



MINUTES OF THE PLANNING AND PROPERTY DEVELOPMENT SPC MEETING

HELD ON TUESDAY 27TH NOVEMBER 2018

1. Minutes of meeting 24th April 2018

Minutes of Special Joint Meeting 25th September 2018

Minutes of Meeting 25th September

Minutes Agreed

2. Matters arising

Apologies from Cllr. Janice Boylan and John Mc Grane

The Chair offered congratulations to Odran Reid on getting funding approval for research/study on The Santry River Greenway.

Poolbeg West SDZ: An Bord Pleanála looking for further information on Parking, Public Realm and existing Community Facilities, information to be back to the Department by the 20th January 2019.

Agreed to circulate copy of submission made to the Department re. the “Draft Urban Development and Building Height: Guidelines for Planning Authorities”.

3. **Resourcing of Enforcement relating to Short Term Accommodation Units.**

Discussion followed.

Agreed: Report noted

4. **List of Acquisitions 01/01/2018- 31/06/2018**

List circulated. Discussion followed.

Agreed: List Noted

5. Vacant Sites Register

Report circulated. Discussion followed.

Agreed: Report Noted

6. Motions

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

This Committee request the Manager to report on what consideration is given To previous An Bord Pleanála decisions in relation to specific sites when new applications are being made for the same site and what legislative measures the Manager believes may be desirable or necessary to help ensure that best planning decisions can be arrived at in these circumstances consistent with the precedent of An Bord Pleanála decisions and hence avoiding unnecessary and repetitious appeals."

Agreed: Report to Councillor

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

"In light of the increased number of construction projects and to ensure disruption caused by such projects to residents are kept to a minimum, this Committee agrees to discuss and request a report from the Manager on a strengthening of the Planning Enforcement regime to include some or all of the following:

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

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

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

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

5. *The Planning Enforcement Office at Dublin City Council must maintain and publish monthly reports on the Dublin City Council website with details of complaints made by the public against construction sites for breeches of*

planning conditions on the grounds of Out of Hours work where prior permission would be required. In addition, the Planning Enforcement office will be required to give a detailed report on the investigation they carried out on foot of the complaint.

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

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

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

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

Agreed: Report to SPC Members

- **Motion in the name of Cllr. John Lyons:**

*To amend Section 16.10.14 of the Dublin City Development Plan, namely the Ancillary Family Accommodation section which deals with providing a member of the immediate family with temporary accommodation, to remove the following provision” **The proposed accommodation is not a separate detached dwelling unit and direct access is provided to the rest of the house”***

And replace with

“The proposed accommodation can be either an attached dwelling unit with direct access provided, or a free standing structure to the rear or side of the main family dwelling.”

Discussion followed. The SPC members were generally supportive of the principle behind the motion, as amended. However, it was explained that a proposal to initiate a variation process would be on the foot of a planning assessment of the issues carried out by the Executive, and that a decision on a proposed variation is a function of the elected members of the City Council.

As such, it was indicated to the SPC that a headed report would be brought to the February meeting of the City Council, which would include issues raised in recent cases, such as residential amenity, precedent, enforcement and implications for back land development generally.

7. A.O.B.

Dates for SPC Meetings 2019

26th February

30th April

Next meeting: Scheduled for 26th February 2019 @ 3.30 in the Council Chamber, City Hall

Councillor Andrew Montague

Chairperson

Tuesday 27th November 2018

Attendance:

Members:

Andrew Montague
(Chairperson)
Dermot Lacey
Odran Reid

Members:

Áine Clancy

Daithí De Róiste
Gaye Fagan

Members:

Patrick Costello
Valerin O'Shea
Ann Mulcrone

Officers

Richard Shakespeare
Paul Clegg
John O'Hara

Niamh Lambert
Helen McNamara

Donal Brennan
Aileen Mac Dermott

Apologies:

John McGrane
Janice Boylan
Hazel De Nortúin

Kieran Binchy
Cathleen Carney Boud

Graeme McQueen

Non-Members:

John Lyons

Mannix Flynn