidelines”**

It is acknowledged that some of these amendments may have the potential to impact on the AA Natura 2000 sites or some of the Environmental Protection Objectives. However Dublin City Council has assessed these impacts and have put in ample mitigation to offset any potential impacts that may arise. With regard to Movement and Transport Chapter , an overriding statement has been put into the plan,(see Section 8.4.1,page 58 draft plan) which will ensure that all developments relating to movement and transport infrastructure including any new or upgrading of bridges, will be subject to Article 6 EU Habitats Directive Assessment to ensure that there are no likely significant effects on the integrity of any European Site(s). Similarly this was put into Chapter 9 relating to Environmental Infrastructure (see section 9.4.1, page 72) and also chapter 10 , relating to green infrastructure and open space (see section 10.4.1 ,page 82 draft plan),

The Department has suggested that the SEA may not have assessed objective SIO 12A. Depending on the nature of the erosion protection there is a potential for a significant effect on European sites and this issue needs to be screened for AA and it seems likely that it may require AA. Depending on the nature of the protection methods envisaged, the assessment may need to consider coastal processes and any resulting changes in the movement of sediments, which may lead to erosion elsewhere. The assessment may also need to consider impacts on roosting and feeding areas for birds and impacts on annexed habitats.

The Draft Plan already addresses this matter; Policy SI 14 of the draft plan (page 75) currently seeks to protect the Dublin Coastline from flooding as far as reasonably practicable, by implementing the recommendations of the Dublin Coastal Flood Protection Project and the Dublin Safer Project. This policy has been environmentally assessed. This policy is considered sufficient in this regard and it is recommended that this proposed new objective be omitted. It is recommended however that an additional policy be included to require an environmental assessment of all proposed flood protection or flood alleviation works, after policy SI 16 on page 75 of the draft plan.

The matter raised about home insurance companies being kept informed of flood defence works is not a matter for the Development Plan. This should be referred to the Environment SPC.

Chief Executive's Recommendation

Material Alteration Reference Number 9.4

Delete text in Amended Draft in Policy SI10

Material Alteration Reference Number 9.5

Delete text in Amended Draft policy SIO12A and Add a new policy after SI16A

SI16A: To require an environmental assessment of all proposed flood protection or flood alleviation works

The matter raised that home insurance companies be kept informed of flood defence works should be referred to the Environment SPC.

Section: 9.5.5 Waste Management Section

Summary of Issues

Material Alteration Reference Number 9.7

A submission welcomes the commitment to implement the Litter Management Plan through enforcement of the litter laws, street cleaning and education awareness campaigns. It is requested that DCC use all its powers to deal with landlords in the Phibsborough to ensure full compliance of landlords and tenants of the litter laws.

Amend wording of objectives SIO18 (page 77) Dublin City Council shall liaise with local communities in implementing the current litter management plan 2016-2018.

Material Alteration Reference Number 9.8

A submission on behalf of Diageo Ireland: questions added policy which requires any development on potentially contaminated brownfield sites to be accompanied by a qualitative risk assessment. They request that the requirements of the proposed Qualitative Risk Assessment be clarified and in the finalised City Plan. They are unsure as to whether this is required at planning application stage or as to the level of information or the criteria that should be included.

Chief Executive's Response

Material Alteration Reference Number 9.7

Amendment Reference No. 9.7 reads;

"9.5.5 Waste Management Section

Amend wording of Objective SIO18 (page 77)

SIO18: To implement the **new** current Litter Management Plan **2016-2018 (that is currently under preparation)** through enforcement of the litter laws, street cleaning and education and awareness campaigns. "

The 2016-2018 Litter Management Plan for Dublin City was adopted in April of this year. Enforcement of the Litter Management Plan is an operational matter; it could be considered by the Environment SPC.

As part of the preparation of the Litter Plan, Dublin City Council consulted widely with individuals, residents, community groups, businesses and politicians. All matters relating to enforcement of the litter management plan is an operational matter and should be referred to the Environment SPC.

Material Alteration Reference Number 9.8

Amendment Reference Number 9.8 reads as follows:

" 9.5.5 Waste Management Add new paragraph after waste management section (page 77), and before Air Quality, and also new Policy SI21A, (to be inserted between Policies SI21 and SI22)

Some brownfield lands within Dublin City have been created through reclamation over a period of time and have a history of heavy industrial uses. Prior to redevelopment of any of these lands a qualitative risk assessment

should be carried out. Any remediation measures proposed should be based on the severity of the risk indicated for the sites or neighbouring receptors. All contaminated sites shall be remediated to internationally accepted standards prior to redevelopment. The remediation shall incorporate international best practice and expertise in innovative ecological restoration techniques including specialist planting and green initiatives that create aesthetically improved sites, healthy environments and contribute to the provision of new green open spaces and integral parts of newly created areas.

It is the Policy of Dublin City Council:

SI21A That any development on potentially contaminated brownfield sites should be accompanied by a qualitative risk assessment, which sets out the degree of remediation measures required. All contaminated sites shall be remediated to internationally accepted standards prior to redevelopment”

Contaminated soils are encountered on some Brownfield sites as a result of uncontrolled discharges, spillages or historical activities.. The extent of contamination will only become evident on the carrying out of site specific surveys.

The Environmental Protection Agency (EPA) is the statutory body responsible for protecting the environment in Ireland. They regulate and police activities that might otherwise cause pollution. Currently there is no specific legislation addressing contaminated land in Ireland and to date the ad hoc application of standards and methodologies from other countries have been applied.

Any unearthed contaminants will require some form of remediation measures.

Remediation measures may require a licence from the EPA.

Having assessed the submission , it is considered that the amendment should be modified as recommended below.

Chief Executive’s Recommendation

Material Alteration Reference Number 9.7

Retain text in Amended Draft.

Material Alteration Reference Number 9.8

Amend text in Amended Draft to read as follows

“Some brownfield lands within Dublin City have been created through reclamation over a period of time and have a history of heavy industrial uses. **Soil Contamination generally arises as a result of spillages, leaks and improper handling of raw materials, manufactured goods and waste products. The Environmental Protection Agency (EPA) is the statutory body responsible for protecting the environment in Ireland. Any unearthed contaminants will require varying degrees of remediation measures, which may require a licence from the EPA. The EPA have published guidance in relation to the management of contaminated land and groundwater at EPA licensed sites.**

All contaminated sites shall be remediated to internationally accepted standards prior to redevelopment

It is the Policy of Dublin City Council:

SI21A: All potentially contaminated sites shall be remediated to internationally

accepted standards prior to redevelopment. **Any unearthed contaminants will require some form of remediation measures, which may require a licence from the Environmental Protection Agency(EPA)."**

Section: 9.5.7 Noise Pollution

Summary of Issues

Material Alteration Reference Number 9.9

A submission from Dublin Airport acknowledges the new reference noise zones in the Draft Plan Ref. 9.9 . They request that DCC amend this alteration with the following:

“The Outer Noise Zone in respect of Dublin Airport extends into the administration areas of DCC , as shown on the accompanying Development Plan Maps A and B. Proposals for noise sensitive developments falling within the Outer Zone, will be required to submit noise assessment and incorporate adequate noise mitigation proposals in the form of sound insulation to ensure appropriate noise levels within habitable rooms can be achieved.”

Chief Executive’s Response

Amendment 9.9 reads as follows;

“9.5.7 Noise Pollution Add new paragraph following the last paragraph in 9.5.7 (page 78)

There are DCC lands located within Dublin Airport’s Outer Noise Zone. The Dublin Airport Authority, (DAA), (www.dublinairport.com) have produced Noise Contour Maps detailing these areas. These contours relate to the protection/prevention of noise sensitive uses within the noise zones.”

It is acknowledged that there are lands within the administration area of Dublin City Council that would be within the outer noise limit zone as per the maps produced by the Dublin Airport Authority. There is a need to minimise the adverse impact of noise within the City without placing unreasonable restrictions on development. Dublin Airport has two zones the Inner Zone and the Outer Zone. There are lands shown on Map B of the zoning maps that would fall within the Outer Zone only. The Planning Authority assesses proposed development having regard to noise zone and consults with the relevant authorities.

It is not anticipated based on the current noise maps, that noise from the air port would cause any serious issues in relation to the ‘habitableness’ of residential properties in this outer zone area and these issues can be assessed and managed through the planning application process.

The Dublin Agglomeration Noise Action Plan sets out broad principles and actions to mitigate excessive environmental noise and protect areas of good acoustical quality within the Dublin Agglomeration. As regards aircraft noise, the European Commission REGULATION (EU) No 598/2014 and the process devised by the International Civil Aviation Organisation, set out a range of available measures, namely the reduction of aircraft noise at source, land-use planning and management, noise abatement operational procedures and operating restrictions, are considered in a consistent way with a view to addressing the noise problem in the most cost-effective way.

The proposed additional policy by Dublin Airport is not considered appropriate partly on the basis of ‘the polluter pays principle’. It is open to the Dublin Airport Authority to

make submissions on any particular planning application.

Chief Executive's Recommendation

Retain text in Amended Draft.

Chapter 10 - Green Infrastructure, Open Space and Recreation

Submission Number(s):

4016, 4043, 4085, 4097, 4140, 4151, 4154, 4166, 4205, 4259, 4264, 4271, 4296

Section: 10.5.2 Landscape

Summary of Issues

Material Alteration Reference Number 10.3

The Dublin Bay Biosphere Partnership suggests that for the purposes of the City Development Plan the Biosphere should be defined in more specific, technical terms, as proposed below.

The core zone of Dublin Bay Biosphere comprises 50km² of areas of high natural value. These are strictly protected ecosystems, designates as SAC and SPAs which contribute to the conservation of Irelands Eye, Howth Head, North Dublin Bay including Bull island, South Dublin Bay including the Tolka Estuary and Dalkey Island.

The buffer zone comprises 82km² of public and private green spaces such as parks, green belts and golf courses, which surround and adjoin the core zones. It is used for activities compatible with sound ecological practices that can reinforce scientific research , monitoring , training and education.

The transition zone comprises 173km² of residential areas , harbours, ports, and industrial and commercial areas and is the part of the Biosphere where the greatest activity occurs, . Ecologically sustainable and economic development is promoted. It is important to note that the amendment in 10.3 has a bearing on other sections of the Development Plan.

Section 10.5.5 states that Dublin Bay Biosphere covers a total area of 21, 182 hectares (212km²) , but the website indicates that the total area of Dublin Bay Biosphere is 305 km² (30,537 ha) .The boundaries of the Biosphere and the SAC and SPA listed above, as depicted on Figure 12 are incorrect.

They suggest reference be made to their website.

Chief Executive's Response

The submission from the Dublin Bay Biosphere Partnership wishes to see the biosphere defined in more specific terms as per the above text, and also notes that section 10.5.5 of the draft plan states that the Dublin Bay Biosphere covers a total area of 21,182 hectares (212km²) , whereas in fact is covers an area of approximately 305km² (30,537 ha). It is recommended that this be amended in the final document. The website is already included in material amendment 10.3.

Chief Executive's Recommendation

Retain text in Amended Draft and add new text at end of Section 10.5.5 Dublin Bay (page 87 draft plan) as follows:

Dublin Bay Biosphere contains three different zones , which are managed in different ways:

The Core zone of Dublin Bay Biosphere comprises 50km² of areas of high natural value. Key areas include the Tolka and Baldoyle Estuaries, Booterstown Marsh, Howth Head, North Bull Island, Dalkey Island and Ireland’s Eye.

The buffer zone comprises 82Km² of public and private green spaces such as parks, greenbelts and golf courses which surround and adjoin the core zones.

The transition zone comprises 173km² and forms the outer part of the Biosphere . It includes residential area, harbours, ports and industrial and commercial areas.

Amend text in Section 10.5.5 Dublin Bay after 2nd paragraph (page 87 draft plan)

The Dublin Bay Biosphere covers a total area of **21,182** circa 30,537 hectares (305km²) across the three local authorities around Dublin Bay – Fingal County Council, Dublin City Council and Dun Laoghaire- Rathdown County Council.

Section: 10.5.3 Park and Open Spaces

Summary of Issues

Material Alteration Reference Number 10.13 (Supplemental Report)

Wish to support this new Objective in Section 10.5.3 (Supplemental Report) as this will assist in the achievement of the long standing objective of DCC for the development of a park in Scullys Field.

Chief Executive’s Response

Retained text is noted.

Chief Executive’s Recommendation

Retain text in Amended Draft.

Section: 10.5.4 Rivers, Canals and the Coastline

Summary of Issues

Material Alteration Reference Number 10.6

The Department of Arts, Heritage, Regional , Rural and Gaeltacht Affairs: consider that some of the proposed amendments have the potential to impact on the natural heritage. These include the proposed upgrading of bridges, the new objective SIO 12A for coastal defence works including Sandymount and at Clontarf (ref 9.8.) and the Amendment to GI15 (Ref. 10.6) It is unclear what the amendments to GI15 to protect, maintain, and enhance the natural and organic character of the watercourses in the city, **including day lighting where safe and feasible.**

Material Alteration Reference Number 10.7

The EPA submission notes that the proposed new objectives GIO18A in relation to the

LA preparing and implementing a Maintenance and Improvement Plan for the length of the River Dodder. The Plan should reflect the relevant recommendations of the Eastern Catchment Flood Risk Assessment and Management – CFRMAs and associated Unit of Measurement Flood Risk Management Plan(s) and associated SEA Environmental Reports . There is merit in linking the environmental related aspects of the CRAMS (including monitoring and mitigation aspects) with this proposed environmental management plan for the Dodder to ensure a coordinated flood risk management approach is promoted.

Another submission wishes to support this amendment to add a new Objective

Chief Executive’s Response

Material Alteration Reference Number 10.6

The above comments are noted.

Material Alteration Reference Number 10.7

The above comments from the EPA are noted. It is recommended that new text be added to proposed new objective SIO18A.

Chief Executive’s Recommendation

Material Alteration Reference Number 10.6

Amend text in Amended Draft:

Including **opening up to daylighting daylight**; where safe and feasible .

Material Alteration Reference Number 10.7

Retain text in Amended Draft and add new text as follows:

“GIO18A: To co- operate with the relevant adjoining authorities of Dunlaoghaire Rathdown and South Dublin Council in developing a strategy for the preparation and graduated implementation of an integrated maintenance, improvement and Environmental Management Plan for the entire length of the River Dodder and to support the establishment of a co-ordinating River Dodder Authority or equivalent body to implement that strategy. **This plan should reflect the relevant recommendations of the Eastern Catchment Flood Risk Assessment and Management and associated Unit of Measurement Flood Risk Management Plan(s) and associated Environmental Reports.**”

Section: 10.5.6 Biodiversity

Summary of Issues

Material Alteration Reference Number 10.8

The submission expresses support for the amendment to minimise environmental impact of external lighting on wildlife.

Chief Executive's Response

Submission noted.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 10.5.7 Policies and Objectives

Summary of Issues

Material Alteration Reference Number 10.4

Submissions welcome the proposal for a new bridge across the Royal Canal linking Mount Bernard Park with the Green Way. It should be extended to insert into the City Development Plan Objective V9 and GIO5 of the Draft Phibsborough LAP 2015 , V9 upgrade public open space and the quality of the public realm, landscaping and recreational areas in the plan area, including the expansion of Mount Bernard Park providing an important link to the Royal Canal. GIO5 to expand and enhance Mount Bernard Park a) Liaise with the RPA in relation to the new LUAS stop at the entrance to Mount Bernard Park and to improve the access to the park, b) extend the park northwards to the Canal, following agreement with the RPA/CIE c) provide a bridge over the Canal , linking the park to the wider Canal corridor subject to agreement with the NTA, d) provide a new nature garden and/or allotments north of the Canal corridor subject to agreement with CIE, e) provide improved play facilities at Mount Bernard Park. F) to monitor and control the spread of invasive species in the park.

Material Alteration Reference Number 10.5

"Amend Policy GI12 (page 86)

GI12: To ensure equality of access for all citizens to the public parks and open spaces in Dublin City and to promote more open space with increased accessibility and passive surveillance where feasible. In this regard the 'Fields in Trust' benchmark for green/recreational space city wise shall be a policy goal and quality standard."

Chief Executive's Response

The welcomes above are noted. It is considered that for the purposes of the Development Plan that the new objective GIO14A which seeks to expand Mount Bernard Park northwards to the Royal Canal with a bridge connecting with the Green way ' is a strategic policy. More detailed proposals for Mount Bernard Park will be covered in the Local Environmental Improvement Plan (LEIP) for the area.

Chief Executive's Recommendation

Material Alteration Reference Number 10.4

Retain text in Amended Draft.

Material Alteration Reference Number 10.5

Retain text in Amended Draft.

Section: 10.5.8 Sport, Recreation and Play

Summary of Issues

Material Alteration Reference Number 10.10

Welcome the decision to redevelop Dalymount Park, Bohemians home ground with a sporting, recreational and heritage remit.

Chief Executive's Response

Retained text is noted.

Chief Executive's Recommendation

Retain text in Amended Draft.

Chapter 11 - Culture and Heritage

Submission Number(s):

4011, 4065, 4166, 4171, 4189, 4231, 4259, 4260, 4264, 4266

Section: 11.1.4 Strategic Approach

Summary of Issues

Material Alteration Reference Number 11.2

A submission notes the reference to 'Extension of the Thomas Street ACA' However there is no map which shows the proposed extension of the Thomas Street ACA. This is located in close proximity to their buildings on James's Street. It is considered that the introduction of any further designations on the Diageo south lands such as an extension to the Thomas Street ACA would not add meaningfully to the protection of the areas built heritage, and could inhibit regeneration and undermine the achievement of the LAP objectives. They request the at the extension to the Thomas Street ACA would not include lands or structures in their ownership.

Another submission proposes the assessment of a second phase of areas for ACA designation including inter alia Ranelagh Village. While the review of these areas is welcomed, we request that when considering the ACA boundary only areas necessary for the preservation of the character of the ACA are included within the boundary. While this is considered a logical request in keeping with the purpose of the ACA designation itself, we again note that notwithstanding a submission at public consultation stage in relation to the Sandymount ACA, the Tesco store, which is a modern structure that does not contribute to the character of the ACA, was included in and adopted as part of the ACA boundary. This was considered not only unnecessary and unwarranted having regard to the role of the ACA but it may also have unintentional impacts on the operation of the store. We request that Dublin City Council carefully consider the boundaries of future ACA's and avoid the inclusion of modern structures that are not of special interest and which do not contribute to the character of the area being protected.

Submissions welcome the protection of buildings on and around Mountjoy Square and the proposal for Arbour Hill to become a main cultural attraction. Decision to include Stoneybatter, Oxmanstown for designation as ACA after the historic core areas is to be welcomed.

A submission requests that poor English in the first sentence in green after the first piece of red text should be changed and also change 'Stoneybatter/Oxmanstown' to 'Stoneybatter/Oxmanstown/Arbour Hill', to ensure the Barracks, church, and St Bricin's are included.

A submission from the Residents of Ceannt Fort (currently Zoned Z2) would like to see this unique estate given an ACA designation. Our Estate will be celebrating its centenary next year in 1917 and is considered an Architectural Gem. Ceannt Fort, formally known as the McCaffery estate, was originally one of the first Dublin City Council estates in the country constructed in the former Orchards of the South Dublin

Union. The Ceannt Fort Estate was designed by Architect TJ Byrne. All of the Dwellings have different elevations and layouts and have many very unusual building details such as concrete eaves and concrete skirtings internally.

A submission was received from Development Applications Unit, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs in relation to the new name of the Department and its insertion at appropriate locations.

Chief Executive's Response

The Strategic Approach as set out in Section 11.1.4 of the Draft Development Plan (as materially amended) provides that the City Council will undertake a phased survey and review, area based approach, to protecting and enhancing the city's built heritage.

The survey and review will be conducted outwards from the historic core and will focus in its first phase on 10 priority areas, situated within the historic core that have high concentrations of protected structures, but are presently sited outside designated Architectural Conservation Areas.

As the work on the first phase nears completion, a second phase of areas will be assessed for ACA designation, based on the criteria outlined above, including the following:

- Extension of the Thomas Street ACA;
- Pembroke Estate/Rathmines Lower & Upper/Belgrave Square;
- Stoneybatter/Oxmanstown;
- Ranelagh Village.

The City Council will survey these areas of special historic and architectural interest with a view to:

- ,Reviewing the Record of Protected Structures .1
- Reviewing the recommendations of the National Inventory of Architectural .2
- ,Heritage
- ,Reviewing conservation zoning objectives .3
- ,Reviewing non-statutory conservation designations .4
- Designating Architectural Conservation Area's where special interest is .5
- .identified

The consideration of a proposed extension to the Thomas Street Architectural Conservation Area (ACA) and for a proposed ACA for Ranelagh Village is referred to in the second phase of areas to be assessed for ACA designation in accordance with the survey and review outlined at a) to e) above. This assessment will provide the rationale for the boundary of any proposed ACA. It is not a statutory requirement, nor would it be appropriate to designate any proposed ACA boundary prior to its survey, review and assessment.

In preparing to designate an Architectural Conservation Area for a particular area, place, group of structures or townscape, the City Council is bound primarily by the statutory requirements of Section 51 of the Planning and Development Act, 2000 (as amended), including its (or their) special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest or value, or the contribution it makes/they make to the appreciation of protected structures.

The preparation and designation of an Architectural Conservation Area provides for public notifications, public display, an invitation to make submissions and observations and the consideration of same; including submissions by property owners and

occupiers. The adoption of an Architectural Conservation Area is a reserved function of the City Council.

The submission supporting the material amendments is noted.

Submission accepted in relation to the issue of Arbour Hill and the grammatical change.

In relation to Ceannt Fort the Strategic Approach as set out in Section 11.1.4 of the Draft Development Plan (as materially amended) provides that the City Council will undertake a phased survey and review, area based approach, to protecting and enhancing the city's built heritage.

The area of Ceannt Fort / Mount Brown will be considered for survey, review and assessment as a candidate Architectural Conservation Area (ACA) in subsequent phasing, once phase 1 has been completed.

Amendment of the name of the government Department is acknowledged and accepted. Insert new name of the Department where appropriate. These will all be updated in the final version of the Plan.

Chief Executive's Recommendation

Retain text in Amended Draft except Delete text in red below and Add text in green.

The rationale for **this area** selection **These are areas** is that they **se** are areas **sited** within the historic core that have high concentrations of protected structures but are presently sited outside designated Architectural Conservation Areas.

- Stoneybatter/Oxmanstown/**Arbour Hill**.

Section: 11.1.5.3 Protected Structures - Policy Application

Summary of Issues

Material Alteration Reference Number 11.6

A submission notes the wording of the amendment of 11.6 which includes the wording 'and site development standards'. They welcome this amendment and request that this be retained in the finalised plan.

Chief Executive's Response

The submission supporting the material alteration is noted.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 11.1.5.4 Architectural Conservation Areas &

Conservation Areas

Summary of Issues

Material Alteration Reference Number 11.7

A submission states that while it welcomes the protection of the character and special interest of Conservation Areas (CA), as proposed for inclusion in Policy CHC3, it seeks to apply a 'one size fits all' approach to development in such areas. Given that each CA has its own unique character and features that constitute its special interest a broad brush approach, as proposed in Policy CHC3 is not considered appropriate and should be replaced by guidance that is to be applied on a case by case basis. For example the Henry Street Conservation Area has very different characteristics to a residential Conservation Area in suburban Dublin City and therefore, while the application of the above restrictions may be appropriate in the context of the residential area they may inhibit development in the commercial area of Henry Street. Also the addition of item no. 5, i.e. "constitute a visually obtrusive or dominant form", is open to interpretation, introducing a level of uncertainty for owners of structures in CAs and if applied should also have regard to the context of an individual CA.

In order to ensure that the character and features that constitute the special interest of a CA are protected, while allowing for development appropriate to the specific context of each CA, we propose the following changes to Policy CHC3: Amendment ; Development within all Conservation Areas will be assessed on a case by case basis. Having regard to the context of the Conservation Area development will, however, generally be resisted that:

1. Harms buildings, spaces, original street patterns or other features which contribute positively to the special interest of the conservation area.
2. Involve the loss of traditional, historic or important building forms, features, and detailing including roofscapes, shopfronts, doors, windows and other decorative detail
3. Introduce inappropriate design details and material.
4. Harm the setting of a conservation area.

Chief Executive's Response

It is noted that the submission 'welcomes the protection of the character and special interest of Conservation Areas (CA)'.

The key concern raised, refers to a 'one-size fits all' approach to development across Conservation Areas, rather than guidance on a case-by-case basis in relation to the characteristics particular to each area. Policy CHC3 provides the (overall) Council policy for Conservation Areas in the Draft Development Plan. This policy does not simply stand on its own, but is supported by Objectives CHCO 1-8 and elaborated upon in the text. Notwithstanding this, the issues raised are not material amendments which were on public display and are **outside the scope** of the Development Plan at this stage.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 11.1.5.6 Conservation Area - Policy Application

Summary of Issues

Material Alteration Reference Number 11.4

It is submitted that the list in Appendix 8 is incomplete and does not include Shandon Road, which has granite kerbing, which requires protection from damage arising from utility works. It is also submitted that the reference in Policy CHC14 should refer to 'Appendices 7 and 8' and not Appendices 12 and 13.

Material Alteration Reference Number 11.5

The proposed addition of Reference No. 11.5, to add a new Policy after CHC08 (page 97) which specifically relates to Bewley's Café on Grafton Street is welcomed. It is submitted that the proposed wording of Objective CHCO8A should be amended from:

Objective CHCO8A "Bewley's Café is deemed to be a use of special significance to Grafton Street, and an essential part of the street's character. It is an objective, in accordance with the Scheme of Special Planning Control for Grafton Street and Environs, to protect this use which contributes significantly to the special interest and unique character of the area."

to the following:

Objective CHCO8A: Bewley's Oriental Café at No. 78/79 Grafton Street, is deemed to be a use which contributes significantly to the special and unique character and is considered an essential part of the street and the wider area. It is an objective, in accordance with the Scheme of Special Planning Control for Grafton Street and Environs, to protect this use as a café which is intrinsic to the special character of that building, including the entire building and in particular the basement, ground floor and first floor".

Material Alteration Reference Number 11.8

The submissions note the wording of this alteration / amendment and considers it unduly restrictive and prohibitive. The provision of clear way finding is vital to facilitate facilities such as Guinness Storehouse etc.

The proposed restrictions are more appropriate in Georgian core areas; elsewhere, they represent a serious impediment to sustaining commercial uses, such as restaurants and specialist shops and prevent more imaginative approaches to advertising, sensitive to the particular conservation area.

Other submissions propose the addition of text at the end of Paragraph 4 of Section 11.1.5.6 which acknowledges that whether or not certain works require planning permission will be dependent on a case by case assessment of the impact on the character of the ACA.

The proposed addition as contained in the material alterations is at odds with the ethos and guidance of Section 11.1.5.6 as it seeks to apply a broad brush approach to advertising material in such areas placing restrictions on materials and seeking to 'severely restrict' advertising in the absence of any appraisal and therefore, irrespective of the impact on the character of the ACA. The requirement for an individual appraisal provided for in the remainder of Section 11.1.5.6 should carry

through in any addition to this Section, specifically in relation to advertising where the context of the CA, including the surrounding structures and their existing advertising, should determine both the materials and level of signage which is appropriate in any given instance. Failure to provide for the individual assessment of signage in CAs could prove to be anti-competitive effectively providing two separate standards, one for existing retailers and another for new retailers. In addition, the rigid application of specific materials in all contexts may have serious impacts on the effectiveness and visibility of signage in particular instances, which would defeat the purpose of the signage. Having regard to the above we request that the wording of material alteration Reference No. 11.8 is amended in line with the ethos and provisions of the remainder of Section 11.1.5.6 and having regard to the requirement for a case by case assessment. Such appraisals will also seek to ensure that advertising material in conservation areas is of a

Chief Executive's Response

Material Alteration Reference Number 11.4

The matters raised in relation to Thomas Street ACA and Ceannt Fort have been addressed under 11.2 and in addition, it is recommended that Objective CHC02 should be amended to include the reference to 'Arbour Hill' after 'Stoneybatter/Oxmanstown'.

Reference Material Alteration Reference Number 11.5

Amendment of Objective CHCO8 agreed, with some changes to the proposed text, particularly for the purpose of clarity with regard to the protection of the use as a café for the entire building.

Reference Material Alteration Reference Number 11.8

The subject amendment arises as a result of Motion 2173 and a recommendation for its adoption.

Having regard to the submission, it is considered that the amendment as recommended is unduly restrictive, in particular, given that Sections 16.24.2 and 16.24.3 of Chapter 16 of the Development Plan (already) provide as follows (for all new shopfronts and signage across the city):

16.24.2 Shopfronts

Shopfronts are one of the most important elements in defining the character, quality, and image of streets in both the city centre and our urban villages/radial streets.

Dublin City Council seeks to protect and retain traditional and original shopfronts and to encourage new and contemporary shopfronts that are well designed. This will protect local character and foster vibrant and successful retail centres. There should be a regular change and rhythm to shopfronts to create visual interest, preferably a new shopfront, or change to the design of a long shopfront, every 5-8 metres.

New shopfronts or alterations to existing shopfronts should:

1. Relate satisfactorily to the design, proportions, materials and detail of the upper part of the building.
2. Complement their context and the quality and character of adjoining shopfronts, especially where these form part of a consistent group of traditional shopfronts.

3. Wherever possible, be accessible to all and provide a level threshold to the entrance.
4. Re-instate missing architectural detail, where appropriate.
5. Not harm or obscure original architectural detail such as corbels, console brackets, fascias, pilasters and stallrisers, or involve the removal of existing shopfronts of historic or architectural interest.
6. Not involve the installation of solid or perforated external shutters.
7. Not be entirely or largely openable.
8. Be of good quality contemporary design, where appropriate.

Shopfront signage should:

1. Be located at fascia level.
2. In the case of shop blinds, comprise traditional retractable awnings.

16.24.3 Signs of Shopfronts and Other Business Premises

- The signage relating to any commercial ground floor use should be contained within the fascia board of the shopfront. The lettering employed should be either on the fascia, or consist of individually mounted solid letters mounted on the fascia. The size of the lettering used should be in proportion to the depth of the fascia board.
- Signage internal to the premises, including interior suspended advertising panels, which obscure views into the shop or business and create dead frontage onto the street shall not normally be permitted.
- Corporate signs will only be permitted where they are compatible with the character of the building, its materials and colour scheme and those of adjoining buildings.
- Advertisements and signs relating to uses above ground floor level should generally be provide at the entrance to the upper floors, in a form and design which does not detract or impinge upon the integrity of the ground floor shopfronts, or other elevational features of the building.
- Shopfronts sponsored by commercial brands will generally not be permitted.
- Proposals for shopfront signage shall have regard to the contents of the Retail Design Manual, 2012, Dublin City Council's Shopfront Design Guide, 2001 and the O'Connell Street Area Shopfront Design Guidelines, 2003, where appropriate, www.dublincity.ie
- All proposals for shopfronts shall have regard to the guidelines for illuminated signs as set out in the Appendices in this plan.

Chief Executive's Recommendation

Material Alteration Reference Number 11.4

Retain text in Amended Draft and Add text in green below

CHCO2:..... Stoneybatter / Oxmanstown / **Arbour Hill**; Ranelagh Village.

Reference Material Alteration Reference Number 11.5

Amend Objective CHCO8A to read as follows:

CHCO8A: Bewley's Oriental Café at No. 78/79 Grafton Street, is deemed to be a use **of special significance that contributes significantly to the special and unique character of Grafton Street and, as such, is considered an essential part of the street street's character**. It is an objective, in accordance with the Scheme of Special Planning Control for Grafton Street and Environs, to protect **this use which contributes significantly to the special and unique character of the area the use of the entire building as a café, which is intrinsic to the special character of the building**.

Reference Material Alteration Reference Number 11.8

Delete text in Amended Draft:

To ensure that no advertising material other than brass or stone name-plate type signs or other suitable quality material will be permitted in conservation areas. On commercial properties leasing (sic; presumably 'leading') into such areas, advertising will be severely restricted, and shall only relate to the service provided in the premises.

And to replace it with:

All new shopfronts and signage shall comply with the development standards provided Sections 16.24.2 and 16.24.3 of Chapter 16 of the Development Plan, the Dublin City Shopfront Design Guide (2001), and the Retail Design Manual (DoECLG/DAHG April 2012).

Specific requirements for the management and control of shopfronts and signage within Architectural Conservation Areas (ACAs) are set out in the respective ACA documents

Section: 11.1.5.15 Industrial Heritage

Summary of Issues

Material Alteration Reference Number 11.9

It is submitted that in the interest of sustainable and progressive development, the requirement to protect the city's industrial heritage needs to be balanced against the need to allow the city's built form to regenerate and evolve to meet the city's contemporary needs and functions. Much of Dublin's industrial heritage is located in the Docklands area, where heritage buildings of conservation merit are already designated for protection under the Record of Protected Structures. Proposals to designate further industrial buildings in this area as Protected Structures would undermine Council planning and development policy. The Docklands area, for example, is designated as a Strategic Development Zone (SDZ) for residential and commercial development that is deemed of social and economic importance to the

state, with a clear and block-specific roadmap provided for its redevelopment. The Docklands is the city's most significant regeneration area and functions as a key business district for multinational companies and related commercial activity. Due to this SDZ designation, brownfield sites (often redundant industrial uses) in this area are very valuable and need to be redeveloped to accommodate a sufficient quantum of commercial or residential development to ensure the most efficient use is made of this zoned and serviced urban land. Measures to add additional industrial structures to the Record of Protected Structures, which are currently non-designated, would undermine statutory planning and development policy and would directly jeopardise Ireland's international competitiveness and future economic growth. We urge you to think carefully about the wider implications of this heritage policy.

Other submissions propose an addition to end of paragraph 2. Page 100 after 'in this regard', that "The unique Docklands industrial /marine heritage will be surveyed and promoted as part of the SDZ developments on the North and South Docks".

Material Alteration Reference Number 11.10

A submission notes the amendment to objective CHCO9 and in particular point 13. They would request that DCC omit item No. 13 of Amendments Number 11.10 from the Finalised Plan, viz:

Dublin City Council will seek to work with Diageo to undertake a more comprehensive industrial heritage survey of the constituent historic buildings within the Guinness Brewery complex at St. James's Gate.

Material Alteration Reference Number 11.23

Add new policy CHC023D

"All large scale, mixed-use development (as defined by this Development Plan) of office or residential space will include cultural/artistic uses."

It is submitted that this policy represents an extension of the state's '1% for Art' scheme and should not apply to private development, as this increases overall building costs; whilst government policy via Department of Housing, Planning and Local Government is seeking to reduce same.

Chief Executive's Response

Material Alteration Reference Number 11.9

It is not the case that much of the city's industrial heritage is located in the Docklands. Much of the city's industrial heritage is actually located elsewhere across the city, including for example the Kilmainham and Inchicore areas, the Guinness complex and environs, and other structures and artefacts relating to and within the environs of the railways and canals within the city.

The North Lotts and Grand Canal Dock SDZ Planning Scheme (2014), includes Chapter 4.6 on Built Heritage, together with a map (Figure 17) illustrating the Record of Protected Structures within the designated areas of the Scheme. The Chapter also states that

“The area also includes industrial heritage artefacts which may not be listed on the Record of Protected Structures (RPS), but identified as worthy of protection in the Dublin City Industrial Heritage Record (DCIHR). The SDZ Planning Scheme promotes the retention of these artefacts where possible.”

The NIAH is established on a statutory basis under the provisions of the Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act 1999, by and on behalf of the Minister for Arts, Heritage, Gaeltacht and Islands (at that time); now the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs. It is a state initiative the purpose of which “is to identify, record, and evaluate the post-1700 architectural heritage of Ireland, uniformly and consistently as an aid in the protection and conservation of the built heritage”, and to meet Ireland’s obligations under Article 2 of the 1985 Convention for the Protection of the Architectural Heritage of Europe (Granada Convention). Accordingly, the form and content of the NIAH inventory and recommendations in relation to Dublin City is a matter for the Minister.

It should be noted that the purpose of the NIAH inventory (on its formal recommendation in phases by the Minister) is to assist Dublin City Council in the maintenance of a comprehensive Record of Protected Structures (RPS); which is the primary mechanism for the protection of the architectural heritage in the city.

The City Council, as planning authority, is required under Section 53 of the Planning and Development Act, 2000 (as amended) to consider the Minister’s recommendations for additions to the RPS and, with this in mind, it is proposed to undertake such considerations as part of the strategic approach outlined in Section 11.1.4 of Chapter 11 of the (draft) Development Plan.

It is to be noted that any proposal for the making of an addition of a structure to the Record of Protected Structures (RPS) involves a formal process of notification and invitation of submissions involving the owner(s), occupier(s) and the public, with the decision on such addition being a reserved function of the City Council.

The North Lotts and Grand canal Docks (SDZ) Planning Scheme was approved by An Bord Pleanála on the 16th May 2014 and makes provision for the protection of heritage in the Scheme.

Material Alteration Reference Number 11.10

The City Council has an obligation with regard to the city’s industrial heritage, as stated in No. 6 of CHCO9, as amended:

To have regard to the city’s industrial heritage and Dublin City Industrial Heritage Record (DCIHR) in the preparation of Local Area Plans (LAPs) and the assessment of planning applications and to publish the DCIHR online. To review the DCIHR in accordance with Ministerial recommendations arising from the national Inventory of Architectural Heritage (NIAH) survey of Dublin City and in accordance with the Strategic Approach set out in Section 11.1.4 of this Chapter

In this regard, the City Council intends to undertake a survey of the industrial heritage of the constituent historic buildings within the Guinness Brewery complex at St. James’s Gate, and it would be hoped that this survey can be undertaken in cooperation and association with Diageo Ireland, in accordance with the amended Objective CHCO9 point 13.

Material Alteration Reference Number 11.23

The submission refers to the state’s ‘1% for Art’ scheme, that relates to the

procurement of an art project/product as part of state infrastructure provision. This is not what is intended by the proposed policy, which is for the provision of cultural/artistic uses within all large scale mixed-use developments; as per Motion 2206.

With reference to the additional costs of construction/development raised in the submission, the Chief Executive's response to that Motion (2206), states as follows:

"Planning Guidance from the Department of the Environment, Community and Local Government (sic) mandates that private development not be burdened with contributions in addition to the City Council's own Development Contribution Scheme. The Development Contribution Scheme, adopted by the City Council, provides the contributions to be paid in respect of development and the distribution of such contributions in relation to the provision and improvement of city infrastructure and amenities, including community and cultural infrastructure."

The amendment is contrary to the guidance of the Department of Housing, Planning and Local Government and as such not be included in the Development Plan.

Chief Executive's Recommendation

Material Alteration Reference Number 11.9

Retain text in Amended Draft.

Note: All names of Government Departments will be updated at the end of Development Plan Process.

Material Alteration Reference Number 11.10

Retain text in Amended Draft.

Material Alteration Reference Number 11.23

Retain text in Amended Draft.

Section: 11.1.5.16 City Heritage Plan

Summary of Issues

Material Alteration Reference Number 11.11

Submission No. 4171: Diageo Ireland support the inclusion of the new objective CHCO16C and request that the City Council include this in the finalised City Plan.

Material Alteration Reference Number 11.14

Amend Policy CHC14 in respect of Section 11.1.5.16; Policy CHC14 and Appendix 8:

It is submitted that the list in Appendix 8 is incomplete and does not include Shandon Road, which has granite kerbing, which requires protection from damage arising from utility works. It is also submitted that the reference in Policy CHC14 should refer to 'Appendices 7 and 8' and not Appendices 12 and 13.

Material Alteration Reference Number 11.16

Submissions state that the proposal for a detailed Masterplan for Mountjoy Prison complex is long overdue.

Chief Executive's Response

Material Alteration Reference Number 11.11

Submission supporting alteration is noted.

Material Alteration Reference Number 11.14

On inspection of Shandon Road, it was noted that historic granite kerbing is largely intact along its length.

The reference in Policy CHC12 as amended is incorrect and should refer to Appendices 7 and 8 (rather than 12 and 13). All errors will be correct in final plan.

Material Alteration Reference Number 11.16

Mountjoy Prison is currently in use as a prison and is likely to remain so for the foreseeable future. The provisions of Policy CHC19B seek the preparation of a detailed Masterplan for the prison complex, if and when it is intended to cease the use of the facility as a prison and/or to relocate the functions of the prison elsewhere. The preparation of the Masterplan would then be required prior to any proposed future redevelopment of the facility, its lands and buildings.

Chief Executive's Recommendation

Material Alteration Reference Number 11.11

Retain text in Amended Draft.

Material Alteration Reference Number 11.14

Retain text in Amended Draft and Add:

Appendix 8; Schedule 8.2 "Paved Areas and Streets with Granite Kerbing" to add to the list the following streets: **Shandon Road**.

and Replace '**12 and 13** with **7 and 8** of the Development Plan' in Policy CHC14

Material Alteration Reference Number 11.16

Retain text in Amended Draft.

Section: 11.2.1 Introduction

Summary of Issues

Material Alteration Reference Number 11.17

A submission supports the amendment to amend Policy CHC3, as this will assist in the enhancement of the character and appearance of all ACA and Conservations Areas of Dublin. This will also assist in preventing the development of adverse and dominant structures and buildings.

Response:

The submission supporting the material alteration is noted.

Chief Executive's Response

The submission supporting the material alteration is noted.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 11.2.5 Policies and Objectives

Summary of Issues

Chief Executive's Response

Chief Executive's Recommendation

Section: 11.2.5.1 Leading the Cultural Development of Dublin City

Summary of Issues

Material Alteration Reference Number 11.23

It is submitted that that the proposed policy CHCO23D represents an extension of the state's '1% for Art' scheme and should not apply to private development, as this increases overall building costs; whilst government policy via Department of Housing, Planning and Local Government is seeking to reduce same.

Chief Executive's Response

The submission refers to the state's '1% for Art' scheme, that relates to the procurement of an art project/product as part of state infrastructure provision. This is not what is intended by the proposed policy, which is for the provision of cultural/artistic uses within all large scale mixed-use developments; per Motion 2206.

With reference to the additional costs of construction/development raised in the submission, the Chief Executive's response to that Motion (2206), states as follows:

“Planning Guidance from the Department of the Environment, Community and Local Government (sic) mandates that private development not be burdened with contributions in addition to the City Council's own Development Contribution Scheme. The Development Contribution Scheme, adopted by the City Council, provides the contributions to be paid in respect of development and the distribution of such contributions in relation to the provision and improvement of city infrastructure and amenities, including community and cultural infrastructure.”

The amendment is contrary to the policies of the Department of Housing, Planning and Local Government and may be considered to be ultra vires with regard to the provisions of the Planning and Development Act, 2000 (as amended).

Chief Executive's Recommendation

Retain text in Amended Draft except delete CHCO23D

“All large scale, mixed-use development (as defined by this Development Plan) of office or residential space will include cultural/artistic uses.”

Chapter 12 - Sustainable Communities and Neighbourhoods

Submission Number(s):

4057, 4111, 4140, 4147, 4151, 4160, 4231, 4239, 4259, 4264, 4271

Section: 12.3 Challenges

Summary of Issues

Material Alteration Reference Number 12.1

Two submissions were received in relation to proposed amendment Reference Number 12.1, to include the following additional text within Section 12.3: *“The City Development Plan must ensure that all significant developments can only take place where sufficient schools, public transport, employment opportunities, parks, community facilities and resources (Garda, Fire Services and Ambulance provision etc) are either in place or proposed”*.

One submission expressed concerns over the proposed new text, stating that if development is limited to areas where there is existing services, then no new areas can be developed, which will in turn limit the ability to provide much needed new residential development.

A submission seeks the inclusion of additional text to Section 12.3 of the Draft Plan, seeking special consideration for cooperative and co-housing initiatives.

Chief Executive’s Response

The additional text proposed to Section 12.3 (amendment 12.1) states that services supporting new developments must either be in place or proposed. It does not prohibit the development of large-scale new housing development, but seeks to ensure that services are provided in tandem with such, in order to ensure the successful delivery of sustainable communities. It complements the policy requirement to provide social audits for large schemes and the delivery of LAPs/ SDZs for larger areas of redevelopment.

A submission does not relate specifically to the proposed amendment, but rather seeks the inclusion of additional new text seeking special consideration for cooperative and co-housing initiatives, and is such therefore outside the scope of this stage in the Development Plan process.

Chief Executive’s Recommendation

Retain text in Amended Draft.

Section: 12.5.4 Schools and Educational Facilities

Summary of Issues

Material Alteration Reference Number 12.3

A number of submissions were received in relation to proposed amendment reference 12.3, which seeks to include new objective SN03A: *“To assist the Department of Education and Skills with regard to the provision of a new school site at the Smurfit Complex on Botanic Road or at another appropriate location in the locality”*.

A number of submissions support this objective but request that the words “or at another appropriate location in the locality” be removed.

A submission was also received on behalf of the owners of the northern portion of the Smurfit site requesting that the proposed new objective SN03A be either omitted in totality or amended to read as follows:

“SN03A: To assist the Department of Education and Skills with the identification of a potentially suitable new school site within the Phibsborough LAP area or at another appropriate location in the locality. Such a site will be identified in consultation with the Department of Education and landowners in the preparation of the new Phibsborough LAP, as envisaged under Sub-section 2.2.8.1 of the Dublin City Development Plan.”

The submission states that the delivery of a school at this site is not deliverable as 96% of the site is currently under lease thus removing the ability of the Planning Authority to secure this objective, and thus rendering it at odds with Section 15 of the Planning Acts. The objective is also considered prejudicial to the Phibsborough LAP preparation process.

Chief Executive’s Response

Objective SN03A was proposed in response to public and Councillor Submissions to transfer key objectives the Draft Phibsborough LAP 2015 into the City Development Plan. The amended Draft Development Plan proposes the incorporation of key landuse objectives from the Draft LAP into the City Development Plan, of which Objective SN03A is one.

The 2008 Phibsborough/ Mountjoy LAP which has now lapsed contained an objective for a new school at this site; and following consultation with the Department of Education and Skills, the 2015 Draft Phibsborough LAP also contained an objective for a new school at the Smurfit Complex.

It is a mandatory objective of the Planning and Development Acts (Section 10(2)(1)) that a Development Plan shall include objectives for *“the provision, or facilitation of the provision, of services for the community including, in particular, schools, crèches and other education and childcare facilities”*. The proposed new objective is considered in keeping with this provision of the Act. The wording of the proposed objective clearly indicates the desire for a school at this site, as requested by the Department of Education and Skills, while at the same time allowing for the consideration of other sites in the locality, should they become more readily available. In this regard the Chief

Executive acknowledges the submissions from both the residents of this area and from the key landowner, but recommends that the wording of Objective SN03A remains as set out in the Amended Plan.

Chief Executive's Recommendation

Retain text in Amended Draft.

Chapter 13 - Monitoring, Implementation and Development Management

Submission Number(s):

4057

Section: 13.2.3 Monitoring, Implementation and Phasing

Summary of Issues

Material Alteration Reference Number 13.2

A submission requested that an additon be made to the existing text by adding in particular:

NAMA is critical to ensuring that lands become available for development , which may also require the provision of certain infrastructure and, as such, collaboration with NAMA , their clients, and other agencies is essential. NAMA shall have regard to the proper planning and sustainable development of the City, as expressed in the City Development Plan. In particular, NAMA will work with communities and housing groups to ensure that the maximum social benefit will accrue from the development of the former Ringsend Glass Bottle Site.

Chief Executive's Response

The Draft Plan states that the role of NAMA is critical to ensuring that lands become available for development , which may also require the provision of certain infrastructure and, as such, collaboration with NAMA , their clients, and other agencies is essential.

The text proposed in the Amended Draft is to add after the above:

NAMA shall have regard to the proper planning and sustainable development of the City, as expressed in the City Development Plan.”

It is considered that this is sufficient development plan policy context to address issues raised in the submission. The SDZ for Poolbeg West will be subject to a separate consultative process.

Chief Executive's Recommendation

Retain text in Amended Draft.

Chapter 14 - Land-use Zoning

Submission Number(s):

4003, 4004, 4010, 4011, 4013, 4014, 4015, 4016, 4021, 4048, 4057, 4058, 4065, 4079, 4095, 4096, 4099, 4105, 4108, 4110, 4111, 4116, 4150, 4152, 4156, 4158, 4159, 4160, 4162, 4170, 4172, 4173, 4181, 4182, 4185, 4186, 4202, 4207, 4210, 4223, 4226, 4234, 4245, 4247, 4255, 4256, 4259, 4260, 4262, 4264, 4265, 4270, 4282, 4288, 4289, 4290, 4291, 4292, 4293, 4294, 4295, 4296, 4297

Section: 14.8.1 Sustainable Residential Neighbourhoods

Summary of Issues

Material Alteration Reference Number 14.1

Submissions received opposed to the inclusion of up to 10% office space in the open for consideration uses in the Z1 zoning section.

Commercial uses should not be permitted in Z1 Residential Neighbourhoods

Chief Executive's Response

This amendment was introduced by Councillor Motion agreed by City Council at the May Special Meeting.

As indicated on page 252 of the Chief Executives Report on submissions; it is part of the sustainable mixed use approach underpinning this Development Plan to allow for a variety of uses which contribute to a neighbourhood, especially those within walking/cycling range, whilst avoiding bad neighbour uses. The Z1 zoning does contain a range of generally permissible uses, including home based economic activity and it is on balance considered unnecessary to include limited office space, given the distribution of employment and related zonings across the city.

It is also considered that the office market is more buoyant than the residential market at this moment in time and allowing 10% of much needed residential land to be used for office space may exacerbate the current housing crisis.

Chief Executive's Recommendation

Amend text in Amended Draft to:

“Bed and Breakfast, Betting office, Car park, Civic and amenity/recycling centre, Garden centre, Golf course and clubhouse, **Embassy office**, Hostel, Hotel, Industry (light), Live-work units, media-associated uses, Petrol station, Pigeon lofts, Public house, Restaurant, Veterinary surgery, **Up to 10% office space**”

Section: 14.8.2 Residential Neighbourhoods (Conservation Areas)

Summary of Issues

Material Alteration Reference Number 14.2

The submission received seeks a further amendment of paragraph 2 on page 121 of the Draft by adding including social mix and sustainable communities to the end of the paragraph.

Chief Executive's Response

In the Chief Executive's Report on Motions, it is considered appropriate that the paragraph be clarified/amended as the intention was to emphasise the primarily residential use of Z2 areas but that other uses can be considered as set out in the Z2 land use category and in the context of the architectural quality of the streetscape and the area.

Accordingly, it was recommended in the Addendum to the Chief Executives Report that the second paragraph of section 14.8.2 under Z2 zoning, page 121 be amended from:

"The principal land-use in residential conservation areas is housing but can include a limited range of other secondary and established uses such as those outlined above in respect of Z1 lands. In considering other uses, the guiding principle is to enhance the architectural quality of the streetscape and the area".

To:

"The principal land-use in residential conservation areas is housing but can include a limited range of other uses. In considering other uses, the guiding principle is to enhance the architectural quality of the streetscape and the area".

It was agreed by motion to add the following text to the above: **"and to protect the residential character of the area."**

It is considered that the wording as per the amended draft adequately emphasises the primarily residential use of Z2 areas but that other uses can be considered as set out in the Z2 land use category and in the context of the architectural quality of the streetscape and the area, and to revert back to the previous wording as per the draft plan would be a regressive step.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 14.8.4 District Centres - Zone Z4

Summary of Issues

Material Alteration Reference Number 14.4

The submissions received request the provision of additional text within the 3rd paragraph of Section 14.8.4 as follows: "Developments on lands zoned for District

Centre use may be anchored by a supermarket type retail unit over 1,000 sqm. In such cases, on sites within Parking Zones 1 and 2, maximum parking provision will be 1 parking space per 30 sqm GFA.

Chief Executive's Response

It is considered that the provision of the recommended text "Developments on lands zoned for District Centre use may be anchored by a supermarket type retail unit over 1,000 sq.m.", is not necessary for this zone, as shop (district) is a permissible use under this land use category. A shop (district) is defined in the land use definitions in Appendix 21 as a shop (excluding retail warehousing) which is larger in scale and more varied in what it may sell than a neighbourhood shop, and therefore serves a wider area, including the district centres. A district centre would usually contain at least one food supermarket or superstore and non-retail services. With this in mind is considered that the recommended text is not necessary and is captured by the permissibility of a shop (district) in this zone.

In relation to the recommendation made in the submission received with regard to parking, it is considered that this zoning and associated parking requirements have been set out having regard to the provision of large scale retailing in Z4 zones. Accordingly, it is considered that the existing text and associated parking requirements as per the amended draft are adequate to deal with the expected retail uses and associated parking requirements in Z4 zones.

The submission does not relate to the content of the amendment.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 14.8.7 Employment (Industry) - Zone Z7

Summary of Issues

Material Alteration Reference Number 14.6

Submissions received seek clarification as to what "Port related activities" entails.

To amend the first paragraph of this section by the deletion of the line "They can sometimes lead to disamenities such as noise, smells, heavy goods traffic, etc.", so as to remove any negative connotations associated with industrial zones.

To amend the first paragraph of this section by the inclusion of the following text after the phrase "other areas": "The needs of the local communities in the Docklands and Dublin Port areas must be considered in any future land use rezoning."

Chief Executive's Response

With regard to the phrase port related activities as per Material Alteration 14.6, port related activities are addressed in Para 4.5.1.2 and 16.21 of the Draft Plan, and the Planning and Development Regulations 2001 (as amended), with Class 24 referring to Exempted Development Works that can be carried out by a Harbour Authority. Paragraph 14.8.7, goes on to clarify what Z7 Industrial uses (and not specifically ports) entail, by stating "The primary uses in these areas are those that can result in a

standard of amenity that would not be acceptable in other areas. They can sometimes lead to disamenities such as noise, smells, heavy goods traffic, etc. Activities include industry, other than light industry; manufacturing repairs, open storage, waste material treatment, and transport operation services.”

With regard to the request to amend the first paragraph of this section by the deletion of the line "They can sometimes lead to disamenities such as noise, smells, heavy goods traffic, etc.", so as to remove any negative connotations associated with industrial zones, it is considered that Industrial zones by their very nature may result in some disamenities such as noise, smells, heavy goods traffic, etc, which need to be managed.

With regard to the request to amend the first paragraph of this section by the inclusion of the following text after the phrase "other areas": "The needs of the local communities in the Docklands and Dublin Port areas must be considered in any future land use rezoning.", it is considered that the purpose of this text is to set the context for the City's Z7 zones and to include text relating to surrounding residential areas is unnecessary as all future land use zoning takes into consideration the amenity of surrounding residential areas.

Chief Executive's Recommendation

Retain text as per Amended Draft.

Section: 14.8.8 Georgian Conservation Areas - Zone Z8

Summary of Issues

Material Alteration Reference Number 14.8

The submissions received request the removal of "retail" from the open for consideration uses for Z8 zones.

Chief Executive's Response

With regard to the inclusion of retail in the open for consideration uses in Z8 zones it is noted that an Open for Consideration Use is one which may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on the permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area. Accordingly, it is considered that an open for consideration use will only be permitted if it is in keeping with the zoning objective for the applicable zone. The objective of Z8 is to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective. With this in mind it is considered that any application for a retail use in a Z8 zone will be assessed on its merits and on its adherence to the applicable zoning objective.

Chief Executive's Recommendation

Retain text as per Amended Draft.

Section: 14.8.9 Amenity/Open Space Lands/Green Networks - Zone Z9

Summary of Issues

Material Alteration Reference Number 14.9

A submission requests that the text for Z9 zones be amended to ensure that Where Z9 lands and Z15 zoned lands co-exist in an overall campus, limited once off development will apply to both Z9 and Z15 objectives subject to the primary use of the site being retained for current institutional use.

- Other submissions request the removal of the requirement for the applicant to be the sports club owner/occupier when making a planning application for housing on lands zoned Z9 that are a sporting facility.

Other submissions object to the amendment to the last sentence because providing for the sale of lands zoned Z9 (sport and amenity) for residential development is a retrograde step which results in the reduction of playing areas, and open areas in the city. It is argued that such an amendment be restricted to areas considered totally unsuitable for the provision of sport or recreation.

- Other submissions received request that section 14.8.9 be amended to ensure that lands within the south inner city and in other areas with a similar dearth of sports grounds, be excluded from this amendment.

Chief Executive's Response

With regard to the recommended revision to the text for Z9 zones, it is considered that the inclusion of the text "Where Z9 lands and Z15 zoned lands co-exist in an overall campus, limited once off development will apply to both Z9 and Z15 objectives subject to the primary use of the site being retained for current institutional use.", as per the submission is not appropriate and is **outside the scope** of the Development Plan at this stage. The Z15 objective (Institutional Lands) contains separate criteria to safeguard playing field etc, which were not part of a submission at material amendment stage.

With regard to the request for the removal of the requirement for the applicant to be the sports club owner/occupier when making a planning application for housing on lands zoned Z9 it is considered that removing this requirement would promote the sale of these lands to a third party and reduce the land parcel owned by the sporting organisation, which may result in piecemeal development in Z9 zones on the fringes of sporting grounds.

With regard to the submissions that infer that this amendment will result in the reduction of playing areas, and open areas for of recreation, it is considered that the main objective of this section of the draft is the continuation of sports clubs and facilities to enhance sustainable city living. It is also considered that the text as per Material Alteration 14.9 **"In all cases the applicant shall submit a statement, as part of a legal agreement under the Planning Acts, demonstrating how the sports facility will be retained long term on site."**, contains sufficient detail so as to prevent the diminution of sports fields, playing and training areas and areas suitable for recreation and sports.

With regard to the request that section 14.8.9 be amended to ensure that lands within the south inner city and in other areas with a similar dearth of sports grounds, be excluded from this amendment, it is considered that the proposed amendment will in fact assist in the continuation of sports clubs and facilities to enhance sustainable city living, allowing some limited development at these locations, but protecting the main use on site, so as to prevent the relocation of inner city sports organisations to the suburbs for financial reasons.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 14.8.12 Institutional Land (Future Development Potential) - Zone Z12

Summary of Issues

Material Alteration Reference Number 14.10

The submission received requests an increase from 10% to 30% for social housing provision, with a further 10% reserved for affordable housing, in line with the Council's Land Initiative.

Chief Executive's Response

The maximum allowable percentage for social housing under Section 94 (4) of the Planning and Development Act 2000 (as amended) has been reduced to 10% by Article 33 of Part 5 of the Housing and Urban Regeneration Act 2015. Thus the maximum percentage for social housing that can be reserved in any development for residential and other uses is 10%.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 14.8.14 To protect and provide for institutional and community uses - Zone Z15

Summary of Issues

Material Alteration Reference Number 14.11

The submission received supports the inclusion of material amendment no. 14.11 and is seeking additional wording to be included. Specifically this submission is seeking the inclusion of text (3rd paragraph Amend (page 128) in material amendment no 14.11 which would allow "In exceptional circumstances, where an ancillary non-conforming use can be demonstrated to support and sustain the overall Z15 use (confirmed through a Section 47 agreement), it will be considered on its merits."

Chief Executive's Response

Material Amendment 14.11 amends the 3rd paragraph on page 128 as follows:

“With any development proposal on these lands, consideration should be given to their potential to contribute to the development of a strategic green network (see also Chapter 10) **and to the delivery of housing in the city**. In addition, development at the perimeter of the site adjacent to existing residential development shall have regard to the prevailing height of existing residential development and to standards in section 16.7 in relation to aspect, natural lighting, sunlight, layout and private open space, and in section 14.7 in relation to the avoidance of abrupt transitions of scale between zonings.”

It is considered that the additional text proposed in this submission is not necessary as sections 14.4 to 14.6 deal with permissible and non-permissible uses and non-conforming uses. In cases where exceptional circumstances arise the development plan variation or material contravention process remains open to relevant parties under the Planning and Development Act 2000 (as amended).

Chief Executive's Recommendation

Retain text in Amended Draft.

Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development

Submission Number(s):

4019, 4020, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4044, 4045, 4046, 4047, 4048, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4059, 4060, 4061, 4062, 4063, 4064, 4066, 4067, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4090, 4091, 4092, 4094, 4098, 4099, 4100, 4101, 4102, 4103, 4106, 4108, 4109, 4112, 4113, 4114, 4115, 4117, 4118, 4119, 4120, 4121, 4122, 4124, 4125, 4126, 4128, 4130, 4131, 4132, 4133, 4134, 4135, 4137, 4138, 4139, 4141, 4142, 4143, 4144, 4145, 4146, 4148, 4157, 4160, 4163, 4165, 4167, 4168, 4176, 4177, 4178, 4179, 4180, 4183, 4184, 4186, 4187, 4188, 4190, 4193, 4197, 4198, 4199, 4200, 4201, 4203, 4204, 4206, 4211, 4212, 4213, 4214, 4220, 4224, 4235, 4237, 4242, 4244, 4246, 4255, 4256, 4259, 4261, 4263, 4264, 4273, 4277, 4278, 4279, 4280, 4281, 4282, 4283

Section: 15.1.1.7 Docklands Area

Summary of Issues

Material Alteration Reference Number 15.4

Transport Infrastructure Ireland request further amendments under Ref. No. 15.4 in relation to the proposed amendment in the text of the 2nd bullet point on page 138 of the Draft Plan. The request is for the inclusion for the provision of the Eastern Bypass and Southern Port Access Route as part of this amendment.

Another submission requests the addition of the word “heritage” into the text of amendment reference number 15.4, relating to the 8th bullet point under the heading of Social, (Section 15.1.1.7 Docklands Area).

Chief Executive’s Response

The submission from the TII calls for amendments to the 2nd bullet point on page 138 under the heading of Movement/Transport, amendment ref no. 15.4, to include reference to the Eastern Bypass and Southern Port Access Route as specifically provided for in the NTA Transport Strategy for the Greater Dublin Area, 2016-2035, to ensure the Development Plan is consistent with the NTA Strategy.

Given that both LUAS and the Eastern Bypass and Southern Port Access Route form part of the 2016-2035 Strategy, it is considered reasonable to insert a reference to such into this proposed amendment in the interest of clarity.

Section 15.1.1.7 contains the following guiding principles within the 8th bullet point under the heading of “Social” (page 136 of the Draft Plan):

- *To develop an inclusive strategy for culture in the Docklands Area based on the*

findings of the cultural audit 'The Docking Station' (2013) which was undertaken through engagement with the cultural, community and corporate stakeholders in Docklands and to ensure that the cultural strategy reflects social regeneration objectives.

Amendment reference no. 15.4 adds the following text to the above point:

“To facilitate the building of a best practice dance theatre with state of the art facilities to complete part of the cultural provision of providing such amenities.”

The submission seeks the inclusion of the word “heritage” after “cultural” and before “provision”. There is no objection to the provision of this additional word.

Chief Executive’s Recommendation

Retain text in Amended Draft and add the following text in the 2nd bullet point (page 138):

To allow for the extension of the Luas, **the Eastern Bypass and Southern Port Access Route** (in accordance with NTA Transport Strategy for the Greater Dublin Area 2016-2035) and provision of regular bus service from the City to the Docklands area including out to the Poolbeg Peninsula.

Retain text in Amended Draft and Add text to the 8th bullet:

“To facilitate the building of a best practice dance theatre with state of the art facilities to complete part of the cultural **and heritage** provision of providing such amenities.”

Section: 15.1.1.9 Poolbeg West

Summary of Issues

Material Alteration Reference Number 15.5

Transport Infrastructure Ireland requests that the map on page 135 be amended to show the Eastern Bypass Corridor. The submissions also requests that the route of the Luas Poolbeg Extension is reflected in the relevant mapping to ensure consistency with the NTA Transport Strategy.

Chief Executive’s Response

The map on page 135 which the TII requests to show the Eastern Bypass Corridor is an OS map showing the current built environment and merely illustrates the boundaries for the DDDA, the Docklands SDZ and the West Poolbeg boundary. It is not intended to show future developments and in this respect it is recommended that it is not altered.

Amendment reference no. 15.5 states that the map on page 140 should be amended to have regard to the revised eastern by-pass corridor. It is considered reasonable that this map also shows the proposed Luas Poolbeg Extension as already shown in amended map J-J1 (page 137 of the proposed amendments). While it is acknowledged that the route still needs to be finalised, the map on page 140 is indicative only showing the key development principles for Poolbeg West.

Chief Executive's Recommendation

Retain text in Amended Draft and add:

Amend map on page 140 of the Draft Plan to have regard to the revised eastern by-pass corridor **and the Luas Poolbeg Extension** as per the Transport Strategy for the Greater Dublin Area 2016-2035.

Section: 15.1.1.10 SDRA Heuston & Environs

Summary of Issues

Material Alteration Reference Number 15.6

Section 15.1.1.10 of the Draft Plan, SDRA 7 Heuston and Environs

Submission requests that any new developments within this zone shall be the subject of a visual impact assessment and shall not adversely affect this view. A Visual Impact Analysis shall be submitted with planning applications to demonstrate this view is not undermined.

Chief Executive's Response

There are effectively two elements to this proposal: firstly to remove reference to the 2003 Heuston Framework Plan, and secondly to reiterate the request for visual impact assessment. The 2003 Heuston Framework Plan is referenced in this section as this Plan provided much of the background information for the SRDA guiding principles now set out for the Heuston area. The cone of vision referenced within the Draft Plan is identical to that set out in the 2003 Plan. In the interests of transparency it is considered that it should remain in the Plan. A visual impact analysis is already a requirement of the text and there is no need to reiterate it.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 15.1.1.14 SDRA 11 Stoneybatter, Manor Street & O'Devaney Gardens

Summary of Issues

Material Alteration Reference Number 15.7

Section 15.1.1.14 of the Draft Plan, SDRA 11

A submission was received from the Northwest Inner City Network, endorsed by a local Councillor in his submission, which addresses the proposed amendments to SDRA 11, namely:

1. Submission expresses concern over the inclusion of the new sentence "**To include commitment to retaining social and affordable housing as the**

primary use of the O’Devaney Gardens site”. The submission seeks clarification on the definition of “social” and “affordable” housing, and has concerns over the inclusion of the word “primary” in relation to the use. The Northwest Inner City Network seeks the development of an attractive sustainable community that caters of a mix of private, rental, affordable and local authority homes, attractive to those on a variety of incomes including higher incomes. The submission seeks clarity on the social mix intended for the site.

2. Submission welcomes the addition to the 5th bullet point seeking the provision of a MUGA, community centre, community garden, green space.

3. Regarding the proposal to require a minimum of 15% of the site be given over to green space, it is requested that some of the green space be public space, and not all hidden within courtyards.

4. Submission also requests a specific role for community consultation during the design and build stages of the sites development.

The submission from the Department of Housing, Planning, Community and Local Government raises concerns over the requirement for 15% open space on this site, in light of “the pressing need to support the practical delivery of sustainable well located housing and compact urban development”. It requests that “full consideration should be given to the broader availability of parks and playing pitches within the general area”.

A further submission welcomes the proposal for the use of O’Devaney Gardens for social and affordable housing and for a minimum of 15% of land reserved for green space.

Chief Executive’s Response

The three key issues which were raised in the submissions and which will be dealt with below are: (i) percentage of the site given over to open space, and the proposed provision of MUGA, community centre, community garden, green space; (ii) the inclusion of a commitment for social and affordable to act as the primary uses within the O’Devaney Gardens site; and (iii) community consultation.

(1) Open Space and Community Centre

The proposed amendments under Reference Number 15.7 includes the following additions to the guiding principles for SDRA 11:

“To provide space for an all-weather pitch, Multiple Use Games Area (MUGA), Community centre, and community garden. -Provide quality open green spaces consisting of a minimum of 15% of the site area. Green spaces can serve as sites of social exchange and communicate a respect for nature as a guiding design principle for the site.”

“To guarantee a minimum of 15% of the O’Devaney Gardens site to be given over to green spaces”.

The current Dublin City Development Plan requirement for Z14 areas is for 10% public open space. This is in addition to the open space standards for individual houses and apartments, which also have a requirement for additional private/ communal open space.

The Guiding Principles set out in SDRA 11 within the Draft Plan currently includes the

following key principles (page 145 of the Draft Plan):

“The development of a high-quality residential quarter comprising quality new homes supported by a complementary range of mixed commercial, community and recreational facilities will be promoted for this site.”

“The development of a neighbourhood park as a key feature of the design to provide recreational amenities, encourage community interaction and provide a focal point/meeting place for the wider local community; the location will be bounded by high-quality streetscapes accommodating commercial, community and residential uses to generate activity, encourage active use of the space and provide passive surveillance.”

The O’Devaney Gardens site forms one of the key sites identified by the Housing Land Initiative with the potential to be fast tracked for development and in particular for the delivery of housing. To this end it should be noted that there is an existing extant planning consent for the delivery of Phase 1A of O’Devaney Gardens, approved by An Bord Pleanála, under section 175 of the Planning and Development Acts. As part of this planning approval a Masterplan for O’Devaney Gardens was prepared and submitted to An Bord Pleanála. Phase 1A as approved includes the provision of neighbourhood park (of 4,680 sq.m.) to act as a new focal point within the area; set along a key landscaped boulevard and integrated into the public domain with a ‘traditional’ street pattern that would allow it to integrate seamlessly with the surrounding residential road network. This park was proposed as a multi-functional space, including landscaping, grass areas and hard landscaped civic areas for events and community interaction. A children’s play area and communal seating was also proposed. Subsequent phases were identified for the provision of a smaller local park. This open space provision, which is in the order of 10% meets the Development Plan standard and has been assessed and approved by An Bord Pleanála. As noted in the submission from the Minister of the Environment, Community and Local Government, the site at O’Devaney is a prime urban site and its surrounding context should be taken into account. To this end it is noted that the site is located next to the Phoenix Park, and is also within walking distance of the relatively recent MUGA at Aughrim Street, adjoining the Aughrim Street Sports Centre, which is currently not used.

In view of the above, it would appear that the proposed additions to the text after the 5th bullet point as set out in amendment no. 15.7 are not necessary and the facilities requested are catered for in the Masterplan for O’Devaney Gardens, a plan produced following intensive public consultation. While it is accepted that the open space is a valuable component of regeneration, it should be noted that the proposed increase to 15% plus is likely to have implications for the number of homes that can be provided and the timescale for the approval of the amended Masterplan.

(ii) Social and Affordable Housing

Amendment ref. Number 15.7 also proposes including the following new text after the 2nd bullet point:

“To include commitment to retaining social and affordable housing as the primary use of the O’Devaney Gardens site.”

While there is support for this addition in one of the submissions, the other submissions from the Northwest Inner City Network and supported by a local Councillor pose concerns over this addition. The Northwest Inner City Network seeks the development of an attractive sustainable community that caters of a mix of private, rental, affordable and local authority homes, attractive to those on a variety of incomes

including higher incomes. This approach is in line with the Development Plan core strategy which is for the delivery of quality homes in a sustainable community; providing a mix not only of unit sizes and types but also a mix of tenure so that the overall housing needs of the City can be met in a long-term sustainable manner. Indeed the recently published Government's "Action Plan for Housing and Homelessness" specifically points to the need to achieve good tenure mix "to create long-term sustainable communities and avoid the mistakes of the past".

It is the recommendation of the Chief Executive that the percentage of social and/or affordable of housing to be delivered for this site should be agreed as part of the Housing Land Initiative which is seeking to fast track the delivery of DCC lands for housing with a minimum requirement for 30% social housing. The balance of the remaining 70% will take on board the financial considerations in relation to being able to deliver on the site and the need to achieve good tenure mix. In achieving such it is considered that an appropriate mix of private homes, starter homes, cost rental homes should be provided on site.

It is therefore recommended that the proposed new text be omitted from the Plan.

(iii) Community Consultation

As a strategic Landuse Policy document detailing requirements for community consultation during the design and build stages of the sites development is considered outside the remit of the Plan. The Development Plan includes an objective for a Local Area Plan for this area, which will provide opportunities for community involvement.

Chief Executive's Recommendation

Delete text in Amended Draft (page 145, second bullet point of the Draft Plan,

Retain text in Amended Draft after 5th bullet point, except delete final proposed Amendment (as duplication)

Section: 15.1.1.15 SDRA 12 St. Teresa's Gardens and Environs

Summary of Issues

Material Alteration Reference Number 15.8

Summary of Submissions

The Department of the Environment, Community and Local Government submission raises concern about the provision of increased open space and of a large playing pitch on the St Teresa's Gardens site having regard to the identified capacity of the site indicated in Table E of the Core Strategy of the Development Plan.

A significant number of submissions were received from local residents, sporting groups and schools that support the amended draft relating to the provision of playing pitch(es) and open space on the St Teresa's Gardens site. The submissions refer to the need for such facilities in the area, the positive impact of the provision of sporting facilities for young persons and society in general, and the historic legacy of such facilities on the St Teresa's site. The GAA county board made a submission requesting that an increased size of playing pitch be considered, measuring 90m by 145m.

A submission was received from the St Teresa's Regeneration Board indicating serious concerns in relation to the impact of the alteration to the draft Plan in relation to SDRA 12. It states that the Regeneration Board was convened in 2006 in partnership with Dublin City Council and the residents of St. Teresa's Gardens and is composed of the residents of St. Teresa's Gardens and environs, elected representatives, Dublin City Council officers and associated stakeholders and is tasked with consultation / liaison, oversight, and facilitation in relation to the delivery of the Regeneration of the St.Teresa's Gardens lands.

It is stated that the Regeneration Board considers that the current Part 8 and schematic master plan for the lands delivers on the objectives outlined above. It is noted that the re-zoning of the lands in 2009 by variation to the development plan and also the subsequent designation under the current development plan follows the broad aspirations of the 2006 Framework Plan.

The concerns relate to the deliverability of the regeneration project that has been the subject of a significant amount of consultation and work and which has a Part 8 permission that will be compromised. It is stated that enabling works contracts are underway to facilitate the new build contract and works to the park.

It should be noted that Councillor Criona Ni Dhalaigh and Councillor Tina McVeigh have indicated that they do not support the submission made by the Regeneration Board.

Chief Executive's Response

The proposed amendments were put on public display on foot of Councillor Motions.

As indicated on page 373 of the Chief Executives Report in relation to submissions received on the draft Plan, a large quantum of open space is shown in the North East section of the study area on the map on page 147 of the draft plan. This is designated as Parks and Sports facilities in the key associated with the map on page 147. It should also be noted that that one of the objectives for SDRA 12 on page 146 of the draft plan states that a new public park is proposed as a landmark feature with passive supervision by residential and other uses. It will have a comprehensive landscaping strategy to provide significant greenery within the scheme and will make provision for a diverse range of recreational and sporting facilities for use by the wider neighbourhood. This area equates to c20% of the overall site area, includes a variety of recreational areas for all ages groups and a MUGA pitch.

It is considered that the agreed draft Plan contains adequate objectives for the provision of sports facilities, together with much needed housing and other community facilities as part of the overall regeneration plan for the area. To provide for the large playing pitch required by the proposed amendment would have significant implications for the deliverability of the SDRA goals and objectives agreed by Council following extensive work and consultation. Issues of land ownership, site permeability and overall deliverability of the regeneration of the SDRA for St Teresa's Gardens are significant concerns and it is considered that the proposed amendments are not in accordance with the agreed Masterplan for the development of this key regeneration site.

It is also considered that the concerns raised by the Department of the Environment, Community and Local Government are significant in relation to the impact of the proposed amendment to the provisions of the Core Strategy of the Development Plan and to the ability of the City Council to address the current housing crisis.

In addition, the Government's Action Plan for Housing and Homelessness overarching aim is to expedite the delivery of much needed housing across all tenures.

It is recommended that the text in the Development Plan be amended to reflect proposals in the agreed Masterplan for the area.

Chief Executive's Recommendation

Amend text in Amended Draft after 2nd bullet point

To provide for an area **zoned** sufficient in size to accommodate **a minimum 80m by 130m playing** pitch **an all weather sports pitch as part of a municipal sports facility**.

Amend text in Amended Draft after 3rd bullet point

To acknowledge the existing sports lands of St Teresa's gardens and its environs and act to **retain replace and** augment these lands as sporting facilities for the benefit of the wider community and use by local sports clubs.

That **at least** 20% of **the St Teresa's Gardens site SDRA 12** be retained for public open space, recreation & sporting facilities including an area to facilitate organised games.

Section: 15.1.1.20 SDRA 17 Oscar Traynor Road

Summary of Issues

Material Alteration Reference Number 15.9

Submissions seek the reinstatement of the sentence that "heights of up to 10 storeys will be considered in the north-west corner of the site as slender land mark features". In order to deliver residential units in addition to green/open space the possibility of providing buildings of up to 10 storeys should be kept.

Chief Executive's Response

Providing strategically located "gateway" buildings is a well established principle of urban design to denote landmark spaces and/or act as gateways. A good example of this is the nearby "Gateway" (student) housing in Ballymun, where two buildings on opposite sides of the road articulate the "gateway" or entrance to the Main Street. These buildings are 9 and 11 storeys, slender in design and are not considered out of keeping with the surrounding streetscape or landscape. It is considered that a similar approach should be open for consideration on the Oscar Traynor Road site, a substantial site of 17.2 ha, and one that denotes a key approach into the urban area of the City. The Chief Executive therefore is in agreement with the submissions received to reinstate the statement that "heights of up to 10 storeys will be considered in the north-west corner of the site as slender land mark features". It is also important to note that all applications for "higher buildings" are subject to the assessment criteria for higher buildings as set out in section 16.7.2 of the Draft Plan, which addresses in detail the relationship between any proposed building and the surrounding context.

Chief Executive's Recommendation

Retain text in Amended Draft to Add to first bullet point

To support the Increase provision of Senior Citizens homes on the Oscar Traynor site.

And retain 3rd bullet point rather than delete it (page 152 Draft Plan) as follows

Heights of up to 10 storeys will be considered in the north-west corner of the site as slender land-mark features.

Section: 15.1.1.21 SDRA 18 National Concert Hall Quarter

Summary of Issues

Material Alteration Reference Number 15.10

A number of submissions were received in relation to amendment reference number 15.10 which included a new SDRA for the National Concert Hall Quarter.

The majority of submissions received including those from the Irish Georgian Society, An Taisce, and various resident associations object strongly to the inclusion of this new SDRA and/or in particular the proposal to promote the development of commercial buildings of up to 9-storeys in height, i.e. 36 metres, within an historic and architecturally important area of Dublin City. There is a fear that the new heights proposed will undermine the scale and grain of this portion of Dublin's Georgian Core and it was put that there was no evidence basis or assessment for the proposed increase in height. A number of submissions queried the need for the designation of this area as a Strategic Development and Regeneration Area, stating that this is not an area in need of regeneration as are other parts of the city. The An Taisce submission states that the focus for SDRA designation should be on areas of greenfield urban expansion and brownfield areas such as the Docklands where there is large-scale redundancy of uses.

Three submissions were received supporting the proposed SDRA designation for this area, notably from the Clancourt Group and the Dublin Chamber of Commerce. The latter called for a new objective to be added for the creation of an "urban village", while the former called for clarity within the Plan in relation to height, principally that the NCHA be added to the mid-rise category of the building height table and Figure 19 (Building Height in Dublin Context). Also that SDRA 18 be added to Map K. A submission from a private individual(s) sought a number of amendments seeking extensions to the areas where public realm improvements will be sought and also seeking the preparation of a Local Area Plan for the overall Quarter in order to fully assess building heights.

Chief Executive's Response

The proposal to create a new SDRA for the National Concert Hall quarter formed the basis of a public submission at the Draft Development Plan stage. While the Chief Executive's response and recommendation was to not include it, it was subsequently submitted and passed as a motion at the Special Council meetings on the 30th and 31st of May and 1st June 2016, and is included as amendment reference no. 15.10.

Objections have been received on this amendment and in particular in relation to the

proposed heights allowable. These submissions largely follow the same reservations as previously set out in the report of the Chief Executive which was considered by the Members of Dublin City.

With regard to the issue of height, any discrepancies in relation to tables and maps within the Plan will be addressed in compiling the final Plan for publication, including the insertion of the NCHQ into the table on Building Height (page 162 of the Draft Plan), and Figure 19, and the SDRA will be added to Map K. It is acknowledged that concerns have been raised in relation to the new maximum heights permissible in this area, however it must also be noted that any application for “tall” buildings will be assessed under the detailed criteria for such as part of the Development Management process which seeks to ensure the proper planning and sustainable development of the area. It is also noted that the guiding principles specifically request the preparation of a visual impact assessment and photomontages for tall building applications, in order to verify the appropriateness of any proposed development in its city-wide and local context.

The request for a new Local Area Plan for this area is **outside the scope** of this stage in the Development Plan process, and in nonetheless not considered appropriate for this area. It is also not considered necessary to extend the area shown on the map for enhanced public domain. The map is indicative, focusing attention on the areas where improvements are most sought. This does not preclude enhancements to other parts of the area subject to funding availability.

Chief Executive’s Recommendation

Retain text in the Amended Draft.

Insert the National Concert Hall Quarter into the table on Building Height (page 162 of the Draft Plan), and into Figure 19: Building Height in Dublin Context.

Include SDRA 18 in Map K: Strategic Development and Regeneration Areas and Key District Centres.

Chapter 16 - Development Standards

Submission Number(s):

4011, 4048, 4065, 4088, 4089, 4093, 4099, 4107, 4108, 4111, 4116, 4140, 4151, 4153, 4154, 4155, 4160, 4171, 4173, 4174, 4175, 4177, 4186, 4208, 4209, 4210, 4215, 4217, 4218, 4219, 4221, 4222, 4228, 4231, 4232, 4238, 4240, 4243, 4247, 4248, 4249, 4250, 4252, 4253, 4254, 4255, 4256, 4258, 4259, 4260, 4262, 4264, 4265, 4268, 4269, 4271, 4274

Section: 16.2.1.2 Sustainable Development

Summary of Issues

Material Alteration Reference Number 16.1

There was one submission that made a detailed case that the view that demolition leads to a loss of embodied energy is somewhat dated given that LEED buildings require the reuse of demolition material. They outline that demolition should be considered as a viable option for the many obsolete commercial developments in the city and in recognition that contemporary building regulations (fire safety, disability access and energy efficiency) can mean that the retrofitting of older buildings is uneconomic. They ask for flexibility and that each case be taken on its merits.

Chief Executive's Response

16.2.1.2 Sustainable Development Add to final sentence of first (page 154)

“Design should optimise natural or heat recovery ventilation, minimise overshadowing, minimise glare and excessive solar gain.

Add sentence to beginning of 2nd paragraph

To minimise the waste embodied energy in existing structures, the re-use of existing buildings should always be considered as a first option in preference to demolition and new-build. Buildings should be designed to minimise resource consumption, reducing waste, water and energy”

The Draft Plan recognises the challenges of the significant amount of obsolete office buildings in the city and sets out the following Policy (CEE 11):

“CEE11: To promote and facilitate the supply of commercial space, where appropriate, e.g. retail and office including larger floor-plates and quanta suitable for indigenous and FDI HQ-type uses, as a means of increasing choice and competitiveness, and encouraging indigenous and global HQs to locate in Dublin; to consolidate employment provision in the city by incentivising and facilitating the high-quality redevelopment of obsolete office stock in the city”

It is acknowledged that there are buildings where the only viable option is demolition if the economic cost of their refurbishment is unduly onerous when conforming to modern building regulations. A key policy priority is to prevent obsolete office blocks becoming vacant and derelict and this can be achieved by either demolition and rebuild or renewal.

Having regard to the submission it is considered that the following statement is

preferable: “ the re-use of existing buildings should be considered in appropriate cases”

Chief Executive’s Recommendation

Retain text in Amended Draft which will read as follows.

Add to final sentence of first paragraph (page 154)

Design should optimise natural or heat recovery ventilation, minimise overshadowing, minimise glare and excessive solar gain.

Add sentence to beginning of 2nd paragraph

Buildings should be designed to minimise resource consumption, reducing waste, water and energy use. The re-use of existing buildings should be considered in appropriate cases

Section: 16.5 Plot Ratio

Summary of Issues

Material Alteration Reference Number 16.3

The Amended Section 16.5 states:

“A higher plot ratio may be permitted in certain circumstances such as:

- Adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed
- To facilitate comprehensive re-development in areas in need of urban renewal
- To maintain existing streetscape profiles
- Where a site already has the benefit of a higher plot ratio
- **To facilitate the strategic role of institutions such as hospitals.”**

(page 82 of June Amendments)

The submissions request that the bullet point “to facilitate the strategic role of institutions such as hospitals” be omitted from the Amended Draft Plan. It is submitted that Ceannt Fort is surrounded on 3 sides, and it is not in the interest of the local communities to allow this intensive development on hospital sites. The indicated plot ratio for institutional/hospital use, i.e., Z15 is already very high at 2.5:1.

The intensification of building will lead to further increase in traffic, congestion and reduction in the welfare of patients, increased pollution and footfall, with no green space left within the institution to mitigate against pollution.

Chief Executive’s Response

The indicative plot ratio for Z15 lands is 0.5-2.5 in the Draft Plan. The Amendments allow for a higher plot ratio in circumstances facilitating the strategic role of institutions such as hospitals.

Section 16.5 of the Draft Plan expressly states that plot ratio standards need to be used in conjunction with other development control measures. Accordingly, it is

considered that there are sufficient safeguards in the Draft Plan to allow for the measured assessment of proposals for institutions such as hospitals, where a higher plot ratio is proposed.

Chief Executive's Recommendation

Retain text in Amended Draft.

Section: 16.7.2 Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development

Summary of Issues

Material Alteration Reference Number 16.5:

The submission from the DOE sets out the following:

This amendment proposes to reduce the maximum height of residential development in low-rise Inner city residential from up to 28m to up to 24m and in low rise outer city residential from up to 16m to up to 13m.

The submission from the DOE is particularly concerned that these proposed reductions in building heights will have a negative impact on the practical delivery of housing units, as well as wider developments which are required to be provided in good well located areas.

From a practical point of view taking into consideration the need for extra ground floor height and the need for roof services, the effect of this proposed amendment will be to significantly reduce building height. This issue is particularly acute in the low rise outer city residential area where the effect of the reduction will be to seriously undermine the viability of developing apartment style developments. The overall effect of both reductions in height will be to seriously affect the practical delivery of the housing units outlined in table E of the vision and core strategy chapter of the draft City Development Plan.

In conclusion the Department requests that these revised building heights be revisited with a view to reverting back to the reasonable provisions of the Draft Development Plan.

The relevant national and regional planning policy context strongly supports increased densities in under-utilised urban areas, particularly Dublin and particularly close to public transport, in the interests of sustainable development and the proposed reduction in height is contrary to these policies.

The proposed building height policy is also directly contrary to Section 1.2 of the Draft Development Plan 2016-2022 states that an unsustainable path of low-density development with extensive urban sprawl, unsustainable travel patterns should not be continued.

The Core Strategy of the Draft Development Plan states that there is a total of 440 hectares of undeveloped zoned lands within Dublin City with the potential to deliver 55,000 units. The stated number of units deliverable is based on an average density figure of 125 no. units per hectare (55,000 no. units / 440 hectares = 125 no. units per

hectare). This density of development is highly unlikely to be achievable with the reduced residential building height policy proposed.

The reduction to 13 metres will result in a significant under-utilisation of important residential development opportunities in the inner suburbs. The revision from 28m to 24m for “low-rise” inner city residential and particularly 16m to 13m for “low-rise” outer city residential demonstrates both a lack of ambition and an unwillingness to deal with density issues in Dublin City. Sites should be assessed on the site's context and should not be further by height restrictions.

Height policy should relate to scale and massing, how the structure appears in its context, and should not be limited by the intended use of the structure. Other provisions of the Plan can successfully manage the scale and design of development proposals, particularly in more sensitive areas if this is a concern.

The Draft plan provisions (with no differentiation between commercial and residential height) is superior, fits with national policy to increase densities in urban areas (especially the capital city) and should be retained in the proposed 2016-2022 Plan.

To limit the maximum height of buildings as proposed will put increasing pressure on Dublin city to move outwards onto suburban and greenfield sites, undermining the city's retail cores and commercial business districts.

A further submission identified that one of the challenges is to maintain Dublin as a residential city while still attracting economic investment and jobs. This means we must provide homes for a growing, ageing and changing population. Other challenges include climate change, carbon emissions and the development of public service to meet the need of residential development. To achieve this we must avoid the traditional ‘3 bedroom, semi detached’ style of development. It group proposed the reinstatement of up to 28 metres maximum for low rise in the inner city residential areas and up to 16m maximum for low rise in the outer city residential areas.”

The submission from Dublin chamber of Commerce states that density and building heights pose a fundamental question for Dublin's future development. Dublin Chamber is an advocate for higher density commercial development.

Another submission stated that the height of buildings can be affected by three key factors: flood risk, floor to ceiling height and the necessity to provide for plant, lift over runs and flues.

Plant, flues and lift over runs should not be included in the height of the building. For example, a scheme at Mount Argus Harolds Cross required the provision of a combined heat and power (CHP) system on one of the development blocks in order to serve the entire development's heat energy requirements. The CHP system, which will result in the entire development exceeding the renewable energy requirement by using natural gas only, contributes toward making residential buildings more energy efficient in compliance with Part L of the Building Energy Regulations. The plant and flues associated with this CHP system are to be located at roof level behind a purpose-built flue screen which stands 1.2m above the building's parapet.

A proposal is made for parapet heights with additional height above:
Low rise Inner City Residential – Up to 24m to shoulder, 29.5m in total. (9 floors)
Low-rise outer City Residential – Up to 13m to shoulder, 17.5m in total.(5 floors)

The additional height is to allow for more than minimum floor to ceiling height, a retail floor, the lift over run and/or roofscape, but not an additional floor. The intention of the 13m/24m heights is referenced by restricting the height of the building at parapet or shoulder.

A submission considers that the policy on the maximum height of buildings should continue to be expressed in floors/ storeys as is the case in the current Development Plan, as this metric gives flexibility to the development sector to respond to changing building standards and environmental standards and also to market demands for increased floor to ceiling heights.

An example is given of a site of 10,000m²

- 13m height limit, 4 storeys, would deliver 75 housing units
- 16m height limit, 5 storeys, would deliver 95 housing units
- A loss of 20 units.]

Another example is given of a site where residential development potential achievable on the submission lands will be reduced by 40%, from approximately 137 apartments to 82 apartments, on foot of the proposed amendments to the Draft Plan, with similar impacts on other schemes across the city.

Employment space achievable on the submission lands will be reduced by 44% from approximately 9,350 sq.m to 5,250 sq.m. This equates to an equivalent reduction of 400 worker spaces in the 'Z6' zoned portion of the subject site, with similar impacts on other schemes across the city.

The reduction in residential and commercial space achievable on the submission lands it is stated, would be detrimental to the financial viability of the entire scheme and would likely result in no further development at this strategic brownfield urban site, contrary to the Core Strategy, and the wider Development Plan housing policies.

If the allowable heights are not to increased, a 'second preference' proposal is made to include the explanatory text contained in Variation No. 14 of the current City Development Plan 2011-2017 in the new Development Plan 2016-2022, which reads as follows:

The residential category also includes provision for commercial uses at ground floor, subject to the relevant land use zoning category.

- The commercial category includes uses (or a mix of uses) such as hotel, office, conference centre, retail, health, education (inc. student housing), etc, and that are permissible/open for consideration under the relevant land use zoning category.
- Mixed developments comprised of over 50% of gross floor area as 'commercial' are subject to commercial maximum heights.
- Mixed developments comprised of over 50% of gross floor area as 'residential' are subject to residential maximum heights.

A submission welcomes the addition of SDRA 18 into the Development Plan. The submission lists of number of consequential amendments which it is felt should be made following the inclusion of SDRA 18 into the Draft Plan, notably:

- Add SDRA 18 to Map K
- Add the National Concert Hall Quarter (NCHQ) to the mid-rise category of the building height table under section 16.7.2, reflecting the provision for buildings up to 9-storeys in the guiding principles for SDRA 18.
- Add SDRA 18 to Figure 19 (Building Height in Dublin Context) as a medium-rise area.

Submissions were made in relation to Amendment reference number 16.6 (p83) which sets out the following;

“Add text to underneath the Table Building Height in Dublin (page 162);
Phibsborough will remain a low rise area with the exception of allowing for (i) up to a max of 19m in the centre of the Smurfit site and immediately adjoining the proposed railway station at Cross Guns Bridge; and (ii) the addition of one additional storey of 4m will be considered in relation to any proposals to re-clad the existing ‘tower’ at the Phibsboro Shopping Centre”
 19m should be replaced with 16m and (ii) should be omitted if it is submitted.

The Leeson Bridge Residents association are concerned about the proposed new low rise heights. The residents are not against height in Dublin but believe it should not overshadow the historical buildings in central Dublin. Another submission stated that the proposal for low-rise residential height inner city to increase to 24m is very disappointing and unnecessary; an increase to 20m would be the maximum that should be allowed. There is no reason for increased height in the National Concert Hall SDRA. 24m height should not be allowed in a Georgian city.

Chief Executive’s Response

Material Alteration Reference Number 16.5:

The proposed Amendment put out for public consultation is as follows:

Amend height in Table Building Height in Dublin (page 162)

Height relates to the prevailing local height and context.

Low-rise Inner City Residential – (Up to **28m** **24m**)

Low-rise Outer City Residential – (Up to **16m** **13m**)

The majority of submissions make a reasonable and strong case that the reduction in heights will result in a significant decrease in housing supply in the city and also in employment and other space. They state that this will be contrary to national and regional planning policy. It will also be contrary to core policies of the draft plan and will encourage unsustainable urban sprawl outside the city boundaries with lengthy and unsustainable travel patterns.

The proposal made for parapet heights has merits. As has the proposal that plant, flues and lift over runs should not be included in the height of the building, as long as they are set-back and properly screened.

However, at this final stage of the plan making process, it is considered that the appropriate solution is to revert to the heights set out in the Draft Plan.

It is also considered that the following additional statement for **material alteration reference number 16.4** is an important clarification and an additional protection:

“The heights stated in the low-rise and mid-rise categories of the table titled

Building Height in Dublin are maximum heights. Notwithstanding the maximum permissible heights specified in this section, proposals will be subject to assessment against standards set out elsewhere in the Development Plan, as will proposals in the high-rise category.”

In relation to Phibsborough, it is considered that the maximum height of 19m in relation to the Smurfit site be retained, as was agreed at the earlier Council to transfer key aspects of the Draft LAP to the new Development Plan.

The proposals regarding the National Concert Hall SDRA are considered appropriate.

It is recommended that the building heights as set out in the Draft Plan be retained.

Chief Executive’s Recommendation

Material Alteration Reference Number 16.5:

Amend text in Amended Draft to read as follows:

Category Area Height (m) Low–rise (relates to the prevailing local height and context)

Inner City: Up to 28m

Outer City: Up to 16m.

Material Alteration Reference Number 16.6:

Retain text in Amended Draft

Section: 16.10.1 Residential Quality Standards - Apartments

Summary of Issues

Material Alteration Reference Number 16.9

There were a variety of submissions regarding residential quality standards. The DOECLG welcomed the revision in apartment standards and advise that they will go some way in delivering housing in the city. Apartment standards should be amended and be generous as they will be the prominent form of residential accommodation in the future. Another submission suggested that there was demand for other residential typologies such as ‘shared accommodation’ which provides occupiers with smaller private accommodation (i.e. a bedroom) and sharing other facilities (e.g. kitchen/living room) with space standards similar to student accommodation. It was also suggested that the criteria regarding location of ‘build to let’ apartments should be relaxed. The 20 year retention requirement for ‘build to let’ should be deleted or reduced.

Chief Executive’s Response

The recently published apartment guidelines ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (2015) has meant that national policy requirements are now mandatory at City Council level with the discretionary option on many matters removed. The relaxation of standards and criteria regarding ‘shared accommodation’ and ‘build to let’ is considered undesirable.

It is clear from the submissions that there is some uncertainty as to the requirements and location of “build-to-let” schemes, with amendments sought in relation to such. On review of the proposed amendments it is considered that some changes should be made to the text to clarify this issue; that build-to-let schemes in themselves are not restricted to certain parts of the city, but build-to-let schemes with studio units and higher proportion of studios and one-beds, are restricted to within 500m of key centres of employment as set out in the amended Draft. Elsewhere within the City build-to-let schemes will be required to meet the residential mix set out in the Draft Plan for apartments. Minor amendments to section 16.10.1 are accordingly recommended, as are changes to amendment reference no. 0.3 – Appendix 2 Housing Strategy, Section 2.2.4 Implementing Dublin’s Housing Strategy Objectives.

Chief Executive’s Recommendation

Retain text in Amended Draft except add text in green below and delete text in red:

Mix of Residential Units

Each apartment development shall contain:

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

These maximum and minimum requirements apply to proposals of 15 units or more and may not apply to certain social housing needs and/or where there is a need for particular form of housing for older people and **students**, and having regard to the housing strategy.

This mix does not apply to managed student housing or managed ‘build-to-let’ apartment developments.

The above mix of unit types will not apply to within managed ‘build-to-let’ apartment schemes **for mobile workers where** up to 42-50% of the total units may be in the form of one-bed or studio units. Communal facilities such as common rooms, gyms, laundry rooms etc. will be encouraged within such developments. This provision only applies to long-term purpose-built managed schemes of over 50 units, developed under the “build-to-let” model and located within 500m (walking distance) of centres of employment or adjoining major employment sites. Centres of employment are identified in Fig W Housing Strategy Appendix 2A, and for clarity these centres are located within the following Electoral Divisions:

- North Dock B Mansion House A Pembroke West C
- North Dock C Mansion House B Pembroke East E
- North City Saint Kevins Pembroke East D
- Royal Exchange A South Dock Ushers F
- Royal Exchange B
- Mansion House A
- Mansion House B
- Saint Kevins
- South Dock
- Pembroke West C
- Pembroke East E
- Pembroke East D
- Ushers F

- Beaumont B

[Inset new map entitled: Fig W: Person's Working in DCC per Electoral Divisions, Housing Strategy Appendix 2A.]

The applicant shall be requested to submit evidence to demonstrate that there is not an over-concentration of such schemes within an area, including a map showing all 'build-to-let' similar facilities within 0.25km of a proposal.

This particular managed rental model shall be retained in single ownership for 20 years (min) during which period units may not be sold off on a piecemeal basis.

Section: 16.10.7 Guidelines for Student Accommodation

Summary of Issues

Material Alteration Reference Number 16.11

A proposal is made that in build to let schemes up to 40% of the floor area may be provided in student accommodation format but not restricted to students.

Material Alteration Reference Number 16.12

Submissions welcome the introduction of studios but state that the minimum size of 25m² is excessive and unviable. They propose lowering the floor area to 16 – 18m². Welcome for townhouse but should also be allowed off-campus. Other floor space changes are proposed. Variation 14 clarified for the purposes of building height that student accommodation as 'commercial' and this should be re-stated.

Material Alteration Reference Number 16.13

There were a variety of submissions regarding car parking in relation to student accommodation. In certain locations such as SDRAs, in proximity to transport corridors or within parking zones 1 or 2 there should be leeway to develop apartments without the stipulation to provide car parking or essentially permit 'car free' development. For build to let apartment schemes the catchment area should also include DEDs located adjoining large centres of employment and within 1km of bus and railway lines. There were also submissions requesting that the floor areas for student accommodation be reduced so as to make them more economic for potential tenants.

Chief Executive's Response

Material Alteration Reference Number 16.11

Significant changes have been made to the Draft Plan housing standards and policies including introducing specific policies to allow for 'build to let' and studio apartments. The proposal is a significant reduction in housing standards and is undesirable.

Material Alteration Reference Number 16.12

Significant changes have been made to the Draft Plan student accommodation guidelines and it is considered that these are sufficient, reasonable and appropriate. The policy framework to support provision of student is set out in Policy CEE 19 of the Draft Plan (p47).

The recent Government housing strategy, "Rebuilding Ireland, an Action Plan for Housing and Homelessness" "commits to the development of a national student accommodation strategy in 2017 by the Department of Education and Skills (DES) in

conjunction with DHPCLG and other stakeholders, including DPER and the Department of Finance. This will set out a broad framework for delivery of an enhanced level of accommodation which will inform local authority housing strategies and the land management process in general, in order to provide suitably located and affordable sites.” (p73-74) any further changes to standards and guidelines can be considered in this context.

Material Alteration Reference Number 16.13

The recent Government housing strategy, “Rebuilding Ireland, an Action Plan for Housing and Homelessness” sets out to encourage student accommodation as part of the solution to the housing crisis. It refers to the 2015 ‘Report on Student Accommodation: Demand & Supply’ by the Higher Education Authority (HEA) estimates an existing level of unmet demand of about 25,000 student bed spaces nationally. The Action Plan “commits to the development of a national student accommodation strategy in 2017 by the Department of Education and Skills (DES) in conjunction with DHPCLG and other stakeholders, including DPER and the Department of Finance. This will set out a broad framework for delivery of an enhanced level of accommodation which will inform local authority housing strategies and the land management process in general, in order to provide suitably located and affordable sites.”

The policy in the Draft Plan seeks to encourage student accommodation and sets out the following (p47):

“CEE19: (i) To promote Dublin as an International Education Centre/Student City, as set out in national policy, and to support and encourage provision of necessary infrastructure such as colleges (including English Language Colleges) and high-quality, custom-built and professionally-managed student housing.

(ii) To recognise that there is a need for significant extra high-quality, professionally-managed student accommodation developments in the city; and to facilitate the high-quality provision of such facilities.”

While student accommodation is a different form of housing, the recently published Dept. of Environment apartment guidelines ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (2015) are relevant regarding a policy approach to car parking. The document sets out the following:

“car parking provision should be reduced or avoided in very accessible areas such as central business districts and a confluence of public transport systems,

Where it is sought to reduce car parking provision, the onus will be on the applicant to demonstrate to the planning authority why car parking provision can be avoided and that the site is sufficiently well located in relation to employment, amenities and services that other non-car based modes of transport will meet the needs of residents, in full or in part. ‘Car free’ development may be permissible in highly accessible city centre locations”

The City Council is committed to reducing the amount of car park provisioned development in the city as outlined in Chapter 8, ‘Movement and Transport’ and whose strategy over the last few development plans has seen a modal shift away from private transport to public transport alternatives

Chief Executive’s Recommendation

Material Alteration Reference Number 16.11

Retain text in Amended Draft.

Material Alteration Reference Number 16.12

Retain text in Amended Draft.

Material Alteration Reference Number 16.13

Retain text in Amended Draft.

Appendix 3 - Retail Strategy

Submission Number(s):

4140, 4186, 4260, 4271

Section: Appendix 3 - Retail Strategy

Summary of Issues

Material Alteration Reference Number 0.5

The submission from the DOECLG recommended that although the inclusion of 3 additional Key District Centres (Clongriffin, Phibsborough and Naas Road) has merit it may be considered prudent to wait for the formal review of the Retail Strategy for the Greater Dublin Area, 2008 – 2016 before proposing their designation. This is due to their not being identified as level three centres in the current retail strategy . This is particularly relevant in the case of Clongriffin and Naas Road which are areas that border adjoining local authorities.

Another submission requested the complete deletion and replacement with new text of the amended paragraph relating to Phibsborough Shopping Centre at the end of the section 'District Centres – Older Centres' . The new text would place the redevelopment of the shopping centre in the context of an area blighted by dilapidated development as a result of misconceived planning policies.

A submission on behalf of Tesco proposed greater clarity in Table 1 in the Retail Strategy, by inserting 'net retail floorspace' in two instances to correspond with that description of 'supermarket' found in the DOECLG 'Guidelines for Planning Authorities – Retail Planning' 2012 (P53).

Chief Executive's Response

Material Alteration Reference Number 0.5

Amend Retail Strategy, Table 1, P74 Draft (Volume 2), insert **net food** in two instances, directly after 'A supermarket' inset a new paragraph at the end of section "District Centres – Older centres" (page 77 Volume 2 Draft Plan), as follows:

A review of the Phibsborough Shopping Centre was carried out as part of the 2015 Draft Phibsborough LAP. Although not adopted a number of objectives came from this report which the Development Plan now seeks to capture. The City Council supports the redevelopment and revitalisation of the existing Phibsboro Shopping Centre which expands the retail offering in keeping with the designation of Phibsborough as a Key District Centre. New development shall be of a suitably high density and mix to create new job opportunities at this key nodal point which is highly accessible by public transport. Uses that create an "evening economy" and enhance the attractiveness of the centre as a destination will be encouraged, as will the integration of the site with the

adjoining Dalymount Park, ideally creating a new enhanced public entrance to this sporting venue. The provision of a new civic plaza will also be sought.

The inclusion of Clongriffin, Phibsborough and Naas Road in the Draft Development Plan as Key District Centres were on the basis of the areas been identified as major population expansion centres for the future as outlined in S2.2.3, 'Settlement Strategy' in Chapter 2, 'Vision and Core Strategy' and also in the amended text proposed for Appendix 3 (Material Alteration Reference number 0.5). Two are designated LAP areas while Phibsborough will have objectives included in the Draft Development Plan arising from the LAP process. The statutory LAP process allowed for adjoining local authorities (South Dublin County Council in the case of Naas Road LAP and Fingal County Council in the case of Clongriffin LAP) to make submissions at relevant stages and were cognisant of the quantum or retail development being sought. There was no indication that the retail quantum proposed in either location was of concern. Mindful of this and given that it has been indicated that these centres would most likely be designated as 'level three centres' in any updated retail regional planning guidelines, their inclusion in the draft development plan is considered appropriate.

The amended text with regard to Phibsborough Shopping Centre is considered appropriate and indicative of the preferred type of development in the area over the coming years.

With regard to the amendment for 'net retail floorspace' it is acknowledged that the 'Retail Planning Guidelines' 2012 – Annex 1 (P52) defines a 'supermarket' as a 'single level, self service store selling mainly food, with a net retail floorspace of less than 2,500 sqm'. It is reasonable to argue that this definition is the more accurate as although supermarkets mainly retail food there may be a small floor area dedicated for other non food products and the definition of 'net retail floorspace' will include that quantum

Chief Executive's Recommendation

Retain Material Alteration Reference Number 0.5

Retain a new paragraph at the end of section "District Centres – Older centres" (page 77 Volume 2 Draft Plan),

And amend text in Table 1 (P74) as follows;

"Insert **net food net retail floorspace** in two instances. Directly after 'A supermarket < 2,500 sqm' at level 3 – Defining Features – and directly after 'one supermarket sized up to 2,500 sqm' level 4 – Defining Features"

Appendix 2A - Housing Strategy

Submission Number(s):

4175, 4186

Section: Appendix 2A - Housing Strategy (Phase 2)

Summary of Issues

Material Alteration Reference Number 0.3

- One of the submissions received suggested additional text to Section 2.2.2 (Implementing Dublin's Housing Strategy Objectives) of Appendix 2A as follows: "Proposals for long term build to let rental accommodation of over 50 units shall be considered within walking distance of centres of employment, adjoining major employment sites or proximate to public transport corridors leading to centres of employment."
- The other submission received expressed support for the Housing Strategy as per the Amended Draft.

Chief Executive's Response

It is considered that the submission received requests the diluting of the specific text to allow proposals for long term build to let rental accommodation of over 50 units within walking distance of centres of employment, adjoining major employment sites or proximate to public transport corridors leading to centres of employment.

It is considered that the revision suggested removes any certainty from the above requirement. By removing the 500m requirement and the specific list of the centres of employment, this requirement becomes vague, ambiguous and difficult to interpret during the development management process.

However the text should be amended to bring clarity to the section in relation to the location of studios units.

Chief Executive's Recommendation

Retain text in Amend Draft and add text in green below:

"Proposals for long-term build-to-let rental accommodation **for mobile workers** of over 50 units shall be considered within 500m (walking distance) of centres of employment. **These schemes shall allow for the provision of "studio" units as set out in Section 16.10.1 of the Development Plan.** These centres are identified within Fig W, based on the 2011 Census of Population (POWSCAR records) which identifies electoral districts that have 5,000 people or more working within them. Provision has also been made to include Beaumont Hospital (3,000 plus employees) as a key employment zone".

Part 4

Site Specific Zoning

Map: B

Map Reference: B
Reference Number: 12
Site Address: Kilmore Road, Artane
Submission Number(s): 4260

Summary of Issues

The submission received seeks to revert from the Z4 “District Centres” zoning to the Z6 “Employment/Enterprise” zoning as per the Draft Plan, having regard to the established character of these lands and the existing Castle District Centre directly opposite and its potential for future enhancement.

Chief Executive’s Response

Artane Shopping Centre is designated as a District Centre, which is a Level 3 retail location under the Retail Strategy for the Greater Dublin Area 2008-2016. Additional retail provision should be based on significant growth in the population or on a demonstrable level of under-provision of retail.

The Retail Strategy under Appendix 3 of the Draft Plan states that flexibility to extend the retail provision of district centres can occur in areas of extensive or intense high density development providing for new areas of population of over 10,000.

The Council’s Retail Strategy has therefore considered future population growth under the Retail Strategy of the Draft Plan.

Another reason for enhanced retail provision is the limited floorspace offer and dated format of the existing district centre. Between the existing Z4 zone at Artane Castle and Z6 zone, there is capacity for the location to achieve a 20,000 sq.m overall GFA and still meet the size criteria for a district centre within the retail hierarchy for the GDA.

Policies of the Draft Plan, such as RD 19, promote competition and innovation in the retail and other service sectors to the benefit of competitiveness and the consumer. The uses which are Permissible in a Z4 zone include enterprise centre, light industry, live work units and science and technology based industry, in addition to shop (district) and shop (neighbourhood). Office space (max 1200 sq.m) is in the Open for Consideration Category in addition to shop (major comparison) and warehousing (retail/non-food)/retail Park. Such uses in a Z4 zone would generate employment creation.

Chief Executive's Recommendation

Retain Z4, as per Amended Draft.

Map: D

Map Reference: D

Reference Number: 2

Site Address: Rossmore Drive - Kylemore Road

Submission Number(s): 4096

Summary of Issues

The submission received states that the proposed rezoning of the Uniphar site from Z6 to Z1 would be completely at variance with the established land use in the area. The site is not suitable for residential development, being cut off from services, shops and schools by extremely busy roads and with no proper pedestrian connectivity. It should also be noted that the site is surrounded by industrially zoned land that is in active use and is not a suitable location for residential development.

Chief Executive's Response

It is considered that this Z6 zone is isolated, that the overall Z6 parcel is small in relative terms and that there are residential uses in relatively close proximity to the subject site (Rossmore Road, Lough Conn area etc.) That being said, the site is currently in active industrial use and provides significant employment.

With regard to the site being suitable for potential housing and having regard to the location of the subject site, and in line with Council and Government policy in relation to the need to support and provide for increased housing, it is considered that this matter can be reconsidered in the context of the study required by Draft Development Plan Objective CEE04: "To carry out a targeted survey of those industrial estates with likely redevelopment potential, and to make recommendations on how that redevelopment potential might be best achieved."

Accordingly, it is considered that the existing Z6 zoning is appropriate at this moment in time.

Chief Executive's Recommendation

Amend zoning in the Amended Draft. i.e. Revert to Z6.

Map: E

Map Reference: E
Reference Number: 1
Site Address: Blackhorse Avenue
Submission Number(s): 4234

Summary of Issues

This submission expresses support for the rezoning of this site from Z9 to Z1.

Chief Executive's Response

It is noted that the site has been the subject of a road improvement scheme under Reg Ref 2775/13, and that the land in question is surplus.

Having regard to the need for housing in the city, it is considered that a change of zoning for the overall site is appropriate.

The expression of support for the change in zoning from Z9 to Z1 is noted.

Chief Executive's Recommendation

Retain Z1, as per Amended Draft.

Map Reference: E
Reference Number: 25
Site Address: Davitt Rd, Goldenbridge
Submission Number(s): 4079

Summary of Issues

This submission expresses support for the rezoning of this site from Z6 to Z1

Chief Executive's Response

This site is a self contained Z6 land parcel bounded by Davitt Road to the north, Benbulbin Road to the east, Galtymore Road to the south and a residential estate (Davitt House) to the west. The site is separated from a further area of Z6 lands to the east by the junction of Davitt Road and Benbulbin Road.

Access to the Goldenbridge LUAS stop is a strategic benefit to optimise a more sustainable use of the site and remove a derelict site in such a prominent and strategic location.

A Z1 zone would be compatible with and integrate successfully with Z1 zoning directly adjoining and south of the site.

The expression of support for the change in zoning from Z9 to Z1 is noted.

Chief Executive's Recommendation

Retain Z1. Retain the existing extent of the red lined conservation zone on the north section of this site as per Amended Draft.

Map Reference: E
Reference Number: 28
Site Address: Bridgefoot Street
Submission Number(s): 4011, 4021, 4065, 4095, 4156, 4158, 4159, 4181, 4182, 4185, 4202, 4226, 4245, 4262, 4265, 4297

Summary of Issues

A substantial number of submissions and a petition were received, variously expressing support for the rezoning of this site from Z5 to Z9 and / or supporting a park on the site.

Chief Executive's Response

The subject site has been zoned Z5 in the previous two Development Plans and also under the Liberties LAP, which is the statutory context for the development of the area. The Z5 zoning is a flexible city centre zoning which would facilitate the delivery of the Local Area Plan.

As stated in the Chief Executive's Report on Motions, the 'Greening strategy' is not the statutory context for the development of the area. Rather, the current Local Area Plan is the context to deliver development in the area.

The LAP, which was approved by the City Council and extended to 2019 provides for a combination of open space and housing on this important site.

The Z5 zoning allows the provision of approx 120 residential units largely on the northern end of the site, and a significant urban park, including the area of the present community park. This approach provides for both much needed housing, and provides a quality urban park with inbuilt passive surveillance from the surrounding housing.

Chief Executive's Recommendation

Amend zoning in Amended Draft i.e. revert to Z5.

Map Reference: E
Reference Number: 29
Site Address: Church Street - OPW site
Submission Number(s): 4288, 4289, 4290, 4291, 4292, 4293, 4294, 4295, 4296

Summary of Issues

The submissions received indicate that the site in question is the location for the proposed new Family Law and Children's Court Complex and requests that the Council reconsider the proposal to rezone a portion of the site from Z5 to Z9 and to allow the site to be used for the development of the new Family and Children's Courts building.

A submission received from the OPW states: "In 2014, the OPW, officially announced the site as the location for the Family Law Court for the Courts Service and that the OPW were commencing feasibility studies for the site. Subsequently as recently as last September the Minister for Justice Frances Fitzgerald announced the allocation of capital investment in the Justice Sector, a critical element of which was the dedicated and integrated Family Law and Children's Courts building, together with additional Court rooms for the Supreme Court and other Courts offices, at this site at Hammond Lane."

The Office of Public Works is well advanced with a feasibility Study on the options available for the provision of a building for the Courts Service at this site, and is working towards the lodgement of a planning application for the project. The proposed amendment would seriously undermine the viability of this project, which is a nationally important state courts facility required by the Department of Justice.

Other submissions indicate that it is not clear from the intent of the zoning, what the specific objective would be for the use of the space. Assuming it is intended to be a public space or park, there is no indication that there is any funding available to DCC to acquire the space from the OPW and design, install and manage an additional public space. Furthermore, given the space is west facing, directly adjacent to a proposed 5-7 storey building and surrounded by other buildings ranging from 4 to 8 storeys, the space would be overshadowed and of poor quality.

Chief Executive's Response

The site is located adjacent to strategic public transport services (Luas) and is located within the city centre zone under the Core Strategy, for which the Z5 zoning is appropriate to maximise the efficient use of zoned serviced land, consolidate the city and provide mixed services, residential and employment uses in the city core, thus limiting encroachment into greenfield areas in the city's hinterland.

Chief Executive's Recommendation

Amend zoning in Amended Draft i.e. revert to Z5.

Map: G

Map Reference: G
Reference Number: 5
Site Address: Kimmage Road West
Submission Number(s): 4110

Summary of Issues

The submission received requests that the vacant former art gallery at the Kimmage Road West Site be rezoned from Z9 to Z1.

Chief Executive's Response

The site has access from Kimmage Road West and is part of a larger Z9 zoned landbank adjoining to the west. It is considered that the leisure centre and art gallery contribute towards existing leisure/amenity provision in the area. However, the open space to the rear of the site is not publicly accessible. Taking into consideration the objectives and policies of the approved City Development Plan and guidance from the Department of the Environment, Community and Local Government to increase the supply of housing land and units in the city to serve demand, a Z1 zone on the east part of the site is considered appropriate.

Chief Executive's Recommendation

Retain Z9 zoning for existing leisure club and art gallery and change zoning of open space area and access road from Z9 to Z1as per Amended Draft.

Map Reference: H
Reference Number: 1
Site Address: Greenmount Industrial estate - Harolds Cross
Submission Number(s): 4150, 4173, 4207, 4270

Summary of Issues

Some of the submissions received seek to retain the Z1 zoning as per the Draft Dublin City Development Plan 2016-2022 and make the following points:

- Residential housing supply has become a very real issue in Ireland over the past 5 years. A report by the Housing Agency in July 2015 titled “National Statement of Housing Supply and Demand 2014 and outlook for 2015-2017” states the following with regard to housing supply and demand: “There is a persistent mismatch between supply and demand for housing, particularly in Dublin and surrounding counties, and major cities such as Cork, Galway and Limerick. Nationally, there was an undersupply of the required housing in 2014 (73% of the requirement was provided), allowing for pent up demand from 2013 to 2013. In addition, new household formation is projected to increase for each of the next three years and an accelerated delivery of residential units is required to address this deficit.” Therefore the proposed zoning of the subject site to Z1 – residential, will provide much needed residential development land within Dublin that is well located in terms of transport and supporting services. The residential zoning of this site is logical given the existing surrounding complimentary uses and the road network serving the site, which is unsuitable for industrial use.
- The Draft City Plan sought fit to rezone this site from Z6 to Z1. This is in line with the predominant mix of uses within the city block bounded by Greenmount Lane, Greenmount Avenue, Harold’s Cross Road and Parnell Road.
- The site is in no way fit for purpose in its current use (Z6) and is extremely unsuited due to its relative inaccessibility for large industrial vehicles.
- It does not make sense to have an industrial estate right in between and close to residential dwellings that surround this site.

Other submissions received are supportive of the proposed change from Z1 to Z6 as per the amended draft and make the following points:

- The Z6 zoning is more appropriate and will protect the existing mixed use enterprise and employment centre in this vibrant urban village.

Chief Executive’s Response

The site was zoned for Z1 (Residential) at Draft Plan stage and was changed to Z6 (employment) by motion as a material alteration.

This backland area has a narrow access road which is not suited to industrial traffic. The site is well located for residential uses however, and given the current demand for housing land a Z1 zoning is considered appropriate.

Given the Department of the Environment’s advice to the City Council to take additional steps in the Development Plan to bring forward the supply of much needed housing in the city it is considered that the Z1 zoning is appropriate.

Chief Executive's Recommendation

Amend zoning in Amended Draft i.e. Revert to Z1.

Map Reference: H
Reference Number: 5
Site Address: Rathmines DIT

Submission Number(s): 4003, 4004, 4013, 4014, 4015, 4111, 4172

Summary of Issues

Some of the submissions received are supportive of the proposed change from Z4 to Z15 as per the amended draft.

Other submission received request the retention of the Z4 zoning on site, including a submission from DIT.

Chief Executive's Response

The existing Z4 zoning for the site, being a district centre zoning in the centre of Rathmines, a key district centre in the draft Plan, is considered to be the appropriate zoning.

As is stated on page 279 of the Chief Executive's Report on Motions, The Z4 zone in the centre of Rathmines encompasses a range of existing uses that provide a community, cultural and recreational role, including the library and sports centre.

It was emphasised that supporting the role of schools in the centre of Rathmines is important. However, the site is in third party ownership and while the submission relates to what may be possible should the site become vacant, there is no guarantee that the DIT site will ever be selected as a site for educational use, or the associated potential risk of vacancy.

Under the Z4 zoning objective, community, education and cultural uses are permissible and the Z4 zone therefore does not preclude the opportunity for the DIT building or site to provide for these uses into the future, should they become available to the schools and an extension sought. It is not unusual within the higher density, mixed use zones of the city that schools are included within mixed use zones as opposed to Z15 zoning.

Development management is the appropriate process to determine the future appropriate redevelopment of this site, including determining suitable uses and design that protects the amenities of schools adjoining. A proposal by the school or DES to extend educational uses into the site or improve boundaries with the school can still be considered under the Z4 zoning.

Chief Executive's Recommendation

Amend zoning in Amended Draft i.e. Revert to Z4.

Part 5

List of Persons or Bodies who made Submissions/Observations

Submissions (All) - Alphabetical

Submission Source **Organisation**

Sub. No	Organisation	First Name	Last Name
4255	An Taisce	Ian	Lumley
4195	APK Compressors Ltd		
4012	Architect	Noel	Quinn
4241	Bilfinger GVA	Paul	O'Neill
4160	Blend Residents Associat		
4295	Brady Shipman Martin	Sorcha	Turnbull
4093	Brady Shipman Martin	Sorcha	Turnbull
4159	Bridgefoot Street Group		
4245	Bridgefoot Street Reside		
4088	Brock McClure	Suzanne	McClure
4152	Brock McClure Planning a	Matthew	McRedmond
4053	Brock McClure Planning	Matthew	McRedmond
4150	Brock McClure Planning	Matthew	McRedmond
4010	Brock McClure Planning	Matthew	McRedmond
4284	Brown Thomas & Co Ltd	Stephen	Sealey
4154	Cabra Road Residents A		
4290	Chief Justice		
4298	City Councillor	Tina	MacVeigh
4004	City of Dublin Education	Greg	Flanagan
4293	Civil Legal Aid	Niall	Murphy
4215	Conroy Crowe Kelly Archi	Michael	Crowe
4292	Courts Service	Brendan	Ryan
4272	Cyclist.ie / Dublin Cyclin	Colm	Ryder
4147	Declan Brassil & Co. Ltd	Hennie	
4190	Declan Brassil & Co. Ltd	Declan	Brassil
4189	Department of Art, Herita	Patricia	O'Leary
4186	Department of the Enviro	Ciara	Gilgunn
4296	Dept of Education and Sk	Liz	Marriott

Submissions (All) - Alphabetical

4163	Donore Boxing Club	Robert	Mc Evoy
4233	Dublin Airport Authority		
4043	Dublin Bay Biosphere Pa	Jenni	Roche
4177	Dublin Chamber of Com		
4297	Dublin City Development	Philip	McDonnell
4294	Dublin Solicitors Bar Ass		
4006	ESB Networks	James	Brennan
4018	Failte Ireland	Mary	Stack
4008	Failte Ireland	Mary	Stack
4022	Food and Drink Industry I	Paul	Kelly
4266	Green Party Councillors	Ciaran	Cuffe
4260	GVA Planning	Caoimhe	Ni Raghallaigh
4274	Hooke & MacDonald	Ken	MacDonald
4269	IBEC	Aidan	Sweeney
4207	IMG Planning Ltd		
4282	Irish Georgian Society	Dough	Cahill
4223	Irish Rail	Peter	Muldoon
4250	John Spain Associates		
4209	John Spain Associates		
4248	John Spain Associates		
4210	John Spain Associates		
4251	John Spain Associates		
4240	John Spain Associates		
4238	John Spain Associates		
4249	John Spain Associates		
4247	John Spain Associates		
4253	John Spain Associates		
4254	John Spain Associates		
4258	John Spain Associates		
4252	John Spain Associates		
4225	John Spain Associates	Robert	Keran

Submissions (All) - Alphabetical

4232	John Spain Associates	Robert	Keran
4230	John Spain Associates	Robert	Keran
4222	John Spain Associates	Robert	Keran
4228	John Spain Associates	Robert	Keran
4262	Kilmainham Residents A	Mary	Kearney
4268	Leeson Bridge Residents		
4079	MHW Planning	Colm	McLoughlin
4161	MUIR Associates Limited	T.A	Walshe
4285	National Transport Autho	Eoin	Farrell
4231	New Generation Homes	Emma	Gosnell
4151	Phibsborough Tidy Town	Susan	Dawson
4244	Planning and Developme	Jim	Brogan
4243	Property Industry Ireland	Tom	Phillips
4116	Rathgar Residents Assoc		
4103	Rathmines College	Bernadette	Moore
4110	Rathmines Initiative	Ciaran	Ferrie
4021	Residents of Bridgefoot S		
4149	Restaurant Association o	Adrian	Cummins
4048	Richview Residents Asso	Marion	Masterson
4171	RPS		
4169	RPS		
4170	RPS		
4172	RPS		
4016	Sandymount & Merrion R	Lorna	Kelly
4214	Sheridan Woods Architec		
4213	Sinn Féin Group	Daithí	Doolan
4184	St Catherines National S	Des	Cox
4014	St Louis Infant School	Liza	Kelly
4015	St Louis Infant School	Miriam	Mulkerrin Mason
4167	St Teresa's Boys/Girls F.	Liam	Hicks
4013	St. Louis Senior Primary	Pádraic	Carney

Submissions (All) - Alphabetical

4168	St. Teresa's Gardens Re	Chris	Fitzpatrick
4191	Stanberry Investments Lt	Conor	Keoghan
4175	Stephen Little & Associat		
4174	Stephen Little & Associat		
4173	Stephen Little & Associat		
4208	Stephen Little & Associat		
4221	Stephen Little and Associ	Lorraine	Treacy
4289	The Circuit Court		
4288	The District Court		
4192	The Keoghan Partnership		
4216	The Royal Institute of Arc		
4219	The Royal Institute of Arc		
4217	The Royal Institute of the		
4196	Thomas Street Car Park		
4185	Transport Infrastructure Ir	Michael	McCormack
4009	Urban-asylum	Simon	Keogh
4291	Walls & Toomey	Muriel	Walls

Submissions (All) - Alphabetic

Submission Source **Private Individual**

Sub. No	Organisation	First Name	Last Name
4206		Kevins Hurling &	
4242		Armelle	
4077		Mary	B.Deevy
4188		Brian	Bolger
4227		Jim	Brogan
4144		Sarah	Browne
4011		Nigel	Buchalter
4087		Cormac	Buggy
4049		Clare	Burke
4038		Lia	Byrne
4046		John	Carr
4090		Amy	Carroll
4085		Sean	Carroll
4138		Edward	Carroll
4123		Philip	Casey
4187		Cliona	Christle
4089		Simon	Clear
4073		David	Coffey
4143		David	Coffey
4263		Annabelle	Comyn
4042		Ashe	Conrad-Jones
4264		Joe	Costello
4259		Joe	Costello
4054		Louise	Courell
4124		Jean	Cousins
4103		Des	Cox
4257		Pat	Coyne
4036		Philomena	Crampton

Submissions (All) - Alphabetical

4033	Paul	Crampton
4070	Noel	Cronin
4071	Ciaran	Cronin
4117	Peter	Crotty
4084	Billy	Crowley
4072	Andrew	Cruickshank
4032	Garreth	Cully
4055	Tommy	Daly
4092	Augustine	Daly
4058	Tommy	Daly
4074	Sinead	Deegan
4114	Anita	Dermody
4145	Sara	Donaldson
4111	Dhailthi	Doolan
4037	Michael	Doorley
4096	Jane	Doyle
4007	Hans	Dubois
4045	Sonya	Earls
4065	Jean	Early
4076	Ronan	Evers-Norton
4083	Jean	Evers-Norton
4212	Deirdre	Farrell
4218	Justin	Farrelly
4101	Joseph	Fenlon
4115	Anna	Filipiak
4060	Kate	Fine
4029	Brian	Flannery
4180	Kate	Flinter
4235	Pat	Foudy
4052	Marie	Foudy
4105	Mary	Gallagher

Submissions (All) - Alphabetical

4020	Mary	Gallagher
4037	Kevin	Gannon
4034	Mark	Gardner
4166	Richard	Good
4237	David	Greene
4025	Monica	Grogan
4062	Patricia	Halton
4119	Ciara	Hanlon
4056	Breen	Hardiman
4183	Karl	Harrison
4030	Gary	Hassett
4097	Catherine	Heaney
4061	Geraldine	Hennessy
4066	Vincent	Hennessy
4047	Barry	Hickey
4220	Laura	Hickey
4098	Geraldiine	Hicks
4200	Billy	Hicks
4120	Paula	Hicks
4197	Daire	Hicks
4179	Sharon	Hicks
4019	Vincent	Hoban
4113	Iseult	Howlett
4148	Justin	Howlett
4198	Brian	Howlett
4280	Paul	Jacobs
4024	Ken	Jordan
4023	Karen	Jordan
4026	Anne Marie	Keane
4265	Mary	Kearney
4078	Rosarii	Kelly

Submissions (All) - Alphabetical

4067	Rachel	Kelly
4271	Nuala	Kelly
4194	Tony	Kelly
4158	Conor	Kennelly
4027	Sarah	Kenny
4132	Veronica	Kubat
4134	Maggie	Kubat
4118	Anne	Lambert
4106	Michael	Lawrence
4031	Brendan	Lynch
4095	Richard	Maher
4234	Michael	Malone
4135	Emma	Martin
4122	Niamh	Mathews
4133	Gabrielle	McCarron
4126	Stephen	McCarron
4207	Robert	McCarthy
4176	Niamh	McCarthy
4081	Deirdre	McCarthy
4094	Bernard	McCarthy
4276	Darius	McGann
4125	Kevin	McHugh
4100	Patrick	McKenna
4069	Henrietta	McKervey
4104	Reamonn	McLoughlin
4157	Brian	McLoughlin
4050	Stephanie	McSweeney
4181	David	Morse
4199	Larry	Murphy
4129	Peter	Murray
4140	Peter	Murray

Submissions (All) - Alphabetical

4136	Peter	Murray
4127	Peter	Murray
4051	Grainne	Murray
4229	Piotr	Nabzdyk
4226	Orlagh	Ni Arrachtain
4040	Iarla	Nolan
4063	Grainne Persse	O' Beirne
4064	Cian	O Cearrbaill
4165	Pat	O Connell
4182	Tracey	O Connor
4281	Marcus	O Doherty
4121	Daithi	O hAolain
4086	Donnchadh	O' Neill
4202	Brian	O'Boyle
4142	Sheena	O'Brien
4141	Sheena	O'Brien
4089	Carmel	O'Connor
4035	Kieran	O'Connor
4109	Timothy	O'Keeffe
4139	Seamus	O'Loughlin
4041	Paul	O'Mahony
4130	Ciara	O'Mahony
4205	Cian	O'Mahony
4108	Philip	O'Reilly
4039	Cormac	O'Shea
4256	Valerin	O'Shea
4075	Aidan	O'Sullivan
4283	Larry	O'Toole
4201	Sharon	O'Toole
4178	Ann	Patten
4091	Christopher	Plockelman

Submissions (All) - Alphabetical

4211	Pat	Power
4057	Mark	Price
4028	Robert	Purcell
4005	Lucy	Pyne
4193	Nigel	Quane
4279	Christina	Reddington
4204	Eoin	Reddington
4203	Eoin	Reddington
4162	Nial	Ring
4224	Niall	Ring
4239	Niall	Ring
4236	Niall	Ring
4017	Declan	Roche
4128	Andrew	Roe
4273	Mark	Rogers
4267	Paula	Russell
4280	Paula	Russell
4156	Mary	Ryder
4082	Aaron	Shearer
4001	Richard	Sheehan
4278	Drew	Smart
4277	Clare	Smart
4044	Lucy	Taylor
4002	Eamonn	Tierney
4053	Marie	Timmons
4246	Criona Ni Dhalai	Tina Mac Veigh
4155	Sorcha	Turnbull
4131	Donal	Tutty
4059	Amy	van den Broek
4080	Jannetje	Van Leeuwen
4102	Aideen	Ward

Submissions (All) - Alphabetical

4112	Avril	Watson
4261	Mitchel	Wilmot
4275	Julie	Wynne
4146	Emma	Young

List of names in relation to Bridgefoot Street Submission numbers 4021, 4159 and 4245

Submission Number	First Name	Last Name
4021	Gerard	Malone
	Jay	Lombard
	Frank	O Rourke
	Eddie	Jackson
	Maura	Mooney
	Eric	Mooney
	Tony	O Rourke
	Ro	Dallen
	Nikti	Cirran
	Christine	Curran
	David	Walsh
	Chloe	Hanlon
	Christine	Hanlon
	Noeleen	Curran
	Peter	Graham
	Sandra	Curran
	Lisa	Norton
	Noeleen	Brady
	Ellen	Madden
	Ashling	Walker
	Emma	Hopkins
	Patrick	Moran
	Judy	Brazil
	Charlene	Marshall
	Amanda	Keogh
	Tracy	Quinn
	Debbie	Tighe
	John	Saunders
	Alice	Murphy
	Patrick	Murphy
	Aoife	Kennedy
	Jade	Keogh
	Nicola	Dempsey
	Rachel	Bowes
	Sandra	Flood
	Chris	Kinsella
	Jessica	Gantley
	Carmel	Graham
	Mary	Hughes
	Liz	Tighe
	Jeanette	Stewart
	Joy	Leavy

	Edel	Wosser
	Maria	McGovern
	Elaine	Caffrey
	Frances	Gantley
	Jamie Lee	O'Brien

Submission Number	First Name	Last Name
4159	Gerard	Malone
	Jay	Lombard
	Frank	O Rourke
	Eddie	Jackson
	Maura	Mooney
	Eric	Mooney
	Tony	O Rourke
	Ro	Dallen
	Nikti	Cirran
	Christine	Curran
	David	Walsh
	Chole	Hanlon
	Christine	Hanlon
	Noeleen	Curran
	Anita	Byrne
	Charlene	Green
	Mary	Grehan
	Edwina	Gaffney
	Esther	Stafford
	Carly	Byrne
	Sinead	Quinn
	Sinead	Moran
	Patrick	Gaskin
	T	Cooney
	Antoinnette	Cooney
	Annie	Kenna
	Anthony	Byrne
	Laura	M
	John	Gaffney
	Sara	Goulding
		The Ranch
	Peter	Hynes
	Alan	McCann
	Eamonn	Costello
	Patrick	Osborne
	Mark	Tougher
	Margie	Lynch
	Huan	Tao Lau
	Sabrina	Hawkins
	Nicholas	Barrett
	Mark	Ward
	Rula	Abu Affar

Submission Number	First Name	Last Name
4245	Dionne	O Brien
	Kenneth	Dunne
	Louise	O Dwyer
	Christine	Lynch
	Julie	Barry
	Margaret	Corry
	Cheofke	Tomfos
	Margaret	Lyons
	Edel	O Dwyer
	George	Royal
	Kirsty	McGrane
	Donna	Farrell
	Susan	Doyle
	James	Kennedy
	Barry	Milfer
	Anna	McGrane
	Amanda	Miskella
	Jessica	McGrane
	Amanda	Donegan
	Theresa	O Reilly
	Pat	Murtagh
	Rachel	Mitchell
	karen	McAdams
	Rachel	Murphy
	Adam	Carey
	Lauren	Harford
	Donna	Washington
	Hurelia	Bacizc
	Nial	Bean
	Patricia	Clarges
	Kathleen	Royal
	T	Daly
	Zoe	Obeinhein
	Fergal	Butler
	Conor	Kennelly
	Ciara	Ryder
	Michael	Murtagh
	John	Sloan
	Tina	Bennett
	Liz	McCann etc (Petition)

	Martina	Bradley
	Rena	Roche
	Amanda	Doyle
	Jackie	Lyons
	Lidia	Manzo
	Mark	Farrell
	Valerie	Park
	Christine	Dunne
	Desmond	Kernan
	Jemma	Wilfer
	Ronit	Lentin
	Dion	Wilfer
	John	Roche
	Janet	Lyons
	Margaret	McCabe
	Pauline	McAdams
	Catherine	Farrell
	Derek	Rice
	Mark	Kenny
	Bernie	Brannick
	Alan	Corr
	Sheila	Delaney
	Claire	Brennan
	David	O Connor
	Lynne	Heapes
	Sarah	Cassidy
	Sylvia	Kennedy
	Councillor Tina	McVeigh (with petition)
	Ray	Haran

Clarifications on CE Report on Submissions Received on the Proposed Amendments to the Draft Dublin City Development Plan 2016 - 2022

Clarification 1

Material Alteration Reference Number 11.23

Material Alteration Reference Number 11.23 appears twice in the report on page 75 and 78 but its first appearance is an error.

The Chief Executive's recommendation is the one shown on page 78 which if agreed by the Elected Members, would mean the deletion of the text below from the Amended Draft

~~All large scale, mixed-use development (as defined by this Development Plan) of office or residential space will include cultural/artistic uses.~~

Clarification 2

Material Alteration Reference Number 15.7

The Amended Draft (page 78) that was on display proposed to add text to the 2nd bullet point and 5th bullet point of page 145 of the Draft Dublin City Development Plan. The Chief Executive's Report on Submissions on the proposed amendments recommends (page 95) not to add to the 2nd bullet point and only to add some of the text to the 5th bullet point to avoid duplication.

For the purpose of clarity in this instance the effect of the Chief Executive's recommendation, if agreed by the Elected Members, would be the addition of text in green below to the 5th bullet point on page 145 of the Draft Dublin City Development Plan so that the consolidated text reads as follows:

'The development of a neighbourhood park as a key feature of the design to provide recreational amenities, encourage community interaction and provide a focal point/meeting place for the wider local community; the location will be bounded by high-quality streetscapes accommodating commercial, community and residential uses to generate activity, encourage active use of the space and provide passive surveillance. To provide space for an all-weather pitch, Multiple Use Games Area (MUGA), Community centre, and community garden. -Provide quality open green spaces consisting of a minimum of 15% of the site area. Green spaces can serve as sites of social exchange and communicate a respect for nature as a guiding design principle for the site.'

Clarification 3

Material Alteration 16.1

The Chief Executive's recommendation in the Chief Executive's Report on Submissions on the proposed amendments (page 101) received should have stated clearly that the 1st and 2nd paragraph of Section 16.2.1.2 page 154 of the Draft Dublin City Development Plan should be amended with text in red omitted and text in green added so that the consolidated text reads as follows:

'Good design has a key role to play on both reducing waste and emissions which contribute to climate change and ensure future occupants will be able to adapt to the impacts of changing climate. These issues must be considered from the outset of the design process, as issues such as density, building orientation, height, form and materials will influence aesthetics, functionality and resource sustainability. ~~Design should optimise ventilation, minimise overshadowing, minimise glare and excessive solar gain.~~

~~To minimise the waste embodied energy in existing structures, the re-use of existing buildings should always be considered as a first option in preference to demolition and new-build.~~ Buildings should be designed to minimise resource consumption, reducing waste, water and energy use. The re-use of existing buildings should be considered in appropriate cases. Design should optimise natural or heat recovery ventilation, minimise overshadowing, minimise glare and excessive solar gain, avoiding large areas of glazing and providing an appropriate balance between solid and void elements. Materials should be selected which are sustainably sourced and existing materials re-used and recycled wherever possible. Measures which will allow the occupants to adapt to the impacts of climate change include natural ventilation, summer shading, openable windows, the incorporation of living roofs and walls, planting and trees, as well as the inclusion of sustainable urban drainage systems and permeable surfaces in adjoining spaces.'

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Chief Executive's Report on Motions Received on the Proposed Amendments to the Draft Dublin City Development Plan 2016-2022

September 2016



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

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The Chief Executive's Report on Motions: Amended Draft Dublin City Development Plan 2016-2022.

Introduction

This Report sets out the Chief Executive's Responses and Recommendations to each of the Councillor Motions as received on the Amended Draft Dublin City Development Plan 2016-2022.

The layout of this report is similar to the previous Chief Executive's Reports in that motions are grouped by chapter and each topic is dealt within chapter order for ease of reference. In instances where there are no submissions or Councillor Motions on a particular topic, the corresponding section does not appear in this report.

The motion recommendations are broadly categorised as follows:

1. **Motion agreed**
2. **Motion agreed as amended**
(i.e. when Motion is substantially agreed)
3. **Motion noted**
(i.e. matter is already addressed in existing text)
4. **Motion not agreed**
(i.e. planning reasons)
5. **Motion not agreed**
(i.e. outside of scope/ out of order)

Minor typographical errors or discrepancies will be amended in the final plan before publication. Similarly where draft plans or policy documents, prepared by other bodies, have been updated or approved during the development plan review process these will be amended accordingly in the final Development Plan.

Please note in Chief Executive's Recommendation:

Text underlined is new text recommended by the Chief Executive.

Text ***highlighted in italics*** is recommended for deletion by the Chief Executive.

Next Steps

Members will consider this Report as well as the previously circulated Chief Executive's Report on Submissions Received on the Proposed Amendments to the Draft Dublin City Development Plan at the Special Council meeting on the 23rd September 2016 with any unfinished business adjourned to Monday 26th September 2016.

The purpose of the meeting is to reach agreement by resolution on amendments to the final Development Plan.

Pursuant to Sections 12(9) and 12(10) of the Planning and Development Act 2000 as amended, having considered the amendments and the Chief Executive's Report the Members shall, by resolution, make the Development Plan with or without the proposed

amendments except where it is decided to make a modification to a material alteration providing it is 'minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site'. The Act also stipulates that a further modification shall not be made where it relates to an increase in the area of land zoned, or an addition to or a deletion from the Record of Protected Structures.

An SEA Statement and Natura Impact Report will be prepared on final adoption of the Development Plan, demonstrating how environmental and ecological considerations have been integrated into the plan.

The Development Plan shall have effect 4 weeks from the day that it is made.

Motion**5001****Councillor(s) Cllr. Cieran Perry****Refers to:** Chapter 2 - Vision and Core Strategy**Motion****Material Alteration Reference Number 2.4**

Given that the Phibsboro LAP which failed to be adopted provides over 90% of the content for a new LAP, a new Phibsboro LAP will be prioritised on adoption of the Development Plan

Chief Executive's Response

The preparation of new Phibsborough LAP and LEIP has been included in the Draft City Development Plan. The new LAP must go through all statutory process including public consultations and strategic environmental assessments.

Section 2.2.8.1 Area Specific Plans of the Draft City Development Plan, Table F as amended in Proposed Amendments provides for the ordering of the delivery of LAPs to be determined by City Councillors.

Chief Executive's Recommendation

Motion Noted.

The matter raised has been addressed in section 2.2.8.1 Area Specific Plans as Amended and the timing and delivery of scheduled LAPs is a matter for the City Councillors.

Motion**5002****Councillor(s) Lord Mayor Brendan Carr****Refers to:** Chapter 2 - Vision and Core Strategy**Motion****Material Alteration Reference Number 2.4**

That this Council amends the draft plan by the following addition "The Phibsborough LAP which is a revised LAP and already completed should be delivered without delay".

Reason:

The Phibsborough LAP was first drawn up and agreed in 2008. However, its main provisions were never implemented due to the recession. Under statutory requirements it has to be reviewed after six years. Due to misunderstandings in 2015 the Councillors failed to adopt the revised LAP. It is different from the other LAPs as it can be dealt with expeditiously and without the need for significant resources as the work has already been done on its preparation and agreement could be reached quite easily.

Chief Executive's Response

The Phibsborough LAP was not approved by the council and as such there is no LAP. The commencement of a new Phibsborough LAP will follow the statutory procedures including public consultation and strategic environmental assessments including Appropriate Assessment.

Section 2.2.8.1 Area Specific Plans of the Draft City Development Plan, Table F as amended in Proposed Amendments provides for the ordering of the delivery of LAPs to be determined by City Councillors.

Chief Executive's Recommendation

Motion Not Agreed

The matter raised has been addressed in section 2.2.8.1 Area Specific Plans as Amended and the timing and delivery of scheduled LAPs is a matter for the City Councillors.

Motion**5003****Councillor(s) Green Party Group****Refers to:** Chapter 3 - Addressing Climate Change**Motion****Material Alteration Reference Number 3.3**

To retain the phrase “33% reduction by 2020”

Reason: To reflect the wording on page 12 of Dublin City’s Climate Change Strategy

Chief Executive's Response

The following amendment to climate change was agreed by the council at the last special council meeting on the draft plan.

“Dublin city has sought a more ambitious target of 20% reduction for the whole city and for a 33% reduction for the Council’s own energy by 2020, and the EU Mayors Adapt Initiative has agreed to reduce Carbon Dioxide emissions by at least 40% by 2030.”

Chief Executive's Recommendation

Motion is not agreed for planning reason outlined in CE response above

Motion

5004

Councillor(s) Green Party Group

Refers to: Chapter 3 - Addressing Climate Change

Motion

Material Alteration Reference Number 3.9

"All new buildings will be required to meet the passive house standard or equivalent, where reasonably practicable.

By equivalent we mean approaches supported by robust evidence (such as monitoring studies) to demonstrate their efficacy, with particular regard to indoor air quality, energy performance, comfort, and the prevention of surface/interstitial condensation. Buildings specifically exempted from BER ratings as set out in S.I. No. 666 of 2006 are also exempted from the requirements of Policy CCO11.

These requirements are in addition to the statutory requirement to comply fully with Parts A-M of Building Regulations.

Reason: to alleviate fuel poverty and reach carbon reduction targets

Chief Executive's Response

The motion is outside the scope of the Development Plan and is out of order for the numerous reasons given in the Chief Executives Report on Submissions, in that:

- it is inconsistent with National Building Regulations, which is government policy,
- there is no means of enforcing Passive House Standards
- Different standards for Dublin and the rest of the Country will increase unsustainable commuting
- Passive House is a specific trademark which should not be made a mandatory replacement of the Building Regulations in Ireland.

At the request of the elected members a second legal opinion was sought. This legal opinion was received on 2nd September 2016 and circulated to members. This second legal opinion confirms the Chief Executive's strong advice that the Passive House Standard conflicts with national policy, is unenforceable, is ultra vires, and exposes the Council to an expensive High Court challenge. It is also the case that a High Court Judgement against Dublin City Council usually means that the City Council will be required to restart the Development Plan process again from the amended draft plan stage.

It should be noted that the Building Control Standards in Ireland covering energy efficiency are currently being updated in accordance with the DECLG policy document "Towards Nearly Zero Energy Building in Ireland - Planning for 2020 and Beyond" which is part of the Energy performance of Building Directive from the EU. Dublin City Council as a Building Control Authority fully supports the introduction of these higher energy efficiency standards for all buildings nationally.

In this respect the Chief Executive suggests that the City Council should indicate its support for the national review of Building Control Standards and seek that such a review should be expedited.

Chief Executive's Recommendation

Motion is Not Agreed as it is outside the scope of the Development Plan and out of Order.

That new text be inserted at CCO11 incorporating part of the motion, as follows:

“To support and seek that the review of the National Building Regulations be expedited with a view to ensuring that they meet or exceed the passive house standard or equivalent, with particular regard to energy performance and other sustainability considerations, to alleviate fuel poverty and reduce carbon reduction targets.”

Motion

5005

Councillor(s) Cllr. Dermot Lacey

Refers to: Chapter 3 - Addressing Climate Change

Motion

Material Alteration Reference Number 3.9

This Council requests the Manager to, in advance of the conclusion of the meetings (and with sufficient time to review such reports) to deal with the Development Plan, to present a detailed report on how the objectives of the Council in relation to the Eastern by Pass and Passive Housing can be adequately addressed in the final Plan.

Chief Executive's Response

This request is not a motion to amend the Draft Development Plan. Please see Chief Executives report and recommendation in relation to the relevant motions elsewhere in this report, i.e Motions 4055, 4072, 4010, 4017, 4018, 4088, 4089.

Chief Executive's Recommendation

See relevant motions in Chapters 3,8 and 15

Motion

5006

Councillor(s) Cllr. Paul Hand

Refers to: Chapter 3 - Addressing Climate Change

Motion

Material Alteration Reference Number 3.9

That the proposed removal of CC011 on page 12 of the CEO's report be reinstated into the City Development Plan.

Reason:

To promote energy efficiency, sustainable homes and support the democratic decision of the council in the previous round of the development plan.

Chief Executive's Response

The motion is outside the scope of the Development Plan and is out of order for the numerous reasons given in the Chief Executives Report on Submissions, in that:

- it is inconsistent with National Building Regulations, which is government policy,
- there is no means of enforcing Passive House Standards
- Different standards for Dublin and the rest of the Country will increase unsustainable commuting
- Passive House is a specific trademark which should not be made a mandatory replacement of the Building Regulations in Ireland.

At the request of the elected members a second legal opinion was sought. This legal opinion was received on 2nd September 2016 and circulated to members. This second legal opinion confirms the Chief Executive's strong advice that the Passive House Standard conflicts with national policy, is unenforceable, is ultra vires, and exposes the Council to an expensive High Court challenge. It is also the case that a High Court Judgement against Dublin City Council usually means that the City Council will be required to restart the Development Plan process again from the amended draft plan stage.

It should be noted that the Building Control Standards in Ireland covering energy efficiency are currently being updated in accordance with the DECLG policy document "Towards Nearly Zero Energy Building in Ireland - Planning for 2020 and Beyond" which is part of the Energy performance of Building Directive from the EU. Dublin City Council as a Building Control Authority fully supports the introduction of these higher energy efficiency standards for all buildings nationally.

In this respect the Chief Executive suggests that the City Council should indicate its support for the national review of Building Control Standards and seek that such a review should be expedited.

Chief Executive's Recommendation

Motion is Not Agreed as it is outside the scope of the Development Plan and out of Order.

However it is recommended that the new text be inserted at CCO11 incorporating the sentiment of the motion, as follows:

“To support and seek that the review of the National Building Regulations be expedited with a view to ensuring that they meet or exceed the passive house standard or equivalent, with particular regard to energy performance and other sustainability considerations, to alleviate fuel poverty and reduce carbon reduction targets.”

Motion

5007

Councillor(s) Cllr. Dermot Lacey

Refers to: Chapter 4 - Shape and Structure of the City

Motion

Material Alteration Reference Number 4.1

This Council agrees to insert the words "Community to be involved in the development process, including by means of cooperatives and co-housing initiatives" in Section 4.4.

Reason:

While the Chief Executive states that this is adequately catered for it is useful to make it explicitly clear in the plan and to assure the people who did make submissions that there is a value placed on their contribution.

Chief Executive's Response

The second bullet point in Section 4.4 of the June Amended Draft Plan states (The key approaches to achieving this vision underpinning the Development Plan are:)

- The creation and nurturing of sustainable neighbourhoods, **which are designed to facilitate walking and cycling**, close to public transport **insofar as possible**, and a range of community infrastructure, in quality, more intensive mixed-use environments.

Two submissions were received relating to this Amendment, one of which was from the Ringsend Housing Action Group, which sought to have the following additional sentence inserted after the second bullet point in Section 4.4: "Communities to be involved in the development process, including by means of cooperative and 'co-housing' initiatives".

The CE's Response to that submission outlined that the matter raised was not a material alteration to the Draft Plan that went on public display and was outside the scope of the plan at that stage. Notwithstanding this, it was however explained, for clarity, that the matter was adequately addressed elsewhere in the Plan, and a specific reference was made to Section 5.4 ('Strategic Approach' section in the Quality Housing chapter) of the Draft Plan, such as Policy QH4, which states "It is policy of Dublin City Council to support proposals from the Housing Authority and other approved housing bodies and voluntary bodies in appropriate locations subject to the provisions of the Development Plan".

The Chief Executive's recommendation was to retain the text in the Amended Draft.

The motion to insert the requested text into the final plan is the same as the requested text set out in the submission by Ringsend Housing Action Group on the June Amendments.

With regard to the reason for the motion, which is to assure the people who did make submissions that there is a value placed on their contribution, the Chief Executive acknowledges all submissions, and this is expressly stated on the homepage of the dublincitydevelopmentplan.ie website. All submissions were read and taken into consideration.

The inclusion of this text at section 4.4 of the plan is not appropriate. Instead the CE recommends that the 2nd bullet point in section 4.4 could be cross referenced to Policy QH4 which supports proposals from approved housing bodies and voluntary housing bodies.

Chief Executive's Recommendation

Motion agreed as amended.

The text for this bullet point in Section 4.4. shall read in the final plan as follows:

- The creation and nurturing of sustainable neighbourhoods, which are designed to facilitate walking and cycling, close to public transport insofar as possible, and a range of community infrastructure, in quality, more intensive mixed-use environments. (Please refer also to Dublin City Council Policy QH4 which supports proposals from approved housing bodies and voluntary housing bodies).

Motion

5008

Councillor(s) Cllr. David Costello

Refers to: Chapter 4 - Shape and Structure of the City

Motion

Material Alteration Reference Number 4.11

To remove SC08 as an objective of the development plan.

Reason: Any process looking to redevelop College Green would require a vote by Councillors which should not be prejudiced by the City Development plan P 16 of CE's Report.

Chief Executive's Response

The June Amended Draft contains recommended deletions and an addition, shown in red and green respectively, to SC08 as follows:

“To prioritise the redevelopment of College Green as a civic space, **to include including** the pedestrianisation of Foster Place, **and to include the provision of wider footpaths**”

such that the resulting text reads as:

‘To prioritise the redevelopment of College Green as a civic space, including the pedestrianisation of Foster Place’.

It would be remiss and a major omission if the new Development Plan did not refer to a major public realm proposal for College Green, as set out in the City Centre Transport Study.

Dublin Chamber of Commerce in its submission questioned the removal of the reference to ‘wider footpaths’, and stated that it would make sense that increased numbers of pedestrians can be accommodated on pavements in and around College Green, and that wider footpaths should be considered in a number of other specified areas in the city centre.

The CE's Response in the August 2016 Report outlined that SC08 relates to the redevelopment of College Green, and includes reference to Foster Place, and that there is a significant framework being developed to address the re-development of College Green as a largely pedestrianised civic space, and that the matter of adequate footpath widths elsewhere in the city centre is a matter for the City Centre Public Realm Masterplan. The CE's Recommendation was to retain text in the Amended Draft.

With regard to the matters raised in the motion, it is worth re-stating that a significant framework is being prepared by Dublin City Council for the comprehensive re-development of College Green as a civic space. The intention is to promote a shared pedestrian surface with no delineated dropped kerbs in the traditional sense.

Accordingly, it is considered that the wording of Amended SC08 is comprehensive, as it specifically refers to prioritising the redevelopment of College Green as a civic space, but very deliberately does not seek to pre-determine the detailed design for this space.

Nevertheless, in the interests of clarity, a non-material amendment is included to stress the pedestrian character of the civic space.

Chief Executive's Recommendation

Motion not agreed, as it is out of order to seek to delete this objective in its entirety at this stage.

Objective SCO8 should be amended, for clarity, to read in the final plan as follows:

'To prioritise the redevelopment of College Green as a pedestrian friendly civic space, including the pedestrianisation of Foster Place.'

Motion

5009

Councillor(s) Cllr. Dermot Lacey

Refers to: Chapter 4 - Shape and Structure of the City

Motion

Material Alteration Reference Number 4.11

This Council agrees to retain the words "and to include the provision of wider footpaths" in Objective SCO8.

Reason:

It makes clear the objective of same in the redevelopment of the College Green/Foster Place area.

Chief Executive's Response

The June Amended Draft contains recommended deletions and an addition, shown in red and green respectively, to SCO8 as follows:

"To prioritise the redevelopment of College Green as a civic space, **to include including** the pedestrianisation of Foster Place, **and to include the provision of wider footpaths**"

such that the resulting text reads as:

'To prioritise the redevelopment of College Green as a civic space, including the pedestrianisation of Foster Place'.

Dublin Chamber of Commerce in its submission questioned the removal of the reference to 'wider footpaths', and stated that it would make sense that increased numbers of pedestrians can be accommodated on pavements in and around College Green, and that wider footpaths should be considered in a number of other specified areas in the city centre.

The CE's Response in the August 2016 Report outlined that SCO8 relates to the redevelopment of College Green, and includes reference to Foster Place, and that there is a significant framework being developed to address the re-development of College Green as a largely pedestrianised civic space, and that the matter of adequate footpath widths elsewhere in the city centre is a matter for the City Centre Public Realm Masterplan. The CE's Recommendation was to retain text in the Amended Draft.

With regard to the matters raised in the motion, it is worth re-stating that a significant framework is being prepared by Dublin City Council for the comprehensive re-development of College Green as a civic space. It is not relevant to refer to "wider footpaths" as the intention is to promote a shared pedestrian surface with no delineated dropped kerbs in the traditional sense.

Accordingly, it is considered that the wording of Amended SCO8 is comprehensive, as it specifically refers to prioritising the redevelopment of College Green as a civic space, but very deliberately does not seek to pre-determine the detailed design for this space in terms of footpath widths, nor does it seek to pre-determine the detailed design for any other non-specified locations in the city centre.

It is recommended that SCO8 is not amended to include the words "and to include the provision of wider footpaths" as requested by this motion.

Nevertheless, in the interests of clarity a non-material amendment is included to stress the pedestrian character of the civic space.

Chief Executive's Recommendation

Motion agreed as amended. Objective SCO8 shall read in the final plan as follows:

'To prioritise the redevelopment of College Green as a pedestrian friendly civic space, including the pedestrianisation of Foster Place.'

Motion**5010****Councillor(s) Cllr. Nial Ring****Refers to:** Chapter 4 - Shape and Structure of the City**Motion****Material Alteration Reference Number 4.7**

To amend the amended section 4.5.1.2 to replace the term "East Link Toll Bridge" with the "Tom Clarke Bridge".

Reason: To reflect the new name of the bridge.

Chief Executive's Response

The Amended Draft Dublin City Development Plan (June 2016) sets out, under Reference Number 4.5 (Chapter 4) and Reference Number 14.13 (Chapter 14), that all references to the East Link Bridge and East Link Toll Bridge shall be substituted with Tom Clarke Bridge, in the final Plan.

Chief Executive's Recommendation

Motion noted. This matter has been addressed in the Amended Draft Dublin City Development Plan; Ref. 4.5 as follows:

"Written text throughout Plan will be amended, whereby reference to the East Link Bridge and East Link Toll Bridge shall be substituted with Tom Clarke Bridge."

Motion

5011

Councillor(s) Lord Mayor Brendan Carr

Refers to: Chapter 4 - Shape and Structure of the City

Motion

Material Alteration Reference Number 4.7

That this council rejects the CEO's report and proposes the following amendment
"A Docklands heritage trail be established to promote the history of the area.

Reason:

The Wild Atlantic Way and the Ancient East have been successfully launched to promote the attractions of the West and Midlands of Ireland. In January 2016 Fáilte Ireland had its funding doubled from €150 million annually to €300 million to promote tourism projects.

At present the new phase of development is taking place in the Docklands in the Strategic Development Zone for the North Lotts and Grand Canal Dock. An audit has been carried out by DCC for the Department of the Environment on the artefacts in the Docklands area relating to the industrial activities on the Docklands in the past.

Likewise, Dublin Port has a treasure trove of port related materials. There is a strong Docklands Heritage Preservations Group doing promotion work. Moreover, there is the potential of the sea, river and canal. The Docklands has so much tourist potential to offer if structured into a heritage trail.

This amendment in the Development Plan affirms the intention of the Dublin City Council to promote this heritage and reinforces its position when seeking funding from statutory agencies.

Chief Executive's Response

The Chief Executive's Report on Submissions Received on the Proposed Amendments to the Draft Dublin City Development Plan refers to a number of policies and objectives, relating to the heritage and amenities of the Docklands already in the Draft Plan. For example, SDRA 6 Docklands sets out under Section 15.1.1.7, the aim of developing and championing a Maritime Heritage Strategy to attract visitors to the Docklands Area, and of promoting the Docklands as a location of sustainable tourism including cultural, recreational and business tourism.

It is not considered necessary to replicate this content of Section 15.1.1.7 elsewhere in the Plan under Section 4.5.1.2 (Approach to the Docklands and the Port), as it would result in the needless duplication of text in the final Plan, and could potentially raise confusion as to why the same content is being re-stated in the document.

Moreover, elsewhere in the Amendments for Chapter 11 (Reference Number 11.12), it is set out that the new Dublin City Heritage Plan will be published in 2017 and will be based on the consultative framework undertaken in 2012. The proposal to establish a Docklands heritage trail is a matter that may be investigated further as part of the compilation of the Dublin City Heritage Plan.

Furthermore, Dublin City Council, in conjunction with other bodies, has actively supported and promoted various high-profile events and festivals in the Docklands area in recent years, such as FlightFest, Talls Ships and the Docklands Festivals, which have capitalised on the tourism and leisure potential of the built environment and the various waterbodies in the Docklands area.

Notwithstanding the above, the motion could be adjusted and included in the text at 11.1.5.16 as a non-material amendment to the Heritage Plan.

Chief Executive's Recommendation

Motion agreed as amended. Add text to 11.1.5.16 (page 101 of Draft Plan) City Heritage Plan as follows:

“The new Dublin City Heritage Plan will be published in 2017 and will be based on the consultative process undertaken in 2012. The new heritage plan will set in place a framework for collaboration within the City Council and with external partners to identify and carry forward research priorities from the first plan and to create a mechanism for identifying and delivering new research themes, projects and communicating with diverse audiences. One such project will be a Docklands Heritage Trail to promote the heritage of the area”.

Motion

5012

Councillor(s) Cllr. Nial Ring

Refers to: Chapter 5 - Quality Housing

Motion

Material Alteration Reference Number 5.4

To acknowledge the rationale behind Motion 2051 which was passed by the City Council, but ruled out of order by the Chief Executive, by adding to Policy QH3 an acknowledgement that the Provisions of the Urban Regeneration and Housing Act 2015 removes the option of providing cash payment in lieu of social housing and further provides for the transfer of completed units on other land if a Part V agreement so provides. Furthermore this policy should include a statement that any such transfer must be completed either before or at the same time as the units would have been completed under a regular Part V agreement.(Material Alteration Reference Number 5.4 - Policy QH3)

Reason: To ensure that any off site deals fulfil the provision of social units.

Chief Executive's Response

All planning applications submitted to the Planning Authority are assessed in accordance with the City Development Plan and all appropriate statutory legislation including the Planning and Development Acts (2000 and as amended) and the Urban Regeneration and Housing Act 2015. It is not considered necessary or appropriate to include one specific element of planning legislation within the City Development Plan. All legislation must be complied with and is equally relevant. The Chief Executive acknowledges the rationale behind Motion 2051. This same rationale has led to changes in legislation which came into effect on 1st September 2015. The new legislation firmly places the focus on the delivery of new social housing units under Part V agreements.

Having said that there is no objection to cross referencing Policy QH3 to the Urban Regeneration and Housing Act 2015 as a whole.

Chief Executive's Recommendation

Motion agreed as amended.

QH3:

(1) To secure the implementation of the Dublin City Council Housing Strategy in accordance with the provisions of national legislation. In this regard, 10% of the land zoned for residential uses, or for a mixture of residential and other uses, shall be reserved for the provision of social and/or affordable housing in order to promote tenure diversity and a socially inclusive city.

(2) To engage in active land management including the implementation of the vacant levy on all vacant residential and regeneration lands as set out in the Urban Regeneration and Housing Act 2015.

Motion**5013****Councillor(s) Cllr. David Costello****Refers to:** Chapter 5 - Quality Housing**Motion****Material Alteration Reference Number 5.4**

Retain text in Amended Draft and add:

“In addition the City Development Plan will through its active land management approach seek to implement the National Action Plan for Housing and Homelessness (2016) while taking into consideration the Pobal Deprivation index to ensure appropriate provision of social and community services.”

(Additional text in italics)

Reason to ensure areas of high deprivation have the appropriate infrastructure included as part of the planning process.

Chief Executive's Response

There was no submission received on the subject of the Pobal deprivation index. It would constitute a material alteration that was not the subject of the public display on which the public had an opportunity to comment and so is out of order.

Chief Executive's Recommendation

Motion in not agreed, out of Order.

Motion

5014

Councillor(s) Green Party Group

Refers to: Chapter 5 - Quality Housing

Motion

Material Alteration Reference Number 5.9

Change:

“The demolition of existing housing is generally discouraged on sustainability grounds and it may lead to a loss of residential accommodation and streetscape character.”

To

“The demolition of existing housing is generally discouraged on sustainability grounds. It may lead to a loss of residential accommodation, streetscape character and increase in carbon use. A calculation of embodied energy for the existing and proposed new building may be used to inform a decision on this issue.”

Reason: to reach carbon reduction targets

Chief Executive's Response

The amendment proposed under Reference Number 5.9 was merely to insert a paragraph break following comments on the Draft Plan that the issue of demolition and accommodation on the upper floors should be separated clearly. The motion proposes the insertion of a new provision to calculate embodied energy for existing and new buildings in assessing applications for demolition. As a new provision it is outside the scope for this stage in the Development Plan process.

In any case a standard for embodied energy is already included at the end of section 16.2.1.2 of the Draft Plan page 155 as follows:

"In order to reduce energy consumption, the following key design considerations should be considered at an early stage in the design process and incorporated, where feasible:

- Passive solar design including the orientation, location and sizing of windows
- The use of green building materials: low embodied energy products such as low carbon cement and recycled materials
- The use of natural ventilation or mechanical ventilation with heat recovery
- Energy-efficient window glazing units and frames
- Building envelope air tightness
- Appropriate use of thermal mass and insulation
- Appropriate renewable technologies
- Measures to conserve water"

,

Chief Executive's Recommendation

Motion not agreed: outside scope of this stage of the Development Plan.

Motion

5015

Councillor(s) Lord Mayor Brendan Carr

Refers to: Chapter 6 - City Economy and Enterprise

Motion

Material Alteration Reference Number 6.6 and 6.7

Motion: That this Council amends the Development Plan as follows: "All businesses should be strongly encouraged to embrace living wage employment for their employees".

Reason:

While I understand the CEO's contention that "a living wage" is not deliverable through the Development Plan, I do not agree that such an objective is outside the scope of the Development Plan. The wish of the Councillors is that a living wage should be universal which is why the proposed Dublin City Development Plan includes a commitment for "living wage employment for Dublin City Council developments". Considering further that the Lord Mayor has made it one of his main objectives during his term of office to encourage the private sector to engage in living wage employment it appears to state the City Development Plan should not be able to reflect the Lord Mayor's policies for the City.

Chief Executive's Response

Issues of low pay and a living wage are very important social and economic issues for the city and the Lord Mayor's initiative in this regard is most welcome. These issues were raised in submissions to the Amended Draft. In the Chief Executive's response the following was set out:

"Policy CEE4(iii) which sets out: "To promote jobs which provide quality of life and allow workers to play a full social and economic role in the development of the city."

Goal 7 of the Local Economic and Community Plan refers to growing 'quality' employment, and the LECP is incorporated into the Draft Plan Vision and Core Strategy chapter.

The Employment and Enterprise Strategy (Section 2.2.4) sets out the following:

"The ultimate purpose of the development plan is social, providing for people's needs in all aspects of their lives and across their life cycle in areas such as housing, employment, recreation, social and commercial services, in a sustainable manner. The social purpose of the Development Plan is complemented by the Local Economic & Community Plan."

The issue of a living wage could be pursued through the Local Community Development Committee and the Economic Development and Enterprise SPC. The current Draft Plan policy context is considered sufficient.

However a living wage is not deliverable through the Development Plan, and as such is outside the scope of the plan."

The Chief Executive August Report recommended adoption of an amendment to Policy CEE17 to read as follows: "To promote social labour clauses and living wage employment for Dublin City Council developments" (Reference Number 6.6: 6.5.5 Employment, Enterprise and Economic Development Sectors)

Chief Executive's Recommendation

Amend CEE17 “to promote social labour clauses and living wage employment for Dublin City Council developments”

So that it reads

“ to promote social labour clauses and living wage employment for Dublin City Council developments and encourage living wage employment generally in the city”

Motion

5016

Councillor(s) Cllr. Cieran Perry

Refers to: Chapter 6 - City Economy and Enterprise

Motion

Material Alteration Reference Numbers 6.6 and 6.7

Amend CEE17 to include an additional line "Dublin City Council will publicly promote the Living Wage Policy as a contributor to the economic growth of the City".

Chief Executive's Response

Issues of low pay and a living wage are very important social and economic issues for the city and the Lord Mayor's initiative in this regard is most welcome. These issues were raised in submissions to the Amended Draft. In the Chief Executive's response the following was set out:

"Policy CEE4(iii) which sets out: "To promote jobs which provide quality of life and allow workers to play a full social and economic role in the development of the city."

Goal 7 of the Local Economic and Community Plan refers to growing 'quality' employment, and the LECP is incorporated into the Draft Plan Vision and Core Strategy chapter.

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The issue of a living wage could be pursued through the Local Community Development Committee and the Economic Development and Enterprise SPC. The current Draft Plan policy context is considered sufficient.

However a living wage is not deliverable through the Development Plan, and as such is outside the scope of the plan."

The Chief Executive August Report recommended adoption of an amendment to Policy CEE17 to read as follows: "To promote social labour clauses and living wage employment for Dublin City Council developments" (Reference Number 6.6: 6.5.5 Employment, Enterprise and Economic Development Sectors)

Chief Executive's Recommendation

Motion agreed, with amendments as follows:

Amend CEE17 "to promote social labour clauses and living wage employment for Dublin City Council developments"

So that it reads

" to promote social labour clauses and living wage employment for Dublin City Council developments and encourage living wage employment generally in the city"

Motion

5017

Councillor(s) Cllr. Paul Hand

Refers to: Chapter 6 - City Economy and Enterprise

Motion

Material Alteration Reference Number 6.6 and 6.7

That policy CEE17 as worded in green on page 28 of the CEO's report on submissions remain in the City Development Plan.

Reason:

To promote sustainable employment in the City.

Chief Executive's Response

Issues of low pay and a living wage are very important social and economic issues for the city and the Lord Mayor's initiative in this regard is most welcome. These issues were raised in submissions to the Amended Draft. In the Chief Executive's response the following was set out:

"Policy CEE4(iii) which sets out: "To promote jobs which provide quality of life and allow workers to play a full social and economic role in the development of the city."

Goal 7 of the Local Economic and Community Plan refers to growing 'quality' employment, and the LECP is incorporated into the Draft Plan Vision and Core Strategy chapter.

The Employment and Enterprise Strategy (Section 2.2.4) sets out the following:

"The ultimate purpose of the development plan is social, providing for people's needs in all aspects of their lives and across their life cycle in areas such as housing, employment, recreation, social and commercial services, in a sustainable manner. The social purpose of the Development Plan is complemented by the Local Economic & Community Plan."

The issue of a living wage could be pursued through the Local Community Development Committee and the Economic Development and Enterprise SPC. The current Draft Plan policy context is considered sufficient.

However a living wage is not deliverable through the Development Plan, and as such is outside the scope of the plan."

The Chief Executive August Report recommended adoption of an amendment to Policy CEE17 to read as follows: "To promote social labour clauses and living wage employment for Dublin City Council developments" (Reference Number 6.6: 6.5.5 Employment, Enterprise and Economic Development Sectors)

Chief Executive's Recommendation

Motion agreed, with amendments as follows:

Amend CEE17 "to promote social labour clauses and living wage employment for Dublin City Council developments"

So that it reads

“ to promote social labour clauses and living wage employment for Dublin City Council developments and encourage living wage employment generally in the city”

Motion **5018**

Councillor(s) **Green Party Group**

Refers to: Chapter 7 - Retailing

Motion

Material Alteration Reference Number 7.1

Change: 4m To 5m

Reason: to provide quality ground floor uses.

Chief Executive's Response

The issue which was the subject of the motion did not go to public display and so cannot be considered as it is out of order.

Chief Executive's Recommendation

Motion is not agreed. Out of order.

Motion

5019

Councillor(s) Green Party Group

Refers to: Chapter 7 - Retailing

Motion

Material Alteration Reference Number 7.1

To reject the manager's recommendation and maintain the text in the amended draft as follows:

“RD8A: To safeguard the health of young people that no further fast food outlets shall be permitted within 250m radius of primary and secondary school.(not to apply to delis and convenience stores)”

Reason:

In the interests of proper planning and to support health and wellbeing.

Chief Executive's Response

The City Council is actively involved in promoting a healthier lifestyle in the city and amongst people of all ages including policies and objectives in the draft plan to actively promote cycling and walking and engagement with sports. This text was added to this policy as the Chief Executive was concerned that the policy could be used to restrict competition and could expose the Council to Judicial review.

It is therefore recommended that this text remain as per the amendment.

Chief Executive's Recommendation

Motion is not agreed, for the reasons set out above and in the CE Report on Submissions Received on proposed amendments (August 2016) page 31. To retain text in Amended draft, and added text from CE Report on Submissions to read in full:

RD8A: To safeguard the health of young people that no further fast food outlets shall be permitted within 250m radius of primary and secondary schools (not to apply to delicatessens and convenience stores), unless an evidence based case is made by the applicant that the proposed development would be in the interests of the proper planning and development of the area.

Motion

5020

Councillor(s) Cllr. Cieran Perry

Refers to: Chapter 7 - Retailing

Motion

Material Alteration Reference Numbers 7.1

RD8A – retain the original text and remove the Chief Executive’s suggested additional text. “unless an evidence based case is made by the applicant that the proposed development would be in the interests of the proper planning and development of the area”

Reason:

Given that it is recognised that Irish youth are facing a problem of increasing obesity this policy must be strong enough not to be circumvented. The Chief Executive’s proposed additional text would weaken the policy.

Chief Executive's Response

The City Council is actively involved in promoting a healthier lifestyle in the city and amongst people of all ages including policies and objectives in the draft plan to actively promote cycling and walking and engagement with sports. This text was added to this policy as the Chief Executive was concerned that the policy could be used to restrict competition and could expose the Council to Judicial review.

It is therefore recommended that this text remain as per the amendment.

Chief Executive's Recommendation

Motion is not agreed, for the reasons set out above and in the CE Report on Submissions Received on proposed amendments (August 2016) page 31. To retain text in Amended draft, and added text from CE Report on Submissions to read in full:

RD8A: To safeguard the health of young people that no further fast food outlets shall be permitted within 250m radius of primary and secondary schools (not to apply to delicatessens and convenience stores), unless an evidence based case is made by the applicant that the proposed development would be in the interests of the proper planning and development of the area.

Motion

5021

Councillor(s) Cllr. Dermot Lacey

Refers to: Chapter 8 - Movement and Transport

Motion

Material Alteration Reference Number 8.1

Dublin City Council does not support the proposed Eastern By Pass as an over surface road across Dublin Bay and therefore agrees to amend 8.1 by including the words:

“Any such road shall only be considered as tunnelled roadway as outlined in previous City Council development Plans and referred to as the Southern port Access Route”.

Reason:

There is a need to establish the clear view of the City Council in terms of the type of roadway that might be approved and to avoid any confusion caused by the sometimes interchangeable references to “Eastern By Pass” and “Southern Port Access Route”. Given that provision for a route is being provided for I submit this would not make this motion and adopting it inconsistent with national policy.

Chief Executive's Response

The motion refers to ‘8.1’, however it is assumed that the relevant amendment reference is 8.26, whereby the amended draft Plan recommended the addition of new objective MTO27A. This sought the protection of the eastern bypass route to the south port and retention of a route corridor for the remainder of the route.

MTO27A: To protect the route of the proposed eastern by-pass in accordance with Transport Infrastructure Irelands ‘Corridor protection study – Sector A – Dublin Port Tunnel to Sandymount Strand & for the longer term to retain a route corridor between Poolbeg and the Southern Cross/Southeastern Motorway via an eastern bypass of the city, in accordance with the National Transport Authority’s Transport Strategy for the Greater Dublin Area 2016-2035’.

The motion appears to relate to the latter element of the route, ie the longer section which traverses the Bay area as illustrated in the amended Draft - Map J.

The Planning Authority is obliged to protect the route corridor (only) at this stage of the process in accordance with national policy. It could be argued that to formalise the requested restriction on design to a tunnelled roadway alone may in fact prejudice due process in the future by ruling out the possibility of considering options for alternative designs.

This said, the matter of design may be revisited in future development plans, when there will be improved clarity on design parameters from the National Transport Authority and Transport Infrastructure Ireland . Until then the use of the wording from previous Development Plan is considered appropriate in all the circumstances and allow for the SDZ plan in relation to Poolbeg West and the Port to proceed. However MTO27A could be amended to take account of this motion.

Chief Executive's Recommendation

Motion agreed as amended to read as:

“MTO27A: To protect the routes of the proposed eastern Bypass from Dublin Port existing Tunnel to Poolbeg, and in the longer term to provide a route corridor between Poolbeg and the Southern Cross/South East Motorway (in accordance with the NTS Study for the Greater Dublin Area 2016-2035), also referred to as the Southern Port Access Route. The preferred route for DCC is by means of a bored tunnel, under Sandymount Strand and Merrion Strand and will be subject to full statutory Environmental Assessment, together with an Appropriate Assessment for the entire proposed routes, in accordance with the Habitats Directive, together with a full consultation process.”

Motion

5022

Councillor(s) Cllr. Andrew Montague

Refers to: Chapter 8 - Movement and Transport

Motion

Material Alteration Reference Number 8.3

To retain the targets for walking and cycling from the Draft Development Plan: “increasing the percentage share of walking from 10% to 15% and to raise cycling from 5% to 10% based on Canal Cordon Counts:

Reason: to increase sustainable and active transport within the city, which is consistent with the aim of the Transport Strategy for the Greater Dublin Area. Having specific targets for walking and cycling in the Development Plan helps to focus attention and the work that needs to be done.

Chief Executive's Response

The motion relates to one of a number of bullet points setting out challenges in relation to movement and transport. The approach taken (in the Chief Executive's report on submissions on amendments) was directly based on the recommendation received from the National Transport Authority (see p 34) to provide a qualitative objective instead of the previous 30% for active modes which was seen as unrealistic.

The motion is seeking a return to text contained in the draft plan, whereas changes recommended in the Amended Draft plan were worded in order to align the Development Plan with the content of the updated National Transport Authority Strategy 2016-2035. This remains relevant.

In relation to mode targets, it is national policy under 'Smarter Travel' to achieve 10% of trips by bicycle by the year 2020. Dublin City Council considers an appropriate figure for the city to be 25% in order to help meet the 10% national target. However, this will take some time beyond the scope of the next development plan to achieve as the current percentage is just 5%. It is also hoped to reduce private car use to 20%, leaving approx 80% for all sustainable modes, as was set out in section 5.1.2 (p50) of the 2011-2017 plan.

The motion seeks (when the figures are combined) 25% of mode share by walking and cycling. Whilst there is no particular issue with this in overall terms, a specific breakdown of separated targets as sought (ie walking to rise to 15% and cycling to 10%) , is not underpinned by any specific policy/evidence base and would be difficult to justify at present - particularly if it is to be achieved during the life of the Development Plan. The National Transport Authority had previously sought the removal of the walking and cycling targets set out under section 8.3 (see page 33 of the amended draft) in favour of a qualitative standard. It was on this basis that the new text was recommended on p 34 of the Chief Executives report on submissions (Aug 2016)

Chief Executive's Recommendation

Motion is not agreed.

(i) for planning reasons outlined in the Chief Executive's response and (ii) in order to ensure consistency of transport targets. The recommended text for paragraph 8.3 on page 34 of the CE Report on Submissions (Aug 2016) to remain as follows:

“Increasing significantly the existing mode share for active modes i.e walking and cycling, and

supporting the forthcoming National Policy Framework for Alternative Fuels Infrastructure”

Motion

5023

Councillor(s) Cllr. Paul Hand

Refers to: Chapter 8 - Movement and Transport

Motion

Material Alteration Reference Number 8.26

That any reference to the Eastern by-pass be removed from the City Development Plan.

Reason: to promote sustainable travel, to retain land that could be used for housing, to protect the environment of Dublin Bay, a UNESCO biosphere.

Chief Executive's Response

Material alteration 8.26 and proposed objective MTO27A relate. The CEs report on submissions received in relation to this has dealt with the matter clearly (see p47) in that there is a legislative obligation to ensure consistency with national transport policy. This position has not changed. Section 9(6A)of the Planning and Development Act (as amended) states “ Each planning authority within the Greater Dublin Area shall ensure that its development plan is consistent with the transport strategy of the DTA”

There is no evidence that omitting the objective would reduce net carbon emissions nor utilise land more appropriate for housing. In relation to Biosphere and other environmental designations, any future design for the route would be subject to relevant methods of environmental appraisal .

The proposed amendment to include reference to the route in Map J (see p 137 of the ‘Amended Draft’ document) is also considered necessary to support proposed objective MTO27A by representing the proposal indicatively.

Chief Executive's Recommendation

Motion is not agreed as it is outside the scope of the Development Plan and conflicts with national policy.

Motion**5024****Councillor(s) Green Party Group****Refers to:** Chapter 8 - Movement and Transport**Motion****Material Alteration Reference Number**

“The vision for cycling is to make Dublin a city where people of all ages and abilities have the confidence, incentive and facilities to cycle so that by 2022, 25- 30% of all new commutes within the city will be by bike”

Reason:

Given that we reference cars it is worth reinstating a similar wording on cycling that was contained within the 2011-2017 Plan

Chief Executive's Response

No submissions have been received on the matter and no material amendment was put on public display.

However the issue is already addressed in the Draft Plan. i.e. Dublin City Council aims to increase mode share associated with cycling to reach a minimum target of 25%.

Chief Executive's Recommendation

Motion Noted.

Motion

5025

Councillor(s) Cllr. Nial Ring

Refers to: Chapter 8 - Movement and Transport

Motion

Material Alteration Reference Number 8.6, 8.7, 8.8

To remove all references to the Dublin City Centre Transport Study from the Development Plan.(Material Alteration Reference Numbers 8.6/7/8)

Reason:

As stated in my reason for Motion 2079 (passed by 21 votes to 2 by the City Council) this is a consultation document only and has not got a similar status to the other documents referred to at MT1. Its inclusion pre-empts the final decision on whether, or not, the recommendations of the study are adopted by the City Council and its inclusion would be an incorrect indication of its recommendations being approved DCC policy/strategy.

In addition, notwithstanding the fact that Motion 2079 was passed by members, a decision was taken to include a reference to the document under the same section - not in the list of documents but inserted in a new paragraph six lines later! Having had this pointed out to them, officials have now removed the reference from there but are now proposing to include it in another section (8.4 rather than 8.5) but also including a pseudo reference to it in Section 8.5.1. This determination to go against the vote on Motion 2079 must be challenged and the easiest way is to have a clear and unequivocal motion as above.

Chief Executive's Response

By way of background to this response, the final Dublin City Centre Transport Study (DCCTS) was approved at the Transportation SPC on the 25th of May 2016. By way of background to this response, the final Dublin City Centre Transport Study (DCCTS) was noted at the Transportation SPC on the 25th of May 2016. The report subsequently went to the City Council meeting on 13th June 2016 (report 178/2016) where the contents of the study was noted. Members requested that the Dublin City Centre Transport Study (DCCTS) be circulated to them and indicated that they would welcome an opportunity to discuss this issue in the future. Further to this, a presentation on the City Centre Study for all elected members was held on the 5th of July in the Council Chamber.

The DCCTS provides a framework the implementation of joint NTA/Dublin City Council policy, and it does not conflict with policies in the development plan. It should also be noted that approval of the DCCTS does not assume approval for the implementation of projects that may occur on foot of the study. Each individual project that comes under the study will be subject to normal due process - such as part 8 procedure (which is a reserved function of elected members) or EIA.

In this context , the removal of all references to the study from the Development Plan at this stage, would weaken policy support for effective traffic management and improved public realm. The National Transport Authority sought additional references to the study in order to highlight its importance (see 'Material Alteration Reference 8.8' below)
Each of the material alteration references referred to in the motion are dealt with in turn below.

Material Alteration Ref. No. 8.5. The Chief Executives Report dated August 2016, page 40, recommended that the paragraph on the DCCTS be amended to clarify that 'Any approved project in the Study will be subject to Environmental Screening and Assessment'. See full text in recommendation.

The full recommended addition to paragraph 8.4 of the Draft Development Plan now reads "Dublin City Centre Transport Study: This sets out.....Assessment, as appropriate".

Material Alteration Reference 8.6; The amended draft Plan recommended 'the deletion of the words 'Dublin City Centre Transport Study'. This is consistent with the motion. Its removal was recommended because reference to the DCCTS was not necessary in a list of strategic documents.

Material Alteration Reference 8.7, which relates to MTO1, does not refer in any direct way to the DCCTS. It is primarily intended to encourage mixed use development along public transport nodes and public transport corridors.

Material Alteration Reference 8.8 ; This sought the insertion of text to end of 2nd paragraph on p 59 " The Draft plan supports the approach of the City Centre Transport Study in redefining the transport network and improving public realm". This was on foot of a request from the National Transport Authority to draw greater attention to the study in the relevant section. Were references to the DCCTS removed, this would clearly be contrary to the wishes of the National Transport Authority which has a national level remit.

Taking all the above into account, and procedure followed to date, it is considered inappropriate to omit all references to the DCCTS which is an important document to improve public realm and traffic management.

Chief Executive's Recommendation

Motion not agreed for the reasons outlined above. However it is recommended the text at 8.4 (Material Alteration reference no.8.5 be amended

from:

"Dublin City Centre Transport Study

This sets down a framework for how the City's transport network can be redefined to cater for increased usage, by better utilising infrastructure available, and moving towards a more sustainable and efficient use of public realm in the city centre. The study integrates the policies of the National Transport Authority and Dublin City Council in an agreed framework, and includes specific measures for streets and junctions stretching from Bachelors Walk to St. Stephen's Green."

To:

The Development Plan supports the need for a City Centre Transport Study which sets down a framework for how the City's transport network can be redefined to cater for increased usage, by better utilising infrastructure available, and moving towards a more sustainable and efficient use of public realm in the city centre. The study will integrate the policies of the National Transport Authority and Dublin City Council in an agreed framework, and include specific measures for streets and junctions stretching from Bachelors Walk to St. Stephen's Green. Any approved project identified in the study will be the subject of Environmental Screening and assessment as appropriate"

Motion

5026

Councillor(s) Cllr. Dermot Lacey

Refers to: Chapter 8 - Movement and Transport

Motion

Material Alteration Reference Number 8.9

This Council agrees to retain the words “is guided by” in 8.5.1 relating to the National Transport authority Draft transport Plan and rejects the words “must be consistent with”

Reason:

It is important that this Council asserts its democratic mandate to direct transport policy in the Dublin City area and while respectful of the role of the National Transport Authority will not be instructed by it.

Chief Executive's Response

It appears that the alteration being referred to is reference 8.9 on p 40 of the CEs report on submissions (on amendments) which recommended the replacement of “ is guided by “ with “ must be consistent with”the content of the NTAs Transport strategy for the Greater Dublin Area . This relates to the first paragraph on public transport on p59 of the draft Plan.

This change was made in response to submissions received which specifically sought this change.

Section 9(6A)of the Planning and Development Act (as amended) .. states “ Each planning authority within the Greater Dublin Area shall ensure that its development plan is consistent with the transport strategy of the DTA”.

Whilst the democratic mandate of the elected representatives is understood, this does not however extend to discretion in relation to national law. The Plan text should, in the interests of clarity, reflect the significance of this legislation. However the CE suggests the text could be amended to reflect that DCC and the NTA must collaborate to achieve improved sustainable transport for the city and region.

Chief Executive's Recommendation

Motion not agreed as it would be inconsistent with national policy, however suggested amended text for 8.5.1 is as follows:

Change from:

Dublin City Council policy on transport must be consistent with the content of the National Transport Authority's Transport Strategy for the Greater Dublin Area 2016 – 2035.

Change to:

“DCC Policy on public transport will be implemented in collaboration with the NTA's Transport Strategy for the Greater Dublin Area 2016-2035”.

Motion**5027****Councillor(s) Green Party Group****Refers to:** Chapter 8 - Movement and Transport**Motion****Material Alteration Reference Number 8.12**

Change:

"MTO6A: To promote and seek the development of a new commuter rail station at Cross Guns serving the existing rail line infrastructure. Such a provision may be a stand-alone facility or form part of a larger mixed use development".

To

"MTO6A: To promote and seek the development of new commuter rail station at Cross Guns and at the New Cabra Road serving the existing rail line infrastructure. Such a provision may be a stand-alone facility or form part of a larger mixed use development".

Reason: In the interests of improving public transport

Chief Executive's Response

The response in the Chief Executive's August report stated that the text change sought relates to the provision of a second station at New Cabra Road, in addition to a station at Cross Guns . . . This was seen as a significant addition rather than a change to the amendment. The text change did not relate to the amendment per se.

In addition to the above, it is also important to note that a station at Cabra road has not been previously explored for feasibility. To insert 'New Cabra Road' into the objective is therefore premature and may unfairly generate public optimism. At this stage of the process there is no option for public input by way of submission on any significant changes

The City Council cannot revisit this as this was agreed by the City Council as part of the proposed amendment of the Draft Plan and was put on public display. This would be considered a material amendment, is out of order, there is no opportunity at this stage to go back on public display.

Chief Executive's Recommendation

Motion not agreed. Out of order.

Motion

5028

Councillor(s) Cllr. Dermot Lacey

Refers to: Chapter 8 - Movement and Transport

Motion

Material Alteration Reference Number 8.4

This Council deletes the reference to approval for the Dublin City Centre Transport Study: Reference number; 8.4, 8.5 and 8.51 and 8.8, 8.6 (page 36, 37 and 38 of the Report from the Chief Executive.

Reason:

The Study has not yet been completed or approved and it would be highly irresponsible to give such approval without seeing the contents.

Chief Executive's Response

By way of background to this response, the final Dublin City Centre Transport Study (DCCTS) was noted at the Transportation SPC on the 25th of May 2016. The report subsequently went to the City Council meeting on 13th June 2016 (report 178/2016) where the contents of the study was noted. Members requested that the Dublin City Centre Transport Study (DCCTS) be circulated to them and indicated that they would welcome an opportunity to discuss this issue in the future. Further to this, a presentation on the City Centre Study for all elected members was held on the 5th of July in the Council Chamber.

The DCCTS provides a framework the implementation of joint NTA/Dublin City Council policy, and it does not conflict with policies in the development plan. It should also be noted that approval of the DCCTS does not assume approval for the implementation of projects that may occur on foot of the study. Each individual project that comes under the study will be subject to normal due process - such as part 8 procedure (which is a reserved function of elected members) or EIA.

In this context , the removal of all references to the study from the Development Plan at this stage, would weaken policy support for effective traffic management and improved public realm. The National Transport Authority sought additional references to the study in order to highlight its importance (see 'Material Alteration Reference 8.8' below)
Each of the material alteration references referred to in the motion are dealt with in turn below.

Material Alteration Ref. No. 8.5. The Chief Executives Report dated August 2016, page 40, recommended that the paragraph on the DCCTS be amended to clarify that 'Any approved project in the Study will be subject to Environmental Screening and Assessment'. See full text in recommendation below.

Material Alteration Reference 8.6; The amended draft Plan recommended 'the deletion of the words 'Dublin City Centre Transport Study'. This is consistent with the motion. Its removal was recommended because reference to the DCCTS was not necessary in a list of strategic documents.

Material Alteration Reference 8.8 ; This sought the insertion of text to end of 2nd paragraph on p 59 " The Draft plan supports the approach of the City Centre Transport Study in redefining the transport network and improving public realm". This was on foot of a request from the National Transport Authority to draw greater attention to the study in the relevant section. Were references

to the DCCTS removed, this would clearly be contrary to the wishes of the National Transport Authority which has a national level remit.

Taking all the above into account, and procedure followed to date, it is considered inappropriate to omit all references to the DCCTS which is an important document to improve public realm and traffic management.

Chief Executive's Recommendation

Motion not agreed for the reasons outlined above. However it is recommended the text at 8.4 (Material Alteration reference no.8.5 be amended

from:

“Dublin City Centre Transport Study

This sets down a framework for how the City’s transport network can be redefined to cater for increased usage, by better utilising infrastructure available, and moving towards a more sustainable and efficient use of public realm in the city centre. The study integrates the policies of the National Transport Authority and Dublin City Council in an agreed framework, and includes specific measures for streets and junctions stretching from Bachelors Walk to St. Stephen’s Green.”

To:

The Development Plan supports the need for a City Centre Transport Study which sets down a framework for how the City’s transport network can be redefined to cater for increased usage, by better utilising infrastructure available, and moving towards a more sustainable and efficient use of public realm in the city centre. The study will integrate the policies of the National Transport Authority and Dublin City Council in an agreed framework, and include specific measures for streets and junctions stretching from Bachelors Walk to St. Stephen’s Green. Any approved project identified in the study will be the subject of Environmental Screening and assessment as appropriate”

Motion

5029

Councillor(s) **Green Party Group**

Refers to: Chapter 8 - Movement and Transport

Motion

Material Alteration Reference Number 8.15

Reinstate Policy MT10 (Page 61)

MT10: To provide 30kph speed limits and traffic calmed areas in each of the neighbourhoods shown in map "A City Neighbourhoods" in Chapter 12.

Reason: to improve road safety

Chief Executive's Response

The motion proposes the reinstatement of MT10 which was recommended for deletion in the Amended Draft (see p 37) . The Chief Executive's report sought to retain the text of the amended draft (ie the deletion of MT10) on page 37 of the amended draft, because a more appropriate objective was been recommended for inclusion in the section on Traffic Management . See Reference 8.28 and recommended objective MTO36A, which reads: *

"MTO36A: To support the implementation of appropriate speed limits throughout the City in accordance with guidelines published by the Department of Transport, Tourism & Sport"

(Note : * Type MTO10A (page 42 CE Report, August 2016) should read MTO36A)

A public consultation procedure has recently ended in relation to management of 30 kph zones, and the development plan process should not predetermine the outcome of this process. This said, the relevance of MT10 could be revised to address the current position and this could supplement MTO36A. MT10 could hence be reinserted but modified to the following;

"To provide 30kph speed limits and traffic calmed areas at appropriate locations and subject to stakeholder consultation."

This is not considered a material change to the plan.

Chief Executive's Recommendation

Motion agreed with amendments ; Re-insert MT10 as 'now revised' to read as follows (section 8.5.4 of the draft plan);

"MT10: To provide 30kph speed limits and traffic calmed areas at appropriate locations throughout the City and subject to stakeholder consultation."

Motion**5030****Councillor(s) Green Party Group****Refers to:** Chapter 8 - Movement and Transport**Motion****Material Alteration Reference Number 8.23**

Change:

"To minimise loss of on-street car parking, particularly in areas of high demand, whilst balancing the needs of new development and infrastructure such as enhancement of public transport infrastructure, public realm and cycle lanes."

To

"To balance any loss of on-street car parking, particularly in areas of high demand, with an improvement in public transport infrastructure, public realm and cycle lanes."

Reason: In the interests of sustainable development

Chief Executive's Response

This has already been addressed in the Chief Executive's report whereby the same change was sought (see p 45) in relation to MT13. The recommended change in the CE's report is preferred because it aims to minimise loss of on-street parking save for that required for public transport provision, access to new developments or public realm improvements. On-street parking remains an important resource serving the needs of businesses and residents in the city, and impacts of proposals on on-street parking remain an important consideration and part of assessment.

It is inherent in the wording of MT13 as amended that not all on-street parking lost can be associated solely with either (a) public transport infrastructure, (b) public realm or (c) cycle lanes, as suggested. On this basis the wording of the motion as sought is not recommended. It should remain as per the Chief Executive's recommendation (ie amendment recommended on page 46).

Chief Executive's Recommendation

Motion is not agreed, for reasons set out above.

Motion

5031

Councillor(s) Cllr. Paul Hand

Refers to: Chapter 8 - Movement and Transport

Motion

Material Alteration Reference Number 8.13

That the original draft Dublinbikes Strategic Planning Framework 2011-2016 be retained and renewed through the new City Development Plan. This document outlines the expansion of the scheme and should be retained as a guiding document in expanding and implementing the scheme.

Reason: To promote cycling and sustainable transport.

Chief Executive's Response

It is considered that the concern raised relates to Objective MTO11 in section 8.5.4.1. of the Draft Plan. This states;

- “(i) To monitor the success of the shared bike scheme and to expand it to the entire city
- (ii) That developers will agree to fund the provision of a shared bike station near large developments, as community gain.”

The strategic planning framework document relates to period ending 2016 and it is likely to be renewed. The document is a developmental plan for the 14 Phase expansion of the Coca-Cola Zero dublinbikes scheme to a capacity of 5,000 bikes and 300 docking stations through the city. The request to retain reference to it in the development plan is reasonable and adding reference to it within policy MTO11 would represent a non-material change that can be accommodated.

Chief Executive's Recommendation

Motion agreed.

Add text to Objective MTO11 as follows ;

- “(i) To monitor the success of the shared bike scheme and to expand it to the entire city in accordance with the content of the dublinbikes Strategic Planning Framework 2011-2016 or any subsequent review.
- (ii) That developers will agree to fund the provision of a shared bike station near large developments, as community gain.”

Motion

5032

Councillor(s) Green Party Group

Refers to: Chapter 8 - Movement and Transport

Motion

Material Alteration Reference Number 8.26

Delete new objective (page 26) MTO27A: To protect the route of the proposed eastern by-pass in accordance with Transport Infrastructure Ireland's 'Corridor protection study – Sector A – Dublin Port Tunnel to Sandymount Strand & for the longer term to retain a route corridor between Poolbeg and the Southern Cross/Southeastern Motorway via an eastern bypass of the city, in accordance with the National Transport Authority's Transport Strategy for the Greater Dublin Area 2016-2035'.

Reason:

To reduce carbon emissions, avoid sterilising land and to ensure proper and sustainable planning

Chief Executive's Response

With the exception of the phrase 'to ensure proper and sustainable planning', this matter was already raised and addressed in the Chief Executive's report (ie report on submissions on proposed amendments). See page 47-48 in relation to material alteration 8.26. The text in the report remains relevant as it satisfactorily addresses the point raised.

Chief Executive's Recommendation

Motion is not agreed, for planning reason outlined in Chief Executive's response (report of August 2016 page 47-48).

Motion **5033**

Councillor(s) **Green Party Group**

Refers to: Chapter 9 - Sustainable Environmental Infrastructure

Motion

Material Alteration Reference Number 9.12

After

“ or provide new infrastructure in order to extend or strengthen energy supply to meet demand.”

Add

“And meet climate reduction targets”

Reason: To reduce carbon emissions

Chief Executive's Response

9.5.12 of the Draft Plan already states DCC "will support a wide range of energy supply solutions to meet future demand, with particular emphasis in renewable energy sources and those which are less carbon intensive". As such this motion text is not necessary. The Development Plan should be concise and readable.

Chief Executive's Recommendation

Motion not agreed, as content already in same paragraph of Draft Plan.

Motion **5034**

Councillor(s) **Cllr. Dermot Lacey**

Refers to: Chapter 9 - Sustainable Environmental Infrastructure

Motion

Material Alteration Reference Number 9.4

This Council supports the proposed amendment from the Chief Executive to 9.5.3 strengthening the section on flood protection measures.

Reason: for all the reasons set out in the report from the Chief Executive on pages: 53,54 and 55.

Chief Executive's Response

It is noted that the motion supports the proposed amendments as set out in the CE Report on Submissions Received on the Proposed Amendments (page 53,54 & 55).

Chief Executive's Recommendation

Motion Noted. No change to proposed text in Chief Executives Recommendation

Motion**5035****Councillor(s) Green Party Group****Refers to:** Chapter 9 - Sustainable Environmental Infrastructure**Motion****Material Alteration Reference Number 9.4**

Change “200” to “2000”

Reason: To use correct year.

Chief Executive's Response

The introduction to the Chief Executives August Report re-iterates the earlier understanding with City Councillors that all typos, discrepancies, date errors etc will be corrected in the final proofed Development Plan.

Chief Executive's Recommendation

Motion Noted.

Typos will be addressed in final proofed Development Plan.

Motion

5036

Councillor(s) Cllr. Dermot Lacey

Refers to: Chapter 10 - Green Infrastructure, Open Space and Recreation

Motion

Material Alteration Reference Number 10.7

This Council supports the proposed amendment from the Chief Executive to 10.7 in relation to the Environmental Management Plan for the Dodder.

Reason: For the reasons outlined on page 61 and 62 of the Chief Executives report.

Chief Executive's Response

The amendment on page 62 of the Chief Executive's report on submissions (August 2016) in relation to the Environmental Management Plan for the Dodder is as follows:

“GIO18A: To co- operate with the relevant adjoining authorities of Dunlaoghaire Rathdown and South Dublin Council in developing a strategy for the preparation and graduated implementation of an integrated maintenance, improvement and Environmental Management Plan for the entire length of the River Dodder and to support the establishment of a co-ordinating River Dodder Authority or equivalent body to implement that strategy. This plan should reflect the relevant recommendations of the Eastern Catchment Flood Risk Assessment and Management and associated Unit of Measurement Flood Risk Management Plan(s) and associated Environmental Reports.”

Chief Executive's Recommendation

Motion Noted

The matter is already addressed in the Chief Executive's Report, page 62.

Motion

5037

Councillor(s) Green Party Group

Refers to: Chapter 11 - Culture and Heritage

Motion

Material Alteration Reference Number 11.2

Change:

“The rationale for this area selection These are areas is that they are areas sited within the historic core”

To

“The rationale for this area selection is that they are areas sited within the historic core”.

Reason: to use correct English.

Chief Executive's Response

Under Section 11.4 of the Chief Executive's Report on Submissions Received on the Proposed Amendments to the Draft Dublin City Development Plan (August 2016; pp65-67), the Chief Executive recommended deletions and an addition to this earlier text, which are set out in bold red and green font as follows:

Retain text in Amended Draft except Delete text in red below and Add text in green.

The rationale for **this area** selection **These are areas** is that **they** are areas **sited** within the historic core that have high concentrations of protected structures but are presently sited outside designated Architectural Conservation Areas.

As there is no material difference between the text contained in this motion and the recommended text outlined in the Chief Executive's Report (August 2016), the text of the Chief Executive's Recommendation contained in that report on this matter should be inserted into the final plan.

Chief Executive's Recommendation

Motion Noted. The requested changes have already been addressed in the Chief Executive's Report on Submissions Received on the Proposed Amendments (August 2016).

Motion

5038

Councillor(s) Lord Mayor Brendan Carr

Refers to: Chapter 11 - Culture and Heritage

Motion

Material Alteration Reference Number 11.9

That this City Council supports the CEOs amendment on industrial heritage and further amends by addition: "The unique Docklands / marine heritage will be surveyed and promoted as part of the SDZ developments on the North and South Docks.

Reason:

This amendment ties in with the proposal for a Docklands Heritage Trail. IF the work isn't carried out now during the DSZ development it will be too late afterwards.

The manager refers to undertaking a survey of the industrial heritage of Guinness Brewery. The Docklands has an equally rich heritage and should be included.

Chief Executive's Response

The June Amended Draft set out to add the following to the Plan:

To Add to end of paragraph 2 (page 100)

... and should be consulted prior to lodgement of any planning application.

"A review of the DCIHR will be undertaken for the Kilmainham and Inchicore areas and the full DCIHR will be published online as soon as resources permit and within the period of this Development Plan. Dublin City Council will promote best practice surveying of industrial heritage sites and will engage with local communities in this regard."

Submissions were received on the Amended Draft, proposing an *addition to end of paragraph 2. Page 100 after 'in this regard', that "The unique Docklands industrial /marine heritage will be surveyed and promoted as part of the SDZ developments on the North and South Docks"*.

The Chief Executive's Response was that the *"The North Lotts and Grand canal Docks (SDZ) Planning Scheme was approved by An Bord Pleanala on the 16th May 2014 and makes provision for the protection of heritage in the Scheme"* and as such there is no need for further text.

There is already substantial recognition of the Docklands heritage in the Draft Plan and Amendments. For example, SDRA 6 Docklands (SDZ and wider Docklands Area), sets out under Section 15.1.1.7 (Docklands Area), the aim of developing and championing a Maritime Heritage Strategy to attract visitors to the Docklands Area, and of promoting the Docklands as a location of sustainable tourism including cultural, recreational and business tourism.

Elsewhere in the Amendments for Chapter 11 (Reference Number 11.12), it is set out that the new Dublin City Heritage Plan will be published in 2017 and will be based on the consultative framework undertaken in 2012. It is also outlined that the new heritage plan will create a mechanism for identifying and delivering new research themes and projects.

Notwithstanding that the Development Plan is not the appropriate mechanism to amend the SDZ Scheme, it is considered that the motion as amended can be included at Para. 11.1.5.5. To

reflect the SDZ content.

Chief Executive's Recommendation

Motion agreed as amended.

Add to end of paragraph 2 (p.100):

"A review of the DCIHR will be undertaken for the Kilmainham and Inchicore areas, together with the unique maritime heritage of the North and South Docklands, and the full DCIHR will be published online as soon as resources permit and within the period of this Development Plan. Dublin City Council will promote best practice of surveying of industrial heritage sites and will engage with local communities in this regard.

Motion

5039

Councillor(s) Cllr. Mary Freehill, Cllr. Paddy McCarten

Refers to: Chapter 11 - Culture and Heritage,

Motion

Material Alteration Reference Number 11.8

"This Council acknowledges the Chief Executive's concerns with regard to the following wording in the Amended Draft Plan: "To ensure that no advertising material other than brass or stone name-plate type signs or other suitable quality material will be permitted in conservation areas. On commercial properties leading into such areas, advertising will be severely restricted, and shall only relate to the service provided on the premises." This Council agrees to amend the wording to insert the word: "residential" before "conservation" so that it reads: "To ensure that no advertising material other than brass or stone name-plate type signs or other suitable quality material will be permitted in residential conservation areas. On commercial properties leading into such areas, advertising will be severely restricted, and shall only relate to the service provided on the premises."

Reason: To ensure that Z2 residential conservation areas are not negatively impact by visually obtrusive advertising in accordance with the zoning objective to protect and/or improve the amenities of residential conservation areas.

Chief Executive's Response

The amendment at issue arises as a result of Motion 2173 and a recommendation for its adoption and was put out for public consultation in the June 2016 Amended Draft as Material Alteration Reference Number 11.8

The submissions to the Amended Draft noted the wording of this alteration / amendment and considered it unduly restrictive and prohibitive. For example, the provision of clear way finding is vital to facilitate facilities such as Guinness Storehouse etc.

The submissions stated that the proposed restrictions are more appropriate in Georgian core areas; elsewhere, they represent a serious impediment to sustaining commercial uses, such as restaurants and specialist shops and prevent more imaginative approaches to advertising, sensitive to the particular conservation area. The submissions requested that the wording of material alteration Reference No. 11.8 is amended in line with the ethos and provisions of the remainder of Section 11.1.5.6 and having regard to the requirement for a case by case assessment.

Having considered the submissions, the Chief Executive recommended the deletion of the amendment to be replaced with the following:

"All new shopfronts and signage shall comply with the development standards provided Sections 16.24.2 and 16.24.3 of Chapter 16 of the Development Plan, the Dublin City Shopfront Design Guide (2001), and the Retail Design Manual (DoECLG/DAHG April 2012).

Specific requirements for the management and control of shopfronts and signage within Architectural Conservation Areas (ACAs) are set out in the respective ACA documents"

It is considered that the wording of the Motion remains unduly restrictive in terms of acceptable materials and would tend to preclude other high quality materials. It is considered that the following restriction would have an unduly negative impact on the viability and improvement of commercial areas and facilities: "On commercial properties leading into such areas, advertising will be severely restricted, and shall only relate to the service provided on the premises." There is sufficient policy context in the Draft Plan to ensure high quality signage.

Chief Executive's Recommendation

Motion is not agreed for reasons set out above that it is unduly restrictive and that there is sufficient policy context in the Draft Plan to ensure high quality signage.

Motion

5040

Councillor(s) Green Party Group

Refers to: Chapter 11 - Culture and Heritage

Motion

Material Alteration Reference Number 11.2

Change:

“• Stoneybatter/Oxmanstown;”

To

“• Stoneybatter/Oxmanstown/Arbour Hill”

Reason: to ensure Collins Barracks, the Orthodox Church and St. Bricin’s are included.

Chief Executive's Response

The Chief Executive’s Report on Submissions Received on the Proposed Amendments to the Draft Dublin City Development Plan 2016-2022 (August 2016; Chapter 11; The Strategic Approach, pp65-67) recommended that Arbour Hill be included along with Stoneybatter and Oxmanstown as one of the second phase of areas to be assessed for ACA designation, so that the plan reads in this section as:

- Stoneybatter/Oxanstown/**Arbour Hill**

Chief Executive's Recommendation

Motion noted. The requested changes are already provided for as set out in the Chief Executive’s Report (August 2016).

Motion

5041

Councillor(s) Green Party Group

Refers to: Chapter 11 - Culture and Heritage

Motion

Material Alteration Reference Number 11.23

To maintain CHCO23D in the plan.

“CHCO23D: All large scale, mixed-use development (as defined by this Development Plan) of office or residential space will include cultural/artistic uses.
“

Reason: in the interests of proper planning and to ensure it stays in given the managers contradictory recommendations in his report to councillors.

Chief Executive's Response

Motion seeks that Policy CHCO23D be retained.

For clarity, Material Alteration Ref. 11.23 appears twice in the Chief Executive's report, on p.75 and p.78, but its first appearance is an error (see email circulated to all Councillors).

The inclusion of CHCO23D in the Plan is contrary to the policies of the Department of Housing, Planning and Local Government and may be considered ultra vires with regard to the provisions of the Planning and Development Act, 2000 (as amended); see pages 77-78 of previous Chief Executive's Report on Submissions on Proposed Amendments (August 2016).

The motion to retain CHCO23D is therefore inconsistent with the Chief Executive's clear advice previously set out on this matter under Section 11.2.5.1 (August 2016); it is imprecise, and as such, difficult to implement

Furthermore, Policies CHC23A, CHCO23B, CHCO23C and CHCO24D are contained in the Amendments, and very clearly demonstrate Dublin City Council's commitment to ensuring the supply of workspaces for artists in the city. In particular, Policy CHC23A sets out that it is policy to work with all private, public and cultural stakeholders in cooperation to ensure that artistic work space is a key element in all multi-use developments in the City, in particular ensuring there is provision for cultural and artistic space in developments.

Similarly, Policy CHCO24D states that the Council will encourage and facilitate the temporary use of underused sites or buildings for artistic or cultural provision.

Accordingly, not only is the inclusion of CHCO23D clearly inappropriate in the final plan for the reasons outlined, but also the importance of providing artistic and cultural workspaces is very clearly recognised in other policies contained in the Amendments, such that CHCO23D is also considered unnecessary.

The inclusion of CHCO23D will put an extra burden over and above the general financial contribution scheme. Furthermore it is imprecise. There is sufficient policy to address the issues raised in the motion.

Chief Executive's Recommendation

Motion not agreed, for the reasons set out in the Chief Executive's Response, it would put an extra burden over and above the general financial contribution scheme, it is imprecise and there

is sufficient existing policy to address the issues raised in the motion.

Motion

5042

Councillor(s) Green Party Group

Refers to: Chapter 11 - Culture and Heritage

Motion

Material Alteration Reference Number 11.23

P: 73 / 74

Motion: To reject the CEO's recommendation and to retain the CHCO23D.

Reason: There currently is a deficit of affordable work space for the artistic and creative community of the City. CHCO23D will support and enhance the artistic and cultural assets and infrastructure of the city, which plays a key role in the sustainable development of the city and improves the quality of life of both citizens and visitors alike. It will also demonstrate that Dublin City Council is committed supporting the creative culture of Dublin by ensuring there is a supply of workspaces for artists in the city. Reason: to provide for artistic creative space

Chief Executive's Response

Motion seeks that Policy CHCO23D be retained

For clarity, Material Alteration Ref. 11.23 appears twice in the Chief Executive's report, on p.75 and p.78, but its first appearance is an error (see email circulated to all Councillors).

The inclusion of CHCO23D in the Plan is contrary to the policies of the Department of Housing, Planning and Local Government and may be considered ultra vires with regard to the provisions of the Planning and Development Act, 2000 (as amended); see pages 77-78 of previous Chief Executive's Report on Submissions on Proposed Amendments (August 2016).

The motion to retain CHCO23D is therefore inconsistent with the Chief Executive's clear advice previously set out on this matter under Section 11.2.5.1 (August 2016); it is imprecise and difficult to implement.

Furthermore, Policies CHC23A, CHCO23B, CHCO23C and CHCO24D are contained in the Amendments, and very clearly demonstrate Dublin City Council's commitment to ensuring the supply of workspaces for artists in the city. In particular, Policy CHC23A sets out that it is policy to work with all private, public and cultural stakeholders in cooperation to ensure that artistic work space is a key element in all multi-use developments in the City, in particular ensuring there is provision for cultural and artistic space in developments.

Similarly, Policy CHCO24D states that the Council will encourage and facilitate the temporary use of underused sites or buildings for artistic or cultural provision.

Accordingly, not only is the inclusion of CHCO23D clearly inappropriate in the final plan for the reasons outlined, but also the importance of providing artistic and cultural workspaces is very clearly recognised in other policies contained in the Amendments, such that CHCO23D is also considered unnecessary.

The inclusion of CHCO23D will put an extra burden over and above the general financial contribution scheme. Furthermore it is imprecise. There is sufficient policy to address the issues raised in the motion.

Chief Executive's Recommendation

For the reasons set out in the Chief Executive's Response, it would put an extra burden over and above the general financial contribution scheme, it is imprecise and there is sufficient existing policy to address the issues raised in the motion.

Motion

5043

Councillor(s) Cllr. John Lyons

Refers to: Chapter 11 - Culture and Heritage

Motion

Material Alteration Number 11.23

To retain CHCO23D which stipulates that "All large scale, mixed-used development (as defined by this Development Place) of office or residential space will include cultural/artistic uses" and expand it so as to include community uses alongside cultural/artistic uses.

Reason:

To ensure that artistic, cultural and community groups have access to spaces in which to work, create, meet within the city of Dublin, thus encouraging real mixed-use developments and increasing our artistic and cultural capital.

Chief Executive's Response

The Chief Executive's Report on Submissions Received on the Proposed Amendments to the Draft Dublin City Development Plan 2016-2022 (August 2016) sets out clearly that the inclusion of CHCO23D in the Plan is contrary to the policies of the Department of Housing, Planning and Local Government and may be considered ultra vires with regard to the provisions of the Planning and Development Act, 2000 (as amended).

The motion to retain CHCO23D, and to further augment this policy by including community uses alongside cultural/artistic uses, does not take account of the Chief Executive's clear and unambiguous advice previously set out in the report on the submissions.

Furthermore, Policies CHC23A, CHCO23B, CHCO23C and CHCO24D are contained in the Material Amendments, and very clearly demonstrate Dublin City Council's commitment to ensuring the supply of workspaces for artists in the city. In particular, Policy CHC23A sets out that it is policy to work with all private, public and cultural stakeholders in cooperation to ensure that artistic work space is a key element in all multi-use developments in the City, in particular ensuring there is provision for cultural and artistic space in developments.

Similarly, Policy CHCO24D states that the Council will encourage and facilitate the temporary use of underused sites or buildings for artistic or cultural provision. Accordingly, not only is the inclusion of CHCO23D inappropriate in the final plan, but also the importance of providing artistic and cultural workspaces is very clearly recognised in other policies contained in the Amendments, such that CHCO23D is also unnecessary.

The inclusion of CHCO23D will put an extra burden over and above the general financial contribution scheme. Furthermore it is imprecise. There is sufficient policy to address the issues raised in the motion.

Chief Executive's Recommendation

Motion not agreed, for the reasons set out in the Chief Executive's Response, it would put an extra burden over and above the general financial contribution scheme, it is imprecise and there is sufficient existing policy to address the issues raised in the motion.

Motion**5044****Councillor(s) Cllr. Andrew Montague****Refers to:** Chapter 14 - Land-use Zoning**Motion****Material Alteration Reference Number 14.1**

That the Development Plan retains the “up to 10% office space” in the open for consideration uses in the Z1 zoning section.

Reason:

Mixed use leads to proper planning and sustainable development

Chief Executive's Response

It is acknowledged that it is part of the sustainable mixed use approach underpinning this Development Plan to allow for a variety of uses which contribute to a neighbourhood, especially those within walking/cycling range, whilst avoiding bad neighbour uses. The Z1 zoning does contain a range of generally permissible uses, including home based economic activity and it is on balance considered unnecessary to include limited office space, given the distribution of employment and related zonings across the city.

On balance it is also considered that the office market is more buoyant than the residential market at this moment in time and allowing 10% of much needed residential land to be used for office space may exacerbate the current housing crisis.

Chief Executive's Recommendation

Motion is not agreed for planning reason outlined in CE response above

Motion**5045****Councillor(s) Cllr. Paul Hand****Refers to:** Chapter 14 - Land-use Zoning**Motion****Material Alteration Reference Number 14.1**

In relation to the submissions in regards to 14.1 on page 83 the CEO's report, office considerations on Z1 land should not be considered.

Reason:

To promote sustainable neighbourhoods and increase housing provision

Chief Executive's Response

This motion supports the Chief Executive's Recommendation in the Chief Executive's Report on Submissions Received on the Proposed Amendments to the Draft Dublin City Development Plan 2016-2022 to remove up to 10% office from the Open for Consideration Uses in Z1 zones.

Chief Executive's Recommendation

Motion Noted, this matter already addressed in Chief Executive's report on submission i.e. on balance, to remove 10% office from Z1 Open for consideration category

Motion**5046****Councillor(s) Green Party Group****Refers to:** Chapter 14 - Land-use Zoning**Motion****Material Alteration Reference Number 14.1**

To delete Embassy office from the list of permitted uses in Z1.

Reason: to promote cohesive neighbourhoods and proper planning

Chief Executive's Response

Embassy office is in red text in the Chief Executive's Recommendation on Page 83 of the Chief Executive's Report on Submissions Received on the Proposed Amendments to the Draft Dublin City Development Plan 2016-2022, meaning that it is proposed to be removed from the Amended Draft Dublin City Development Plan 2016-2022.

Chief Executive's Recommendation

Motion Noted as this matter already addressed in Amended Draft Plan. i.e. Embassy office excluded from "Open for Consideration" in Z1

Motion**5047****Councillor(s) Cllr. Dermot Lacey****Refers to:** Chapter 14 - Land-use Zoning**Motion****Material Alteration Reference Number 14.1**

This Council agrees to reject the Chief Executives proposed inclusion of "Embassy office" in the "open for consideration" use in the Z1 zoning.

Reason:

The planning reasons for this remain the same as when the City Council deleted its inclusion at Draft stage and is in the interests of protecting and enhancing residential areas

Chief Executive's Response

Embassy office is in red text in the Chief Executive's Recommendation on Page 83 of the Chief Executive's Report on Submissions Received on the Proposed Amendments to the Draft Dublin City Development Plan 2016-2022, meaning that it is proposed to be removed from the Amended Draft Dublin City Development Plan 2016-2022.

Chief Executive's Recommendation

Motion Noted as this matter already addressed in Amended Draft Plan. i.e. Embassy office excluded from "Open for Consideration" in Z1

Motion**5048****Councillor(s) Cllr. Dermot Lacey****Refers to:** Chapter 14 - Land-use Zoning**Motion****Material Alteration Reference Number 14.1**

This Council agrees to delete "Embassy office" in the "open for consideration" use in the Z2 zoning.

Reason:

The planning reasons for this remain the same as when the City Council deleted its inclusion at Draft stage and is in the interests of protecting and enhancing residential areas.

Chief Executive's Response

Embassy office is not included in the Amended Draft Plan. No submissions have been received on the matter and no material amendment was put on public display, motion is therefore out of order, however Embassy Office is not included in open for consideration use in the Z2 zoning.

Chief Executive's Recommendation

Motion out of order, however Embassy Office is not open for consideration in the Z2 Zoning.

Motion

5049

Councillor(s) Cllr. Mary Freehill, Cllr. Paddy McCarten

Refers to: Chapter 14 - Land-use Zoning

Motion

Material Alteration Reference Number 14.1

"This Council supports the Chief Executive's recommendation that the text of the Draft be amended to omit "Embassy Office" and "Up to 10% office space" as 'Open for Consideration' uses on Z1 lands.

Reason:

For those reasons stated by the Chief Executive as well as the zoning objective of Z1 areas which seeks to "To protect, provide and improve residential amenities". Office use would be at variance with this objective.

Chief Executive's Response

This motion supports the Chief Executive's Recommendation in the Chief Executive's Report on Submissions Received on the Proposed Amendments to the Draft Dublin City Development Plan 2016-2022 to remove Embassy Office and up to 10% office from the Open for Consideration Uses in Z1 zones.

Chief Executive's Recommendation

Motion Noted, as this matter is already addressed in the Amended Draft Plan, i.e "Embassy Office" and "up to 10% office space" are excluded from open for consideration use in a Z1 zoning

Motion

5050

Councillor(s) Cllr. Mary Freehill, Cllr. Paddy McCarten

Refers to: Chapter 14 - Land-use Zoning

Motion

Material Alteration Reference Number 14.2

"This Council supports the Chief Executive's recommendation that the text of the Amended Draft be retained and that the wording "*and to protect the residential character of the area*" remain.

Reason: For the reason stated by the Chief Executive that to revert to the wording of the Draft Plan would be a regressive step.

Chief Executive's Response

This motion supports the Chief Executive's Recommendation in the Chief Executive's Report on Submissions Received on the Proposed Amendments to the Draft Dublin City Development Plan 2016-2022 to add the following text "and to protect the residential character of the area.", to Section 14.8.2 Residential Neighbourhoods (Conservation Areas) of the Draft Plan

Chief Executive's Recommendation

Motion Noted, this matter already addressed in Draft Plan.

Motion

5051

Councillor(s) Cllr. Nial Ring

Refers to: Chapter 14 - Land-use Zoning

Motion

Material Alteration Reference Number 14.6

To further amend Section 14.8.7 (Material Alteration Reference Number 14.6) to reflect the entire wording of Motion 2230 agreed at the City Council meetings in May. (To delete the line "They can unavoidably cause "bad neighbour" problems due to the generation of disamenities such as noise, smells, heavy goods traffic etc.").

Reason:

With Motion 2230 members agreed to delete the above wording from Section 14.8.7 to nullify the negative connotations contained therein. The Amended Draft retained part of the wording (in error?) and this motion is tabled to correct this error.

Chief Executive's Response

At the May/June special City Council meeting it was agreed to replace the wording "unavoidably cause bad neighbour problems due to the generation of disamenities" with "sometimes lead to disamenities".

It is considered that the removal of this text would result in an unrealistic description of the uses and process existing and anticipated in industrial zones. It is considered that Industrial zones by their very nature can on occasion result in some disamenities, which need to be managed and it is reasonable to be aware of this in order to frame safeguarding conditions to protect residential amenity, where necessary.

Chief Executive's Recommendation

Motion is agreed as amended to read:

"The primary uses in these areas are those that can result in a standard of amenity that would not be acceptable in other areas. They can sometimes lead to disamenities which would need to be managed through the planning process to safeguard residential amenity when necessary".

Motion

5052

Councillor(s) Cllr. Paul Hand

Refers to: Chapter 14 - Land-use Zoning

Motion

Material Alteration Reference Number 14.8

In regards to 14.8.8 that retail should not be permitted on land zoned z8.

Reason: to protect the heritage of our city

Chief Executive's Response

The Amended Draft Dublin City Development Plan 2016-2022, as agreed by City Council, included retail in the open for consideration uses in Z8 zones. It should be noted that an Open for Consideration Use is one which may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on the permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area. Accordingly an open for consideration use will only be permitted if it is in keeping with the zoning objective for the applicable zone.

The objective of Z8 is to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective. With this in mind it is considered that any application for a retail use in a Z8 zone will be assessed on its merits and on its adherence to the applicable zoning objective.

Appropriate small scale retail could support the return of Georgian areas to more residential uses and reduce vacancy.

Chief Executive's Recommendation

Motion not agreed.

Appropriate small scale retail could support the return of Georgian areas to more residential uses and reduce vacancy.

Motion

5053

Councillor(s) Cllr. Tina MacVeigh

Refers to: Chapter 14 - Land-use Zoning

Motion

Material Alteration Reference Number 14.9

That the sale of lands zoned Z9 or Z15 for the purposes of residential development, shall only be permitted in areas where the Fields in Trust benchmark for sport/recreational/green space has been surpassed.

Planning Reason:

In the interests of prudent planning, proper provision of public open spaces, promoting sustainable communities and to ensure compliance with Council planning policy and guidelines.

Chief Executive's Response

This motion requests that the sale of lands zoned Z9 or Z15 for the purposes of residential development, shall only be permitted in areas where the Fields in Trust benchmark for sport/recreational/green space has been surpassed. It should be noted that the Development Plan as a statutory document cannot influence or guide issues relating to the sale of land. This particular section of the plan relates to zoning of land, describing each individual zone and outlining a list of permissible and open for consideration uses for each zone. Restricting the sale of land which is in private ownership is not a matter for the Development Plan.

Material Alteration reference 10.5 in the amended draft plan already amends Policy GI12 of the Draft Plan as follows

“To ensure equality of access for all citizens to the public parks and open spaces in Dublin City and to promote more open space with increased accessibility and passive surveillance where feasible, **in this regard the ‘Fields in Trust’ benchmark for green/recreational space city wide shall be a policy goal and quality standard”**

The motion proposes to alter the Fields in Trust benchmark from an analytical tool to assist in the formulation of policy to an over prescriptive tool to decision making.

It is a material alteration that did not go on public display and is out of order.

Chief Executive's Recommendation

Motion is not agreed; it is outside the scope of the development plan and out of order.

Motion**5054****Councillor(s) Cllr. Paul McAuliffe****Refers to:** Chapter 14 - Land-use Zoning**Motion**

Dublin City Council as part of the city development plan process, fully endorses the decision which it took in June 2016 at the special meeting to consider the development plan when it agreed to rezone a site on Jamestown Road (previously Poppintree Park and the old red barn beside the Willows FC club) from "residential" to "Amenity/open green space".

The land is due to revert to the ownership of Dublin City Council following the expiration of a building licence granted to Gama Construction and its bank Anglo Irish Bank.

<http://www.dublincity.public-i.tv/.../226786/0/0/sta.../26486000>

Chief Executive's Response

No submissions received on this issue. The motion represents a further material amendment to the Amended Draft Plan approved by the City Council for public display, and for which no submission has been received. There is no provision in the Planning Acts for property owners or the public to make submission on the motion at this final stage of the Development Plan process. As such, the motion is outside the scope of the Development Plan and is out of order.

Chief Executive's Recommendation

Motion Not Agreed.

Not the subject of a submission: Out of Order.

Motion

5055

Councillor(s) Cllr. Mary Freehill, Cllr. Paddy McCarten

Refers to: Chapter 14 - Land-use Zoning

Motion

Material Alteration Reference Number 14.8

"This Council agrees the omission of "Retail" use from the list of permitted uses in Z8"

Reason: There is no justification for making a new provision to accommodate retail in Dublin's premier Georgian area zoned Z 8. The proposal would undermine the longstanding policy of restricting retail in these areas. The effect of retail change of use would be problematic in physical and design impact on the special character of the Z8 area and be at variance with the zoning objective "to protect the existing architectural and civic design character.....". It would generate demand for a range of problematic and undesirable alterations on which planning and enforcement control would be difficult including interference to railings, signage, lighting and door and window alteration as well as impact on interior character of buildings. There is no strategic justification for accommodating or promoting retail in the Z8 zoned areas. Instead, the focus should be on promoting quality retail in city centre streets like D'Olier St and Westmoreland St where former retail activity has declined, and focus revival of retail on those streets marginal to the current retail core including Eden Quay, Lower Marlborough St and Thomas St where there is a particular problem with the number of vacant buildings with shuttered up shop fronts.

Chief Executive's Response

The Amended Draft Dublin City Development Plan 2016-2022, as agreed by Councillors, included retail in the open for consideration uses in Z8 zones. It should however be noted that an Open for Consideration Use is one which may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on the permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area. Accordingly, it is considered that an open for consideration use will only be permitted if it is in keeping with the zoning objective for the applicable zone. The objective of Z8 is to protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective. With this in mind it is considered that any application for a retail use in a Z8 zone will be assessed on its merits and on its adherence to the applicable zoning objective.

Chief Executive's Recommendation

Motion is not agreed for planning reason outlined above.

Motion

5056

Councillor(s) Cllr. David Costello

Refers to: Chapter 14 - Land-use Zoning

Motion

Map Ref H, Reference Number 5 - Rathmines DIT

That the rezoning of the DIT building Rathmines College be considered by the council. And that consideration be given to reverting to Z4.

Reason: Fear that rezoning could lead to devaluation in an Asset of DIT. Please provide information in relation to any potential devaluation as a result of this action before council make a final decision.

Chief Executive's Response

This motion supports the Chief Executive's Recommendation in the Chief Executive's Report on Submissions Received on the Proposed Amendments to the Draft Dublin City Development Plan 2016-2022 to amend zoning in Amended Draft i.e. Revert to Z4 for Rathmines DIT.

The existing Z4 zoning for the site, being a district centre zoning in the centre of Rathmines, a key district centre in the draft Plan, is considered to be the appropriate zoning. The Z4 zone in the centre of Rathmines encompasses a range of existing uses that provide a community, cultural and recreational role, including the library and sports centre.

The submission from DIT states that the Z15 zoning will increase the risk of vacancy and will reduce the sale value by up to 25%.

Under the Z4 zoning objective, community, education and cultural uses are permissible and the Z4 zone therefore does not preclude the opportunity for the DIT building or site to provide for these uses into the future, should they become available to the schools and an extension sought. It is common place within the higher density, mixed use zones of the city, for schools to be located in Z4 zoned.

Chief Executive's Recommendation

Motion Noted as this matter already addressed in the Chief Executive's Report on Submissions Received on the Proposed Amendments to the Draft Dublin City Development Plan 2016-2022, with the site to be zoned Z4

Motion**5057****Councillor(s) Cllr. Dermot Lacey****Refers to:** Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development**Motion****Material Alteration Reference Number 15.4**

This Council agrees to delete the proposed inclusion of the words "the Eastern Bypass and Southern Port Access Route" from the Chief Executives proposed amendment under Reference 15.4 pending clarification on what these descriptions/references/titles actually mean.

Chief Executive's Response

The issue of the Eastern Bypass and its inclusion within the Draft City Development Plan 2016-2022 was addressed in the 'Report to the Members on the Development Plan Motions', dated 1st July 2016. In this report the Assistant Chief Executive clearly stated that all motions seeking the removal of references to the Eastern By-pass were out-of-order. The Development Plan must be consistent with Nation Strategy including the NTA National Transport Strategy 2016-2035 and Section 9 of the Planning and Development Acts (as amended). The changes proposed to Material Alteration Ref. Number 15.4 are on foot of a submission from Transport Infrastructure Ireland and ensures consistency and clarity across sections of the Plan.

Chief Executive's Recommendation

Motion not agreed: Motion is out of order in order to ensure Plan is consistent with National Policy.

Motion**5058****Councillor(s) Cllr. Paul Hand****Refers to:** Chapter 14 - Land-use Zoning**Motion****Map Reference G, Reference Number 5 - Kimmage Road West**

That the proposed land zoning on map G, reference 5 remain zoned Z9 (submission 4110).

Reason: to protect residential amenity. Provide for recreation locally. To oppose unsustainable development near the River Poddle, which can exacerbate environmental concerns and flooding on that river.

Chief Executive's Response

The site has access from Kimmage Road West and is part of a larger Z9 zoned landbank adjoining to the west. It is considered that the leisure centre and art gallery contribute towards existing leisure/amenity provision in the area. However, the open space to the rear of the site is not publicly accessible. Taking into consideration the objectives and policies of the approved City Development Plan and guidance from the Department of the Environment, Community and Local Government to increase the supply of housing land and units in the city to serve demand, a Z1 zone on the east part of the site is considered appropriate.

Chief Executive's Recommendation

Motion is not agreed for planning reason outlined above, i.e. Retain Z1 Zoning on part of site.

Motion

5059

Councillor(s) Cllr. Mary Freehill

Refers to: Chapter 14 - Land-use Zoning

Motion

MAP H REF No. 1 - Greenmount Industrial Estate Harold's Cross

To retain the Z6 zoning as per the material alteration motion passed by Development Plan meeting of City Council June 2016.

This site currently provides a range of light industrial and enterprise uses and current zoning should not be amended until a spatial planning exercise is carried out for the Harold's Cross Area, in the form of a Local Area Plan. Such a spatial planning approach would help ascertain the most appropriate zoning and future use of the site.

Reason:

There are a number of reasons for retaining the Z6 zoning. Firstly, accessibility issues. This backland site is poorly serviced by two very narrow access roads Greenmount Ave and Greenmount Lane, the latter which leads on to Parnell Rd. The current level of traffic is a major imposition for people living on Greenmount Ave and Greenmount Lane. There is no detailed argument provided in the submissions to the City Council outlining the impact that a residential Z1 residential would have on existing traffic. It is implied that it would have the effect of reducing traffic, but this is not substantiated, indeed it is likely that residential use would result in increased traffic flow problems.

Secondly, the retention of the Z6 zoning would protect an existing mixed use enterprise and employment centre in the vibrant urban village of Harold's Cross. The current Z6 zoning provides for a mix of uses on this former historical industrial site, including, light industrial, enterprise, office and indoor recreational uses. The zoning being retained is Z6 the objective of which is "To provide for the creation and protection of enterprise and facilitate opportunities for employment creation". This is not a 'heavy industrial' zoning rather it is one that facilitates a broad range of uses, including light industry, science and technology industries, cultural, and creative and artistic enterprises among others. Indeed incidental residential development, which is subsidiary to the predominant use, is open for consideration, thus allowing a broad mix of uses on this site. This is the appropriate zoning for a mixed use employment facility of this nature and in this location. This allows a vibrant mix of uses in close proximity to the core of Harold's Cross. This contributes to sustainable urban living as it facilitates people living, working and accessing a range of recreational facilities in a single area.

This is a significant site in terms of its scale and extent and it is essential that prior to any rezoning a proper Spatial planning examination of the area is carried out through a Local Area Plan, an objective for which is now included in the Draft Development Plan. This would allow for a democratic way of involving the residents of Harold's Cross and The Harold's Cross Village Community Council to ensure sustainable development and to address issues of mixed use development, traffic management and movement issues including safe and viable access and egress to this site.

Finally, this is an area that has experienced the direct consequence of flood damage in recent years and while the buildings in the Greenmount industrial estate themselves have not been the subject of flooding the access road to the site has flooded. A Statutory Local Area Plan would allow the issue of flood risk management and mitigation to be considered in a coherent and integrated manner throughout the area, including on this site.

Chief Executive's Response

With regard to the point made in this motion that a residential use on site would result in increased traffic flow problems in the vicinity, it is considered that the impact of traffic on a site is a consideration for the design and layout of any future development/planning applications on site, which will be assessed and determined through the development management process and is not deemed to be a significant factor in determining the zoning of a particular site. Furthermore, the evidence suggests that a change of use from industrial to residential leads to a reduction in traffic and noise.

The issue raised in relation to retaining the Z6 Zoning, so as to allow for the creation and protection of enterprise and facilitate opportunities for employment creation is acknowledged. However, given the Department of the Environment's advice to the City Council to take additional steps in the Development Plan to bring forward the supply of much needed housing in the city and the fact that the predominant surrounding land use in the vicinity is residential, it is considered that the Z1 zoning is appropriate. Z1 also allows for consideration of uses e.g. cultural, recreational, childcare, live-work units, and media-associated uses.

With regard to the request in this motion for a proper spatial planning examination of the area to be carried out through a Local Area Plan, it should be noted that an LAP for Harold's Cross is included in the amended Draft and proposed to be retained, as per the Chief Executive's Report on Submissions Received on the Proposed Amendments to the Draft Dublin City Development Plan 2016-2022. Any LAP for the area will follow the required statutory procedures as part of the LAP process.

With regard to the issues raised in relation to flooding and flood risk, these topics are dealt with in Chapter 9 (Sustainable Environmental Infrastructure) of the Draft Development Plan 2016-2022 and are outside the remit of site specific zoning. The site is not identified in the OPW flood risk maps and in any case issues relating to flooding can be addressed as part of the development management process.

With regard to the boundary of the proposed zoning change, it is considered that including the Eircom/Eir Site in this Z1 Zoning is appropriate for the same reasons that a Z1 zoning is appropriate for the Greenmount Site. Zoning Map (H) placed on public display with the Draft Dublin City Development Plan on the **1st October 2015** clearly showed the proposal to designate Greenmount/Eircom as Z1 from Z6 ie from the outset the full Industrial Estate (all of which was zoned Z6) was included.

Following the display of the Draft Plan a submission received supported the rezoning to Z1. However on considering the submissions received Motion 2282 called for the site to remain Z6 as it is in the existing plan. It also alleged that an error had been made in the zoning map by including the Eircom site. This was not an error (ie Map H which went on public display clearly showed Greenmount and Eircom as Z1 for the draft plan). Following consideration of the motion a vote was taken whereby Members agreed that the site (Greenmount Industrial Estate/Eircom) should remain Z6. Accordingly that is what went on public display in the Amended Draft page 132, with Greenmount and Eircom again being clearly marked. Further submissions were received in relation to both sites.

On foot of these submissions as well as the Department of the Environment's advice to the City Council to take additional steps in the Development Plan to bring forward the supply of much needed housing in the city, and that the predominant surrounding land use in the vicinity is residential, Z1 is considered the appropriate zoning for this site.

Chief Executive's Recommendation

Motion is not agreed for planning reasons outlined above: The site should be zoned Z1 (Residential – which also allows for a range of associated uses).

Motion

5060

Councillor(s) Cllr. Cieran Perry

Refers to: Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development

Motion

Material Alteration Reference Number 15.7

Retain the following text – “To include commitment to retaining social and affordable housing as the primary use of the O’Devaney Gardens site”

Reason:

This policy doesn’t exclude the provision of private housing it just confirms that public housing will be the primary use of the site. The loss of public housing on this site by adhering to a 30% policy is unacceptable given that the primary cause of the current housing crisis is the lack of available public housing.

Chief Executive's Response

As detailed in the CE report on public submissions to the amendments, the focus set out within the core strategy of the Development Plan is for the delivery of quality homes in a sustainable community; providing a mix not only of unit sizes and types but also a mix of tenure so that the overall housing needs of the City can be met in a long-term sustainable manner. Indeed the recently published Government’s “Action Plan for Housing and Homelessness” specifically points to the need to achieve good tenure mix “*to create long-term sustainable communities and avoid the mistakes of the past*”.

The Housing Land Initiative of Dublin City Council is seeking to fast track the delivery of DCC lands for housing with a minimum requirement for 30% social housing. The O’Devaney Gardens site is a key site within this initiative. The City Council recently reached an agreement with the Minister for Housing, Planning and Local Government to provide 30% social housing, 50% private housing and 20% affordable or cost rental housing for the O’Devaney Gardens site. As such both social and affordable housing will be provided. It is intended that the existing Masterplan will provide the framework for the speedy delivery of this regeneration project.

In light of the agreement reached with the Minister it is recommended that the wording be amended to include a commitment to providing both social and affordable housing, in addition to private housing.

Chief Executive's Recommendation

Motion agreed as amended:

Include a commitment to provide both social and affordable housing on the site. Add to the end of the second bullet point (page 145 of Draft Plan):

- The development of a high-quality residential quarter comprising quality new homes supported by a complementary range of mixed commercial, community and recreational facilities will be promoted for this site. The site will provide for a mix of tenure with social, affordable and private housing all provided on-site

Motion

5061

Councillor(s) Cllr. Ray McAdam

Refers to: Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development

Motion

Material Alteration Reference Number 15.7

That the new text included after 2nd bullet point in Section 15.1.1.14 (ref. 15.7) be deleted. So that "To include commitment to retaining social and affordable housing as the primary use of the O'Devaney Gardens site" not be contained in the Dublin City Development Plan 2016-2022.

Reason:

Given that the Development Plan provides for a statutory Local area Plan for the Stoneybatter including the O'Devaney Gardens site, that statutory process is sufficient in determining the future redevelopment use of sites like O'Devaney Gardens.

Chief Executive's Response

As detailed in the CE report on public submissions to the amendments, the focus set out within the core strategy of the Development Plan is for the delivery of quality homes in a sustainable community; providing a mix not only of unit sizes and types but also a mix of tenure so that the overall housing needs of the City can be met in a long-term sustainable manner. Indeed the recently published Government's "Action Plan for Housing and Homelessness" specifically points to the need to achieve good tenure mix "to create long-term sustainable communities and avoid the mistakes of the past".

The Housing Land Initiative of Dublin City Council is seeking to fast track the delivery of DCC lands for housing with a minimum requirement for 30% social housing. The O'Devaney Gardens site is a key site within this initiative. The City Council recently reached an agreement with the Minister for Housing, Planning and Local Government to provide 30% social housing, 50% private housing and 20% affordable or cost rental housing for the O'Devaney Gardens site. It is intended that the existing Masterplan will provide the framework for the speedy delivery of this regeneration project.

In light of the agreement reached with the Minister it is recommended that the wording be amended to include a commitment to providing both social and affordable housing, in addition to private housing.

Chief Executive's Recommendation

Motion not agreed:

Proposed amendment to include a commitment to provide both social and affordable housing on the site, in addition to private housing. Add to the end of the second bullet point (page 145 of Draft Plan):

- The development of a high-quality residential quarter comprising quality new homes supported by a complementary range of mixed commercial, community and recreational facilities will be promoted for this site. The site will provide for a mix of tenure with social, affordable and private housing all provided on-site

Motion

5062

Councillor(s) Cllr. Pat Dunne, Cllr. Paul Hand, Cllr. Tina MacVeigh, Deputy Lord Mayor Rebecca Moynihan

Refers to: Chapter 14 - Land-use Zoning

Motion

Map Ref E, Ref Number 28 - Bridgefoot Street, Dublin 8

That Z9 zoning for the site at Bridgefoot Street Dublin 8, map reference E28, be retained as per amended draft.

Planning Reason :

In the interests of prudent planning, proper provision of public open spaces, promoting sustainable communities and to ensure compliance with Council planning policy and guidelines.

Chief Executive's Response

The subject site has been zoned Z5 in the previous two Development Plans and also under the Liberties LAP, which is the statutory context for the development of the area. The Z5 zoning is a flexible city centre zoning which would facilitate the delivery of the Local Area Plan, which provided for both housing and open space on the site.

The current Local Area Plan approved by the City Council is the context to deliver development in the area, and the greening strategy must be consistent with the LAP.

The LAP, which was approved by the City Council and extended to 2019 provides for a combination of open space and housing on this important site.

The Z5 zoning allows the provision of approx 120 residential units largely on the northern end of the site, and a significant urban park, including the area of the present community garden. This approach provides for both much needed housing, and provides a quality urban park with inbuilt passive surveillance from the surrounding housing.

Chief Executive's Recommendation

Motion is not agreed for planning reason outlined above: The site should be zoned Z5 (City Centre) which allows for both residential and a park.

Motion

5063

Councillor(s) Cllr. Pat Dunne, Cllr. Tina MacVeigh, Cllr. Ray McHugh, Deputy Lord Mayor Rebecca Moynihan, Cllr. Criona Ní Dhálaigh

Refers to: Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development

Motion

Material Alteration Reference Number 15.8

That the agreed wording in the amended draft development plan be retained in relation to St Teresa's Gardens and its environs with the amended wording contained in the managers response rejected.

Reason: to ensure the sustainability of the local community by providing adequate sporting infrastructure

Chief Executive's Response

This motion seeks to reject the Chief Executive's recommendation following the public consultation on the amended Draft, which proposes to alter the SDRA text for St. Teresa's Gardens after the 2nd bullet point as follows:

"To provide for an area **zoned** sufficient in size to accommodate **a minimum 80m by 130m playing pitch an all weather sports pitch as part of a municipal sports facility.**"

In May 2014 the City Council approved proposals for the refurbishment of residential blocks at St. Teresa's Gardens, the construction of 50 no. new residential units and the provision of a park (Ref. 2033/14). The layout of these new houses and the road network to serve them is based upon detailed site analysis and a Masterplan for the area. The Masterplan shows how the area can be served in terms of approved and future road access and the creation of land parcels suitable and capable of delivering new residential accommodation. Under the Masterplan the park approved under 2033/14 is to be extended to provide a district park of c. 1.1 ha fronting onto Donore Avenue, in addition to new 5- & 7-aside pitches next to the Donore Avenue Community centre, providing an additional 0.39 ha of active recreational space. Together these two sites provide 1.496 ha of open space provision accounting for 25% of the DCC owned lands. The provision of both active and passive recreation is considered important to ensure that all cohorts in society are catered for. The park approved under 2033/14 includes a MUGA area, children's playground and an informal area for recreation. It is further noted that the SDRA guidelines specifically request that land be allocated to St. Catherine's NS to allow for future expansion.

The motion which seeks to provide for an area sufficient in size to accommodate a minimum 80m by 130m playing pitch has serious implications for the land remaining and the ability to deliver housing at this location. A pitch of 80m x 130m would require additional run-off space for safety, thus creating a minimum requirement for 1.26 ha (based on a 10m run-off). The DCC owned lands at the 'Old Brigade' site simply are not big enough to accommodate this size of pitch. To locate it in the vicinity of the proposed park would require the removal of one of the flat blocks scheduled for renovation or the removal of the permitted new housing (2033/14), which is due to go on site early in 2017 providing much needed new housing. If provided in tandem with an element of passive recreational space and playground as desired, then it would effectively remove three land parcels ear-marked for future residential use, which accounts for c. 41% of the remaining DCC residential lands. The total loss of residential units by the provision of a pitch would result in a reduction of c. 150 residential units being provided on site from the approved master plans. The lands remaining would have the potential to deliver c. 200 units, which combined with the 50 approved units, would result in an overall reduction in residential units on

this site from the original St. Teresa's gardens (346 units). This not only conflicts with the Masterplan objective to provide a new neighbourhood by replacing the former units, but seriously jeopardises the implementation of the approved Masterplan. As noted above the Masterplan for the lands as indicated on the SDRA Map already provides for c. 25% of the DCC lands to be allocated for recreation/ sports use, which will provide for a new landscaped district park serving the wider area, and all-weather pitches.

In assessing the specific demand for sporting pitches then this needs to be considered alongside the recently rezoned lands at Marrowbone Lane for open space (2.7ha), the site at Chamber Street (0.42ha) and the Bridgefoot Street site (0.48ha), and the 1.1 ha in the St Teresa's garden Masterplan which have the potential to significantly increase the open space in the south-west Inner City by 4.7 ha (12 acres approx) The lands at Marrowbone lane are located next to the existing St. Catherine's Sport Centre thus providing a suitable site to expand further sporting use. Locating a GAA pitch to the rear of the sports centre is also a more appropriate location in terms of urban design as such pitches do not offer the attractive landscape of a park. The proposals for St. Teresa's Gardens, as agreed with the Regeneration Board, and which formed the basis of the approved 2014 scheme, is for the provision of a district park, some sporting all-weather pitches, providing recreation space for the young, the elderly, the less mobile etc. In order not to jeopardise the provision of the Masterplan as envisaged, and as part approved, it is recommended that the motion not be adopted.

This motion seeks to reject the Chief Executive's recommendation following the public consultation on the amended Draft, which proposes to alter the SDRA text for St. Teresa's Gardens after the 3rd bullet point as follows:

"To acknowledge the existing sports lands of St. Teresa's gardens and its environs and act to **retain replace** and augment these lands as sporting facilities for the benefit of the wider community and use by local sports clubs.

It is assumed that the motion is seeking to retain the lands known locally as the 'Old Brigade' lands located to the rear of the old flat blocks. By retaining these lands in this specific location completely undermines the Masterplan as prepared for the area, and upon which the designs as approved in May 2014 were based. The proposals for St. Teresa's Gardens as agreed with the Regeneration Board proposes the provision of a new district park and sporting all-weather pitches which together account for c. 25% of the DCC owned lands. This Masterplan while indicative is based on detailed site analysis setting out future road layouts and appropriately sized parcels of land for development, which can allow for integration and permeability with the adjoining lands. The motion is totally at odds with the Masterplan and the indicative map as shown on page 147 of the Draft Plan. Retaining and augmenting the existing sports pitch will alter these connections and also the location of the open space proposed for the scheme. As indicated on the map on page 147 it is proposed to locate the "green space" (both park and pitches) along Donore Avenue, next to the Community Centre, and easily accessible and visible from the wider community. Retaining the sports provision at the Old Brigade site will reduce the ability to integrate the DCC lands with the adjoining landholdings. What is important is to ensuring that the sporting and recreational needs of the community are provided for, both on-site and in the wider area, (e.g. at Marrowbone Lane), while simultaneously creating a sustainable and desirable residential neighbourhood. The provision of the open space along Donore Avenue is considered the most advantageous location for such an amenity. For these reasons it is recommended that the motion not be adopted.

Following the Council decision in 2010 to proceed with the regeneration of St. Teresa's Gardens a considered amount of time, effort and expense has been invested in developing an overall Masterplan and in seeking the commencement for the initial phases of such (demolition and the provision of 50 no. new residential units). This approach has been carried out in tandem with both local community and local councillors and includes proposals for a future district park inclusive of all-weather pitches/ MUGAs and playground. These proposals result in the provision

of c. 25% of the DCC lands at St. Teresa's (inclusive of the Old Brigade site) being given over to open space/ recreational use. It is further noted that as part of this Development Plan review process the Council have rezoned the lands next to St. Catherine's Sports Centre to Z9, thus providing for significant future sporting amenity in this wider area. A requirement to provide additional open space over and above that set out in the Masterplan will significantly undermine the overall regeneration aims of the Masterplan and reduce the levels of residential units capable of being provided on site. Taking the above into consideration it is considered that planned regeneration for the area makes adequate provision for open space, recreation and sporting facilities, and on this basis it is recommended that the motion is not adopted.

Chief Executive's Recommendation

Motion not adopted for reasons set out above.

Motion**5064****Councillor(s) Cllr. Dermot Lacey****Refers to:** Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development**Motion****Material Alteration Reference Number 15.4**

"This Council agrees that the Chief Executive's recommendation to include the wording "the Eastern Bypass and Southern Port Access Route" be rejected and that all references to the Eastern Bypass be omitted from the Dublin City Development Plan 2016-2022, including from all maps."

Reason: The elected City Council has repeatedly stated its opposition to an Eastern Bypass road, including adopting a motion to this effect during the debate in May. The inclusion of this wording in the new Development Plan would be inconsistent with this policy position and would inhibit the development of alternative transport possibilities.

Chief Executive's Response

The issue of the Eastern Bypass and its inclusion within the Draft City Development Plan 2016-2022 was addressed in the 'Report to the Members on the Development Plan Motions', dated 1st July 2016. In this report the Assistant Chief Executive clearly stated that all motions seeking the removal of references to the Eastern By-pass were out-of-order. The Development Plan must be consistent with Nation Strategy including the NTA National Transport Strategy 2016-2035 and Section 9 of the Planning and Development Acts (as amended). The changes proposed to Material Alteration Ref. Number 15.4 are on foot of a submission from Transport Infrastructure Ireland and ensures consistency and clarity across sections of the Plan.

Chief Executive's Recommendation

Motion not agreed: Motion is out of order in order to ensure Plan is consistent with National Policy.

Motion

5065

Councillor(s) Green Party Group

Refers to: Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development

Motion

Material Alteration Reference Number 15.4

To remove reference to the eastern bypass.

Reason: To reduce carbon emissions, avoid sterilising land and to ensure proper and sustainable planning

Chief Executive's Response

The issue of the Eastern Bypass and its inclusion within the Draft City Development Plan 2016-2022 was addressed in the 'Report to the Members on the Development Plan Motions', dated 1st July 2016. In this report the Assistant Chief Executive clearly stated that all motions seeking the removal of references to the Eastern By-pass were out-of-order. The Development Plan must be consistent with Nation Strategy including the NTA National Transport Strategy 2016-2035 and Section 9 of the Planning and Development Acts (as amended). The changes proposed to Material Alteration Ref. Number 15.4 are on foot of a submission from Transport Infrastructure Ireland and ensures consistency and clarity across sections of the Plan.

Furthermore the Eastern By-pass will be designed so as not to sterilise land or reduce a sustainable approach to city planning; on the contrary, the proposal will reduce heavy traffic within the central parts of the City allowing for a safer and more attractive cycle and pedestrian environment.

Chief Executive's Recommendation

Motion not agreed: Motion is out of order in order to ensure Plan is consistent with National Policy.

Motion**5066****Councillor(s) Green Party Group****Refers to:** Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development**Motion****Material Alteration Reference Number 15.5**

To remove the Eastern Bypass and to not include it on the map on page 140

Reason: To reduce carbon emissions, avoid sterilising land and to ensure proper and sustainable planning

Chief Executive's Response

The issue of the Eastern Bypass and its inclusion within the Draft City Development Plan 2016-2022 was addressed in the 'Report to the Members on the Development Plan Motions', dated 1st July 2016. In this report the Assistant Chief Executive clearly stated that all motions seeking the removal of references to the Eastern By-pass were out-of-order. The Development Plan must be consistent with Nation Strategy including the NTA National Transport Strategy 2016-2035 and Section 9 of the Planning and Development Acts (as amended). The changes proposed to Material Alteration Ref. Number 15.4 are on foot of a submission from Transport Infrastructure Ireland and ensures consistency and clarity across sections of the Plan.

Furthermore the Eastern By-pass will be designed so as not to sterilise land or reduce a sustainable approach to city planning; on the contrary, the proposal will reduce heavy traffic within the central parts of the City allowing for a safer and more attractive cycle and pedestrian environment.

Chief Executive's Recommendation

Motion not agreed: Motion is out of order in order to ensure Plan is consistent with National Policy.

Motion

5067

Councillor(s) Cllr. Andrew Montague

Refers to: Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development

Motion

Material Alteration Reference Number 15.9

Limit the height of SDRA 17, Oscar Traynor Lands to 6 storeys

Reason: This was agreed with residents in public consultation and will ensure more community buy-in to the plan

Chief Executive's Response

The Draft Development Plan contained an objective which allowed for the consideration of buildings of up to 10-storeys in height, of slender design, to act as a land-mark feature in the north-west corner of the site, next to the M1. Following the adoption of a motion the plan was already amended under Amendment Reference No. 15.1.1.20. Subsequently following the public display of amendments submissions were received seeking the re-instatement of the omitted sentence which read as:

"Heights of up to 10-storeys will be considered in the north-west corner of the site as slender land-mark features."

The Chief Executive in assessing the public submissions recommended the reinstatement of the above sentence on the basis that providing strategically located "gateway" buildings is a well established principle of urban design to denote landmark spaces and/or act as gateways. A good example of this is the nearby "Gateway" (student) housing in Ballymun, where two buildings on opposite sides of the road articulate the "gateway" or entrance to the Main Street. These buildings are 9 and 11 storeys, slender in design and are not considered out of keeping with the surrounding streetscape or landscape. It is considered that a similar approach should be open for consideration on the Oscar Traynor Road site, a substantial site of 17.2 ha, and one that denotes a key approach into the urban area of the City. It is also noted that all applications for "higher buildings" are subject to the assessment criteria for higher buildings as set out in section 16.7.2 of the Draft Plan, which addresses in detail the relationship between any proposed building and the surrounding context

Chief Executive's Recommendation

Motion not agreed for urban design and planning reasons as set out above.

Motion

5068

Councillor(s) Cllr. Mary Freehill, Cllr. Paddy McCarten

Refers to: Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development

Motion

Material Alteration Reference Number 15.10

"This Council agrees to omit any reference to the designation of the Concert Hall Quarter as a Strategic Development and Regeneration Area"

Reason: There is no development potential in the Concert Hall area for buildings of up to 36m (equivalent of 12 residential storeys) because of its relation to the adjoining Georgian terraced area to the east and other Protected Structures. The office development in the area dating from the 1970s to the present has a coherent height and there is no opportunity or justification for redevelopment to higher scale. The rationale for designation of the area of the Earlsfort Terrace frontage of the National Concert Hall for public realm enhancement is not provided. The existing street front has very fine mid C.19th granite plinth walls and ironwork and gates, with one of the best sections of older granite footpath in the city. While there is potential for the NCH to provide an outdoor cafe area in place of current parking places inside the railings, this could be achieved within the provisions of the Development Plan. Any alteration to the existing boundary treatment of the NCH which is part of its character as a Protected Structure would be undesirable

Chief Executive's Response

The provision of an additional SDRA for the National Concert Hall Quarter has been the subject of previous debate in the Council Chamber and it was decided to include it in the Amended Draft Plan following a motion of the City Council. The majority of the SDRA areas selected in the Draft Plan are areas which are capable of delivering a significant quantum of homes and employment for the city. Some are important public housing regeneration areas and are areas where proposals for comprehensive development or re-development have been, or are in the process of being prepared.

A number of submissions from the public were received on this proposed new SDRA. The majority of submissions received including those from the Irish Georgian Society, An Taisce, and various resident associations object strongly to the inclusion of this new SDRA and/or in particular the proposal to promote the development of commercial buildings of up to 9-storeys in height, i.e. 36 metres, within an historic and architecturally important area of Dublin City. There is a fear that the new heights proposed will undermine the scale and grain of this portion of Dublin's Georgian Core and it was put that there was no evidence basis or assessment for the proposed increase in height. A number of submissions queried the need for the designation of this area as a Strategic Development and Regeneration Area, stating that this is not an area in need of regeneration as are other parts of the city. The An Taisce submission states that the focus for SDRA designation should be on areas of greenfield urban expansion and brownfield areas such as the Docklands where there is large-scale redundancy of uses.

Three public submissions were received supporting the proposed SDRA designation for this area, notably from the Clancourt Group and the Dublin Chamber of Commerce. The latter called for a new objective to be added for the creation of an "urban village", while the former called for clarity within the Plan in relation to height, principally that the NCHA be added to the mid-rise category of the building height table and Figure 19 (Building Height in Dublin Context). Also that SDRA 18 be added to Map K.

On balance it is therefore recommended to retain the SDRA and that any discrepancies in relation to tables and maps within the Plan will be addressed in compiling the final Plan for publication, including the insertion of the NCHQ into the table on Building Height (page 162 of the Draft Plan), and Figure 19, and the SDRA will be added to Map K. It is also noted that all applications for “higher buildings” are subject to the assessment criteria for higher buildings as set out in section 16.7.2 of the Draft Plan, which addresses in detail the relationship between any proposed building and the surrounding context.

Chief Executive's Recommendation

The motion is not adopted. Retain text in the Amended Draft to include area as SDRA.

Insert the National Concert Hall Quarter into the table on Building Height (page 162 of the Draft Plan), and into Figure 19: Building Height in Dublin Context.

Include SDRA 18 in Map K: Strategic Development and Regeneration Areas and Key District Centres.

Motion

5069

Councillor(s) Cllr. Cieran Perry

Refers to: Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development

Motion

Material Alteration Reference Number 15.7

Retain the following text – “To guarantee a minimum of 15% of the O’Devaney Gardens site be given over to green spaces.”

Reason:

Given the size of the site and the potential number of inhabitants a 15% commitment for green spaces is not unreasonable. The lack of social and green spaces in O’Devaney Gardens in the past greatly contributed to the social problems encountered.

Chief Executive's Response

The Chief Executive in the report on the public submissions received in relation to the proposed amendments, recommended that the above text be deleted, on the basis that it was included for in the immediately adjoining bullet point, as follows:

“To provide space for an all-weather pitch, Multiple Use Games Area (MUGA), Community centre, and community garden. -Provide quality open green spaces consisting of a minimum of 15% of the site area. Green spaces can serve as sites of social exchange and communicate a respect for nature as a guiding design principle for the site.”

It is not considered necessary or appropriate to list this requirement in the 5th and proposed new 6th bullet point as above.

Chief Executive's Recommendation

Motion not agreed: Matter specifically addressed in proposed text to be added after the 5th bullet point.

Motion

5070

Councillor(s) Green Party Group

Refers to: Chapter 14 - Land-use Zoning

Motion

Map H – H2: Site at Rathmines DIT

To reject the chief executive's recommendation in regards to Map H – H2: Site at Rathmines DIT

Retain as Z15 as per amended draft

Reason: to ensure continued provision of education facilities in Rathmines

Chief Executive's Response

The existing Z4 zoning for the site, being a district centre zoning in the centre of Rathmines, a key district centre in the draft Plan, is considered to be the appropriate zoning. The Z4 zone in the centre of Rathmines encompasses a range of existing uses that provide a community, cultural and recreational role, including the library and sports centre.

The purpose of land use zoning in development plans is to set a range of uses in an area of land, whether residential, commercial, industrial or otherwise (S10 of the Planning and Development Act 2000 (as amended)) or a mixture of these use in the interests of proper planning and sustainable development of the area; rather than for individual buildings.

It was indicated in this motion that there is a demand for educational use in the Rathmines area. Under the Z4 zoning objective in the Draft Plan, community, education and cultural uses are permissible and the Z4 zone therefore does not preclude the opportunity for the DIT building or site to provide for these uses into the future, should they become available to the schools and an extension sought. It is not unusual within the higher density, mixed use zones of the city that schools are included within mixed use zones as opposed to Z15 zoning.

This motion also poses the question; what assessment of educational needs was carried out to inform the Z4 designation of the subject site? As stated previously, educational use is permissible in the Z4 zone. As educational use is permissible in the recommended zoning, it does not preclude educational use from this site and an assessment of educational needs in the area is not required. It is noted also that the Church of Ireland site in Rathmines Road Upper remains zoned Z15 for future educational needs, following the relocation of the training college to DCU.

It was emphasised in the motion submitted that supporting the role of schools in the centre of Rathmines is important. However, the site is ultimately owned by the Department of Education and while the motion references what may be possible should the site become vacant, there is no guarantee that the DIT site will ever be selected as a site for educational use, with the associated potential risk of vacancy.

Development management is the appropriate process to determine the future appropriate redevelopment of this site, including determining suitable uses and design that protects the amenities of schools adjoining. A proposal by the school or DES to extend educational uses into the site or improve boundaries with the school can still be considered under the Z4 zoning.

The submission from DIT states that the Z15 Zoning will increase the risk of vacancy and will reduce the sale value by up to 25%.

In summary, the Z4 designation of this site can accommodate educational use should the need arise, but the Z4 zoning can also accommodate uses associated with a key district centre, which Rathmines is designated in the draft Plan, serving the wider community

Chief Executive's Recommendation

Motion is not agreed for planning reason outlined above: The site should be zoned Z4 (District Centre) and not Z15 (Institutional)

Motion

5071

Councillor(s) Cllr. Pat Dunne, Deputy Lord Mayor Rebecca Moynihan, Cllr. Críona Ní Dhálaigh

Refers to: Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development

Motion

Material Alteration Reference Number 15.8

Regarding Manager Report on page 97 of the report re St Teresa's Gardens and its environs

Amend text in Amended Draft after 2nd bullet point delete
"all weather sports pitch as part of a municipal sports facility"

And

Retain "To provide for an area zoned sufficient in size to accommodate a minimum 80m by 130m playing pitch".

Chief Executive's Response

This motion seeks to reject the Chief Executive's recommendation following the public consultation on the amended Draft, which proposes to alter the SDRA text for St. Teresa's Gardens after the 2nd bullet point as follows:

"To provide for an area **zoned** sufficient in size to accommodate **a minimum 80m by 130m playing pitch an all weather sports pitch as part of a municipal sports facility.**"

In May 2014 the City Council approved proposals for the refurbishment of residential blocks at St. Teresa's Gardens, the construction of 50 no. new residential units and the provision of a park (Ref. 2033/14). The layout of these new houses and the road network to serve them is based upon detailed site analysis and a Masterplan for the area. The Masterplan shows how the area can be served in terms of approved and future road access and the creation of land parcels suitable and capable of delivering new residential accommodation. Under the Masterplan the park approved under 2033/14 is to be extended to provide a district park of c. 1.1 ha fronting onto Donore Avenue, in addition to new 5- & 7-aside pitches next to the Donore Avenue Community centre, providing an additional 0.39 ha of active recreational space. Together these two sites provide 1.496 ha of open space provision accounting for 25% of the DCC owned lands. The provision of both active and passive recreation is considered important to ensure that all cohorts in society are catered for. The park approved under 2033/14 includes a MUGA area, children's playground and an informal area for recreation. It is further noted that the SDRA guidelines specifically request that land be allocated to St. Catherine's NS to allow for future expansion.

The motion which seeks to provide for an area sufficient in size to accommodate a minimum 80m by 130m playing pitch has serious implications for the land remaining and the ability to deliver housing at this location. A pitch of 80m x 130m would require additional run-off space for safety, thus creating a minimum requirement for 1.26 ha (based on a 10m run-off). The DCC owned lands at the 'Old Brigade' site simply are not big enough to accommodate this size of pitch. To locate it in the vicinity of the proposed park would require the removal of one of the flat blocks scheduled for renovation or the removal of the permitted new housing (2033/14), which is due to go on site early in 2017 providing much needed new housing. If provided in tandem with an element of passive recreational space and playground as desired, then it would effectively remove three land parcels ear-marked for future residential use, which accounts for c. 41% of the remaining DCC residential lands. The total loss of residential units by the provision of a pitch

would result in a reduction of c. 150 residential units being provided on site from the approved master plans. The lands remaining would have the potential to deliver c. 200 units, which combined with the 50 approved units, would result in an overall reduction in residential units on this site from the original St. Teresa's gardens (346 units). This not only conflicts with the Masterplan objective to provide a new neighbourhood by replacing the former units, but seriously jeopardises the implementation of the approved Masterplan. As noted above the Masterplan for the lands as indicated on the SDRA Map already provides for c. 25% of the DCC lands to be allocated for recreation/ sports use, which will provide for a new landscaped district park serving the wider area, and all-weather pitches.

In assessing the specific demand for sporting pitches then this needs to be considered alongside the recently rezoned lands at Marrowbone Lane for open space (2.7ha), the site at Chamber Street (0.42ha) and the Bridgefoot Street site (0.48ha), and the 1.1 ha in the St Teresa's garden Masterplan which have the potential to significantly increase the open space in the south-west Inner City by 4.7 ha (12 acres approx) The lands at Marrowbone lane are located next to the existing St. Catherine's Sport Centre thus providing a suitable site to expand further sporting use. Locating a GAA pitch to the rear of the sports centre is also a more appropriate location in terms of urban design as such pitches do not offer the attractive landscape of a park. The proposals for St. Teresa's Gardens, as agreed with the Regeneration Board, and which formed the basis of the approved 2014 scheme, is for the provision of a district park, some sporting all-weather pitches, providing recreation space for the young, the elderly, the less mobile etc. In order not to jeopardise the provision of the Masterplan as envisaged, and as part approved, it is recommended that the motion not be adopted.

This motion seeks to reject the Chief Executive's recommendation following the public consultation on the amended Draft, which proposes to alter the SDRA text for St. Teresa's Gardens after the 3rd bullet point as follows:

"To acknowledge the existing sports lands of St. Teresa's gardens and its environs and act to **retain replace** and augment these lands as sporting facilities for the benefit of the wider community and use by local sports clubs.

It is assumed that the motion is seeking to retain the lands known locally as the 'Old Brigade' lands located to the rear of the old flat blocks. By retaining these lands in this specific location completely undermines the Masterplan as prepared for the area, and upon which the designs as approved in May 2014 were based. The proposals for St. Teresa's Gardens as agreed with the Regeneration Board proposes the provision of a new district park and sporting all-weather pitches which together account for c. 25% of the DCC owned lands. This Masterplan while indicative is based on detailed site analysis setting out future road layouts and appropriately sized parcels of land for development, which can allow for integration and permeability with the adjoining lands. The motion is totally at odds with the Masterplan and the indicative map as shown on page 147 of the Draft Plan. Retaining and augmenting the existing sports pitch will alter these connections and also the location of the open space proposed for the scheme. As indicated on the map on page 147 it is proposed to locate the "green space" (both park and pitches) along Donore Avenue, next to the Community Centre, and easily accessible and visible from the wider community. Retaining the sports provision at the Old Brigade site will reduce the ability to integrate the DCC lands with the adjoining landholdings. What is important is to ensuring that the sporting and recreational needs of the community are provided for, both on-site and in the wider area, (e.g. at Marrowbone Lane), while simultaneously creating a sustainable and desirable residential neighbourhood. The provision of the open space along Donore Avenue is considered the most advantageous location for such an amenity. For these reasons it is recommended that the motion not be adopted.

Following the Council decision in 2010 to proceed with the regeneration of St. Teresa's Gardens a considered amount of time, effort and expense has been invested in developing an overall Masterplan and in seeking the commencement for the initial phases of such (demolition and the

provision of 50 no. new residential units). This approach has been carried out in tandem with both local community and local councillors and includes proposals for a future district park inclusive of all-weather pitches/ MUGAs and playground. These proposals result in the provision of c. 25% of the DCC lands at St. Teresa's (inclusive of the Old Brigade site) being given over to open space/ recreational use. It is further noted that as part of this Development Plan review process the Council have rezoned the lands next to St. Catherine's Sports Centre to Z9, thus providing for significant future sporting amenity in this wider area. A requirement to provide additional open space over and above that set out in the Masterplan will significantly undermine the overall regeneration aims of the Masterplan and reduce the levels of residential units capable of being provided on site. Taking the above into consideration it is considered that planned regeneration for the area makes adequate provision for open space, recreation and sporting facilities, and on this basis it is recommended that the motion is not adopted.

Chief Executive's Recommendation

Motion not adopted for reasons set out above.

Motion

5072

Councillor(s) **Green Party Group**

Refers to: Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development

Motion

Material Alteration Reference Number 15.7

Replace:

“Add text to 2nd bullet point To include commitment to retaining social and affordable housing as the primary use of the O’Devaney Gardens site.”

With

“ Add text to 2nd bullet point To include commitment to retaining social and affordable housing as the predominant use of the O’Devaney Gardens site; to prioritise a cost-rental model, and to allow for some private housing on the site”

Reason: To ensure a social mix

Chief Executive's Response

As detailed in the CE report on public submissions to the amendments, the focus set out within the core strategy of the Development Plan is for the delivery of quality homes in a sustainable community; providing a mix not only of unit sizes and types but also a mix of tenure so that the overall housing needs of the City can be met in a long-term sustainable manner. Indeed the recently published Government’s “Action Plan for Housing and Homelessness” specifically points to the need to achieve good tenure mix “*to create long-term sustainable communities and avoid the mistakes of the past*”.

The Housing Land Initiative of Dublin City Council is seeking to fast track the delivery of DCC lands for housing with a minimum requirement for 30% social housing. The O’Devaney Gardens site is a key site within this initiative. The City Council recently reached an agreement with the Minister for Housing, Planning and Local Government to provide 30% social housing, 50% private housing and 20% affordable or cost rental housing for the O’Devaney Gardens site. It is intended that the existing Masterplan will provide the framework for the speedy delivery of this regeneration project.

In light of the agreement reached with the Minister it is recommended that the wording be amended to include a commitment to providing both social and affordable housing, in addition to private housing.

Chief Executive's Recommendation

Motion agreed as amended:

Include a commitment to provide both social and affordable housing on the site. Add to the end of the second bullet point (page 145 of Draft Plan):

- The development of a high-quality residential quarter comprising quality new homes supported by a complementary range of mixed commercial, community and recreational facilities will be promoted for this site. **The site will provide for a mix of tenure with social, affordable and private housing all provided on-site.**

Motion

5073

Councillor(s) Cllr. Pat Dunne, Deputy Lord Mayor Rebecca Moynihan, Cllr. Criona Ní Dhálaigh

Refers to: Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development

Motion

Material Alteration Reference Number 15.8

Amend text in Amended Draft after 3rd bullet point to read

To acknowledge the existing sports lands of St Teresa's gardens and its environs and act to retain and augment these lands as sporting facilities for the benefit of the wider community and use by local sports clubs. Ie delete the word 'replace and '

Chief Executive's Response

This motion seeks to reject the Chief Executive's recommendation following the public consultation on the amended Draft, which proposes to alter the SDRA text for St. Teresa's Gardens after the 3rd bullet point as follows:

"To acknowledge the existing sports lands of St. Teresa's gardens and its environs and act to **retain replace** and augment these lands as sporting facilities for the benefit of the wider community and use by local sports clubs.

It is assumed that the motion is seeking to retain the lands known locally as the 'Old Brigade' lands located to the rear of the old flat blocks. By retaining these lands in this specific location completely undermines the Masterplan as prepared for the area, and upon which the designs as approved in May 2014 were based. The proposals for St. Teresa's Gardens as agreed with the Regeneration Board proposes the provision of a new district park and sporting all-weather pitches which together account for c. 25% of the DCC owned lands. This Masterplan while indicative is based on detailed site analysis setting out future road layouts and appropriately sized parcels of land for development, which can allow for integration and permeability with the adjoining lands. The motion is totally at odds with the Masterplan and the indicative map as shown on page 147 of the Draft Plan. Retaining and augmenting the existing sports pitch will alter these connections and also the location of the open space proposed for the scheme. As indicated on the map on page 147 it is proposed to locate the "green space" (both park and pitches) along Donore Avenue, next to the Community Centre, and easily accessible and visible from the wider community. Retaining the sports provision at the Old Brigade site will reduce the ability to integrate the DCC lands with the adjoining landholdings. What is important is to ensuring that the sporting and recreational needs of the community are provided for, both on-site and in the wider area, (e.g. at Marrowbone Lane), while simultaneously creating a sustainable and desirable residential neighbourhood. The provision of the open space along Donore Avenue is considered the most advantageous location for such an amenity. For these reasons it is recommended that the motion not be adopted.

Chief Executive's Recommendation

Motion not adopted for reasons set out above.

Motion**5074****Councillor(s) Cllr. Pat Dunne, Deputy Lord Mayor Rebecca Moynihan****Refers to:** Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development**Motion****Material Alteration Reference Number 15.8**

Amend the following paragraph to replace 20% with 30% That at least 20% (replace with 30%) of the St Teresa's Gardens site SDRA 12 be retained for public open space, recreation & sporting facilities including an area to facilitate organised games.

Chief Executive's Response

Following the Council decision in 2010 to proceed with the regeneration of St. Teresa's Gardens a considered amount of time, effort and expense has been invested in developing an overall Masterplan and in seeking the commencement for the initial phases of such (demolition and the provision of 50 no. new residential units). This approach has been carried out in tandem with both local community and local councillors and includes proposals for a future district park inclusive of all-weather pitches/ MUGAs and playground. These proposals result in the provision of c. 25% of the DCC lands at St. Teresa's (inclusive of the Old Brigade site) being given over to open space/ recreational use. It is further noted that as part of this Development Plan review process the Council have rezoned the lands next to St. Catherine's Sports Centre to Z9, thus providing for significant future sporting amenity in this wider area. A requirement to provide additional open space over and above that set out in the Masterplan will significantly undermine the overall regeneration aims of the Masterplan and reduce the levels of residential units capable of being provided on site. Taking the above into consideration it is considered that planned regeneration for the area makes adequate provision for open space, recreation and sporting facilities, and on this basis it is recommended that the motion is not adopted.

Chief Executive's Recommendation

Motion not adopted for reasons set out above.

Motion

5075

Councillor(s) Cllr. Ray McAdam

Refers to: Chapter 14 - Land-use Zoning

Motion

Site Ref E, Reference 29 - Church Street - OPW Site

That the zoning status of the OPW site on Church Street agreed in May be retained. Therefore small portion of the site nearest the Luas stop be zoned Z5.

Reason:

The provision of a public park near the Smithfield Luas stop would be an important local recreational amenity in the Church Street district. This amendment seeks to retain the rezoning of the small portion of the site as agreed in May.

Chief Executive's Response

The subject site is located adjacent to strategic public transport services (Luas) and is located within the city centre zone under the Core Strategy, for which the Z5 zoning is appropriate to maximise the efficient use of zoned serviced land, consolidate the city and provide mixed services, residential and employment uses in the city core, thus limiting encroachment into greenfield areas in the city's hinterland. It should be noted that the entire site is owned by the OPW and is intended to be used as a new building for the Courts Services to facilitate the Children's Courts. A Z5 zoning is appropriate for the entire site for the reasons outlined above. There is a variety of urban parks in the vicinity e.g. Ormond Square, Smithfield some of which have plans for upgrades e.g. Croppies Park, Peace Park, St Audeon's Park.

The proposed Courts facility requires all of the site to be used. The motion could jeopardise the delivery of the scheme and prolong the vacancy of the site.

Chief Executive's Recommendation

Motion is not agreed for planning reasons outlined above: All of the site is required for a new children's court and should be zoned Z5 (City Centre)

Motion

5076

Councillor(s) Cllr. Paul McAuliffe

Refers to: Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development

Motion

Material Alteration Reference Number 15.9

With Regard to the Oscar Traynor SDRA

That the height of the development shall be 7 storey's in the M1/R104 Junction corner stepping down to 2 storeys at the houses at Lorcan Estate.

That there is 30% social housing

That pedestrian lane ways such as those which have been extinguished elsewhere because of antisocial behaviour are not included in the plan

Chief Executive's Response

The Draft Development Plan contained a statement which allowed for the consideration of buildings of up to 10-storeys in height, of slender design, to act as a land-mark feature in the north-west corner of the site, next to the M1. Following Councillor consideration this statement was removed from the Plan under Amendment Reference No. 15.1.1.20. Subsequently following the public display of amendments submissions were received seeking the re-instatement of the sentence :

"Heights of up to 10-storeys will be considered in the north-west corner of the site as slender land-mark features."

The Chief Executive recommended the reinstatement of the above sentence on the basis that providing strategically located "gateway" buildings is a well established principle of urban design to denote landmark spaces and/or act as gateways. A good example of this is the nearby "Gateway" (student) housing in Ballymun, where two buildings on opposite sides of the road articulate the "gateway" or entrance to the Main Street. These buildings are 9 and 11 storeys, slender in design and are not considered out of keeping with the surrounding streetscape or landscape. It is considered that a similar approach should be open for consideration on the Oscar Traynor Road site, a substantial site of 17.2 ha, and one that denotes a key approach into the urban area of the City. It is also noted that all applications for "higher buildings" are subject to the assessment criteria for higher buildings as set out in section 16.7.2 of the Draft Plan, which addresses in detail the relationship between any proposed building and the surrounding context.

The requests for setting a specific percentage for social housing and for the exclusion of pedestrian laneways are not based on any amendments that went on public display and are therefore out of order. The Draft Plan does however contain a requirement for a mix of unit types and tenures in keeping with the core strategy of the Development Plan.

Chief Executive's Recommendation

On the issue of Height: Motion not agreed for urban design and planning reasons as set out i.e. 10 storey at north end compensates for low density adjacent housing and large 20% open space.

On the issue of 30% social housing, and pedestrian landeways: Motion out of order. Not the subject of an amendment.

Motion**5077****Councillor(s) Green Party Group****Refers to:** Chapter 14 - Land-use Zoning**Motion****Map Reference E, Reference Number 29 - Church Street OPW site (Hammond Lane)**

Retain proposed zoning

Reason: To provide amenity space for children and others

Chief Executive's Response

The subject site is located adjacent to strategic public transport services (Luas) and is located within the city centre zone under the Core Strategy, for which the Z5 zoning is appropriate to maximise the efficient use of zoned serviced land, consolidate the city and provide mixed services, residential and employment uses in the city core, thus limiting encroachment into greenfield areas in the city's hinterland. It should be noted that the entire site is owned by the OPW and is intended to be used as a new building for the Courts Services to facilitate the Children's Courts. A Z5 zoning is appropriate for the entire site for the reasons outlined above. There is a variety of urban parks in the vicinity e.g. Ormond Square, Smithfield some of which have plans for upgrades e.g. Croppies Park, Peace Park, St Audeon's Park.

The proposed court facility requires all of the site to be used. The motion could jeopardise the scheme and prolong the vacancy of the site.

Chief Executive's Recommendation

Motion is not agreed for planning reasons outlined above: The site is required for a new children's court and should be zoned Z5 (City Centre)

Motion

5078

Councillor(s) Cllr. Paul Hand

Refers to: Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development

Motion

Material Alteration Reference Number 15.10

In relation to 15.1.1.21 the proposed National Concert Hall Quarter, the City Development Plan will give guidelines that any development in the area, on or near sites of historical and architectural importance, will only be granted permission if an architectural, archaeological and historical assessment is carried out.

Reason:

To preserve our cities Georgian architecture, history and heritage.

Chief Executive's Response

Chapter 11 of the Draft Development Plan: Culture and Heritage provides numerous policies to protect the architectural, archaeological and historical heritage of the City. Notably Policies CHC1, CHC2, CHC3, CHC4, CHC5, CHC8, CHC14 all seek to preserve the culture and heritage of the City, requiring architectural, archaeological and historical assessment as applicable. These policies are applicable to the SDRA 18 area, and it is not considered necessary to replicate them in Chapter 15.

Chief Executive's Recommendation

Motion Noted. Guidelines for the protection of the City's Georgian core and architectural heritage are included in Chapter 11 of the Draft City Development Plan.

Motion

5079

Councillor(s) Green Party Group

Refers to: Chapter 15 - Strategic Development and Regeneration Areas: Guiding Principles for Development

Motion

Material Alteration Reference Number 15.10

Delete 15.1.1.21 SDRA 18 National Concert Hall Quarter and all accompanying text

Reason: to avoid over-development

Chief Executive's Response

The provision of an additional SDRA for the National Concert Hall Quarter has been the subject of previous debate in the Council Chamber and it was decided to include it in the Amended Draft Plan following a motion of the City Council. The majority of the SDRA areas selected in the Draft Plan are areas which are capable of delivering a significant quantum of homes and employment for the city. Some are important public housing regeneration areas and are areas where proposals for comprehensive development or re-development have been, or are in the process of being prepared.

A number of submissions from the public were received on this proposed new SDRA. The majority of submissions received including those from the Irish Georgian Society, An Taisce, and various resident associations object strongly to the inclusion of this new SDRA and/or in particular the proposal to promote the development of commercial buildings of up to 9-storeys in height, i.e. 36 metres, within an historic and architecturally important area of Dublin City. There is a fear that the new heights proposed will undermine the scale and grain of this portion of Dublin's Georgian Core and it was put that there was no evidence basis or assessment for the proposed increase in height. A number of submissions queried the need for the designation of this area as a Strategic Development and Regeneration Area, stating that this is not an area in need of regeneration as are other parts of the city. The An Taisce submission states that the focus for SDRA designation should be on areas of greenfield urban expansion and brownfield areas such as the Docklands where there is large-scale redundancy of uses.

Three public submissions were received supporting the proposed SDRA designation for this area, notably from the Clancourt Group and the Dublin Chamber of Commerce. The latter called for a new objective to be added for the creation of an "urban village", while the former called for clarity within the Plan in relation to height, principally that the NCHA be added to the mid-rise category of the building height table and Figure 19 (Building Height in Dublin Context). Also that SDRA 18 be added to Map K.

On balance it is therefore recommended to retain the SDRA and that any discrepancies in relation to tables and maps within the Plan will be addressed in compiling the final Plan for publication, including the insertion of the NCHQ into the table on Building Height (page 162 of the Draft Plan), and Figure 19, and the SDRA will be added to Map K. It is also noted that all applications for "higher buildings" are subject to the assessment criteria for higher buildings as set out in section 16.7.2 of the Draft Plan, which addresses in detail the relationship between any proposed building and the surrounding context.

Chief Executive's Recommendation

The motion is not agreed.

Retain text in the Amended Draft to include area as SDRA.

Insert the National Concert Hall Quarter into the table on Building Height (page 162 of the Draft Plan), and into Figure 19: Building Height in Dublin Context.

Include SDRA 18 in Map K: Strategic Development and Regeneration Areas and Key District Centres.

Motion

5080

Councillor(s) Cllr. Andrew Montague

Refers to: Chapter 16 - Development Standards

Motion

Material Alteration Reference Number 16.1

Reference 16.1 to amend the Chief Executive's suggested text from "the re-use of existing buildings should be considered in appropriate cases" to "the re-use of existing buildings and or building materials should be considered in appropriate cases"

Reason: to promote the re-use of building materials where possible to reduce carbon emissions and waste building materials going to landfill.

Chief Executive's Response

In the CE Report on submissions received on the proposed amendments (page 101) it was recommended that additional text be added to the beginning of the 2nd paragraph as follows:

Buildings should be designed to minimise resource consumption, reducing waste, water and energy use. The re-use of existing buildings should be considered in appropriate cases.

The motion above requests that this be amended as follows: Buildings should be designed to minimise resource consumption, reducing waste, water and energy use. The re-use of existing buildings and or building materials should be considered in appropriate cases.

This has been noted and it is recommended that this be amended.

Chief Executive's Recommendation

The Motion is agreed. It is recommended that the text be amended as it a non material alteration to read as follows:

The motion above requests that this be amended as follows: Buildings should be designed to minimise resource consumption, reducing waste, water and energy use. The re-use of existing buildings and or building materials should be considered in appropriate cases.

Motion

5081

Councillor(s) Green Party Group

Refers to: Chapter 16 - Development Standards

Motion

Material Alteration Reference Number 16.1

To reject the manager's recommendation and to maintain the text in the amended draft.

Reason - in the interests of sustainability and to help mitigate climate change.

Chief Executive's Response

In the CE report on Submissions received on the proposed amendments (August 2016) The text that was in the Material Amendment 16.1 was amended:

From:

To minimise the waste embodied energy in existing structures, the re-use of existing buildings should always be considered as a first option in preference to demolition and new-build. Buildings should be designed to minimise resource consumption, reducing waste , water and energy use.

To:

To minimise the waste embodied energy in existing structures, the re-use of existing buildings should always be considered as a first option in preference to demolition and new-build. Buildings should be designed to minimise resource consumption, reducing waste , water and energy use. **The re-use of existing buildings should be considered in appropriate cases.**

In the CE report (August 2016), page 101, it is acknowledged that there are buildings where the only viable option is demolition if the economic cost of their refurbishment is unduly onerous when conforming to modern building regulations. A key priority is to prevent obsolete office blocks becoming vacant and derelict and this can be achieved by either demolition and rebuild or renewal. On this basis it was recommended that the text be amended to read ‘ **The re-use of existing buildings should be considered in appropriate cases.**’ Design should optimise natural **or heat recovery** ventilation, minimise overshadowing, minimise glare and excessive solar gain, avoiding large areas of glazing and providing an appropriate balance between solid and void elements. Materials should be selected which are sustainably sourced and existing materials re-used and recycled wherever possible. Measures which will allow the occupants to adapt to the impacts of climate change include natural ventilation, summer shading, operable windows, the incorporation of living roofs and walls, planting and trees, as well as the inclusion of sustainable urban drainage systems and permeable surfaces in adjoining spaces.’

This statement would seem reasonable as this will not always be the best option or most practicable option, but yes in principle we should be looking to re-use our existing building stock where feasible.

The Draft Development Plan has various section in the plan which deal with embodied energy and the re-use of buildings. In this regard please refer to Section 11.1.5.8 of the Draft Plan (Demolition of Protected Structures and Buildings in Architectural Conservation Areas – Policy Application & Rationale, Page 98) , Section 11.5.5.10 of the Draft Plan (Retrofitting Sustainability Measures – Policy Application ,page.98) and finally Section 16.2.1.2 of the Draft Plan (Sustainable Design , page 154,155).

Chief Executive's Recommendation

Motion is not agreed. This matter is already dealt with in the Chief Executive's report on submissions received on the proposed amendments (August 2016) , see page 101. As circulated to Councillors recently , the consolidated text of the CEs recommendation is as follows:

'Good design has a key role to play on both reducing waste and emissions which contribute to climate change and ensure future occupants will be able to adapt to the impacts of changing climate. These issues must be considered from the outset of the design process, as issues such as density, building orientation, height, form and materials will influence aesthetics, functionality and resource sustainability. ***Design should optimise ventilation, minimise overshadowing, minimise glare and excessive solar gain.***

To minimise the waste embodied energy in existing structures, the re-use of existing buildings should always be considered as a first option in preference to demolition and new-build. Buildings should be designed to minimise resource consumption, reducing waste, water and energy use. The re-use of existing buildings should be considered in appropriate cases. Design should optimise natural or heat recovery ventilation, minimise overshadowing, minimise glare and excessive solar gain, avoiding large areas of glazing and providing an appropriate balance between solid and void elements. Materials should be selected which are sustainably sourced and existing materials re-used and recycled wherever possible. Measures which will allow the occupants to adapt to the impacts of climate change include natural ventilation, summer shading, openable windows, the incorporation of living roofs and walls, planting and trees, as well as the inclusion of sustainable urban drainage systems and permeable surfaces in adjoining spaces.'

Motion

5082

Councillor(s) Lord Mayor Brendan Carr

Refers to: Chapter 16 - Development Standards

Motion

Material Alteration Reference Number 16.5

That this Council rejects the CEO proposal for Inner City low-rise to be designated 28 metres and retains the limit at 24 metres as already agreed by the City Councillors

Reason:

The Council has already debated and voted on this issue.

Chief Executive's Response

Development sites in the inner city are a critical and limited resource for the city and its residents, for new housing, new employment opportunities, as well as recreational and community facilities.

“The special character and quality of the historic core” is protected and conserved by a range of strong policies and designations such as Architectural Conservation Areas, residential conservation areas (Z2), the extensive areas of Z8 zoning which states: “ To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective.” The city centre Land-Use Zoning Objective Z5: To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity.”

Of course a height of 24m can provide 280 units per hectare in theoretical terms, but in reality in a complex urban environment such as that in Dublin, the pattern of streetscape, Conservation areas, Protected Structures and existing urban framework, all of which must be taken into consideration, means that such densities are rarely achieved. The 28m being proposed by the Chief Executive provides a maximum envelope within which the required sustainable density may be achieved subject to other planning considerations.

National and regional planning policy strongly supports increased densities especially in highly accessible inner city areas where the full range of employment, retail, educational and recreational facilities are often in walking or cycling distance and also close to frequent public transport.

The proposed building height policy is also contrary to Section 1.2 of the Draft Development Plan 2016-2022 which states that an unsustainable path of low-density development with extensive urban sprawl, unsustainable travel patterns should not be continued.

The Core Strategy of the Draft Development Plan states that there is a total of 440 hectares of undeveloped zoned lands within Dublin City with the potential to deliver 55,000 units. The stated number of units deliverable is based on an average density figure of 125 no. units per hectare (55,000 no. units / 440 hectares = 125 no. units per hectare). This density of development is highly unlikely to be achievable with the reduced residential building height policy proposed.

The Chief Executive's height proposal (up to 28m in the inner city) also allows for more than minimum floor to ceiling height and so improved housing quality, and possibly a commercial/community ground floor use with a 4m minimum floor to ceiling height.

The Chief Executive's August Report on Material Alteration Reference Number 16.5 stated that the majority of submissions make a reasonable and strong case that the reduction in heights will result in a significant decrease in housing supply in the city, in employment and other opportunities, and on that basis recommended that the maximum heights be returned to those set out in the Draft Plan i.e. up to 28m in the inner city.

The report also stated that the following additional statement on 'height in context' is an important clarification and an additional protection:

"The heights stated in the low-rise and mid-rise categories of the table titled Building Height in Dublin are maximum heights. Notwithstanding the maximum permissible heights specified in this section, proposals will be subject to assessment against standards set out elsewhere in the Development Plan, as will proposals in the high-rise category."

Chief Executive's Recommendation

Motion is not agreed for reasons set out above, that it would result in a significant decrease in housing supply in the inner city, in employment and other opportunities in the inner city, be contrary to core Draft Development Plan and national policies and that there is sufficient planning policy to protect the character of areas and that the height policy would be as follows:

Building Height in Dublin:

Category Area Height (m) Low-rise (relates to the prevailing local height and context)

Inner City: Up to 28m

Motion

5083

Councillor(s) Cllr. Mary Freehill, Cllr. Dermot Lacey

Refers to: Chapter 16 - Development Standards

Motion

Material Alteration Reference Number 16.5

"This Council agrees to retain the Low-rise Outer City Residential height indicated in the 'Building Height in Dublin:' Table in the Amended Draft Plan so that it reads:

Low-rise (relates to the prevailing local height and context) Outer City Residential Up to 13m."

Reason: According to the 2015 'Development Plan Briefing Note' distributed to Councillors, a height of 13m (4 storeys) can provide 120 units per hectare.

The 'Development Plan Briefing Note' also states: '*To meet Regional Planning Guideline requirements a density of over 84uph is needed.*' It goes on to state: '*However, in order not to constrain future development and to allow for further growth within the areas available it is advisable to seek a minimum average density of 100uph.*' 120uph is 20% more than what is considered adequate to provide for future development and further growth, and 42% greater than the RPG requirements.

Chief Executive's Response

National and regional planning policy strongly supports increased densities in under-utilised urban areas, particularly Dublin and particularly close to public transport, in the interests of sustainable development and the proposed reduction in height is contrary to these policies.

The proposed building height policy is also contrary to Section 1.2 of the Draft Development Plan 2016-2022 which states that an unsustainable path of low-density development with extensive urban sprawl, unsustainable travel patterns should not be continued.

The Core Strategy of the Draft Development Plan states that there is a total of 440 hectares of undeveloped zoned lands within Dublin City with the potential to deliver 55,000 units. The stated number of units deliverable is based on an average density figure of 125 no. units per hectare (55,000 no. units / 440 hectares = 125 no. units per hectare). This density of development is highly unlikely to be achievable with the reduced residential building height policy proposed.

The reduction to 13 metres will result in a significant under-utilisation of important residential development opportunities in the inner suburbs.

The additional height is to allow for more than minimum floor to ceiling height and so improved housing quality, and possibly a commercial/community ground floor use with a 4m minimum floor to ceiling height.

With reference to the briefing note circulated to Councillors, a uniform 4 storey development can theoretically provide 120 units per hectare. However, this is rarely achieved in a city with a variety of urban characteristics and built heritage such as Dublin.

It is also the case that some sites are large enough to form their own character with 16m buildings towards the centre. 16m also allows for parapets and a variety of roofscapes/setbacks, whereas a 13 metre height maximum restricts the design solution and affects viability in terms of lifts etc.

As part of the public consultation process, a submission to the Amended Draft Plan gave an example of the impact of the reduction in height on a site of 10,000m²:

- 13m height limit, 4 storeys, would deliver 75 housing units
- 16m height limit, 5 storeys, would deliver 95 housing units
- A loss of 20 units.

The Chief Executive August Report on Material Alteration Reference Number 16.5 stated that the majority of submissions make a reasonable and strong case that the reduction in heights will result in a significant decrease in housing supply in the city and on that basis recommended that the maximum heights be returned to those set out in the Draft Plan i.e. 16m.

The Chief Executive report also stated that the following additional statement on 'height in context' is an important clarification and an additional protection:

"The heights stated in the low-rise and mid-rise categories of the table titled Building Height in Dublin are maximum heights. Notwithstanding the maximum permissible heights specified in this section, proposals will be subject to assessment against standards set out elsewhere in the Development Plan, as will proposals in the high-rise category."

Chief Executive's Recommendation

Motion is not agreed for reasons set out above, that it would significantly reduce housing supply, be contrary to core Draft Development Plan and national policies and that there is sufficient planning policy to protect the character of areas and that the height policy would be as follows:

Building Height in Dublin:

Category Area Height (m) Low-rise (relates to the prevailing local height and context)

Outer City: Up to 16m.

Motion

5084

Councillor(s) Cllr. Nial Ring

Refers to: Chapter 16 - Development Standards

Motion

Material Alteration Reference Number 16.5

To reject the Chief Executives proposed Material Alteration Reference Number 16.5 and retain the Low-rise Inner City Residential height at Up to 24m and the Low-rise Outer City Residential at Up to 13m as voted on and agreed by the members.

Reason:

To reflect the decision of City Councillors and to reject the scaremongering tactics of the Department of the Environment and others who are attempting to bully councillors into changing our decision with a propaganda campaign indicating that failure to comply with their wishes will increase homelessness, cause unemployment, add to the social housing waiting list and demonstrates a "lack of ambition and an unwillingness to deal with density issues" on the part of City Councillors.

Chief Executive's Response

Development sites in the city are a critical and limited resource for the city and its residents, for new housing, new employment opportunities, as well as recreational and community facilities.

National and regional planning policy strongly supports increased densities especially in accessible city areas where the full range of employment, retail, educational and recreational facilities are often in walking or cycling distance and also close to frequent public transport.

The proposed building height policy is also contrary to Section 1.2 of the Draft Development Plan 2016-2022 which states that an unsustainable path of low-density development with extensive urban sprawl, unsustainable travel patterns should not be continued.

The Core Strategy of the Draft Development Plan states that there is a total of 440 hectares of undeveloped zoned lands within Dublin City with the potential to deliver 55,000 units. The stated number of units deliverable is based on an average density figure of 125 no. units per hectare (55,000 no. units / 440 hectares = 125 no. units per hectare). This density of development is highly unlikely to be achievable with the reduced residential building height policy proposed.

As part of the public consultation process, a submission to the Amended Draft Plan gave an example of the impact of the reduction in height on a site of 10,000m²:

- 13m height limit, 4 storeys, would deliver 75 housing units
- 16m height limit, 5 storeys, would deliver 95 housing units
- A loss of 20 units.

The Chief Executive's height proposal also allows for more than minimum floor to ceiling height and so improved housing quality, and possibly a commercial/community ground floor use with a 4m minimum floor to ceiling height.

The Chief Executive's August Report on Material Alteration Reference Number 16.5 stated that the majority of submissions make a reasonable and strong case that the reduction in heights will result in a significant decrease in housing supply in the city, in employment and other

opportunities, and on that basis recommended that the maximum heights be returned to those set out in the Draft Plan.

The Chief Executive report also stated that the following additional statement on 'height in context' is an important clarification and an additional protection:

"The heights stated in the low-rise and mid-rise categories of the table titled Building Height in Dublin are maximum heights. Notwithstanding the maximum permissible heights specified in this section, proposals will be subject to assessment against standards set out elsewhere in the Development Plan, as will proposals in the high-rise category."

Chief Executive's Recommendation

Motion not agreed for reasons set out above, that it would result in a significant decrease in housing supply in the city, in employment and other opportunities in the city, be contrary to core Draft Development Plan and national policies and that there is sufficient planning policy to protect the character of areas and that the height policy would be as follows:

Building Height in Dublin:

Category Area Height (m) Low-rise (relates to the prevailing local height and context)
Inner City: Up to 28m
Outer City: Up to 16m.

Motion

5085

Councillor(s) Cllr. Dermot Lacey

Refers to: Chapter 16 - Development Standards

Motion

Material Alteration Reference Number 16.5

This Council notes, but rejects, the submission from the Minister for the Environment, Community and Local Government seeking greater height provision in the Dublin City Development Plan.

Reason:

The Draft Plan provides sufficient height possibilities while retaining the core planning principle and value of Dublin being a low rise City.

Chief Executive's Response

The motion seeks to reject the submission from the Minister for the Environment Community and Local Government, however, the planning and development act requires that all submissions related to a material alteration must be considered and so the motion is out of order.

Chief Executive's Recommendation

Motion not agreed; out of order.

Motion

5086

Councillor(s) Cllr. Mary Freehill, Cllr. Dermot Lacey

Refers to: Chapter 16 - Development Standards

Motion

Material Alteration Reference Number 16.5

"This Council agrees to amend the Low-rise Inner City Residential height indicated in the 'Building Height in Dublin:' Table so that it reads:

Low-rise (relates to the prevailing local height and context) Inner City Residential Up to 20m Shoulder Height and rising to a Maximum total height of 24m where appropriate"

Reason:

The special character and quality of the historic core should be protected and conserved while allowing for the required densities. The 20m Shoulder Height rising to a maximum total height of 24m where appropriate, can achieve this. The CE's Report quotes the DOE submission and states, in relation to the Core Strategy of the Draft Development Plan, that: *"The stated number of units deliverable is based on an average density of 125 no. units per hectare"*. It then states: *"This density of development is highly unlikely to be achieved with the reduced residential building height policy proposed."* This is not the case. In fact, the *"reduced residential building height"* of 24m could achieve significantly higher densities than those sought.

A height of 24m (8 storeys) can provide 280 units per hectare ('Development Plan Briefing Note' distributed to Councillors 2015). This is more than double the number of units per hectare sought. Even a height of 12m (4 storeys) can provide 120 units per hectare (same source). It is clarified in the briefing note that the figures quoted are: *"generally compatible with the urban fabric of much of the city"*

The 'Development Plan Briefing Note' also states: *'To meet Regional Planning Guideline requirements a density of over 84uph is needed.'* It goes on to state: *'However, in order not to constrain future development and to allow for further growth within the areas available it is advisable to seek a minimum average density of 100uph.'* The 125uph referenced by the DOE then, is 25% more than what is considered adequate to provide for future development and further growth, and 49% greater than the RPG requirements.

280uph (the density achievable at 24m) is more than three times the density required by the RPG.

Chief Executive's Response

The motion is out of order as it is a Material Alteration that was not put on public display.

Chief Executive's Recommendation

Motion is out of order for reasons set out above.

Motion

5087

Councillor(s) Cllr. John Lyons

Refers to: Chapter 16 - Development Standards

Motion

Material Alteration Reference Number 16.5

To respect the decision taken by the elected representatives of Dublin City Council with regard to low-rise residential heights for the inner and outer city, namely the maximum height for Low-rise Inner City Residential - (Up to 24 metres) and maximum height Low-rise Outer City Residential - (up to 13 metres).

Reason:

To maintain to low-rise character of Dublin city's built environment.

Chief Executive's Response

The Amended Draft Plan went out for public consultation, submissions were received and considered and hence the proposed changes to maximum heights.

Development sites in the city are a critical and limited resource for the city and its residents, for new housing, new employment opportunities, as well as recreational and community facilities.

The relevant national and regional planning policy context strongly supports increased densities especially in accessible city areas where the full range of employment, retail, educational and recreational facilities are often in walking or cycling distance and also close to frequent public transport.

The proposed building height policy is also contrary to Section 1.2 of the Draft Development Plan 2016-2022 which states that an unsustainable path of low-density development with extensive urban sprawl, unsustainable travel patterns should not be continued.

The Core Strategy of the Draft Development Plan states that there is a total of 440 hectares of undeveloped zoned lands within Dublin City with the potential to deliver 55,000 units. The stated number of units deliverable is based on an average density figure of 125 no. units per hectare (55,000 no. units / 440 hectares = 125 no. units per hectare). This density of development is highly unlikely to be achievable with the reduced residential building height policy proposed.

As part of the public consultation process, a submission to the Amended Draft Plan gave an example of the impact of the reduction in height on a site of 10,000m²:

- 13m height limit, 4 storeys, would deliver 75 housing units
- 16m height limit, 5 storeys, would deliver 95 housing units
- A loss of 20 units.

The Chief Executive's height proposal also allows for more than minimum floor to ceiling height and so improved housing quality, and possibly a commercial/community ground floor use with a 4m minimum floor to ceiling height.

The Chief Executive's August Report on Material Alteration Reference Number 16.5 stated that the majority of submissions make a reasonable and strong case that the reduction in heights will result in a significant decrease in housing supply in the city, in employment and other opportunities, and on that basis recommended that the maximum heights be returned to those set

out in the Draft Plan.

The report also stated that the following additional statement on 'height in context' is an important clarification and an additional protection:

"The heights stated in the low-rise and mid-rise categories of the table titled Building Height in Dublin are maximum heights. Notwithstanding the maximum permissible heights specified in this section, proposals will be subject to assessment against standards set out elsewhere in the Development Plan, as will proposals in the high-rise category."

Chief Executive's Recommendation

Motion is not agreed for reasons set out above, that it would result in a significant decrease in housing supply in the city, in employment and other opportunities in the city, be contrary to core Draft Development Plan and national policies and that there is sufficient planning policy to protect the character of areas and that the height policy would be as follows:

Building Height in Dublin:

Category Area Height (m) Low-rise (relates to the prevailing local height and context)
Inner City: Up to 28m
Outer City: Up to 16m.

Motion

5088

Councillor(s) Cllr. Cieran Perry

Refers to: Chapter 16 - Development Standards

Motion

Material Alteration Reference Number 16.5

All Low-rise heights to remain the same as the previous Development Plan.

The recommendation from the Chief Executive attempts to undermine the democratic decision of the council at the previous stage of the development plan. His recommendation attempts to increase residential heights by another storey in the Inner City and by a storey in the Outer City.

Low-rise Inner City Residential – 6 storeys (20m)/Commercial – 7 storeys (28m)

Low-rise Outer City Residential – 4 storeys (13m)/Commercial – 4 storeys (16m)

Reason: To ensure sustainable development in the city.

Chief Executive's Response

Motion is out of order as it is a material alteration that was not in the Amended Draft.

Chief Executive's Recommendation

Motion is out of order as it is not based on a Material Amendment that went out for public consultation. There is no provision in the Planning Acts for property owners or the public to make submissions on the content of the Motion at this final stage of the Development Plan process.

Motion**5089****Councillor(s) Green Party Group****Refers to:** Chapter 16 - Development Standards**Motion****Material Alteration Reference Number 16.5**

"This Council agrees to retain the Low-rise Outer City Residential height indicated in the 'Building Height in Dublin:' Table in the Amended Draft Plan so that it reads:

Low-rise (relates to the prevailing local height and context) Outer City Residential Up to 13m Shoulder Height and rising to a Maximum total height of 16m where appropriate."

Reason: to increase potential for housing supply

Chief Executive's Response

Motion is out of order as it is a material alteration that was not in the Amended Draft.

Chief Executive's Recommendation

Motion not agreed for reasons set out above; out of Order.

Motion

5090

Councillor(s) Cllr. Cieran Perry

Refers to: Chapter 16 - Development Standards

Motion

Material Alteration Reference Number 16.5

Phibsboro remains a Low-rise area as per the current Draft Development Plan

Reason:

To ensure sustainable development in the city. Phibsboro is a low-rise Victorian village of two and three storey red brick houses. Constructions of 50 metres in height would overshadow the streets and houses while destroying the integrity of the existing urban landscape and utterly transforming our residential areas.

Chief Executive's Response

The June Amended Draft proposes to add the following to the Plan:

"Reference Number 16.6 Add text to underneath the Table Building Height in Dublin (page 162)

Phibsborough will remain a low rise area with the exception of allowing for (i) up to a max of 19m in the centre of the Smurfit site and immediately adjoining the proposed railway station at Cross Guns Bridge; and (ii) the addition of one additional storey of 4m will be considered in relation to any proposals to re clad the existing 'tower' at the Phibsboro Shopping Centre"

The Chief Executive report on Motions (May 2016) stated that it had been agreed by members to incorporate key policy elements of the development sites outlined in the draft LAP in the new City Plan for statutory guidance, hence the amendment above.

It should be noted that the amendment states that: "Phibsborough will remain a low rise area", and sets out limited exceptions. The effect of adopting the motion would be to remove the exceptions and the policy set out in the draft LAP which it was agreed at Council meetings earlier in the year would be transferred to the new Development Plan. It should also be noted that the text agreed set out a maximum height of 19m and one additional floor to the shopping centre, and that the agreed text makes no reference to constructions of 50m (as is implied in the Motion).

Chief Executive's Recommendation

Motion not agreed, as it would negate the Amendment set out above as was agreed by the Council earlier in the year.

Motion

5091

Councillor(s) Cllr. Paul Hand

Refers to: Chapter 16 - Development Standards

Motion

Material Alteration Reference Number 16.5

That the proposed building heights in the City Development Plan be as follows:

Inner City- Residential 6 stories (20m)- Commercial 7 stories (28m)

Outer City- Residential 4 stories (13m)- Commercial 4 stories (16m)

These heights are close to the last development plan (2011-2017) and represent sensible planning policy for our city. They will not apply to the 13 areas where high and mid rise buildings can be constructed. It is important that the development plan does not give carte blanche to property developers and speculators that have ruined our city and national economy. It is also important to challenge the fallacy that higher buildings means higher density as this is not always the case.

Reason:

To protect our history and heritage, visual and residential amenity.

Chief Executive's Response

The Motion retains the commercial heights as set out in the Draft Plan and this is welcome. However, the Motion proposes to reduce significantly the maximum permitted heights for residential and this would seriously reduce housing supply. Development sites in the city are a critical and limited resource for the city and for new housing for its residents.

The relevant national and regional planning policy context strongly supports increased densities.

The proposed building height policy is also contrary to Section 1.2 of the Draft Development Plan 2016-2022 which states that an unsustainable path of low-density development with extensive urban sprawl, unsustainable travel patterns should not be continued.

The Core Strategy of the Draft Development Plan states that there is a total of 440 hectares of undeveloped zoned lands within Dublin City with the potential to deliver 55,000 units. The stated number of units deliverable is based on an average density figure of 125 no. units per hectare (55,000 no. units / 440 hectares = 125 no. units per hectare). This density of development is highly unlikely to be achievable with the reduced residential building height policy proposed.

The proposal will significantly reduce housing opportunities in highly accessible inner city areas where the full range of employment, retail, educational and recreational facilities are often in walking or cycling distance and also close to frequent public transport. The reduction to 13 metres will result in a significant under-utilisation of important residential development opportunities in the inner suburbs.

As part of the public consultation process, a submission to the Amended Draft Plan gave an example of the impact of the reduction in height on a site of 10,000m²:

- 13m height limit, 4 storeys, would deliver 75 housing units

- 16m height limit, 5 storeys, would deliver 95 housing units
- A loss of 20 units.

It should be noted that the heritage and character of the city is already protected and conserved by a range of strong policies and designations such as Architectural Conservation Areas, residential conservation areas (Z2), the extensive areas of Z8 zoning which states: " To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective." The city centre Land-Use Zoning Objective Z5: To consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity."

However, it is recognised that there are some sites that are large enough to accommodate 16m high buildings towards the centre of the site without impinging on Conservation areas or adjacent 2 storey developments. It is also the case that a set-back penthouse floor can enhance the architectural quality of a scheme.

The Chief Executive's height proposals for residential also allows for more than minimum floor to ceiling height and so improved housing quality, and possibly a commercial/community ground floor use with a 4m minimum floor to ceiling height.

The Chief Executive August Report on Material Alteration Reference Number 16.5 stated that the majority of submissions make a reasonable and strong case that the reduction in heights will result in a significant decrease in housing supply and on that basis recommended that the maximum heights be returned to those set out in the Draft Plan.

The report also stated that the following additional statement on 'height in context' is an important clarification and an additional protection:

"The heights stated in the low-rise and mid-rise categories of the table titled Building Height in Dublin are maximum heights. Notwithstanding the maximum permissible heights specified in this section, proposals will be subject to assessment against standards set out elsewhere in the Development Plan, as will proposals in the high-rise category."

Chief Executive's Recommendation

That part of the Motion that relates to residential height outer city is not agreed for reasons set out above, that it would result in a significant decrease in housing supply in the inner city, in employment and other opportunities, be contrary to core Draft Development Plan and national policies and that there is sufficient planning policy to protect the charter of areas and that the height policy would be as follows:

That part of the motion seeking residential (inner city) be further reduced to 20m max is a material alteration which did not go on public display and is out of order.

Building Height in Dublin:

Category Area Height (m) Low-rise (relates to the prevailing local height and context)

Inner City: Up to 28m

Outer City: Up to 16m.

Motion**5092****Councillor(s) Cllr. Cieran Perry****Refers to:** Chapter 16 - Development Standards**Motion****Material Alteration Reference Number 16.12**

Institutions/Hostels & Social Support Services

Increase the radius from 500m to 1Km

To ensure sustainable service provision and to prevent any over concentration of these services within communities the requirement of a map of all homeless and other social services be extended from 500m to a 1Km radius of the application.

Reason:

To prevent any over concentration of these services within communities which may undermine their sustainability.

Chief Executive's Response

The matter of increasing the radius from 500m to 1km was not the subject of an amendment and is out of order. This would be considered a material amendment and there is no opportunity at this stage to go back on public display , this motion is not agreed.

Chief Executive's Recommendation

Motion is not agreed, for the reasons set out above. Out of order.

Motion

5093

Councillor(s) Cllr. David Costello

Refers to: Chapter 16 - Development Standards

Motion

Material Alteration Reference Number 16.5

That this council looks to include the following as a compromise in relation to building heights "That Plant, Flues and lift over runs should not be included in the height of the building, as long as they are set-back and properly screened and do not significantly add to the shadowing or otherwise of natural light beyond that of the main structure."

Reason: to maximise the building space available for housing. Therefore increasing densities.

Chief Executive's Response

The Draft Plan (p162) sets out the following: "For the sake of clarity, plant rooms are included in the height definition". The Motion is welcome as it allows for and incentivises sustainability features such as solar panels, improved residential amenity by encouraging more than the minimum floor to ceilings heights etc

Chief Executive's Recommendation

Motion is agreed and the following text be added to the Development Plan:

"That Plant, Flues and lift over runs should not be included in the height of the building, as long as they are set-back and properly screened and do not significantly add to the shadowing or otherwise of natural light beyond that of the main structure."

And the following deleted:

"For the sake of clarity, plant rooms are included in the height definition". (p162)

Motion**5094****Councillor(s) Cllr. Paul Hand****Refers to:** Chapter 16 - Development Standards**Motion**

That all persons, parties, lobby groups that have visited the Planning Department in relation to the City Development Plan be published upon the ratification of the document.

Reason: to promote transparency and open governance.

Chief Executive's Response

The motion is not a relevant matter for inclusion in the City Development Plan. Reports are presented to the normal City Council / SPC meeting on such motions.

Chief Executive's Recommendation

Not a matter for the Development Plan.

Motion**5095****Councillor(s) Cllr. David Costello****Refers to:** Chapter 16 - Development Standards**Motion****Material Alteration Reference Number 16.5**

That this council examines and debates the CE's proposal to revert to the heights for residential Inner and Outer City set out in the Draft City development plan. (28m and 16m)

Reason: given the submission from the DOE in relation to building height and density it is possible that the Minister will direct this council to allow taller buildings. Given the scale of the housing crisis this should be debated one last time.

Chief Executive's Response

The motion refers to the Chief Executives recommendation in the August Report on Submissions regarding maximum heights in the Inner City (up to 28m) and Outer City (up to 16m). However it remains neutral as to whether it is supportive or not and as such it is a comment and is out of order

Chief Executive's Recommendation

Motion Not Agreed. Out of Order.

Motion

5096

Councillor(s) Cllr. Paul Hand

Refers to: Chapter 16 - Development Standards

Motion

Material Alteration Reference Number 16.9 (Refer to Material Alteration Ref 3.9)

Insert into 16.10.1 and 16.10.2 That new buildings apply the passive house standards or any equivalent evidence based standards in the construction of new build apartments and houses.

Reason:

To provide sustainable housing, protect the environment, lower carbon emissions, meet climate change protocols and implement new and innovative designs and standards and to fulfill the majority mandate of the elected members in the previous round of the development plan.

Chief Executive's Response

The motion is outside the scope of the Development Plan and is out of order for the numerous reasons given in the Chief Executives Report on Submissions, in that:

- it is inconsistent with National Building Regulations, which is government policy,
- there is no means of enforcing Passive House Standards
- Different standards for Dublin and the rest of the Country will increase unsustainable commuting
- Passive House is a specific trademark which should not be made a mandatory replacement of the Building Regulations in Ireland.

At the request of the elected members a second legal opinion was sought. This legal opinion was received on 2nd September 2016 and circulated to members. This second legal opinion confirms the Chief Executive's strong advice that the Passive House Standard conflicts with national policy, is unenforceable, is ultra vires, and exposes the Council to an expensive High Court challenge. It is also the case that a High Court Judgement against Dublin City Council usually means that the City Council will be required to restart the Development Plan process again from the amended draft plan stage.

It should be noted that the Building Control Standards in Ireland covering energy efficiency are currently being updated in accordance with the DECLG policy document "Towards Nearly Zero Energy Building in Ireland - Planning for 2020 and Beyond" which is part of the Energy performance of Building Directive from the EU. The Building Standards Division of the DOE has recently published a series of documents supporting the conservation of fuel and energy in buildings, all in support of Irelands National Climate Change Policy and which are at least the equivalent of other proprietary standards. Dublin City Council as a Building Control Authority fully supports the introduction of these higher energy efficiency standards for all buildings nationally.

In this respect the Chief Executive suggests that the City Council should indicate its support for the national review of Building Control Standards and seek that such a review should be expedited.

Chief Executive's Recommendation

Motion is Not Agreed as it is outside the scope of the Development Plan and out of Order.

That new text be inserted at CCO11 incorporating part of the motion, as follows:

“To support and seek the review of the National Building Regulations to be expedited with a view to ensuring that they meet or exceed the passive house standard or equivalent, with particular regard to energy performance and other sustainability considerations, to alleviate fuel poverty and reduce carbon reduction targets.”

Motion

5097

Councillor(s) Cllr. Paul Hand

Refers to: Chapter 16 - Development Standards

Motion

Material Alteration Reference Number 16.9

To remove the following sentence "within managed 'build- to- let' apartment schemes up to 42-50% of the total units may be in the form one bed or studio units" and replace with "within managed 'build- to- let' apartment schemes up to 30-35% of the total units may be in the form one bed or studio units" Section 16.10.1(page 106-108 of CEO's report)

Reason:

To provide a suitable residential mix in build-to-let developments, protect and promote residential amenity, promote sustainable city-living in the proposed electoral divisions where they apply.

Chief Executive's Response

The build-to-let housing model has been introduced into the Draft Development Plan, taking account of the Government's 'Design Standards for New Apartments' (Dec2015) and also acknowledging the need for accommodation for mobile workers within the City. It is a specific model that must be located within those Electoral Divisions of high employment, must have in excess of 50 units, and must be managed in single ownership for a minimum of 20 years. Communal facilities such as common rooms, gyms, laundry rooms etc. will also be encouraged within such developments. It is in recognition of the need to provide accommodation for such mobile workers that a higher percentage of one-bed and studio apartments are sought. Within all other developments a maximum of 25-30% of one-bed units are allowable.

It must also be noted that research from the Housing Agency (*Housing Supply Requirement in Ireland's Urban Settlements 2014-2018*) suggests that in the future 57% of all households in the Dublin Region will be for one and two person households. The Development Plan is thus ensuring that the housing provision is suitable to the future needs of the population.

Chief Executive's Recommendation

Motion is not agreed. The percentages proposed are recognising the housing needs of the City.

Motion**5098****Councillor(s) Green Party Group****Refers to:** Chapter 16 - Development Standards**Motion****Material Alteration Reference Number 16.5**

Amend the Low-rise Inner City Residential height indicated in the 'Building Height in Dublin:'
to

Low-rise (relates to the prevailing local height and context) Inner City Residential Up to 20m
Shoulder Height and rising to a Maximum total height of 24m where appropriate"

Reason: to respect the existing form, heritage and urban structure of the city.

Chief Executive's Response

Motion is out of order as it is a material alteration that was not in the Amended Draft.

Chief Executive's Recommendation

Motion not agreed for reasons set out above, motion out of order.

Motion**5099****Councillor(s) Cllr. Paul Hand****Refers to:** Chapter 14 - Land-use Zoning**Motion****Map Reference E, Reference Number 25 - Davitt Road, Goldenbridge**

That the proposed land zoning on map E, reference 25 remain zoned z6 (submission 4079).

Reason:

To provide for local employment and local housing as housing is allowed under a z6 zoning.
Motion

Chief Executive's Response

Only one submission was received on foot of the Amended Draft Plan that went on display. This submission supports the rezoning from Z6 to Z1. Therefore the motion represents a material amendment at this stage, as there is no opportunity for further public display and as such is out of order.

A Z1 zone would be compatible with and integrate successfully with the Z1 zoning directly adjoining and south of the site. In contrast, a Z6 zoning only allows residential for consideration provided the main part of the site remains Z6, which could lead to residential amenity issues in the future.

Chief Executive's Recommendation

Motion is not agreed.

It is out of order as it represents a material amendment to the amended draft, for which there is no further opportunity for public display.

Motion

5100

Councillor(s) Cllr. Mary Freehill

Refers to: Chapter 14 - Land-use Zoning

Motion

Map Reference H ref. No. 5 - Rathmines DIT

That the DIT building at Rathmines Rd Lr. Dublin 6, to protect the continued public educational use of the purpose built Educational Building which was purpose built 100 years ago be zoned Z15 as was agreed at DCC Development Plan meeting July 2016.

Reason:

Z15 is the correct zoning for an educational institution. Such is the need for educational space in Rathmines, there is two Educational Institutions next door currently competing for this building; the submissions below highlight the shortage of accommodation for educational purposes in the Rathmines and wider south side area. The Manager needs to set out what assessment of educational needs was carried out in the Area and, who did the report and how was it researched?

- A recent report in the Financial Times following the BREXIT vote set out a league table of European cities that would be attractive for London based businesses to relocate and within the EU. Dublin fared out quite well but it pointed out that the negatives for Dublin are poor integrated public transport network and shortage of educational facilities. This is a big concern for employees with families relocating to Dublin.
- Currently Rathmines has a lot of unoccupied commercial property but has a very severe shortage of Educational accommodation.

Four submissions were received following public consultation
CDETb, formally VEC who were the former owners of this building and established this purpose built public educational institution over 100 years ago. It started as a Trade's School and in 1932 became Rathmines College of Commerce. In 1991 it was designated to DIT as part of the property split between DIT and VEC

The submission from the CDETb who currently occupy Rathmines Town Hall which is Rathmines College points out that they are very badly off for space and have to rent residential houses on Leinster Rd which they use as overflow class rooms.

1. Currently they have 700 day students and 1200 evening students. They also make the point that students who travel from all over the city to Rathmines contribute to the local economy. Rathmines is very accessible for people coming from many areas because of its very good public transport network.
2. The CDETb have made it know on a number of occasions to the DIT concerning their interest and need for this building to remain in education. It's also been the subject of many motions over the years tabled to the DIT Governing Body

Submission from St Louis Primary School which is located next door to the DIT site, points out that they provide Primary education for the catchment of Dublin 2 ,4, 6, 6W, 8 and 12. This is an "Inclusive" school, (welcome children of all faith and none). This means that St Louis is an extremely high demand school. Because of increase in local child population all primary and secondary schools in 4, 6, & 6W and extremely high demand.

1. Currently there are 750 Infant and Senior Primary pupils this is an increase of 26% in past

- 12 years. The child population trend in the area for the foreseeable future is definitely UPWARDS. The Dept of Education and DCC must address this challenge.
2. The pupil population is made up of 40 nationalities and there is also a high demand to provide for pupils with varying forms of disabilities.
3. When St Louis opened in 1940 there was space to expand, all of those surrounding sites are now built up and DIT is the only opportunity for the school to provide a service to the community

Rathmines Initiative

Their submission reiterates points made above and emphasises the established continuing educational use stretching back over 100 years. They also point out *"If the DIT site were to remain zoned as Z4 it would leave open the possibility of large scale commercial development commercial development across both sites and extending back to St Louis Primary Schools to the rear. This scale of development would be detrimental to the urban quality of Rathmines. Z15 will therefore protect the current educational and institutional use of the buildings and protect the urban fabric of this area of Rathmines"*

DIT Submission

In this submission they make a case for being part of Prime Urban Centre. They also point out that by rezoning from Z4 to Z15 that it would devalue the site by 20%.

DIT is required to accrue the maximum value for all DIT buildings to offset Grangeegorman construction costs. Surely the intention of that condition is to sell for their educational value not inflated Developmental values. The Dept of Education is the ultimate owner, it must not allow educational land to evaporate at a time when there is such demand for school buildings. Furthermore we have a duty as Councillors to provide urban balanced development to provide for future generations.

Chief Executive's Response

The existing Z4 zoning for the site, being a district centre zoning in the centre of Rathmines, a key district centre in the draft Plan, is considered to be the appropriate zoning. The Z4 zone in the centre of Rathmines encompasses a range of existing uses that provide a community, cultural and recreational role, including the library and sports centre.

The purpose of land use zoning in development plans is to set a range of uses in an area of land, whether residential, commercial, industrial or otherwise (S10 of the Planning and Development Act 2000 (as amended)) or a mixture of these use in the interests of proper planning and sustainable development of the area; rather than for individual buildings.

The submission from DIT states that the Z15 zoning will increase the risk of vacancy and will reduce the sale value by up to 25%.

It was indicated in this motion that there is a demand for educational use in the Rathmines area. Under the Z4 zoning objective in the Draft Plan, community, education and cultural uses are permissible and the Z4 zone therefore does not preclude the opportunity for the DIT building or site to provide for these uses into the future, should they become available to the schools and an extension sought. It is not unusual within the higher density, mixed use zones of the city that schools are included within mixed use zones as opposed to Z15 zoning.

This motion also poses the question; what assessment of educational needs was carried out to inform the Z4 designation of the subject site? As stated previously, educational use is permissible in the Z4 zone. As educational use is permissible in the recommended zoning, it does not preclude educational use from this site and an assessment of educational needs in the area is

not required. It is noted also that the Church of Ireland site in Rathmines Road Upper remains zoned Z15 for future educational needs, following the relocation of the training college to DCU.

It was emphasised in the motion submitted that supporting the role of schools in the centre of Rathmines is important. However, the site is ultimately owned by the Department of Education and while the motion references what may be possible should the site become vacant, there is no guarantee that the DIT site will ever be selected as a site for educational use, with the associated potential risk of vacancy.

Development management is the appropriate process to determine the future appropriate redevelopment of this site, including determining suitable uses and design that protects the amenities of schools adjoining. A proposal by the school or DES to extend educational uses into the site or improve boundaries with the school can still be considered under the Z4 zoning.

In summary, the Z4 designation of this site can accommodate educational use should the need arise, but the Z4 zoning can also accommodate uses associated with a key district centre, which Rathmines is designated in the draft Plan, serving the wider community.

Chief Executive's Recommendation

Motion is not agreed for planning reason outlined above: The site should be zoned Z4 (District Centre) and not Z15 (Institutional)

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