

To the Lord Mayor, Chairperson and Members of
The North Central Area Committee

Meeting: 18/10/2021

Chivers Factory – Emergency motion in the name of Councillor John Lyons

This area committee calls on Dublin City Council, acting in the best interests of the public to consider all options including a compulsory purchase order of the nine-acre industrial site on Coolock Drive, formerly known as the Chivers Jam Factory and the option of de-zoning land.

CHIEF EXECUTIVE'S REPLY:

Planning Consultants on behalf of Platinum Ltd made a written request to DCC in September 2017 seeking a change in the zoning of the Chivers site from Z6 (employment /industrial) to Z1 (Residential) largely on the grounds that it would facilitate much needed housing, that there was sufficient employment lands in the locality, and that the site had lain vacant for a long period of time.

On 23rd October 2017 the proposed variation was presented to the North Central Area Committee and following a 4 week consultation period, the variation was approved by the elected members of the City Council on 5th March 2018.

Under ref SHD0008/19 (An Bord Pleanala Ref 304346-19) a permission was granted under SHD provisions for Build-to-Rent Scheme of 471 units, up to 9 storeys (as amended by condition and later modifications –ref SHD0018/20)

It should be noted, however, that a change in the zoning objective of the site will have no bearing on the status of the permission granted by An Bord Pleanala. The permission can still be implemented in its entirety irrespective of a change to the zoning.

As part of the current draft Development Plan process the elected members will be considering zoning objectives in Dublin City. In their considerations of a variation of the current development plan or making a new draft plan the members are restricted to considering the proper planning and sustainable development of the area to which the development plan relates, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or any Minister of the Government. [Section 12(11) of the Planning and Development Act as amended]. The members function is to set the policy on which all development consents will be granted.

If members wish to change the zoning of a particular piece of land they must do so for proper planning reasons. If a piece of land was rezoned residential it would be very hard to envisage a proper planning reason for reverting to an earlier zoning that excluded residential development if there is still a need in the locality for housing.

Contact **John O'Hara, City Planner**
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A Compulsory Purchase Order is not a simple or straightforward option that can be commenced at relatively short notice. CPOs, confer statutory powers that must be exercised with caution, just cause and with a clear purpose or scheme in mind and then only after a considerable amount of engagement with all stakeholders and the completion of the necessary planning and other reports. A CPO, which is an executive function, must be submitted to and confirmed by an Bord Pleanála and may be subject to legal challenge.

A guiding price of €25 million for the site is in the public domain, and further costs would arise in a CPO context. There is no funding available to purchase this site either by agreement or CPO and its acquisition with the extant planning permission would not represent value for money for the City Council.

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John O'Hara & Paul Clegg
City Planner Executive Manager

Date: 6th October, 2021.