



MINUTES OF THE PLANNING AND URBAN FORM SPC MEETING

HELD ON WEDNESDAY 22 NOVEMBER 2023

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8	Date of the Next Meeting	
	Tuesday 20 th February @ 2pm	



MINUTES OF THE PLANNING AND URBAN FORM SPC MEETING

HELD ON THURSDAY 5TH OCTOBER 2023

1. Minutes of Meeting 27th June

Dr. Robbie Sinnott wanted some amendments made before agreeing.

2. Matters arising:

Motion in the name of Cllr. Janet Horner

Cllr. McAdam apologised as he had not informed Cllr. Horner that her motions were not on the agenda for this meeting.

Agreed: That detailed report from Planning Enforcement will be done and circulated prior to next SPC meeting. Specifically with regard to Banners. Then any matters arising can be brought up and expedited as soon as possible.

Motion in the Name of Councillor Mannix Flynn, referred from the South East Area Committee.

Agreed: This needs to be referred to the Protocol Committee.

Childcare Subgroup Update

Carol Dillon is now the Supply Management Co-Ordinator which is one of the new positions advertised in the Department of Children, Equality, Disability, Integration and Youth's. Aoife Boland has taken over from Carol as the Manager of Dublin City Childcare Committee. Response from Minister O'Gorman in respect of plans to review the Childcare Facilities Guidelines 2001. The Department have started the review process and hope to have draft updated guidelines which will be available for consultation in 2024.

Agreed: Another update will be given at the November SPC meeting. And hope to have this on the agenda for the future SPC meetings.

3. Terms of the Planning and Development Bill 2023

On the 3rd October Government announced approval by Cabinet of the new Planning and Development Bill 2023.

Agreed: Working group to be set up consisting of Cllr Dermot Lacey as Chair, Cllr. Sophie Nicoullaud, Cllr Ray McAdam and Mr. Odran Reid. The working group will examine the Bill and report back to the November SPC with a submission prepared and ready to go to the Oireachtas Committee.

4. Kilmainham Mills Update

(Report and PowerPoint presentation circulated prior to meeting)

Catherine Heaney of Lorne Consultancy and Donncha Ó'Dúlaing, Senior Executive Officer, CRES gave presentation.

All the Members felt that this is a fantastic project with a lot of public engagement. Main Points of the discussion that followed:

- There should be consultation at the concept and design stage process with D.P.R.O's, Donncha happy to talk to various groups and Pat Nestor.
- Kilmainham Mill will have a lift to upper floor for more accessibility.
- Consider child care facility, Donncha happy to talk to Dublin City Childcare Group.
- Conservation Management Plan should be ready towards end of year.
- Is it possible to make the building more sustainable, with solar panels/wind turbines
- Modern approach to continuity of the site with baking, weaving and textile design.
- Very important to get people used to being in the Mill and using it with community in mind.

Action: Donncha issued invitation to visit the Mill on Thursday 12th October @ 3.30

5. Build to Rent Variation

(Report circulated prior to meeting with actions and progress)

Deirdre Scully, Dublin City Planning Officer gave a summary of the report.

The 2022 – 2028 Dublin City Development Plan came into effect on 14th December 2022 before the publication of the updated guidelines.

It is now proposed to vary the Development Plan to reflect national policy. It is proposed to:

- Make a technical update to the development plan in relation to 'Build-To-Rent' (BTR) accommodation on foot of the publication of Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DHLGH, 2022,
- Insert a new Appendix 19 into Volume 2: Appendices of the Dublin City Development Plan 2022 – 2028 containing transitional arrangements for Build-To-Rent accommodation proposals in the planning system on or before 21st December 2022. It is anticipated that a variation proposal / report will go to full Council in November 2023.

Discussion followed and Deirdre answered questions raised by the Members.

Action Following meeting 2 reports circulated to Members.

Inactivated Planning Permissions
Unactivated Housing Permission Data

6. Residential Zoned Land Tax

(Report circulated prior to meeting with actions and progress)

Deirdre Scully, Dublin City Planning Officer gave a brief summary of the report.

The Residential Zoned Land Tax (RZLT) was introduced in the *Finance Act 2021*. The objective of the tax is to activate land that is serviced and zoned for residential use or mixed use, including residential use, in order to increase housing supply and to ensure regeneration of vacant and idle lands in urban locations.

The tax is an annual tax calculated at a rate of 3% of the market value of land. The process to identify land to which the tax applies has been underway since 2022. Local Authorities identify land in scope for the tax through the publication of **draft, supplemental and final maps**. Revenue will administer the tax measure.

Main Points of the discussion that followed:

- This will replace the Vacant Site Levy and will be 3%.
- Revenue will keep all money raised by the levy.
- If there are sites that the Members feel should be reviewed send details to Máire /Deirdre and they will organised for them to be surveyed.
- Maps need to CRPD compliant and accessible for screen readers. As these maps are created by Central Government we can speak to Pat Nestor and push for more accessibility and what tools can be used.
- Deirdre to look into a way that it can be quantified what derelict sites are now works where development is taking place.

Agreed: Department of Housing, Local Government and Heritage have established a Derelict Sites Act Working Group to look at the functioning of the Derelict Sites Act in combatting dereliction. Nial Dully will report back to February meeting regarding top 3 recommendations of the Working Group.

7. Motion in the name of Cllr Alison Gilliland

The Planning and Urban Form SPC recognises that increasing the residential capacity of Dublin City Centre will positively enhance the dynamic in and attractiveness of the City Centre from the perspective of retail and hospitality footfall/spend and passive street security. In particular, the Planning and Urban Form SPC recognises that such an increase in residential capacity could come from converting currently vacant building and over the shop vacant spaces and that such conversions not only provides homes and a renewed city dynamic but also a more attractive city and a climate dividend from re-using current buildings. However the Planning and Urban Form SPC also recognises the challenges associated with such conversion including, but not limited to, cost/financing, current planning and fire safety related regulations.

Therefore, Planning and Urban Form SPC agrees to commission an expert to work with Dublin City Council and key stakeholders to i) analyse the key inhibitors to converting, in the main, over the shop vacant spaces in the core O'Connell St and Grafton St areas into residential use and to ii) propose solutions to these inhibitors, including changes in regulations/legislations and changes to the living city tax initiative that could allow for a special planning scheme for these areas and for a new model of financing conversion/reconfiguration to residential use.

This work would be presented to the Minister for Housing, Local Government and Heritage and the Minister of State with responsibility for Local Government and Planning and their support sought to implement any proposed changes the work would recommend.

Agreed: Management Team will go and look at the various recommendation and have an update for the November SPC as how to progress.

8. A.O.B.

9. Date of next meeting:

Wednesday 22nd November @ 2pm

Councillor Ray McAdam
Chairperson
Thursday 5th October 2023
Attendance:

Members:

Ray McAdam (Chairperson)
John Lyons
Dermot Lacey
Janet Horner

Members:

Declan Meenagh
Dr. Robbie Sinnott
Sophie Nicoullaud
Odran Reid

Members:

Prof. Diarmuid Hegarty
Anthony Connaghan
Jonny McKenna

Officers:

Anthony Flynn
Deirdre Scully
Máire Igoe

Officers:

Donncha Ó'Dúlaing
Sheila Hennessy

Officers:

Aileen Mac Dermott
Jonathan Fallon

Guest:

Mannix Flynn
Alison Gilliland

Guest:

Catherine Heaney
(Lorne Consultancy)

Apologies:

Lord Mayor (Daithí De Róiste)
Tom Brabazon
Patricia Roe



**Report to the Planning & Urban Form
Strategic Policy Committee November 2023.
No. 4 on the Agenda**

Motion from Councillor Janet Horner regarding Banners

Motion from Councillor Janet Horner

This planning and urban form SPC will write to the Minister for Housing, Local Government and Heritage to ask him to immediately address the loophole being exploited by betting shops, whereby they erect banners in front of their premises to encourage gambling during sports tournaments which they don't have planning permission for, without risk of penalty as the planning enforcement rules give them 4 weeks to comply with any orders given, by which time the sports tournament will be over. This is an exploitation of planning rules and of vulnerable people often in marginalised communities and needs to be immediately addressed through planning legislation rather than being kicked to touch with the Gambling Regulatory Authority. This is in line with policy CCUV46 in the city Development Plan.

Report

The Planning Enforcement statutory provisions are contained in Part 8 of the Planning and Development Act 2000 (as amended). The general provisions require that where it comes to the attention of a planning authority that unauthorised development may be taking place that a Warning Letter be issued on the owner/occupier/operator of the premises concerned pursuant to Section 152 of the Planning and Development Act 2000 (as amended). The letters concerned outlines the nature of the alleged unauthorised development and permits a 4 week period from the date of service of the letter for a submission from the party/parties it has been served upon. Following the expiry of the four week period an inspection is carried out by the Planning Enforcement Officer for the area and a recommended course of action is made at that time. The purpose of these timeframes is to allow for a reasonable opportunity for a person carrying out development to remedy the situation or to make a case in writing that the development concerned is development that does not require planning permission. These timeframes are generally considered to be reasonable and equitable timeframes should the matter require further action to resolve.

There are two provisions that can be utilised to expedite this process. A planning authority can issue an enforcement notice in cases of urgency pursuant to Section 155 of the Planning and Development Act 2000 “Where, in the opinion of the planning authority, due to the nature of an unauthorised development and to any other material considerations, it is necessary to take urgent action with regard to the unauthorised development, notwithstanding Sections 152 and 153 , it may serve an enforcement notice under section 154”.

The other provision of the Act that can be utilised is to go for a straight prosecution to the District Court for an offence pursuant to Section 151 of the Planning and Development Act 2000. Section 151 of the act states “Any person who has carried out or is carrying out unauthorised development shall be guilty of an offence”.

As outlined above there is legislation that can be utilised to pursue the banners concerned where they come to the attention of Dublin City Council’s Planning Enforcement Section.

By way of background the Planning Enforcement Section of Dublin City Council receives in excess of 1500 complaints a year relating to individual locations that alleged unauthorised developments has/is taking place. At any given time there are 2500 live enforcement files being investigated that are at different stages of action. This includes approximately 50 cases at any given time before the courts. Having regard to the huge volume of work before the planning enforcement section it would be very difficult to prioritise advertising banners in circumstances where they are being removed within the four week period following the issuing of warning letters. While the provisions exist to take action within a shorter period of time, the Planning Authority has to satisfy itself and subsequently the courts that there is urgent action required in respect of the matter concerned. Failure by the Planning Authority to convince a court of this will likely lead to a loss of the court case concerned and costs being awarded against us. While there is a possible moral issue for some people at play here relating to advertising gambling services that in itself may not be sufficient to establish urgency from a planning and legal perspective. I have discussed this matter with the current Planning Enforcement Manager and we have agreed that we will go straight to legal action in respect of the next suitable case that comes before Dublin City Council relating to a banner erected on a betting shop advertising betting services. Following the outcome of this case we can then consider amending our current protocols in the future relating to such matters subject to resourcing and priorities before the planning enforcement section at any given time.

John Downey
Acting Planning Enforcement Manager
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**Report to the Planning & Urban Form
Strategic Policy Committee November 2023.
No. 4 on the Agenda**

Motion from Councillor Janet Horner regarding Covering Shop Windows

Motion from Councillor Janet Horner

This planning and urban form SPC requests a report to examine the growing practice of retail premises covering up their windows with stickers to provide additional advertising space or more space inside the shop for shelving. The impact of this practice is to remove passive surveillance from the street and to further darken some streetscapes that rely on light emerging from shops to light footpaths. This decreases both safety and perception of safety for pedestrians in an area and is recognised under section 7.5.8 of the Development Plan. The report should examine how this practice can be stopped through primary legislation and bye-laws.

Report

The level of advertising permitted through the glazing of shops that open out onto the street is generally set out and approved through the planning permissions approved for the shops concerned. In cases of premises that have established uses and have been in situ for many years there is an exemption that permits advertising associated with the premises on glazing provided it does not exceed 25% of the glazed area it is exhibited through. Also if a certain level of advertising is in situ on shopfront glazing for seven years or more, DCC are statute barred from taking action requiring the removal of, or a reduction of the level of advertising concerned. The planning enforcement section investigates any complaints that come to its attention relating to the level of shopfront glazing advertising. The Planning Enforcement Section have been very successful in many cases over the last number of years in having the level of advertising rationalised at retail premises following the initiation of enforcement action. If the Councillor is concerned about the level of advertising on glazing at any specific premises such concerns can be sent in to planningenforcement@dublincity.ie and they will be investigated.

John Downey
Acting Planning Enforcement Manager

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