



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 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’.

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 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. 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.

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.

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

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).

Reson: 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, 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.’

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)