



**NOTIFICATION TO ATTEND MEETING OF THE PLANNING AND URBAN FORM SPC
TO BE HELD IN THE COUNCIL CHAMBER, CITY HALL, DAME STREET, DUBLIN 2.
AND OR BY REMOTE VIDEO COFERENCE ZOOM
ON TUESDAY 27 SEPTEMBER 2022 AT 10.00 AM**

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AGENDA

TUESDAY 27 SEPTEMBER 2022

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	Wednesday 7 th December time to be discussed 10am /2.30pm City Hall / Hybrid	



MINUTES OF THE PLANNING AND URBAN FORM SPC MEETING

HELD ON TUESDAY 3RD MAY 2022

1. Minutes of Meeting 22nd February 2022

Minutes: Agreed

2. Matters arising

• **O'Connell Street**

Odran Reid brought up the topic of O'Connell Street regarding City Recovery, long term strategy and vision. Lord Mayor has been working with City Recovery Group on a paper, would be happy for all to get together to review.

Agreed Members to send on thoughts, ideas by e-mail to Odran Reid. Then hope to collate all reports on O'Connell Street prior to next meeting. A working Group may be set up.

• **New Large-scale Residential Developments (LRD) Process**

Mary Conway provided briefing document for the Members. This was circulated to full Council.

• **Dublin Bay UNESCO Biosphere Discovery Centre (Update)**

In addition to the proposed Discovery Centre itself, the planning application will incorporate proposed Brent Goose feeding sites at the junction between Causeway Road and the Coast Road, proposed interpretation/viewing areas at the 'half-moons' midway along Causeway Road, and proposal to demolish the existing centre and allow for dune restoration. The EIA is currently being updated to reflect this, and the final report is expected in 4-6 weeks.

A final round of consultations with local stakeholders has been undertaken, including input from DCC's Access Officer and DCC's Equality Officer. Robbie Sinnott made the point that Disabled Persons Organisations should be closely consulted at every stage.

Shane Casey, Executive Parks Superintendent has now taken over from Donncha Ó'Dúlaing.

3. Community Monuments Fund Update

Report circulated prior to meeting. Ruth Johnson, City Archaeologist gave a brief presentation. Ruth and Christine Todd, Landscape Architect, answered questions raised by the Members.

Advice sought on how St. Patricks Cathedral can apply for funding, Ruth to contact with regard to 2023.

Question about St. Canice's Graveyard, Ruth replied that the research had been conducted in 2021 and that implementation of the capital works has started. Design team will be holding first meeting on site 9th May.

Presentation Noted.

4. Housing Taskforce

Report circulated prior to meeting. John O'Hara, City Planning Officer, went through the report and answered questions raised by the Members.

Key points:

Agreed When Q1 2022 figures become available to be circulated to Members. This will be on the agenda for the November meeting to review Q1 and Q 2 for 2022

Report Noted.

5. Inchicore Retail Strategy

Report circulated prior meeting. Deirdre Scully, Deputy Dublin City Planning Officer gave a brief presentation and answered questions raised by the Members.

The Chair is happy to sign off on the letters to the Department of Housing, Local Government and Heritage and the Eastern and Midlands Regional Assembly.

Report Noted.

6. A.O.B.

7. Date of next meeting:

27th June @ 10am

Councillor Ray McAdam

Chairperson

Tuesday 3rd May

Attendance:

Members:

Ray McAdam (Chairperson)
Lord Mayor Alison Gilliland
John Lyons
Anthony Connaghan
Anna Devlin

Members:

Patricia Roe
Declan Meenagh
Dearbháil Butler
Robbie Sinnott

Members:

Odran Reid
Fergus Sharpe
Sophie Nicoulaud
Jonny McKenna

Officers:

Richard Shakespeare
Máire Igoe
Ruth Johnson

Officers:

John O'Hara
Deirdre Scully
Christine Todd

Officers:

Aileen Mac Dermott
Jonathan Fallon

Apologies:

Daithí De Róiste
Tom Brabazon



Comhairle Cathrach
Bhaile Átha Cliath
Dublin City Council

An Roinn Pleanála agus Forbartha Maoine
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8

Planning and Property Development Department
Block 4, Floor 3, Civic Offices, Wood Quay, D8

**Planning and Urban Form
Strategic Policy Committee – September 2022
Housing Supply Coordination Task Force Dublin Q1 & Q2, 2022**

No. 4 on the Agenda

Housing Task Force:

This to be a report on the purpose of the HTF, the data captured (and what is not included) and trends up to the most recent quarter.

**Housing Taskforce Returns
Update
Q2 2022**

(prepared July 2022)

The **Dublin Housing Supply Coordination Taskforce** (DHSCT) data - of which Dublin City Council contributes on a quarterly basis – is the primary ‘performance’ indicator available to actively assess the issue of housing supply across the Dublin Region which includes the three other Dublin Region Local Authorities, namely Dun Laoghaire Rathdown (DLR), Fingal County Council (FCC) & South Dublin County Council (SDCC).

Brief Background

The Returns began as a result of Action 2 of Construction 2020, published May 2014, that committed to the establishment of a Housing Supply Coordination Taskforce for Dublin. Accordingly, the Task Force was established in June 2014 with the first quarterly reports commencing Q4 2015. The most recent Returns being presented today are for Q2 2022, almost seven years on from the commencement of this Action.

Each local authority takes a turn at being the co-ordinating authority to prepare the combined returns to the Department of Housing, Local Government and Heritage with a quarterly report published. The data that is mapped (Tier 1 and Tier 2(a) sites, explained below) is available to view on the Department’s website. Fingal County Council are the current co-ordinating authority.

What is Included?

The data utilised within the Housing Taskforce is focused on capturing developments with planning permission for **10 or more residential units in the private sector only**. There is a further breakdown available of the residential units into either a house or apartment. Currently the number of bedrooms, per residential unit, is not included in the Returns. The Returns do not include social housing or Approved Housing Bodies’ (AHBs) proposals. Nor do the Returns identify the Part V element of private housing for use as social housing.

Tier Classification

The data is classified within Tiers. There are three main tiers. These include:

Tier 1 sites: Permissions granted (also known as extant permissions). These include Strategic Housing Developments (SHD), but separated out as part of the Return.

Tier 2(a) sites: Planning Applications, including SHDs, pending a final decision

Tier 2(b) sites: Pre App Consultations (PACs) - These PACS also include SHD consultations.

Tier 2(c) has, more recently, been added to 'count' fully completed developments.

The newly introduced Large-scale Residential Development (LRDs) will begin to feature in the Returns, once they pass through the system. One such application has reached planning decision stage, Tier 2 (a), with six new entries under Tier 2 (b).

Tier 1 Key Performance Indicators

There are four key performance indicators used with Tier 1. These include:

1 - number of sites with planning permission

2 - number of residential units with planning permission on sites, at 1 above

3 - number of active sites (a subset of sites at 1 above)

Active sites comprise three categories, residential units completed, residential units under construction and residential units not commenced. The fourth key performance indicator relates to the category of residential units under construction on active sites.

4- number of units under construction (on active sites at 3 above)

These four key performance indicators are used on a quarterly basis to compare figures on a year on year basis. These comparisons are considered as a snap shot in time. Each quarterly return contains all extant permissions at the time of preparation not just permissions granted within the quarter.

Housing Task Force Returns for Q2 2022

Tier Classification Returns

The headline figures under the Tier classification for Q2 2022 (prepared July 2022) are as follows:

Tier 1 sites

There were **29,809** permissions granted for residential units (comprising 898 houses and 28,911 apartments) on **204** sites across the city. These include SHD figures.

Tier 2(a) sites

There were **8,849** proposed residential units (comprising 526 houses and 8,323 apartments) on **70** sites across the city awaiting a decision. One of these applications is classified as LRD.

Tier 2(b) sites

There were **14,561** proposed residential units on approximately **90** sites¹ across the city under consultation. (This marks a drop in the potential numbers of units from Q1 2022 (at 18,652 potential units) owing to the progression of eight former Tier 2b potential sites (including one site from the Poolbeg West SDZ), moving to Tier 2a proposed planning application sites this quarter.) Six of these pre-apps are classified as LRD sites.

Tier 2(c) sites

There were nine active sites that came to completion over this quarter providing 917 completed residential units. The move of these completed sites with these permissions to Tier 2c impacted the overall numbers for Tier 1 results this quarter, detailed below.

Tier 1 Key Performance Indicators based on a year on year assessment

For Q2 2022, the year on year assessment is based on rates between Q2 2021 and Q2 2022 and records the following:

1. **number of sites with planning permission**

1% increase from 202 sites in Q2 2021 to **204** sites in Q2 2022.

2. **number of units with planning permission**

18% increase in the total from 25,276 units in Q2 2021 to **29,809** units in Q2 2022.

3. **number of active sites**

1% increase from 72 sites in Q2 2021 to **73** sites in Q2 2022.

¹ Some of these sites may have existing extant permissions or other decisions pending or a mixture of both.

4. number of units under construction

1% increase from 5,480 units in Q2 2021 to **5,540** units in Q2 2022.

Q2 2022 occurred during the phased out period of SHDs and the rollout of the LRDs, likely affecting the pace of both planning and construction activity. While year on year growth remains positive, the pace of growth has slowed across all four indicators.

A contributing factor to a slower growth pace is likely Tier 2c with nine 'former' active sites completed over this quarter.

Strategic Housing Developments (SHDs) Q2 2022

There are currently **45** no. SHDs providing **17,166** residential units, of which two were granted this quarter, Q2 2022 from An Bord Pleanála (included in the overall numbers for Tier 1). These include the following:

1. ABP 312003 located at Parkside 5B, Parkside, Dublin 13 which proposed 730 residential units.
2. ABP 312290 located at Park West Avenue and Park West Road, Park West, Dublin 12 which proposed 750 residential units.

There is one student accommodation proposal granted under Strategic Housing Developments recorded during this period (not included in the overall figures Tier 1).

- ABP 312102 located at No's. 29b, 30 and 31 Prussia Street, Dublin 7 which proposed the construction of 236 no. student bed-spaces and associated site works.

Conclusion

The Housing Returns:

- provides real time data that indicates the status of supply and on site activity within Dublin City and
- provides data that can be used as evidenced based information to inform policy including the Core Strategy and HNDA model in the Draft Dublin City Development Plan.

As of Q2 2022, current indications are that all four key indicators are moving in the right direction regarding supply of housing although the pace of activity on the ground needs to be higher to meet demand.

John O'Hara
Dublin City Planning Officer.

Dublin Housing Supply Coordination Taskforce DCC Q1 2022 Good News

The primary 'performance' indicator available to actively assess the issue of housing supply is the Dublin Housing Supply Coordination Taskforce (DHSCT) data - of which DCC contributes on a quarterly basis. The data utilised within the Household Taskforce is focused to capturing developments with planning permission for 10 or more units across the Dublin Region.

The most significant performance indicators - within DCC- are based on growth rates between Q1 2021 and Q1 2022. This includes:

- **5%** increase in the **number of sites** with planning permission from **199** sites to **209** sites.
- **28%** increase in the **total number of units** with planning permission from **22,972** units to **29,379** units.
- **11%** increase in **active sites** from **70** sites to **78** sites.
- **9%** increase in the number of **units under construction** from **5,316** to **5,811** units.

Quarterly Highlights

Tier 1: There are 14 no. planning applications (comprising six new and eight revised entries) granted permission this quarter, for 1,205 residential units that included one new Strategic Housing Developments (SHDs), detailed below and the first major grant on the Poolbeg West SDZ lands for 570 residential units. There was no new active sites this quarter and with two sites completed (Tier 2C), there was a net reduction of active sites from 80 sites last quarter to 78 sites this quarter.

Tier 2: There are currently **5,563** residential units in the system awaiting decisions under a total of 69 planning applications. Of these, 23 no. planning applications (including four SHDs and the second major Poolbeg West application for 365 residential units [currently under AI]) are new pending decisions this quarter, with the potential to provide an additional 1,960 residential units in the city.

Tier 2B: In addition to the above pending applications, Pre Planning Consultation (PAC) applications including likely SHDPACs, could potentially provide for an additional **18,652** residential units across the city.

Strategic Housing Developments (SHD) – residential units

There was one new SHD granted this quarter from ABP:

1. **ABP 311591** located at Heuston South Quarter, St. John's Road West/Military Road, Kilmainham, Dublin 8, which proposed **399 residential units**.

There were no new shared accommodation or student accommodation Strategic Housing Developments recorded during this period.

Note: Q1 2022 occurred during the phased out period of SHDs and the rollout of the LRDs, likely affecting the pace of both planning and construction activity.



**Report to the Planning & Urban Form
Strategic Policy Committee September 2022.
No. 5 on the Agenda**

Analysis on the use of the Derelict Sites Act 1990 in the Dublin City area and the application for listing as a derelict site to ensure that all derelict sites are captured.

Overview

Derelict sites visually impact negatively on the surrounding area, give out the impression of an area deteriorating and are a magnet for antisocial behaviour and take valuable housing stock out of circulation. The Council through the effective exercise of the legislative provisions in the Derelict Sites Act 1990, proactively strives to achieve the eradication of dereliction in the City and the return of derelict sites to active use. The implementation of an ongoing acquisition strategy since 2017 is a key part of the Council's Active Land Management Initiative which aims to eradicate underutilised lands and buildings in the city.

The Derelict Sites Act was introduced in 1990 and apart from two minor amendments the Act has remained unchanged since its introduction. The Planning Policy and Legislation Section in the Department of Housing, Local Government and Heritage has recently established a Derelict Sites Act Working Group to look at the functioning of the Derelict Sites Act in combatting dereliction. The Act may have deficiencies but there are many positive provisions in the Act also. We find that in the main the successful implementation of the provisions of the Derelict Sites Act 1990 is achievable. The availability of professional services such as legal, survey & mapping and valuers internally contributes greatly to this. We adopt a collaborative approach in the Council and work closely with 1) Area Offices to proactively identify derelict sites citywide, 2) Conservation Section to consider and determine the best course of action and best use of our respective legislative powers to address derelict sites which are protected structures and 3) Vacant Homes Unit with regard to the possible acquisition by them of residential properties that we find are not derelict but are vacant. The issues and challenges in the implementation of the Act are set out below along with the Council's experience of using the acquisition power provided in S.14 of the Act which is a key

part of the Council's strategy to eradicate underutilised, vacant and derelict lands and buildings in the city.

Issues and Challenges

Definition

The public's view of what constitutes a derelict site can be very varied and not always in accordance with the legislative definition set out in the Derelict Sites Act 1990. This can and does negatively impact on public perception of the Council's effectiveness in dealing with dereliction. It should be noted that a vacant site is not de facto derelict by virtue of it being vacant. For a site to be determined derelict it must meet the criteria set out in the Act.

The definition of a "derelict site" cited below is a broad one and does cover the range of derelict sites that come to our attention.

"any land which detracts, or is likely to detract, to a material degree from the amenity, character or appearance of land in the neighbourhood of the land in question because of:

- (a) the existence on the land in question of structures which are in a ruinous, derelict or dangerous condition, or*
- (b) the neglected, unsightly or objectionable condition of the land or any structures on the land in question, or*
- (c) the presence, deposit or collection on the land in question of any litter, rubbish, debris or waste, except where the presence, deposit or collection of such litter, rubbish, debris or waste results from the exercise of a right conferred by statute or common law."*

Activity Levels /Derelict Sites Notices / Derelict Sites Register (DSR) / Derelict Sites Levy

There are currently 77 sites on the Derelict Sites Register and the Derelict Sites Unit has circa 400 active case files.

2017 - 2022

No of sites inspected – 2384, average 433 p.a.

Section 10 Warning Letters – 591, average 107 p.a.

Section 8 (2) Notices of intention to enter on DSR – 159, average 28 p.a.

Section 8 (7) Notices of Entry on DSR – 72, average 13 p.a.

Sites removed from DSR – 74, average 13 p.a.

It is not the case that all owners of derelict sites willingly let their properties become derelict.

Dereliction arises in the majority of cases in our experience where there are title difficulties, probate issues, owners with personal difficulties, lack of finances, companies in liquidation etc. The entry of a site on the DSR does not mean an end to the problem. Sites can, and do, remain on the DSR for quite some time despite the imposition of a levy and interest, Properties remaining on the DSR will continue to deteriorate as inevitably long term derelict sites attract vandalism and anti-social

behaviour. High profile properties remaining on the register is another factor in terms of public disquiet.

The Act does provide for engagement with owners which is a very positive aspect of the legislation. The Council will always actively engage with owners with a view to agreeing with them what works are required to prevent the property becoming or remaining derelict and will work with owners and afford every opportunity to them to resolve matters. This will often produce the required outcomes without the need for the property to go on the register. In fact placing a property on the register is often a barrier to the property being developed as the levies are now based on 7% of the market value of the property and incur interest on unpaid levies at a rate of 1.25% per month which is quite punitive. It is interesting to note that there is no provision for the payment of interest in vacant sites legislation. It should be remembered that the primary purpose of the derelict sites levy is to eradicate dereliction and not to create additional revenues for local authorities.

The Act provides for the recovery of unpaid levies by way of a simple contract debt in court. In the past, debt collection proceedings for recovery of levies have been ineffective and costly. The Act provides that unpaid levies, including interest, automatically become a charge on the land and will remain a charge until the full amount is discharged. The Council has prepared a formal procedure for registering the charge in Land Registry / the Registry of Deeds. If and when a derelict site with a charge is subject to a sale, purchasers will require vendors to have the charge removed as part of the conveyance process. The Council has received a number of levy payments as a result of sales in recent years. The collection of levies is an issue that the Derelict Sites Act Working Group will be looking at.

Power to specify measures to be taken in relation to derelict sites.

The Act provides for the specification of required works to render a property non-derelict but this provision is used less by the Council than in the past as a result of advice from the Law Agent due to the considerable resources required to conduct a criminal prosecution in cases of non-compliance. In many of the problematic sites ownership is not clear. Also criminal prosecutions may not be appropriate in cases of elderly owners or owners already in difficult positions. In our experience owners will agree to take steps to alleviate dereliction if they have the means to do so. A local authority is entitled to carry out the specified works itself and to recover the costs of doing so from the owner or occupier. The Council does not have a workforce to undertake these works or to engage outside contractors and even if it did the chances are these sites would return to dereliction very quickly. The Council has been reluctant to exercise these powers, given both the lack of resources available and the lack of any certainty of being able to recover costs.

Acquisition of Derelict Sites

The implementation of an ongoing acquisition strategy since 2017 is a key part of the Council's Active Land Management Initiative and has yielded very positive results. The Council will only acquire compulsorily as a last resort in circumstances where all efforts to secure the carrying out of improvement works by property owners have been

exhausted. In determining what sites to acquire, the Council prioritises those properties which can be most readily reinstated to active residential use. All sites entered on the Derelict Sites Register can be considered for acquisition and sites do not have to have been entered on the Register for a particular time before they can be considered for acquisition.

Thirty five derelict sites have been acquired compulsorily since March 2017. One of these sites was an unfinished development which had planning permission for the construction of 48 apartments (14 x 1 bed & 34 x 2 bed). Housing & Community Services intend to develop the site and City Architects have carried out a capacity study examining the most efficient way of building on an existing site. Thirty four of the acquired derelict sites were retained by the Council under the control of the Housing & Community Services to be used for social housing purposes. Many of the properties have been completely refurbished and rendered non-derelict and are now occupied, or are currently undergoing refurbishment. A photo showing a derelict site before and after refurbishment is attached at Appendix A. As mentioned the Council is implementing an ongoing acquisitions strategy. So far this year the Council has acquired eleven sites which have been retained for use as social housing and identified a further six sites which are at varying stages in the acquisitions process.

The number of derelict sites acquired compulsorily is just part of the story, the Council has experienced that in the face of compulsory acquisition some sites have been 1) rendered non-derelict and removed from the Derelict Sites Register, 2) owners are actively seeking planning permission or have obtained planning permission for redevelopment, 3) derelict sites have been placed on the market and are at varying stages in the sales process, which offers the very real prospect that they will be redeveloped and returned to active use.

Nial Dully

Administrative Officer

Appendix A

A Derelict Site before Refurbishment by Housing & Community Services



After Refurbishment by Housing & Community Services



