



Proposed Draft Variations No. 28, 29 & 30 of Dublin City Development Plan 2016 – 2022

Introduction

This Report is prepared following the public consultation on three proposed variations to the City Development Plan 2016-2022, as required by the variation process set out in Section 13 (4) (a).

The three variations are:

Proposed Variation No. 28

Address: Pedestrian/Cycle Bridge across the River Liffey from the Irish National War Memorial Gardens/Islandbridge to the Chapelizod Road (R109), Islandbridge, Dublin 8

It is proposed to vary the Dublin City Development Plan 2016-2022, by amending objective MTO31 (from Chapter 8: Movement and Transport) to include a pedestrian/cycle bridge across the River Liffey, from the Irish National War Memorial Gardens/Islandbridge to the Chapelizod Road (the R109).

Proposed Variation No. 29

Address: Lands at 5-6 Malahide Road, Dublin 17

It is proposed to vary the Dublin City Development Plan 2016-2022 by changing the Land Use Zoning Objective of the lands at 5-6 Malahide Road, Dublin 17

From: Land Use Zoning Objective Z6 'To provide for the creation and protection of enterprise and facilitate opportunities for employment creation',

To: Land Use Zoning Objective Z1 'To protect, provide and improve residential amenities'

Proposed Variation No. 30

Address: Lands at Carton Terrace and Balbutcher Lane, Ballymun, Dublin 11

It is proposed to vary the Dublin City Development Plan 2016-2022 by changing the Land Use Zoning Objective of the lands at Carton Terrace and Balbutcher Lane, Ballymun, Dublin 11

From: Land Use Zoning Objective Z9 'To preserve, provide and improve recreational amenity and open space and green networks',

To: Land Use Zoning Objective Z1 'To protect, provide and improve residential amenities'

All three variations were placed on public display from the 8th of July to the 6th of August 2020.

The Chief Executives Report identifies, summarises and responds to the submissions received on each variation and gives the Chief Executives response and **Recommendation** to the issues raised. Each variation is contained in three separate sub-section reports (240A/2020, 240B/2020 and 240C/2020) below; addressing each variation in numerical order. A final sub-section, Section D, sets out the proposed resolution for Members to consider.

Proposed Draft Variation (No. 28) of Dublin City Development Plan 2016 – 2022

Executive Summary

The Variation

The variation seeks to amend objective MT031 (from Chapter 8: Movement and Transport) to include for a pedestrian/cycle bridge across the River Liffey, from the Irish National War Memorial Gardens (INWMG)/Islandbridge to the Chapelizod Road (R109).

The Purpose of the Variation

The variation before the Members is to amend objective MTO31 (Chapter 8: Movement and Transport) to include a pedestrian/cycle bridge at the Irish National War Memorial Gardens/Islandbridge for the following reasons:

The current Dublin City Development Plan promotes walking and cycling as healthy and sustainable forms of transport that can lead to improved levels of health in the community. In this regard, it is an Objective of Dublin City Council to:

*‘GIO4 in Chapter 10: Green Infrastructure, Open Space & Recreation
Improve pedestrian and cycle access routes to strategic level amenities while ensuring that ecosystem functions and existing amenity uses are not compromised and existing biodiversity and heritage is protected and enhanced.’*

The Planning Authority recognises that investing in open spaces and recreational areas in urban areas creates a greater sense of community and helps combat social exclusion and isolation. Green infrastructure creates opportunities to connect urban areas and to provide appealing places to live and work.

In this regard, it is an Objective of Dublin City Council to:

*‘GIO14 (ii) in Chapter 10: Green Infrastructure, Open Space & Recreation
Protect and conserve the historic landscape of the Phoenix Park and its archaeological, architectural and natural heritage whilst facilitating visitor access, education and interpretation, facilitating the sustainable use of the park’s resources for recreation and other appropriate activities, encouraging research and maintaining its sense of peace and tranquillity.’*

Fig. 18 ‘Main Cultural Attractions’ of the current Dublin City Development Plan identifies the INWMG as one of the city’s key cultural attractions. It considers that the proposed bridge will contribute positively to the INWMG’s tourism / cultural attraction status. The Bridge will act as pivot point with the potential to link recognised walking, cycling and military trails, connecting Kilmainham across the Liffey, on to the Phoenix Park and beyond.

Since the adoption of the Dublin City Development Plan in 2016, the OPW’s The Irish National War Memorial Gardens Conservation Management Plan, 2018 has been published. The Planning Authority has given consideration to the issue of access, as raised in the Management Plan for the Gardens. This proposed variation supports a more visible and high profile pedestrian and cyclist access point to the Gardens.

Submissions

In total 21 submissions were received during the public display period of the variation. Of these, 15 came from prescribed bodies. Of the 15 prescribed bodies, there were six submissions supporting the variation, four with no comments or observations to make and six with advisory notes. These submissions include one received from the Office of Planning Regulator (OPR), submission no. 16 and one from the East & Midlands Regional Assembly (EMRA), submission no. 8. The four submissions that had no comments or observations were received from Transport Infrastructure Ireland (sub no. 4) Kildare County Council (sub no. 5), and Irish Aviation Authority (sub no. 11) and Meath County Council (sub no. 15).

The remaining six came from five individuals and one person speaking on behalf of a boating club. Of these four were in support, one had one specific concern and one objected to the variation.

A named list of all 21 no. submissions are included in this report under section 4.

Overview of submissions

There is support expressed from many organisations for the variation to proceed. The OPR, EMRA, and the NTA all favour the variation as it supports green infrastructure that will implement policy enabling a more connected pedestrian/cycleway network across the city that links to a wider green network outside of the city administrative area.

Specifically, it will contribute to the delivery of route NO6 of the Greater Dublin Area Cycle Network Plan, intended to connect the River Tolka and Royal Canal to the Grand Canal via the Phoenix Park and the Irish National War Memorial Gardens, primarily for recreational purposes.

This is reinforced with support from both Waterways Ireland and Fáilte Ireland, who recently undertook a tourism feasibility for a Dublin City Canals greenway, investigating potential options for linking the Royal and Grand canals with the preferred route being a pedestrian/cycle bridge from Chapelizod Road to the Irish War Memorial Gardens, given its potential to positively impact on the development of the greenway.

The OPR submission supports the proposed variation and considers it to be consistent with the Regional Spatial Economic Strategy 2019 – 2031. 2022.

The EMRA submission supports the proposed variation and considers it to be consistent with the Regional Spatial Economic Strategy 2019 – 2031. 2022.

For the majority of the organisation submissions received, the main aspect of their submission is to express support for the variation as being in line with Government, and specifically the National Planning Framework policy. A number of the prescribed bodies give some guidance and advisory comments for any future planning application to be made on the site. These submissions include those received from Inland Fisheries Ireland and the Department of the Culture, Heritage and the Gaeltacht.

Of the individual and non-prescribed bodies, the majority make submissions to express support for the variation as improving the quality of the cycle network and also in increasing the accessibility of the Memorial Gardens.

Of those expressing concerns, a number raise the issue of a new bridge being used as a platform to throw objects onto person below, namely rowers, or to use it as a platform from which to dive into the water or other antisocial behaviour. The view was expressed that the possibility of relocating the bridge elsewhere on the Liffey should be explored.

One submission objected to the variation citing eight main reasons- inadequate environmental assessment; negative impact on environment; flora and fauna; risk to human health; increase in anti-social behaviour/ alcohol consumption/graffiti; negative impact on

visual amenity, negative impact on Protected Structure; dangerous and unsuitable Chapelizod Road bridge access, and alternatives.

Response

The chief executive welcomes the support from the many organisations regarding the proposed variations and notes the advisory notes provided by some prescribed bodies relating to the implementation of this variation by way of a future planning application.

It is considered appropriate to promote bridge connections in Dublin City that will provide a positive resource for the City. Matters of design will be addressed at planning application stage. The future use of any bridge at this location will have inherent passive supervision by the nature of it being well used as it will be a connecting piece of infrastructure, and part of a wider leisure circuit to the benefit of the City.

The location for any future bridge on this site is based on the original location of the proposed Lutyen's bridge at this location, providing a formally planned axis connecting the War Memorial Gardens with the Phoenix Park. The OPW's commemorative bridge is intended to implement a plan made in the last century to 'complete' the connection between two significant areas of historic and national parkland at the Irish National War Memorial Gardens and the Phoenix Park. As such, the location has been guided by the above, and would not achieve this aim if the proposed bridge location was moved to another part of the river. It should be noted that the variation location is indicative, and the exact proposed location will be determined by the proposer as part of the design process.

This proposed variation documentation including SEA and AA screenings were sent to the relevant prescribed bodies before its public display period. No issues relating to the adequacy of the environmental assessments were raised by the statutory bodies designated to assess and advise Planning Authorities on such matters.

This proposed variation is not a planning application; rather the intent is to permit in principle a future bridge crossing at this location to implement policies that broadly seek the creation of connecting pedestrian and cycle routes across the city for reasons of accessibility, connectivity, recreation, and healthy modes of sustainable travel for citizens and tourists alike. The variation does not reduce the significant requirements that will be necessary at planning application stage to address in detail the design and construction of the bridge, including environmental impacts, and does not in any way presume such an application will be granted if it does not meet all requirements successfully.

Issues raised by submissions including visual impact, impact on protected structures, and traffic are matters that are more appropriately dealt with under any future planning application at this site, when the detailed design and construction methodology of the bridge is fully developed.

1.0 PROPOSAL

It is proposed to vary the Dublin City Development Plan 2016-2022, Written Statement, Volume 1, by amending objective MT031 (from Chapter 8: Movement and Transport) to include an objective for a pedestrian/cycle bridge across the River Liffey, from the Irish National War Memorial Gardens (INWMG)/Islandbridge to the Chapelizod Road (the R109).

From:

MT031: To initiate and/or implement the following road improvement schemes and bridges within the six year period of the development plan, subject to the availability of funding and environmental requirements and compliance with the 'Principles of Road Development' set out in the NTA Transport Strategy.

Roads

- River Road
- Richmond Road
- Malahide Road/R107 (including North Fringe Improvements)
- Blackhorse Avenue (commenced)
- Clonshaugh Road Industrial Estate
- Ballymun (improved town centre linkage)
- Kilmainham/South Circular Road
- Link from Military Road to Conyngham Road
- East Wall Road/Sheriff Street to North Quays
- Cappagh Road.

Bridges

- Dodder Bridge
- Liffey Valley Park pedestrian/cycle bridge
- Cycle/pedestrian bridges that emerge as part of the evolving Strategic
- Cycle Network and Strategic Green Infrastructure Network
- Three new bridges proposed as part of the North Lotts and Grand Canal Dock SDZ.

To:

MT031: To initiate and/or implement the following road improvement schemes and bridges within the six year period of the development plan, subject to the availability of funding and environmental requirements and compliance with the 'Principles of Road Development' set out in the NTA Transport Strategy.

Roads

- River Road
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- Cappagh Road.

Bridges

- Dodder Bridge
- Liffey Valley Park pedestrian/cycle bridge
- **Irish National War Memorial Gardens /Islandbridge pedestrian/cycle bridge**
- Cycle/pedestrian bridges that emerge as part of the evolving Strategic
- Cycle Network and Strategic Green Infrastructure Network
- Three new bridges proposed as part of the North Lotts and Grand Canal Dock SDZ.

This proposed draft variation is depicted on the attached map, an extract from Map E, Volume 3 of the Dublin City Development Plan 2016 – 2022, with three dots bridging the River Liffey from Office Public Works (OPW) lands at the Irish War Memorial Gardens (south of the River Liffey) to OPW lands located to the north of the River Liffey along the Chapelizod Road (the R109) at Islandbridge.

2.0 Procedure Followed

2.1 Public Notice and Public Display

Members of the public were invited to make submissions regarding the Proposed Draft Variation. In accordance with the procedures set out in the Planning and Development Acts 2000 as amended, the proposed variation was placed on public display from Wednesday 8th of July 2020 to the Thursday 6th of August 2020 (inclusive) and a public notice was inserted into the Irish Independent. Copies of the Proposed Draft Variation and amendment, together with SEA and AA screening reports, were made available for inspection at the Civic Offices, Wood Quay, Dublin 8 within the above listed dates. Details were also available on the City Council's website at www.dublincity.ie.

2.2 Environmental Assessment Conclusion Statements

Determination of Strategic Environmental Assessment (SEA) Screening under Section 13K of the Planning and Development Regulations, 2001, as amended and the Planning and Development Act 2000, as amended for the Proposed Draft Variation (No. 28) of the Dublin City Development Plan 2016-2022 re. an objective for a pedestrian/cycle bridge across the River Liffey, from the Irish National War Memorial Gardens (INWMG)/Islandbridge to the Chapelizod Road (the R109).

A Strategic Environmental Assessment (SEA) Screening Determination has been made by Dublin City Council regarding the proposed Variation (No. 28) to the Dublin City Development Plan 2016 – 2022. The Planning Authority has determined that the proposed Variation (No. 28) would not be likely to have significant effects on the environment, taking account of relevant criteria set out in Schedule 2A of the Planning and Development Regulations, 2001, as amended, and taking into account observations made by the EPA and the Department of Communications, Climate Action and Environment on 23rd March 2020 and on 13th March 2020 respectively.

Determination of Appropriate Assessment Screening in compliance with Article 6(3) of the EU Habitats Directive (92/43/EEC) and EU Birds Directive (79/409/EEC), as transposed into Irish legislation by the Natura 2000 Communities (Birds and Natural Habitats) Regulations 2011 and Planning and Development Act 2000 (as amended) (Section 177U) for the Proposed Draft Variation (No. 28) of the Dublin City Development Plan 2016-2022 re. an objective for a pedestrian/cycle bridge across the River Liffey, from the Irish National War Memorial Gardens (INWMG)/Islandbridge to the Chapelizod Road (the R109).

An Appropriate Assessment (AA) screening determination has been made by Dublin City Council (in compliance with Section 177U of the Planning and Development Act 2000 as amended) regarding the proposed Variation. The Stage 1 Screening determines that Appropriate Assessment of the Proposed Variation is not required as the proposal, individually or in combination with other plans or projects will not have a significant effect on a European site. Therefore it is not considered necessary to undertake any further stages of the Appropriate Assessment process.

In carrying out this Assessment, the Council took into account the relevant matters specified under the Planning and Development Act 2000 (as amended), including:

- Existing Dublin City Development Plan 2016-2016 (and associated AA Screening, NIS and SEA reports);
- The Strategic Environmental Assessment Screening Report on the proposed Variation
- Observations made by the EPA and the Department of Communications, Climate Action and Environment on 23rd March 2020 and on 13th March 2020 respectively.

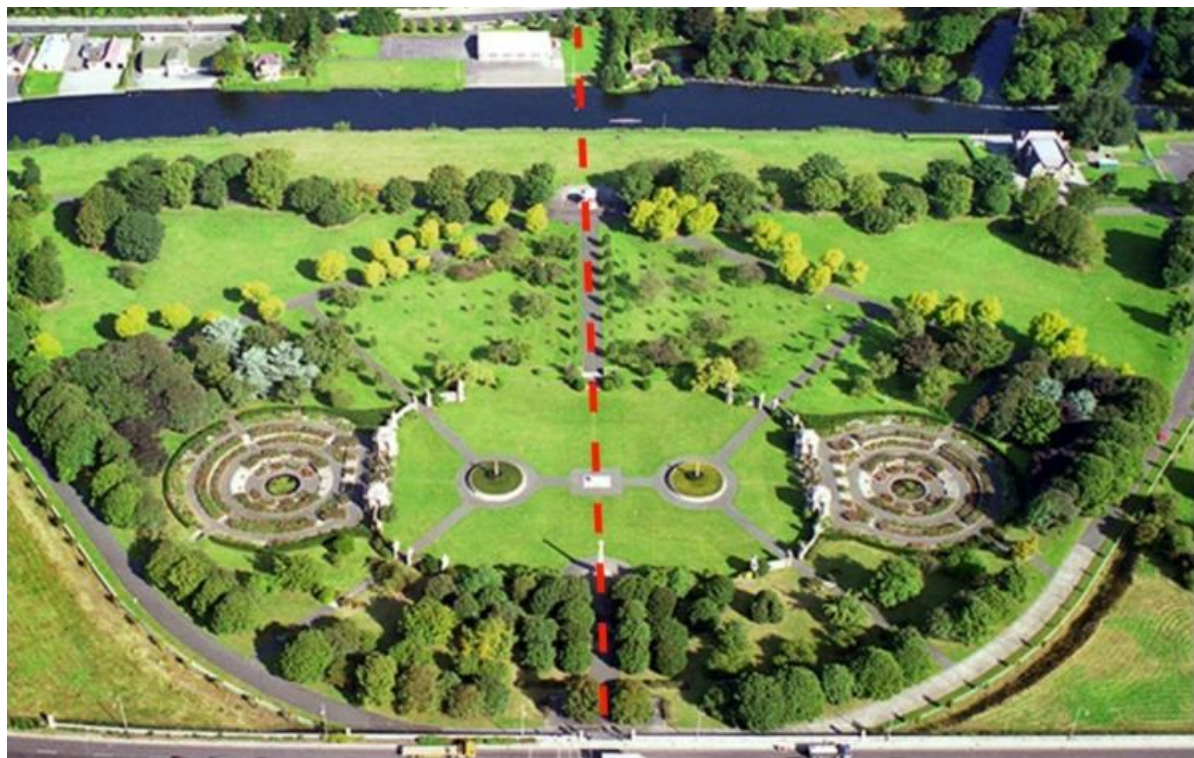
3.0 Proposed Variation

Historic Context

The Irish National War Memorial Gardens have national and international significance both as a First World War memorial and as a Sir Edwin Lutyens (1869 – 1944) designed monument. The INWMG is one of four gardens in Ireland designed by Sir Edwin Lutyens (1869-1944). The others are at Heywood Gardens, Lambay Island and Howth Castle. Lutyens is an internationally renowned architect known for both his building and landscape design.

The INWMG were constructed between 1933 and 1939 under the supervision of T.J. Byrne (1876-1939) of the Office of Public Works. The gardens regularly host a number of significant historic commemorative ceremonies.

It is envisaged that the proposed new pedestrian/cycle bridge will be aligned with the primary axis of the gardens, extending from the Temple on the INWMG side (south bank) to a strip of land on the north bank, positioned between the Islandbridge weir and the UCD Boat Club.



--- LUTYENS' AXIS

Lutyen's alignment

Source: OPW

Lutyens' original design for the INWMG included a three-arch bridge spanning the River Liffey. The bridge was to be aligned with the central axis of the gardens, linking them to Chapelizod Road and further on to the Phoenix Park. It was postponed due to lack of funding at the time; however, detailed drawings remain of the proposal. It has been the OPW's intention to complete the 'last remaining element' of the INWMG with a 'Commemorative Bridge' linking the north and south banks of the River Liffey. It is intended that the proposed new bridge at the INWMG will be sympathetic to Lutyens' original design vision and will retain the same alignment and orientation.

Contemporary Context

Within the cityscape of Dublin, the INWMG are considered a “hidden gem”, largely due to the fact that they have no defined formal entrance. Therefore, a principle objective of the proposed bridge will be to improve awareness of the INWMG. The project proposes a new formal entrance at the Chapelizod Road that will serve to act as a distinct access and egress point to the site. The proposed bridge will also facilitate the establishment of a new and necessary link within the historic trails of Dublin (see Fig. 17 ‘Dublin City: Historic Core’ and Fig. 18 ‘Main Cultural Attractions’ of the current Dublin City Development Plan). The addition to the City Development Plan of a new objective to provide for a new bridge for pedestrians and cyclists will link two significant (historic) parklands within the city and support other existing policies and objectives contained in the Dublin City Development Plan. The proposed pedestrian/cycle bridge connection will allow for:

- A new pedestrian and cycle bridge which will span the River Liffey and connect to an existing cycleway;
- A new entrance at Chapelizod Road;
- An open plaza linking the entrance and bridge,
-

to be located at the INWMG and at lands to north of River Liffey, Chapelizod Road, Islandbridge, Dublin 8. In order to ensure the safe passage of pedestrians and cyclists across the Chapelizod Road to and from the proposed open plaza, a new pedestrian crossing will be required, which will be required to be fully addressed as part of a future planning application.

Bridge Competition

Following a recent competition held by the OPW for the pedestrian/cyclist bridge and hosted by Royal Institute Architects Ireland (RIAI) the winning scheme was announced. The following images, provided by the OPW with respect to the winning entry, give a visualisation of the proposed project that could seek planning permission following a decision to adopt this proposed variation.

It should be noted that there is no presumption that any proposal will be granted permission and that the bridge will be subject to a separate planning application process at which stage the design and detailed impact on a range of factors will be fully assessed.



Ian Ritchie Architects



The Office of Public Works

Ian Ritchie Architects



The Office of Public Works

Planning Context

Under the *Dublin City Development Plan 2016-2022*, the subject site (both north and south of the River Liffey) is zoned *Zone Z9 - Amenity/Open Space Lands/Green Network*: 'To preserve, provide and improve recreational amenity and open space and green networks'.

The Phoenix Park is also zoned Z9 and is separated from the northern section of the Z9 subject site by the Chapelizod Road only.

The River Liffey, across which the bridge will traverse is zoned Z11, Waterways Protection: 'To protect and improve canal, coastal and river amenities'. This section of the River Liffey, its river banks and both the Memorial Gardens and the Phoenix Park all lie within the Conservation Area (red hatch) specific objective. Policy CHC4 states:

'To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.'

Two of the enhancements opportunities identified with Policy CHC4 include;

*'Improvement of open spaces and the wider public realm....' and
'Contemporary architecture of exceptional design quality, which is in harmony with the
Conservation Area.'*

This proposed variation does not conflict with this policy. The project will, at planning application stage, be requested to fully address how it complies with the conservation area designation.

The current Dublin City Development Plan promotes walking and cycling as healthy and sustainable forms of transport that can lead to improved levels of health in the community. In this regard, it is an Objective of Dublin City Council to:

*'GIO4 in Chapter 10: Green Infrastructure, Open Space & Recreation
Improve pedestrian and cycle access routes to strategic level amenities while
ensuring that ecosystem functions and existing amenity uses are not
compromised and existing biodiversity and heritage is protected and enhanced.'*

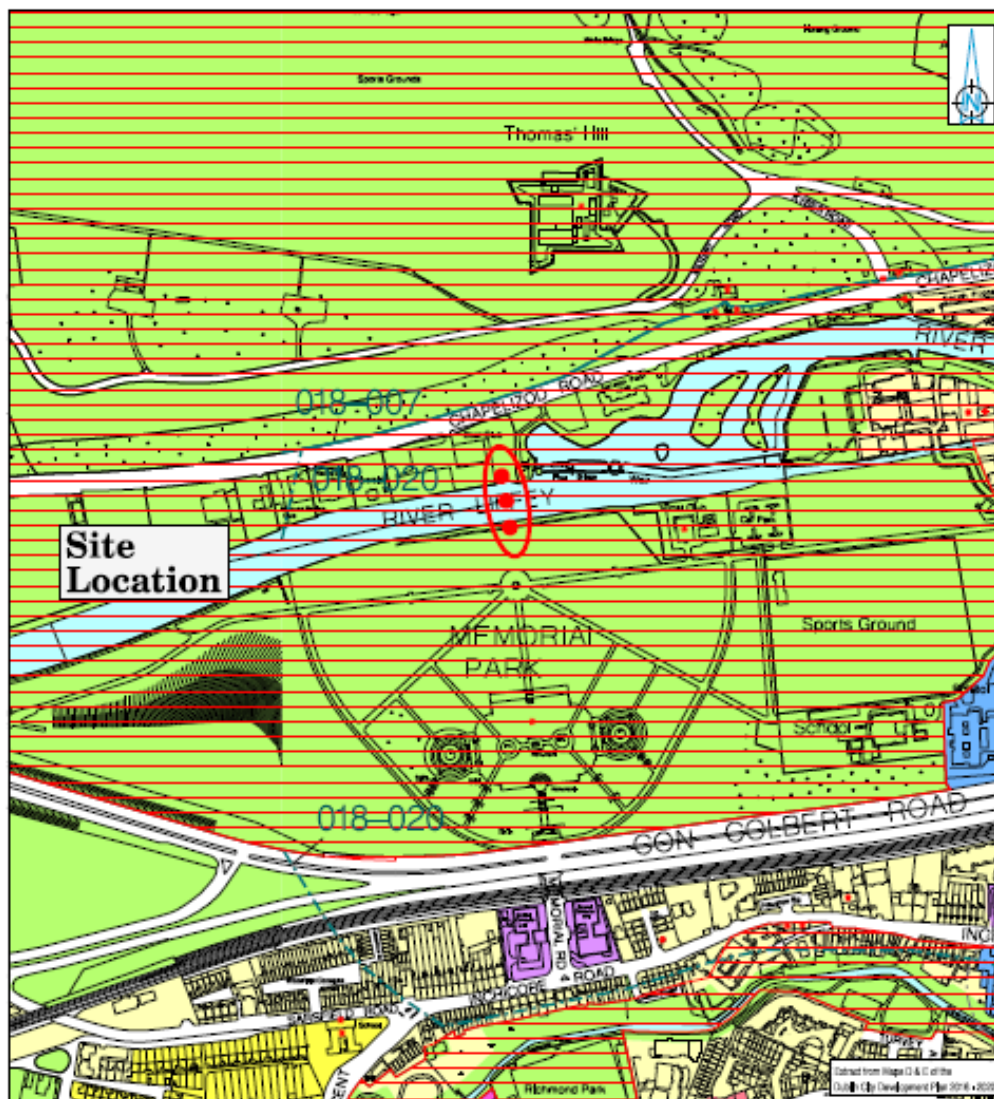
The Planning Authority recognises that investing in open spaces and recreational areas in urban areas creates a greater sense of community and helps combat social exclusion and isolation. Green infrastructure creates opportunities to connect urban areas and to provide appealing places to live and work.

In this regard, it is an Objective of Dublin City Council to:

*'GIO14 (ii) in Chapter 10: Green Infrastructure, Open Space & Recreation
Protect and conserve the historic landscape of the Phoenix Park and its
archaeological, architectural and natural heritage whilst facilitating visitor access,
education and interpretation, facilitating the sustainable use of the park's
resources for recreation and other appropriate activities, encouraging research
and maintaining its sense of peace and tranquillity.'*

Fig. 18 'Main Cultural Attractions' of the current Dublin City Development Plan identifies the INWMG as one of the city's key cultural attractions. It considers that the proposed bridge will contribute positively to the INWMG's tourism / cultural attraction status. The Bridge will act as pivot point with the potential to link recognised walking, cycling and military trails, connecting Kilmainham across the Liffey, on to the Phoenix Park and beyond.

Since the adoption of the Dublin City Development Plan in 2016, the OPW's The Irish National War Memorial Gardens Conservation Management Plan, 2018 has been published. The Planning Authority has given consideration to the issue of access, as raised in the Management Plan for the Gardens. This proposed variation supports a more visible and high profile pedestrian and cyclist access point to the Gardens.



PROPOSED VARIATION (No.28) OF THE DUBLIN CITY DEVELOPMENT PLAN 2016 - 2022 Pedestrian/Cycle Bridge at Islandbridge, Chapellzod, Dublin 8

AREA HIGHLIGHTED

To amend objective MT031 (from Chapter 8: Movement and Transport) to include a pedestrian/cycle bridge across the River Liffey, from the Irish National War Memorial Gardens Islandbridge to the Chapellzod Road (R109)

4.0 Report On Submissions And Observations

4.1 List of Submissions Received

The following persons or bodies made submissions or observations in relation to the proposed variation of Development Plan.

Sub No	Name	Organisation/Individual
1	Roisin O' Callaghan	Inlands Fisheries Ireland , (Elm House Earlsvale Road, Cavan) Corporate Support unit at Department Communications Climate Action & Environment
2	David Kenny	22 Watermill Park, Raheny, Dublin 5
3	Simon Bailey	4 St John's Street, Blackpitts, Dublin 8
4	Mark Byrne	Regulatory & Administration Unit Transport Infrastructure for Ireland Parkgate Street, Dublin 8
5	Customer Service,	Kildare County Council (KCC) Forward Planning Section
6	Michael MacAree/ David Clements	National Transport Authority
7	Gary O'Neil	Chapelizod, Dublin 20
8	Jim Conway /Pauline Riordan	Eastern Midland Regional Authority (EMRA) Ballymun, Dublin 9
9	Paul Romeril	Paul Romeril Captain Old Collegians Boat Club 33 Cowper Road, Rathmines Dublin 6
10	Suzanne Wylde	Environmental Protection Agency (EPA) Johnstown Castle Estate, Co. Wexford
11	Deirdre Forrest, Corporate Affairs	Irish Aviation Authority Irish Times Building, 11–12 D'Olier Street, Dublin 2
12	Brendan Smith	33 Craigford Drive, Killester, Dublin 5
13	Flood Planning section	Office of Public Works (OPW) 52 Stephens Green. Dublin 2
14	Niamh McDonald	Irish Water , Spatial Planning Colville House, Talbot Street, Dublin 1
15	Alan Russell	Meath County Council Buvinda House, Dublin Road, Navan, Co. Meath.
16	Anne Marie O'Connor	Office of Planning Regulator (OPR) 77 Block C, Sir John Rogerson's Quay, Dublin 2.
17	Connor Rooney	Department of Culture Heritage and Gaeltacht Development Applications Unit Newtown Road, Wexford
18	Marian Leydon	Faile Ireland 88 – 95 Amiens Street, Dublin 1
19	Joe O'Connor	70 St John's Well Way, Kilmainham Lane, Dublin 8
20	Máirín O Cuireáin	Waterways Ireland , 2 Sligo Road, Enniskillen, Co. Fermanagh
21	Public Transport Corporate and Services division	Department of Transport, Tourism and Sport Leeson Lane, Dublin 2

4.2 Submissions

This section sets out each submission received, providing a:

- summary of the submission,
- **Chief Executive's Response** and
- **Recommendation**

Of the 21 submissions received, four concluded with no comments or observations on the variation. These are (i) Transport Infrastructure Ireland (submission no. 4), (ii) Kildare County Council (submission no. 5), (iii) Irish Aviation Authority (submission no. 11) and (iv) Meath County Council (submission no. 15).

Office of Planning Regulator (submission no. 16)

Summary of Submission

The Office notes that the proposed bridge structure would contribute to the delivery of a section of the greenway element of route NO6 of the greater Dublin Cycle Network Plan and affects land owned by the Office of Public Works (OPW). In this regard, the office advises the planning authority to consult with the relevant prescribed authorities, in particular the OPW and the National Transport Authority in respect of the preparation of a future planning application for the bridge structure and associated works.

The Office's assessment concludes that Variation No. 28 is generally consistent with the national / regional strategic outcomes and national/ regional policy objectives of the NPF and RSES. In this regard, the Office considers that Variation no. 28 will support a number of strategic outcomes and policy objectives for transport, environment/ climate change and social development.

The submission highlights one observation stating:

'Observation 1:

'The planning authority is advised to have regard to the Planning System and Food Risk Management Guidelines for Planning Authorities which includes reference to the requirements of Section 50 of the Arterial Drainage Act 1945 in respect of the construction of a bridge structures.'

Under heading *Summary*, it states:

'Arising from the forgoing evaluation and assessment of Proposed Variation No. 28 to the Dublin City Development Plan 2016 – 2022, the Office concludes that no recommendations are warranted sine the variation will provide policy support for an infrastructure project that is anticipated to have benefits for sustainable transport, environment, climate change and social development.'

Accordingly, the office broadly supports the proposed variation and urges your authority to finalise same, and has no specific recommendations to make under the provisions of section 31AM(3)(a) of the Act.'

Chief Executive's Response

The content of the submission and support for the proposed variation is noted. The one observation made is a requirement for the statutory process under any future planning application that may arise on these lands. This will form an essential part of the planning application process under separate provisions of the Planning and Development Act 2000, as amended.

Recommendation:

The submission and the observation contained are noted and no change is recommended.

Eastern Regional & Midland Authority (submission no. 8)

Summary of Submission

The submission considers that the proposed bridge will support the enhancement of strategic walking and cycling networks, provide improved connections across the River Liffey and increased access to two significant OPW parkland sites, the Phoenix Park and the Irish National War Memorial Gardens (INWMG) and is therefore consistent with RSES policies that promote the development of Green Infrastructure and open space, tourism and recreation and prioritisation of walking and cycling as healthy and sustainable forms of transport, and to support Healthy Place-making as one of the three key principles in the RSES. It highlights how the variation will support a range of objectives contained in the RSES. The submission concludes that proposed Variation no. 28 is consistent with the Regional Spatial and Economic Strategy 2019 – 2031.

Chief Executive's Response

The content of the submission and clarity it provides that the variation is in accordance with the RSES is noted.

Recommendation:

The submission is noted, no change is recommended.

National Transport Authority (Submission no. 6)

Summary of Submission

This submission supports the draft variation and recommends that the proposed variation is approved, as it would contribute to the delivery of a section of the Greenway element of route NO6 of the greater Dublin Area Cycle Network Plan.

It states:

'The NTA supports the proposed variation, as it would contribute to the delivery of a section of the Greenway element of route NO6 of the Greater Dublin Area Cycle Network Plan, the development of which is provided for by the Transport Strategy. Route NO6 is intended to connect the River Tolka and Royal Canal to the Grand Canal via the Phoenix Park and the Irish War Memorial Gardens, primarily for recreational purposes. This bridge link may additionally serve as a commuter facility to an extent, in particular for those who would take an opportunity to avail of off-road cycle facilities where provided. The NTA therefore recommends that the proposed variation is approved.'

Chief Executive's Response

The content of the submission is noted and the recognition of how the variation supports the implementation of the Greater Dublin Areas Cycle Network Plan.

Recommendation:

The submission is noted, no change is recommended.

Waterways Ireland (submission no. 20)

Summary of Submission

Waterways Ireland endorses Dublin City Council's proposed variation of the Dublin City Development Plan 2016-22 to develop a pedestrian/cycle bridge from the Irish War Memorial Gardens to the Chapelizod Road as has been proposed in several development plans over the years. It states:

'In early 2020, Waterways Ireland in partnership with Fáilte Ireland produced a tourism feasibility study to assess the tourism potential of a Dublin City Canals Greenway linking the Royal and Grand Canal..... This proposal was identified as the solution in the report. It joins up two major attractions and allows visitors to travel straight from the Phoenix Park to the Irish War Memorial Gardens.'

It concludes:

'Waterways Ireland are fully supportive of Dublin City Council's plans for the proposed amendment and it's potential to positively impact on the development of this Circular Greenway route and the associated benefits for visitors, Dubliners and Dublin City.'

Chief Executive's Response

The content of the submission is noted and the support expressed for the proposed variation.

Recommendation:

The submission is noted, no change is recommended.

Fáilte Ireland (submission no. 18)

Summary of Submission

Fáilte Ireland in conjunction with Waterways Ireland recently undertook a tourism feasibility to assess tourism potential of a Dublin city canals greenway. The feasibility investigated potential route options for linking the Royal and grand canals. The preferred route was the pedestrian/cycle bridge from Chapelizod Road to the Irish War Memorial gardens.

It concludes:

'FI would be fully supportive of Dublin city's plans for the proposed amendment and its potential to positively impact on the development of the greenway.'

Chief Executive's Response

The content of the submission is noted and the support expressed for the proposed variation.

Recommendation:

The submission is noted, no change is recommended.

Office of Public Works – Flood section (submission no. 13)

Summary of Submission

The submission states: 'OPW acknowledge the commitments given in the SFRA.' (Strategic Flood Risk Assessment).

It continues: *'It should be noted that there are restrictions on the construction, replacement, or alteration of bridges and culverts over any watercourse, and that appropriate consent from the commissioners is required under Section 50 of the arterial drainage act 1945 and EU (Assessment and Management of Flood Risks) Regulations SI 122 of 2010.'*

Chief Executive's Response

The content of the submission is noted. This advice mirrors that of the OPR under submission no. 16 referenced above. This requirement for the statutory process under any future planning application that may arise on these lands, will be dealt with under separate provisions of the Planning and Development Act 2000, as amended, relating to planning applications.

Recommendation:

The submission is noted, no change is recommended.

Irish Water (submission no. 14)

Summary of Submission

This submission state they have no objection to the proposed variation no. 28. They request contact with Irish Water at the early stage in any future planning application made on this site via Irish Water's Connection and developers Services in order to verify the location of any services etc.

Chief Executive's Response

The content of the submission is noted. This advice will be dealt with under separate provisions of the Planning and Development Act 2000, as amended, relating to planning applications

Recommendation:

The submission is noted, no change is recommended.

Department of Transport, Tourism and Sport (submission no. 21)

Summary of Submission

This submission refers to the National Disability Inclusion Strategy (NDIS) 2017 – 2021 and the ratification by Ireland in 2018 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). It states:

‘The UNCRPD puts obligations on State Parties, Including Local Authorities, to ensure access for persons with disabilities to, inter alia, the physical environment and transportation in both urban and rural areas.’

The submission highlights the ‘whole journey approach’ and specifically references bridges as proposed under variation no. 28.

Chief Executive’s Response

The content of the submission is noted. This advice will be dealt with under separate provisions of the Planning and Development Act 2000, as amended, relating to planning applications.

Recommendation:

The submission is noted, no change is recommended.

Environmental Protection Agency (submission no. 10)

Summary of Submission

The EPA states as a SEA environmental authority their function is not to approve or enforce SEAs or plans.’ It states: *‘We note your proposed determination that SEA is not required for the proposed variation.’* Regarding SEA Determination, it states:

‘As soon as is practicable after making your determination as to whether SEA is required or not, you should make a copy of your decision, including, as appropriate, the reasons for not requiring an environmental assessment, available for public inspection in your offices and on your website. You should also send a copy of your determination to the relevant environmental authorities consulted.’

Chief Executive’s Response

The content of the submission is noted. This advice will be dealt as part of the statutory process associated with making a variation to the development plan, subject to the variation being passed by Elected Members of Dublin City Council.

Recommendation:

The submission is noted, no change is recommended.

Inlands Fisheries Ireland (submission no. 1)

Summary of Submission

This submission provides for the following:

‘This submission from the Fisheries Environmental Officer at Inland Fisheries Ireland (IFI) at the Department of Communications, Climate Action and Environment provide observations and comments to be taken into consideration for the design stage of any bridge proposal at this location.’

The submission highlights that the River Liffey supports salmon and sea trout in addition to resident brown trout populations. The submission advises the following:

‘Any engineering solution to bridge the channel at Islandbridge must not negatively impact local aquatic ecology. Design Drawings and a method statement for the pedestrian bridge

must first be submitted to IFI for construction and approval. The open season for instream works in salmonid river systems runs July 1st to September 30th.

Chief Executive's Response

The content of the submission is noted. This advice will be dealt with under separate provisions of the Planning and Development Act 2000, as amended, relating to planning applications. As a statutory consultee, the IFI will be invited to make a submission on the detailed planning application, if and when one is made.

Recommendation:

The submission is noted, no change is recommended.

Department of Culture Heritage and the Gaeltacht (submission no. 17)

Summary of Submission

Under the heading Nature Conservation, the submission provides the following information: *'The River Liffey and its banks in the Islandbridge Weir area, where the proposed pedestrian/cycle bridge is to be sited, provide valuable habitats for many species of flora and fauna and form a very important corridor for the movement of wildlife. As well as for fish species such as salmon and lamprey, the area is particularly significant for the otter, a species afforded a regime of strict protection under the Habitats Directive (92/43/EEC. Under this regime, as transposed into Irish Law by the European Community (Birds and Natural Habitats) Regulations 2011, Statutory Instrument S.I. No. 477 of 2011, it is, inter alia, illegal to damage or destroy the breeding or resting places of such an animal without first obtaining a licence to derogate from the Habitats Directive from the National Parks and Wildlife Service of this Department. There are also important bat species, which are afforded the same regime of protection under the Habitats Directive and Birds and Natural Habitats Regulations. Some of the bat species present in the Islandbridge area are especially sensitive to artificial light, and of these the Dauberton's bat.....*

The submission provides the following advice:

'Amongst the surveys which will therefore be required for a comprehensive assessment of the impacts of the proposed bridge on fauna and flora will be detailed surveys of the usage by otters and bat species of the bridge site, the stretches of the Liffey up and downstream, and in the case of bats surrounding parkland area. Such survey work should be initiated as soon as possible and carried out at appropriate times of the year to give a full picture of the usage by otters and bats of the Islandbridge Weir area.

In addition it is very important that from as early stage as possible that the design of any illumination which it may be planned to install on the proposed bridge or any approaching pedestrian and cycle routes takes into account the sensitivity of bats, and particularly the Dauberton's bat, to light. From a bat conservation point of view ideally no artificial lighting should be installed on the bridge and its approaches, but if for safety reasons such lighting is required, it should be as limited as possible. On the bridge itself the installation of lights should be confined to the bridge pavements or decking and /or the internal parapets. There should definitely be no illumination of the underside or external surfaces of the bridge. The timing of the illumination of the bridge and its approach routes over the nocturnal and annual cycle will also have to be taken into account.

As an example of an approach with regards to the lighting of bridges and pedestrian/cycle routes in a similar situation, in the South Dublin County Council area it has been agreed that any lighting installed on the Dodder Greenway (construction of which has just began) will be turned off at 8pm throughout the year. The adoption of movement activated lighting on pedestrian/cycle paths such as is already in use in France and England should be considered.

Surveys of the plant species, other mammals and birds present in the vicinity of the bridge site will also be required to fully evaluate the impacts of the proposed bridge on flora and fauna.'

Chief Executive's Response

The detailed content of both the information and guidance in this submission is noted. The issues highlighted in relation to the design approach and detailed studies necessary will be addressed under separate provisions of the Planning and Development Act 2000, as amended, relating to any future planning application on this site.

Recommendation:

The submission is noted, no change is recommended.

Brendan Smyth (submission no. 12)

Summary of Submission

This submission objects to the proposal on the following eight grounds –

1. Inadequate environmental assessment
2. Negative impact on environment, flora and fauna
3. Risk to Human Health
4. Increase in anti-social behaviour/ alcohol consumption/graffiti
5. Negative impact on visual amenity
6. Negative impact on Protected Structure
7. Dangerous and unsuitable Chapelizod Road bridge access
8. Alternatives.

Chief Executive's Response

Items one and two raised in the submission relate to nature conservation, and the appropriate assessment process. The Department of Culture, Heritage and the Gaeltacht is the designated Authority that assesses the impact of variations and other statutory plans. In the submission they made to this variation process (submission 11 above), the Department does not raise any concerns in relation to the Screening Reports undertaken for the variation, but highlights that for the design and planning application stage there are a number of detailed factors that must be addressed, particularly in addressing the potential impact on bats and otters. They provide advice on other successful approaches taken at detailed design to address such possible impacts.

This proposed variation with both SEA and AA screenings were sent to all of the relevant prescribed bodies before its public display. No issues relating to inadequate environmental assessment were raised by any in the responses received.

The submission states that a full Stage 2 Appropriate Assessment should be undertaken. The potential impacts detailed in the submission however, relate to matters arising at detailed design stage of the project. The proposed variation is for an overarching strategic objective in the Development Plan. The issue of Appropriate Assessment would be addressed in full at planning application state when the detailed design of the bridge has been resolved and when full construction methodologies are known. It is only at project design stage that a determination can be made as to whether the development would have any significant or adverse impacts on the qualifying interests of a Natura 2000 site either upstream or downstream from the bridge. Reference is also made to potential impacts on a number of species including bats, otters, seals, swans etc. A number of those listed, whilst afforded protection under European and Irish legislation are not necessarily qualifying interests of Natura 2000 sites that may have a pathway connection to the site. The appropriate mechanism to assess potential impacts to such species would be through an ecological impact assessment and or appropriate assessment at detailed design stage and through the planning application process.

Item 3 relates to issues of persons using the bridge and potential to fall off the bridge or where the bridge is used to throw items on persons below. It points out that this issue was missed from the SEA screening in relation to Human Health impacts. It is considered that the many benefits of a new bridge for pedestrian and cyclists as a public amenity for the benefit of the City outweigh the potential disbenefit of occasional anti-social behaviour. The future use of any bridge at this location will have an inherent passive supervision by the nature of it being well used as it will be a connecting piece of infrastructure, and part of a wider leisure circuit to the benefit of the City. In relation to the human health impacts and SEA, the provision of a pedestrian and cycle bridge is considered to have a positive human health impact for the local and wider population. An individual occasional anti-social behaviour or reckless action that may be taken does not negate the wider positive health impact of the bridge for a very wide number of people when considering the overall health impact through the SEA screening process. For this reason it is not considered that the screening process has erred in its conclusions.

Item 4 relates to anti-social behaviour when the proposed bridge is operational. This proposed variation is not a planning application rather the intent is to permit in principle a future bridge crossing at this location to implement policies that broadly seek the creation of connecting pedestrian and cycle routes across the city for reasons of accessibility, connectivity, recreation, and healthy modes of sustainable travel for citizens and tourists alike. The future use of any bridge at this location will have an inherent passive supervision by the nature of it being well used and frequented. The detailed design of the bridge can also seek to address, where feasible, certain design factors that can assist in reducing anti-social behaviour.

Item 5, relating to the visual impact of any proposed bridge, it is considered that this is a design issue to be dealt with under any future planning application at this site. However, it is considered that the RIAI winning design of a pedestrian/cycle bridge as provided for in the variation documentation, for informational purposes, identifies a low level bridge, not significantly impacting in a negative way on the visual amenity of the area. However, a full and detailed visual impact assessment will be required at application stage, when the detailed design of the bridge has been completed.

Item 6 of this submission relates to the impact of a bridge on the Trinity Boathouse, a protected structure. It should be noted that this possible impact was not raised as an issue by the Department in their submission. It is considered that the relationship of the location of the original Lutyens Bridge traversing the River Liffey, which is the location of the current proposed variation, was and is architecturally informed by its relationship to the War Memorial Gardens also designed by Lutyens. The OPW have sought to retain this axial relationship. The impact of any proposal on the Trinity Boathouse will be addressed in a future application when the detailed design of the bridge has been completed and the visual impacts can be fully assessed. Any future planning application will be fully assessed by Dublin City Council with the input of Conservation expertise and taking into consideration the submissions received from relevant authorities, statutory consultees, NGOs and the public.

Item 7 relates to potential traffic issues arising at the site. Similar to items 6 above, it is considered that this is more appropriately addressed at a future planning application stage when full design details and construction methodologies are known. It is noted that the OPW have indicated that they intend including with their future planning application a new pedestrian crossing, which is likely to negate any adverse traffic impacts.

Item 8 raises the issue of alternatives. The location for any future bridge on this site was based on the original location of the Lutyens' bridge at this location, to join with the War Memorial Gardens on an axis providing a formally planned axis connecting the War Memorial Gardens with the Phoenix Park. It is, therefore, a site specific project and in this

context, the consideration of alternative locations beyond the general area indicated in the variation is not appropriate. Dublin City Council review and determine any future planning application for a bridge and fully assess all possible impacts. If the proposal is deemed not to meet the requirements of the legislation, the alternative will be that no bridge is permitted. The OPW's commemorative bridge is intended to implement a plan made in the last century to 'complete' the connection between two significant areas of historic and national parkland at the Irish National War Memorial Gardens and the Phoenix Park.

This aspiration for a bridge at this particular location serves a purpose that will ensure a useful, attractive and viable bridge is provided for this particular part of the Liffey, making a key strategic connection for the cycle network, whilst minimising impact for private landowners. It is not considered that other crossing points along this part of the river would successfully achieve the objectives or the design aesthetic to sympathetically integrate the bridge with the character of the adjoining lands and with minimal disruption to private property.

Recommendation:

The submission is noted, no change is recommended.

Gary O'Neill (submission no. 7)

Summary of Submission

This submission relates to personal experience, as a long time rower, of persons on the north-side of the bank throwing projectiles onto rowers along the Liffey. The submission highlights a concern that any proposed bridge at this location maybe used as a location to throw items onto rowers. It is suggested that the bridge could be relocated further downstream to prevent the bridge being used for this purpose.

Chief Executive's Response

This proposed variation is not a planning application rather the intent is to permit in principle a future bridge crossing at this location to implement policies that broadly seek the creation of connecting pedestrian and cycle routes across the city for reasons of accessibility, connectivity, recreation, and healthy modes of sustainable travel for citizens and tourists alike.

It is not considered appropriate to limit bridge connections in Dublin City that will provide a positive resource to many, owing to the activity of a few, but rather that those activities are addressed if they arise. The future use of any bridge at this location will have inherent passive supervision by the nature of it being well used as it will be a connecting piece of infrastructure, and part of a wider leisure circuit to the benefit of the City.

Regarding an alternative location, the location for any future bridge on this site is based on the original location of the Lutyen's bridge at this location, to join with the War Memorial Gardens on an axis providing a formally planned axis connecting the War Memorial Gardens with the Phoenix Park, thus providing a visible key connection through publicly owned lands and linking amenities of national importance. Other locations on the river would not achieve these aims.

Recommendation:

The submission is noted, no change is recommended.

Old Collegians Boat Club (submission no. 9)

Summary of Submission

This submission seeks the inclusion of any future bridge linking to a pontoon, complete with a drawing depicting the layout for same included within the submission. The submission states this is to:

'enable rowing boats from the 7 clubs that row on this section of the Liffey to row on the lower Liffey. The construction of such a pontoon in conjunction with the Lutyens bridge makes the proposal economic as that contractor is set up to carry out river works, complete with plan drawing to demonstrate same.'

Chief Executive's Response

The content of this submission is noted. However, this is a specific intervention request in relation to a future bridge design and planning application process that is best addressed to the bridge proposers.

Recommendation:

The submission is noted, no change is recommended.

Simon Bailey (submission no. 3)

Summary of Submission

This submission *'fully supports the initiative'*. The submission states *'the link must take into account the natural surroundings of the parks and minimise impact to both the visual and natural habitats'*.

Chief Executive's Response

The content of this submission is noted. Any future application, on this site, will be required to conform with the requirements under the Planning and Development Act, 2000 as amended, if a grant of permission is to be considered.

Recommendation:

The submission is noted, no change is recommended.

David Kenny (submission no. 2)

Summary of Submission

The submission states: *'I fully support this amendment and ask that connections to walking and cycle facilities both on the road and in the park are considered and strengthened in the amendment.'*

Chief Executive's Response

The content of this submission is noted. Dublin City Council, in collaboration with other agencies e.g. the NTA, continues to enhance pedestrian and cycleways throughout the city of Dublin, on a continuous basis where funding allows.

Recommendation:

The submission is noted, no change is recommended.

Joe O' Connor (Submission no. 19)

Summary of Submission

This submission states: *'Seems like a great idea to open up the War Memorial to Phoenix Park users.'*

Chief Executive's Response

The content of this submission is noted.

Recommendation:

The submission is noted, no change is recommended.

Recommendation to City Council

Having regard to the submissions received and to the **Chief Executive's Response** to the issues raised therein, it is recommended that the City Council adopt the Variation (No.28) of the Dublin City Development Plan 2016-2022 to amend objective MT031 (Chapter 8: Movement & Transport) to include a pedestrian/cycle bridge across the River Liffey, from the

National War Memorial Gardens/Islandbridge to the Chapelizod Road (R109) and to mark the zoning objective maps with a bridges objective at this location.

Dated this day the 2nd of September 2020.

Owen P. Keegan
Chief Executive

Proposed Draft Variation (No. 29) of Dublin City Development Plan 2016 – 2022

Executive Summary

The Variation

The variation seeks to change the zoning of lands at 5-6 Malahide Road from Z6 (Employment/Enterprise) to Z1 (Sustainable Residential Neighbourhoods).

The Purpose of the Variation

This variation is required as a correction to the Z6 (Employment/Enterprise) zoning of these two houses which have been zoned Z6 for the last three Development Plans and would be more appropriate to be zoned Z1 (Sustainable Residential Neighbourhoods), as the adjoining houses at Newtown Cottages are zoned.

The proposed rezoning of the site from Z6 to Z1 would both be more in keeping with the Z1 zoning of the adjoining dwellings at Newtown Cottages and would also allow for housing in this established residential suburb.

Submissions

In total 10 submissions were received, mostly from public bodies including the Office of the Planning Regulator, the Eastern and Midlands Regional Assembly, the Office of Public Works and other local authorities.

Issues Raised

The majority of submissions support the proposed variation and consider it to be consistent with the Regional Spatial and Economic Strategy 2019-2031 and would support compact sustainable growth and the provision of residential development.

Response

The proposed rezoning of the site from Z6 to Z1 would both be more in keeping with the Z1 zoning of the adjoining dwellings at Newtown Cottages and would also allow for housing in this established residential suburb.

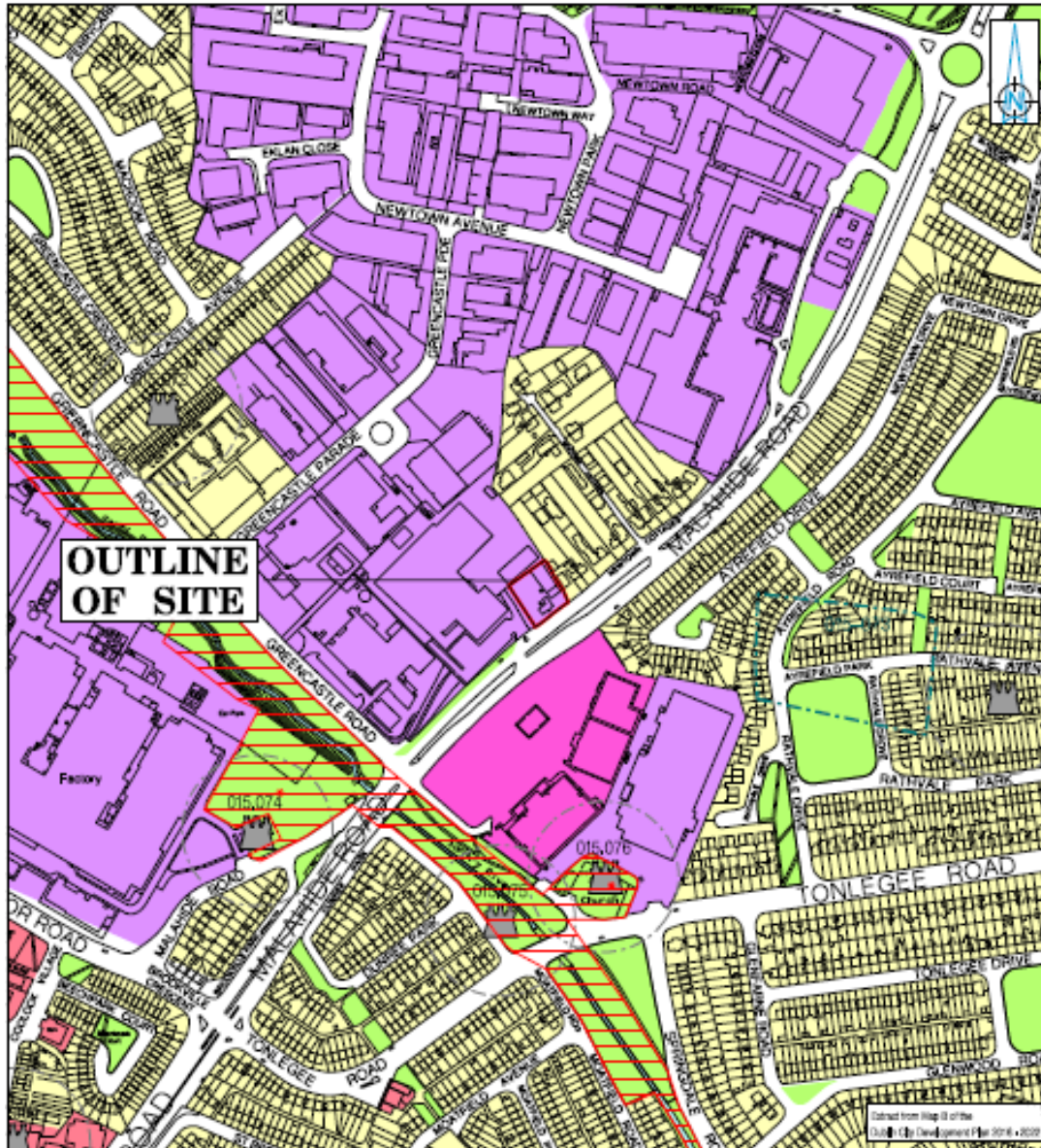
Proposal

It is proposed to vary the Dublin City Development Plan 2016-2022 by changing the zoning of the subject lands at 5-6 Malahide Road, Dublin 17.

From: Zoning Objective Z6 - To provide for the creation and protection of enterprise and facilitate opportunities for employment creation,

To: Zoning Objective Z1 - To protect, provide and improve residential amenities,

The proposed draft variation area is delineated on the attached map.



PROPOSED VARIATION (No.29) OF THE DUBLIN CITY DEVELOPMENT PLAN 2016 - 2022 Lands at No.s 5-6 Malahide Road, Dublin 17

AREA HIGHLIGHTED REZONED FROM
Z6: To provide for the creation and protection of enterprise
and facilitate opportunities for employment creation
TO
Z1: To protect, provide and improve residential amenities

- **Procedure Followed**

Public Notice and Public Display

Members of the public were invited to make submissions regarding the Proposed Draft Variation. In accordance with the procedures set out in the Planning and Development Acts 2000 as amended, the proposed variation was placed on public display from Wednesday 8th July to Thursday 6th August 2020 inclusive and a public notice was inserted into the Irish Independent.

Copies of the Proposed Draft Variation, together with the SEA and AA screening reports and Strategic Flood Risk Assessment, were made available for inspection, by appointment, at the Civic Offices, Wood Quay, Dublin 8 and at the North Central Area Office, Northside Civic Centre, Bunnally Road, Coolock within the above listed dates. Details were also available on the City Council's website at www.dublincity.ie.

STRATEGIC ENVIRONMENTAL APPRAISAL

The Planning Authority determined, using the screening criteria set out in Schedule 2A Planning and Development Regulations 2001-2004, the DoEHLG SEA Guidelines and Annex 2 of Directive 2001/42/EC, that a Strategic Environmental Assessment is not required for the Proposed Draft Variation to the Dublin City Development 2016-2022 set out above.

APPROPRIATE ASSESSMENT SCREENING

An Appropriate Assessment Screening was undertaken of the Proposed Draft Variation of the Dublin City Development Plan, in accordance with the requirements of Article 6(3) of the EU Habitats Directive (92/43/EEC). The Proposed Draft Variation is not predicted to have a likely impact on the key features or the conservation function of any Natura 2000 sites.

The prescribed bodies were notified of the above determinations in relation to SEA and AA, and no objections to the conclusions were received within the appropriate period.

- **Purpose of the Proposed Variation**

The Planning Authority considers that it is appropriate to change the zoning of the subject lands from Z6 (Employment/Enterprise) to Z1 (Sustainable Residential Neighbourhoods).

This Variation is required as a correction to the Z6 (Employment/Enterprise) zoning of these two houses which appear to have been zoned Z6 in error for the last three Development Plans and would be more appropriate to be zoned Z1 (Sustainable Residential Neighbourhoods), as the adjoining houses at Newtown Cottages are zoned.

The proposed rezoning of the site from Z6 to Z1 would both be more in keeping with the Z1 zoning of the adjoining dwellings at Newtown Cottages and would also allow for housing in this established residential suburb.

- **Report on Submissions and observations**

3.1 List of Submissions Received

The following persons or bodies made submissions or observations in relation to the proposed variation of the Development Plan.

Submission Number	Persons or Bodies
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1	Kildare County Council
2	Transport Infrastructure Ireland
3	Eastern and Midland Regional Assembly
4	Environmental Protection Agency
5	Irish Aviation Authority
6	Office of Public Works
7	Irish Water
8	Meath County Council
9	Office of the Planning Regulator
10	Joe O'Connor

3.2 Submission by the Office of the Planning Regulator (OPR)

Summary of Submission

The OPR notes and accepts the reason for the proposed variation to amend the land use zoning of this small site from Z6 and given the size, location and existing long-term use of the site for residential purposes, the OPR is satisfied that no matters of concern arise under sections 10 and 10(2)(n) (matters generally to be contained in a development plan and in relation to climate change) of the Planning and Development Act, 2000, as amended (the Act). The Office is satisfied that the proposed variation is consistent with the NPF and the RSES. The OPR broadly supports the proposed variation and urges the Planning Authority to finalise same and has no specific **Recommendations** to make under the provisions of Section 31AM(3)(a) of the Act.

Chief Executive's Response

The support of the OPR for the proposed variation is welcomed.

Recommendation

Submission is noted, no change recommended.

3.3 Submission by the Eastern and Midland Regional Assembly

Summary of Submission

The Regional Assembly consider that the proposed variation would support compact sustainable growth and the provision of residential development as set out in the core strategy of the Dublin City Development Plan and is consistent with the Regional Spatial and Economic Strategy 2019-2031.

Chief Executive's Response

The support of the Eastern and Midland Regional Assembly is welcomed.

Recommendation

Submission is noted, no change recommended.

3.4 Submission by the Environmental Protection Agency (EPA)

Summary of Submission

The Environmental Protection Agency (EPA) advocate consistency with higher level plans/programmes, infrastructure-led development and alignment with national commitments on climate change mitigation and adaption. The agency highlights the environmental and climate change policy context of the proposed Variation and provides guidance on the procedures for carrying out an SEA Screening determination.

Chief Executive's Response

The Chief Executive welcomes the submission by the EPA and takes note of the policy context and guidance that the agency has provided.

Recommendation

Submission is noted, no change recommended.

3.5 Submission by the Office of Public Works (OPW)**Summary of Submission**

The OPW notes that the lands proposed for rezoning to Z1 (Sustainable Residential Neighbourhoods) are located in Flood Zone C and this type of development is considered appropriate for this flood zone. The OPW welcome Objective SIO8 of the Development Plan which requires all development proposals to carry out, to an appropriate level of detail, a Site-Specific Flood Risk Assessment.

Chief Executive's Response

The Chief Executive notes the submission by the OPW and the guidance that they have provided.

Recommendation

Submission is noted; no change recommended.

3.6 Other Matters Raised in Submissions Received

A variation submitted from a member of the public welcomed the proposed variation as a small start to the need for additional rezoning of underused industrial land to residential. The remaining submissions stated that they had no objection to the proposed variation.

Chief Executive's Response

The Chief Executive notes this submission.

Recommendation

Submissions are noted; no change recommended.

Recommendation to City Council

Having regard to the submissions received and to the Chief Executive's Response to the issues raised therein, it is recommended that the City Council adopt the Variation (No. 29) of the Dublin City Development Plan 2016-2022 to change the zoning of lands at 5-6 Malahide Road from Z6 (employment/enterprise) to Z1 (residential).

Dated this day the 2nd of September 2020.

Owen P. Keegan

Chief Executive

Report No. 240C/2020
Report of the Chief Executive

Executive Summary

The Variation

The variation seeks to change the zoning of the c. 1.38ha lands at Carton Terrace and Balbutcher Lane, Ballymun, Dublin 11 from Z9 (Amenity/Open Space Lands/Green Network) to Z1 (Sustainable Residential Neighbourhoods).

The Purpose of the Variation

Due to the peripheral location of the site visitor based uses and issues of management, maintenance and security, it is considered that the site has limited future potential as a park or open space area and given the changing character of the surrounding area and recently completed housing schemes adjoining, it is considered that residential zoning of the site would be appropriate.

Submissions

In total 17 submissions were received, mostly from public bodies and local residents including the Office of the Planning Regulator, the Eastern and Midlands Regional Assembly, the Environmental Health Service of the HSE and residents of Baile Na Laochra and Balbutcher Lane.

Issues Raised

The majority of submissions support the proposed variation and consider that it would allow for the residential development of the land which is currently wasteland and experiences anti-social behaviour, illegal dumping and would not be suitable as a park given its location on the edge of Ballymun with no passive surveillance. Several objections were also raised to the proposed variation, including by the Environmental Health Service of the HSE which recommends that the proposed variation should not be adopted as the proposed variation has not considered if there is sufficient quantity of open space being provided for the residents of the area.

Response

Due to the peripheral location of the site and issues of management, maintenance and security, it is considered that the site has limited future potential as a park or open space area and given the changing character of the surrounding area and recently completed housing schemes adjoining, it is considered that residential zoning of the site would be appropriate. The report of the proposed variation refers to the objectives of the Ballymun Local Area Plan which aims to continue to improve and maximise the use of existing sports, recreation and open facilities in Ballymun by different sports and teams with support from the Council, Area Office and the Sports Development Team. In terms of the provision of a sufficient quantity of open space being provided for the residents of the area, including play facilities for children, it is noted that a large 0.7ha open space green area and Poppintree Community Centre, including a playground and 5 a side pitch adjoin the site of the proposed Variation to the south east. It is also noted that landscaped open space areas are also provided within the neighbouring residential schemes to the west of the site, for example in Hampton Wood Square. A large Grade 1 Community Park (Poppintree) is located within 5 minutes walk to the south. In addition any residential development of the site the subject of the proposed Variation will be subject to a separate planning application process at which stage the provision of private and public open space will be addressed.

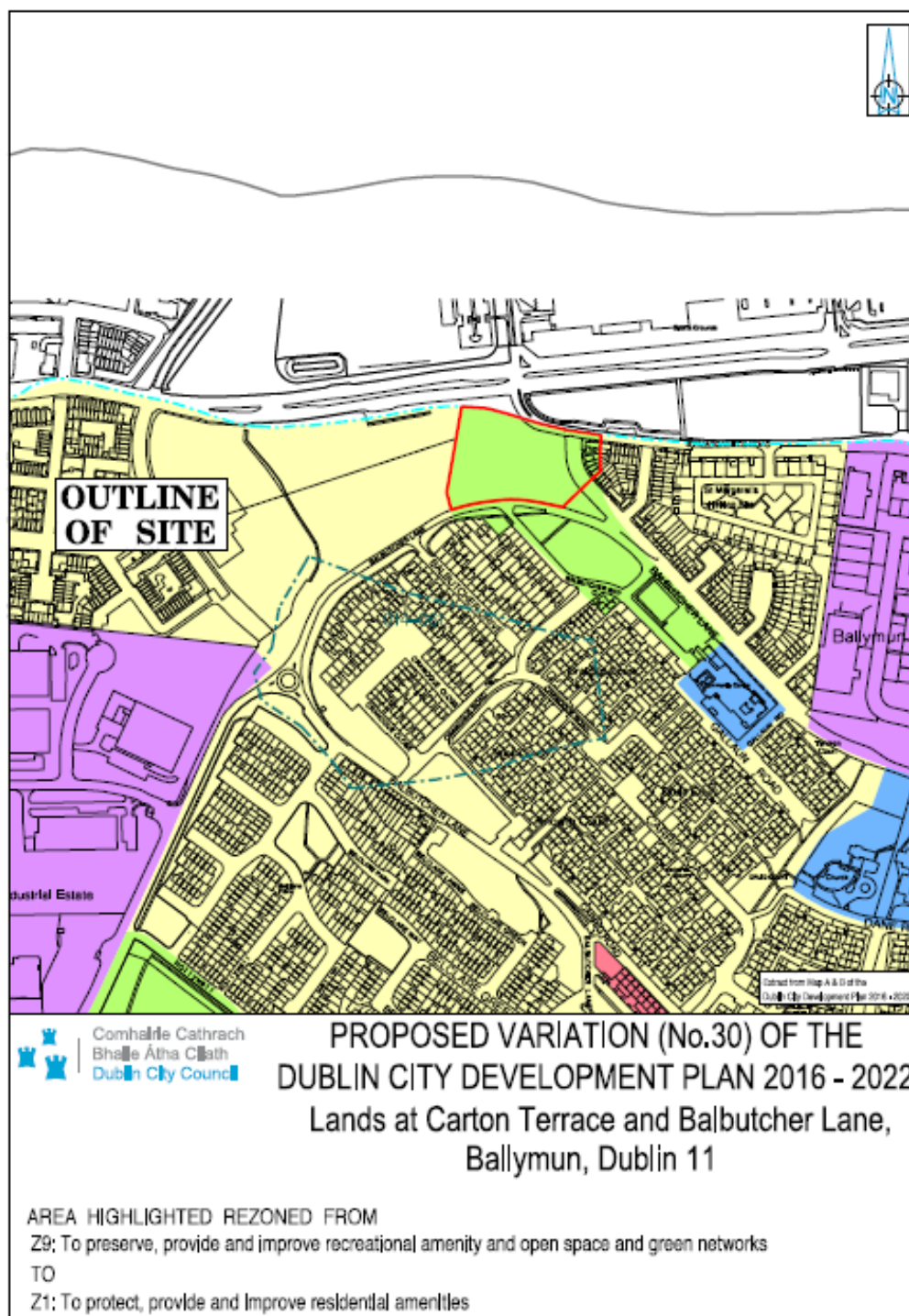
Proposal

It is proposed to vary the Dublin City Development Plan 2016-2022 by changing the land use zoning of the subject lands at Carton Terrace and Balbutcher Lane, Ballymun, Dublin 11

From: Zoning Objective Z9 – To preserve, provide and improve recreational amenity and open space and green networks.

To: Zoning Objective Z1 – To protect, provide and improve residential amenities.

The proposed draft variation area is delineated on the attached map.



Procedure Followed

Public Notice and Public Display

Members of the public were invited to make submissions regarding the Proposed Draft Variation. In accordance with the procedures set out in the Planning and Development Acts 2000 as amended, the proposed variation was placed on public display from Wednesday 8th

July to Thursday 6th August 2020 inclusive and a public notice was inserted into the Irish Independent.

Copies of the Proposed Draft Variation, together with the SEA and AA screening reports and Strategic Flood Risk Assessment, were made available for inspection, by appointment, at the Civic Offices, Wood Quay, Dublin 8 and at the North West Area Office, Ballymun Civic Offices, Main St. Ballymun, Dublin 9, within the above listed dates. Details were also available on the City Council's website at www.dublincity.ie.

Strategic Environmental Appraisal

The Planning Authority determined, using the screening criteria set out in Schedule 2A Planning and Development Regulations 2001-2004, the DoEHLG SEA Guidelines and Annex 2 of Directive 2001/42/EC, that a Strategic Environmental Assessment is not required for the Proposed Draft Variation to the Dublin City Development 2016-2022 set out above.

Appropriate Assessment Screening

An Appropriate Assessment Screening was undertaken of the Proposed Draft Variation of the Dublin City Development Plan, in accordance with the requirements of Article 6(3) of the EU Habitats Directive (92/43/EEC). The Proposed Draft Variation is not predicted to have a likely impact on the key features or the conservation function of any Natura 2000 sites.

The prescribed bodies were notified of the above determinations in relation to SEA and AA and no objections to the conclusions were received within the appropriate period.

Purpose of the Proposed Variation

The Planning Authority considers that it is appropriate to change the zoning of the subject lands from Z9 (Amenity/Open Space Lands/Green Network) to Z1 (Sustainable Residential Neighbourhoods).

The subject lands are within the boundary of the Ballymun Local Area Plan (LAP) 2017. As part of the preparation of the LAP, submissions were received to consider this site for a wide variety of uses including:

- Skate and bike park
- Community Farm/Allotments
- Residential development

With reference to the above, the LAP stated that "there is a need for a detailed review of these lands as part of implementing the LAP" (Section 5.8.2) and the following Sports, Recreation and Open Space objectives are included:

"SRO9: Review the use of the Z9 lands to the west of Carton Terrace and south of St. Margaret's Road, to provide for residential development, which can include co-operative housing, on the western half of the site and to explore the provision of a skate and bike park, and / or allotments and a community farm. An alternative suitable location for these uses may be Site No. 14: Balbutcher Lane. (This may involve a variation to the City Development Plan)."

"SRO10: Explore the provision of a skate and bike park within Ballymun within the Z9 lands to the northwest of Poppintree Community Sports Centre or Site No. 14 (beside the Reco)."

Pursuant to Objective SR09 above, the Planning, Property and Development Department analysed the subject site as a potential location for an urban farm / community gardens / allotments. This analysis found that the site would not be suitable as it is located on the periphery of the Ballymun, does not adjoin any key existing social / recreation centres, or any significant residential or employment zones to allow synergies to develop or to attract a volume of visitors to sustain the operation and would be difficult to secure, manage and maintain.

The peripheral location, issues of management, maintenance and security also applied to the considerations of a skate and bike park proposal for the subject site. It is noted that there are ongoing maintenance issues with the 5 a side sports pitch and playground to the west of Poppintree Sports & Community Centre and as such the provision of additional recreation uses, somewhat removed from the sports and community centre, would be problematic.

In light of the above and given that part of the subject lands have been vacant for a significant period of time it is considered that the site has limited future potential as a park or open space area. Furthermore given the changing character of the surrounding area and recently completed housing schemes adjoining the site, it is considered that residential zoning of the site would be appropriate.

The area to be rezoned also includes approximately six dwellings at Carton Way and Carton Terrace which are currently zoned Z9 (Amenity/Open Space Lands/Green Network) and does not reflect the residential use of these existing dwellings. It is thus proposed to regularise the zoning of these dwellings.

Report on Submissions and observations

3.1 List of Submissions Received

The following persons or bodies made submissions or observations in relation to the proposed variation of the Development Plan.

Submission Number	Persons or Bodies
1	Tara Szafranek
2	Kay Kavanagh
3	Transport Infrastructure Ireland
4	Ruth Barry
5	Kildare County Council
6	Eastern and Midland Regional Assembly
7	Irish Aviation Authority
8	Nicola Foster
9	Councillor Noeleen Reilly
10	Environmental Protection Agency
11	William McCarthy
12	Irish Water
13	Meath County Council
14	Environmental Health Service, Health Service Executive
15	Office of the Planning Regulator
16	Trevor Keogh and local residents
17	Joe O'Connor

3.2 Submission by the Office of the Planning Regulator (OPR)

Summary of Submission

The OPR notes and accepts the reason for the proposed variation to amend the land use zoning of this small site from Z9 (Amenity/Open Space Lands/Green Network) to Z1 (Sustainable Residential Neighbourhoods) and given the size, location and context of the lands subject to the proposed variation, the OPR is satisfied that no matters of concern arise under sections 10 and 10(2)(n) (matters generally to be contained in a development plan and in relation to climate change) of the Planning and Development Act, 2000, as amended

(the Act). The Office is satisfied that no material inconsistency arises between the proposed variation and the objectives and provisions of the NPF and the RSES. The OPR broadly supports the proposed variation and urges the Planning Authority to finalise same and has no specific recommendations to make under the provisions of Section 31AM(3)(a) of the Act.

Chief Executive's Response

The support of the OPR for the proposed variation is noted.

Recommendation

Submission is noted; no change recommended.

3.3 Submission by the Eastern and Midland Regional Assembly

Summary of Submission

The Regional Assembly consider that the proposed variation would support compact sustainable growth and the provision of residential development as set out in the core strategy of the Dublin City Development Plan and is consistent with the Regional Spatial and Economic Strategy 2019-2031.

Chief Executive's Response

The support of the Eastern and Midland Regional Assembly is noted.

Recommendation

Submission is noted; no change recommended.

3.4 Submission by the Environmental Protection Agency (EPA)

Summary of Submission

The Environmental Protection Agency (EPA) has no further comments to make on the proposed variation and refers the Planning Authority to the comments made in their previous submission dated 24th March 2020.

Chief Executive's Response

The Chief Executive takes note of the comments and guidance that the agency has provided in their previous submission dated 24th March 2020.

Recommendation

Submission is noted; no change recommended.

3.5 Submission by the Environmental Health Service of the Health Service Executive

Summary of Submission

The Environmental Health Service (EHS) of the Health Service Executive recommends that the proposed variation should not be adopted as the provision of green space and recreational land is a significant aspect of the health of the community and the rationale for the proposed variation has not demonstrated how objective GI13 of the Development Plan is to be met if the proposed variation is adopted. Objective GI13 of the Development Plan states that it is the policy of Dublin City Council "To ensure that in new residential developments, public open space is provided which is sufficient in quantity and distribution to meet the requirements of the projected population, including play facilities for children."

The EHS states that the proposed variation has not considered if there is sufficient quantity of open space being provided for the residents of the area, including play facilities for children.

Chief Executive's Response

The rationale for the proposed Variation refers to the Ballymun Local Area Plan 2017 which aims to continue to improve and maximise the use of existing sports, recreation and open facilities in Ballymun by different sports and teams with support from the Council, Area Office and the Sports Development Team. In this regard it is an objective of the City Council under Objective SRO9 of the LAP to "Review the use of the Z9 lands to the west of Carton Terrace and south of St. Margaret's Road, to provide for residential development, which can include co-operative housing, on the western half of the site and to explore the provision of a skate and bike park, and / or allotments and a community farm. An alternative suitable location for these uses may be Site No. 14: Balbutcher Lane. (This may involve a variation to the City Development Plan)."

Pursuant to Objective SRO9 above and as set out in the variation report, the Planning, Property and Development Department analysed the subject site as a potential location for an urban farm / community gardens / allotments. This analysis found that the site would not be suitable as it is located remote from the centre of Ballymun, does not adjoin any key existing social / recreation centres, or any significant residential or employment zones to allow synergies to develop or to attract a volume of visitors to sustain the operation and would be difficult to secure, manage and maintain. The location remote from any key existing social/recreation centres, issues of management, maintenance and security also applied to the considerations of a skate and bike park proposal for the subject site. Furthermore given the changing character of the surrounding area and recently completed housing schemes adjoining the site, it is considered that residential zoning of the site would be appropriate. As per Objective SRO9 of the LAP, an alternative suitable location for these uses may be Site No. 14: Balbutcher Lane which is located closer to Ballymun Town Centre.

In terms of the provision of a sufficient quantity of open space being provided for the residents of the area, including play facilities for children, it is noted that a large 0.7ha open space green area and Poppintree Community Centre, including a playground and 5 a side pitch adjoin the site of the proposed Variation to the south east. It is also noted that landscaped open space areas are also provided within the neighbouring residential schemes to the west of the site, for example in Hampton Wood Square and a large community park at Poppintree, a short distance south of the site which has a range of recreational facilities.

Recommendation

Submission is noted; no change recommended.

3.6 Submissions from Elected Members, Local Residents and Community Groups

A number of submissions were received from local residents, residents groups and a local Councillor setting out their support for the proposed Variation. Several submissions stated that they support the proposed variation as the land is currently wasteland which experiences anti-social behaviour and illegal dumping and would not be suitable as a park given its location on the edge of Ballymun with no passive surveillance. Local residents of Baile Na Laochra and Balbutcher Lane welcome the proposed Variation, stating that residential development of the land will deliver cohesive urban housing based on sound planning and community development principles. They are concerned due to current anti-social behaviour at the site including dumping and scrambling and raise issues regarding the delivery of recreational green space, road safety, traffic calming and a two to three storey scale of any residential development of the lands.

A number of submissions were received from local residents raising objections to the proposed Variation, in particular due to the limited provision of open space in the area, where there has been an increase in the construction of housing in recent years and that a community hub use may be a more appropriate use on the site rather than additional housing. A submission also states that sufficient facilities for young people should be included as part of any redevelopment of the site, including astro pitches & basketball courts.

Chief Executive's Response

The Chief Executive notes all these submissions and the support expressed by a number received for the proposed variation and the concerns raised. Any residential development of the site the subject of the proposed variation will be subject to a separate planning application process at which stage detailed design issues including the provision of recreational green space, road safety issues and scale of development will be fully addressed.

In terms of the provision of a sufficient quantity of open and community space being provided for the residents of the area, including active recreational facilities, it is noted that a large 0.7ha open space green area and Poppintree Community Centre which contains a number of community rooms, as well as a playground and 5 a side pitch adjoin the site of the proposed Variation to the south east. A Grade 1 Community park is a 5 minute walk to the south. The Poppintree area has sufficient public open space provided and it is considered that this particular parcel of land is best suited to housing provision to meet the current need.

Recommendation

Submissions are noted; no change recommended.

Recommendation to City Council

Having regard to the submissions received and to the Chief Executive's Response to the issues raised therein, it is recommended that the City Council adopt the Proposed Draft Variation (No. 30) of the Dublin City Development Plan 2016-2022 to change the zoning of lands at Carton Terrace/Balbutcher Lane from Z9 (amenity/open space) to Z1 (residential).

Resolution:

'The members of the authority having considered the proposed variations and the Chief Executive's Report No. 240/2020, and the issues raised, the proper planning and sustainable development of the City, the statutory obligations of the local authority and the relevant policies or objectives of the Government or of any Minister of the Government; the City Council resolves that Variations No. 28, 29 and 30 of the Dublin City Development Plan 2016-2022 is hereby made and that the necessary notices of the making of Variations No. 28, 29 and 30 of the Dublin City Development Plan 2016-2022 be published'

Owen P. Keegan
Chief Executive

2nd September 2020