



Chief Executive's Report on Motions Received on the Proposed Material Alterations to the Draft Dublin City Development Plan 2022-2028

25th October 2022

Report No. 262/2022

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Introduction

This report sets out the Chief Executive's Response and Recommendation to each of the Councillor Motions received on the Material Alterations to the Draft Dublin City Development Plan 2022-2028.

The layout of this report is similar to previous Chief Executive's Reports in that motions are grouped by chapter for ease of reference. In instances where there are no Councillor Motions on a particular chapter, the corresponding section does not appear in this report.

The CE recommendations on motions are broadly categorised as follows:

1. Motion agreed
2. Motion agreed with minor amendment
3. Motion agreed as already addressed in the Draft Plan/CE Report 261/2022
4. Motion noted
5. Motion not agreed

Minor typographical errors or discrepancies will be amended in the final plan before publication. Similarly, where draft plans or policy documents prepared by other bodies have been updated or approved during the development plan review process, these will be amended in the final Development Plan.

Please note in the Chief Executive's recommendation:

Text {in blue} is new text recommended by the Chief Executive

Text in {blue with strikethrough} is recommended for deletion by the Chief Executive

Next Steps

Members will consider this Report as well as the previously circulated Chief Executive's Report on Submissions Received on the Proposed Material Alterations to the Draft Dublin City Development Plan at the Special Council meeting on the 1st and 2nd of November. The purpose of the meeting is to reach agreement by resolution on amendments for inclusion in the final Development Plan.

Pursuant to Sections 12 (9) and 12 (10) of the Planning and Development Act 2000 as amended, having considered the amendments and the Chief Executive's Report, the members shall, by resolution, make the Development Plan with or without the proposed amendments except where it is decided to make a modification to a Material Alteration providing that it is 'minor in nature and, therefore, not likely to have significant effects on the environment or adverse effect the integrity of a

European site'. The Act also stipulates that a further modification shall not be made where it relates to an increase in the area of land zoned, or an addition to a deletion from the Record of Protected Structures.

An SEA Statement and Natura Impact Report will be prepared on final adoption of the Development Plan, demonstrating how environmental and ecological considerations have been integrated into the plan.

The Development Plan will come into effect on the 14th of December 2022.

Chapter 1: Strategic Context and Vision

Material Alteration Reference 1.5
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Motion No. 1.1: MOT-02018

Submitted By Councillor(s): Cllr Declan Flanagan

Refers to: Chapter 1: Strategic Context and Vision – **MA 1.5**

Motion

Motion refers to SDG: The motion requests that the Council firmly embed the UN Sustainable Development Goals (SDGs) within the City Development Plan to promote public engagement on the SDGs using community networks such as the Public Participation Network.

Planning Reason

No reason provided.

Chief Executive's Response

The Chief Executive agrees with the embedding of the Sustainable Development Goals into the Development Plan. Proposed Material Alteration 1.5 facilitates this with a new policy inserted to complement the existing text of the draft Development Plan. Material Alteration 1.5 provides for the following:

{Policy SCV1 United Nations Sustainability Goals (See also Chapter 3, Climate Change):

It is the policy of Dublin City Council to contribute, via this Development Plan, towards achievement of the 17 Sustainable Development Goals of the United Nations' 2030 Agenda for Sustainable Development, as per link <https://sdgs.un.org/goals>

The Implementation Chapter (Chapter 16, section 16.2) references collaboration with the PPN and other community groups to implement the Development Plan (which would include the SDG's).

Chief Executive's Recommendation

The Motion is agreed as it is already addressed under Material Alteration 1.5.

Motion agreed.

Chapter 2: Core Strategy

Material Alteration Reference 2.2
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Motion No. 2.1: MOT-01974

Submitted By Councillor(s): Cllr Joe Costello

Refers to: Chapter 2: Core Strategy – **MA 2.2**

Motion

That the CE clarify that his statement that “the most up to date Census data available will be incorporated in the Core Strategy chapter” will reflect appropriate revisions to housing figures and population based on the data.

Planning Reason

The CSO Data on housing and population is central to planning the future of the City under the new Development Plan (2022-26). There is need to update the housing figures based on the detailed Census data which is being compiled at present but not yet published.

Chief Executive's Response

The Chief Executive recognises the need for the most up to date data from the CSO relating to population and housing to be reflected in the final published plan.

This acknowledgement has, previously, been referenced on page 36 of CE Report dated 21 September 2022, Report No. 261/2022 under Material Amendment 2.2, where the CE’s response provided for the following: ‘It is considered best practice to update text and tables to reflect the latest CSO figures, in this case, Census 2022.’ The Chief Executive’s recommendation stated: ‘As detailed in the introduction of this report, prior to the publication of this Development Plan, the most up to date Census Data available will be incorporated into the core strategy chapter.’

Chief Executive’s Recommendation

Motion is noted.

Prior to the publication of this Development Plan, the most up to date Census Data available will be incorporated into the Core Strategy chapter as appropriate.

Material Alteration Reference 2.6

Motion No. 2.2: MOT-01975

Submitted By Councillor(s): Cllr Joe Costello

Refers to: Chapter 2: Core Strategy – **MA 2.6**

Motion

That the CE's text be amended by re-inserting " 20%" before "provision" to read: "The conclusion of the HNDA and Housing Strategy is that Dublin City Council will require the maximum allowable 20% provision under the Planning Act (as amended for social, affordable purchase and cost rental housing need....."

Planning Reason

The increase from 10% to 20% of social and affordable housing under the provisions of Part 8 is a significant contribution to the Housing Strategy and should be highlighted in the text.

Chief Executive's Response

The Chief Executive agrees with the motion and recommends that the inclusion of 20% should be incorporated into the text of Material Amendment 2.6 in the interests of clarity.

Chief Executive's Recommendation

Motion agreed with minor amendment.

Amend the text on page 38 of the CE Report 261/2022 for Material Alteration 2.6 to read as follows:

Material Alteration Reference Number 2.6

~~(The conclusion of the HNDA and Housing Strategy is that there is a requirement for the full 20% complement of social housing to be provided under the provisions of Part V.)~~ {The conclusion of the HNDA and Housing Strategy is that Dublin City Council will require the maximum allowable provision (currently up to 20%) under the Planning Act (as amended) for social, affordable purchase & cost rental housing need as part of future planning permissions, reflecting the high levels of demand within the City. The HNDA modelling indicates that over the six-year plan period of 2023-2028, there is an estimated need for 10,247 social homes in Dublin City as well as 7,887 affordable homes; 4,997 households are estimated to be able to access private ownership in Dublin City, while 4,088 households are estimated to be able to meet their needs in the private rental market.}

Material Alteration Reference N/A
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Motion No. 2.3: MOT-02032

Submitted By Councillor(s): Cllr Terence Flannagan

Refers to: Chapter 2: Core Strategy – **Not an MA**

Motion

Re Santry Village LAP motion. I wish to add my name to requesting one.

Planning Reason

The reason it is required is to ensure there is proper & sustainable planning.

Chief Executive's Response

The motion relates to a matter that was not subject of a Material Alteration that was subject to public consultation. No change can be recommended, as it is outside the scope of the planning legislation.

However, this matter is adequately addressed in the Draft Development Plan under Table 2-14: Schedule of Other LAPs/VIPs, page 77, where Santry/Whitehall (incl. Onmi KUV) is identified as an area to be examined for an LAP/VIP subject to a prioritised selection procedure to be agreed during the implementation phase of the plan.

Chief Executive's Recommendation

The motion relates to a matter that was not subject of a Material Alteration.

Motion noted.

Chapter 3: Climate Action

Material Alteration Reference N/A
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Motion No. 3.1: MOT-02036

Submitted By Councillor(s): Cllr Terence Flannagan

Co-sponsors: Cllr Declan Flanagan

Refers to: Chapter 3: Climate Action – **Not an MA**

Motion

Motion refers to Electric Vehicles. Requests that Dublin City Council's priority should be charging points for those who do not have their own private driveways i.e. multi-unit dwellings, open plan estates and terraced housing.

Planning Reason

To ensure that sufficient charging points and rapid charging infrastructure are provided on existing streets and in new developments.

Chief Executive's Response

The motion relates to a matter that was not subject of a Material Alteration that was subject to public consultation. No change can be recommended, as it is outside the scope of the planning legislation.

However, the Chief Executive considers that the thrust of the Motion has been captured adequately within Chapter 15 (Development Standards) and particularly Appendix 5 (Transport and Mobility: Technical Requirements, specifically page 274, Section 5.0 Electric Vehicles (EV), which deals with both existing and new development, quoted in full below:

"In accordance with Policy SMT27, EV charging stations on public and private land will be supported in this Plan.

All new developments must be futureproofed to include EV charging points and infrastructure. In all new developments, a minimum of 50% of all car parking spaces shall be equipped with fully functional EV Charging Point(s). The remaining spaces shall be designed to facilitate the relevant infrastructure to accommodate future EV charging. Space for EV charging infrastructure shall be clearly detailed in planning applications.

In publicly accessible spaces, appropriate signage indicating the presence of a Charge Point or Points shall be erected. All Charge Points fitted in publicly accessible areas shall be capable of communicating usage/pricing data with the National Charge Point Management System and use the latest version of the Open Charge Point Protocol (OCCP). They should also support a user identification system such as Radio Frequency Identification (RFID).

Publicly accessible EV Charging locations shall allow for ad-hoc payment methods for users. EV Charging enabling works for accessible and other reserved parking spaces shall also be included in the development where these exist.

All new or upgraded commercially operated car parking development shall be required to provide for a minimum of 50% of spaces with EV charging facilities.

All newly installed EV charge points and associated infrastructure shall comply with all relevant Acts, Statutory Instruments and regulations.

When detailed Guidance for EV charge points, which is currently in preparation by Dublin City Council in association with the other Dublin local authorities, the SEAI and the Department of Transport becomes available, it shall replace the above standards.”

Chief Executive’s Recommendation

The motion relates to a matter that was not subject of a Material Alteration.

Motion not agreed.

Chapter 5: Quality Housing and Sustainable Neighbourhoods

Material Alteration 5.16

Motion No. 5.1: MOT-02012

Submitted By Councillor(s): Cllr Declan Meenagh

Refers to: Chapter 5: Quality Housing and Sustainable Neighbourhoods – **MA 5.16**

Motion

Motion 1: To reject the managers suggested amendment to Material Alteration Reference Number 5.16.

Planning Reason

Under the Disability Act the government (including the OPR) and Dublin City Council have the obligation to support disabled people in accessing services. This includes accessing housing so it is illegal under the disability act for the OPR to make it harder for disabled people to access housing with their observation. The Disability Act also applies to the Section 28 Guidelines Sustainable Urban Housing: Design Standards for New Apartments 2020 and the OPR or the minister have failed to provide information showing this is in compliance with the Disability Act.

The report Wasted Lives published by the Ombudsman shows there are over 1,300 people under the age of 65 living in nursing homes who do not need to be there. The main reason for this is lack of a PA service and other issues but there is a lack of affordable and accessible housing for disabled people. The only way to rectify this is to build more homes that are accessible.

Article 19 of the UN Convention on the rights of Persons with a Disability says everyone has a right to live in a place of their choosing. For disabled people this means that there needs to be a large supply of accessible housing.

Chief Executive's Response

The CE would welcome revised guidelines from the Department of Housing, Local Government and Heritage which would bring consistency and clarity regarding the implementation of Article 19 of the UN Convention on the Rights of Persons with Disabilities through appropriate standards and policy. The current situation is that the Development Plan must comply with the Section 28 Guidelines Sustainable Urban Housing: Design Standards for New Apartments 2020 and the SPPRs (specific planning policy requirements) set out therein. In addition, certain other requirements which require reform must be done through appropriate revisions to the Building Regulations. The revisions to the policy recommended by the CE are to ensure that the Development Plan does not circumvent national guidance.

The issue raised should be referred to the Planning and Urban Form SPC with a view to highlighting to the Department of Housing, Local Government and Heritage the conflicting standards between the guidelines set out in the Sustainable Urban

Housing: Design Standards for New Apartments, December 2020, particularly Section 3.8, and guidance provided under the Universal Design Guidelines for Homes in Ireland 2015, the DHLG&H's Design Manual for Quality Housing 2022 and the DHP&LG & DH's Housing Options for Our Ageing Population Policy Statement 2019.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Refer to the Planning and Urban Form SPC.

See also Motion No. 15.1.

Material Alteration 5.18

Motion No. 5.2: MOT-01954

Submitted By Councillor(s): Cllr Janet Horner

Refers to: Chapter 5: Quality Housing and Sustainable Neighbourhoods – **MA 5.18**

Motion

It is the Policy of Dublin City Council: To ensure a review of the existing provision of temporary/homeless accommodation in the city centre, with a specific regard to Dublin 1, 7 and 8. The aim of which should be to reduce the overconcentration of services in those locations and to provide more temporary/homeless accommodation in areas not currently providing such services. Every other option will be explored and prioritised over any development and expansion of any new temporary/homeless accommodation services within Dublin 1, 7 and 8, including adaptation of tourist hostels and hotels, in acknowledgement of the existing concentration of such uses. Nothing of this policy will interfere with the Council's humanitarian obligation to provide suitable emergency accommodation to those in need.

Planning Reason

While it is clear that we need to address the overconcentration of the emergency accommodation in the city centre, this needs to be appropriately balanced against the humanitarian needs of the increasing numbers of the city's population who experience homelessness. We need to ensure there is an appropriate amount of flexibility and that exception can be allowed to ensure that appropriate facilities are provided for the diversity of accommodation and support needs of people experiencing homelessness.

Chief Executive's Response

It is the recommendation of the CE to agree the motion with a minor amendment. The CE considers that the inclusion of the additional last sentence stating that "Nothing of this policy will interfere with the Council's humanitarian obligation to provide suitable emergency accommodation to those in need" is a minor change.

However, the additional sentence stating "Every other option will be explored and prioritised over any development and expansion of any new temporary/homeless accommodation services within Dublin 1, 7 and 8, including adaptation of tourist hostels and hotels, in acknowledgement of the existing concentration of such uses" is not considered a minor change. It introduces a change which has not been subject of public consultation and, therefore, cannot be considered at this stage of the plan making process. It is considered outside the scope of legislation.

Chief Executive's Recommendation

Motion agreed with minor amendment.

For clarity, Policy - Temporary Accommodation Located in the City Centre to be inserted after Policy QHSN27 in Section 5.5.5 Housing for All to read:

Material Alteration Reference Number 5.18

{Policy - Temporary Accommodation Located in the City Centre:

It is the Policy of Dublin City Council: To ensure a review of the existing provision of temporary/homeless accommodation in the city centre, with a specific regard to Dublin 1, 7 and 8. The aim of which should be to reduce the overconcentration of services in those locations and to provide more temporary/homeless accommodation in areas not currently providing such services. There will also be a general presumption against the development and expansion of any new temporary/homeless accommodation services within Dublin 1, 7 and 8, including adaptation of tourist hostels and hotels, in acknowledgement of the existing concentration of such uses. Nothing of this policy will interfere with the Council's humanitarian obligation to provide suitable emergency accommodation to those in need.}

Material Alteration 5.18

Motion No. 5.3: MOT-01976

Submitted By Councillor(s): Cllr Joe Costello

Refers to: Chapter 5: Quality Housing and Sustainable Neighbourhoods – **MA 5.18**

Motion

That “Dublin 3” be added in the third line of the amended text to read “To ensure a review of the existing provision of temporary/homeless accommodation in the City Centre, with specific regard to Dublin 1, 3, 7 and 8.”

Planning Reason

Most of Dublin 3 is located in the North Inner City and includes such areas as East Wall, North Strand, Ballybough which have an overconcentration of homeless accommodation. There is a total of 99 homeless facilities in the entire city with 55 in the Central Area (Reply to my question to CE September 22). The omission of Dublin 3 would dilute the impact of the review.

Chief Executive's Response

The inclusion of additional text which refers to Dublin 3 is a significant material change which is not considered minor in nature. Dublin 3 is an extensive geographic area. It introduces a change which has not been the subject of public consultation and, therefore, cannot be considered at this stage of the plan making process.

Chief Executive's Recommendation

The motion proposes an amendment that is not minor in nature and is outside the scope of the legislation.

Motion not agreed.

Material Alteration 5.23

Motion No. 5.4: MOT-01941

Submitted By Councillor(s): Cllr Dermot Lacey

Refers to: Chapter 5: Quality Housing and Sustainable Neighbourhoods – **MA 5.23**

Motion

This Council agrees to substitute the figure 50% to replace 60% in Chief Executive recommendations at 5.23.

Planning Reason

The planning reasons for a limit on Build to Rent units has been made by the Chief Executive in his report and numerous motions adopted previously by Councillors. This has led to the current situation where the Manager is proposing 40% and Councillors agreement to date is that of 60%. The 50% proposed in these motions is a straightforward compromise between these two figures and is proposed in order to make progress and secure agreement on this contentious issue. It is also proposed that it provides greater clarity to all given the 50/50 nature of the proposal.

Chief Executive's Response

The CE highlights that a clear rationale for the 40% BTR requirement was set out in the CE Report (April 2020) on pages 54-55. It is considered that, until there is a change in government policy on Build to Rent accommodation, the requirement for 40% of units within a scheme (including a BTR scheme) to be designed as standard apartments, future proofs the city's housing stock and provides for a higher quality of development. However, the CE is of the view that the increase to 50% is a Material Alteration that has not been the subject of public consultation, unlike both the 40% and 60% levels.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion Nos. 5.5, 5.6, 5.7, 5.8 and 15.2.

Material Alteration 5.23

Motion No. 5.5: MOT-01944

Submitted By Councillor(s): Cllr Dermot Lacey

Refers to: Chapter 5: Quality Housing and Sustainable Neighbourhoods – **MA 5.23**

Motion

This Council agrees to substitute the figure 50% to replace 60% at all mentions in the Chief Executive recommendations to give effect to motions seeking a maximum 50% Build to Rent units.

Planning Reason

The planning reasons for a limit on Build to Rent units has been made by the Chief Executive in his report and numerous motions adopted previously by Councillors. This has led to the current situation where the Manager is proposing 40% and Councillors agreement to date is that of 60%. The 50% proposed in these motions is a straightforward compromise between these two figures and is proposed in order to make progress and secure agreement on this contentious issue. It is also proposed that it provides greater clarity to all given the 50/50 nature of the proposal.

Chief Executive's Response

The CE highlights that a clear rationale for the 40% BTR requirement was set out in the CE Report (April 2020) on pages 54-55. It is considered that, until there is a change in government policy on Build to Rent accommodation, the requirement for 40% of units within a scheme (including a BTR scheme) to be designed as standard apartments, future proofs the city's housing stock and provides for a higher quality of development. However, the CE is of the view that the increase to 50% is a Material Alteration that has not been the subject of public consultation, unlike both the 40% and 60% levels.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion Nos. 5.4, 5.6, 5.7, 5.8 and 15.2.

Material Alteration 5.23

Motion No. 5.6: MOT-01977

Submitted By Councillor(s): Cllr Joe Costello

Refers to: Chapter 5: Quality Housing and Sustainable Neighbourhoods – **MA 5.23**

Motion

That the CE amendment of “40%” be deleted and the 60% voted by Councillors be restored to read: “To ensure a sustainable mix of tenure and long-term sustainable communities, a minimum of 60% of standard designed apartments will be required in such instances.”

Planning Reason

BTR has created unbalanced housing development in the City in recent years. To ensure a sustainable mix of tenure and long-term sustainable communities, a minimum of 60% of standard designed apartments will be required in such instances.

Chief Executive's Response

The CE highlights that a clear rationale for the 40% BTR requirement was set out in the CE Report (April 2020) on pages 54-55. It is considered that, until there is a change in government policy on Build to Rent accommodation, the requirement for 40% of units within a scheme (including a BTR scheme) to be designed as standard apartments, future proofs the city's housing stock and provides for a higher quality of development.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No.s 5.4, 5.5, 5.7, 5.8 and 15.2.

Material Alteration 5.23/5.24

Motion No. 5.7: MOT-02031

Submitted By Councillor(s): Cllr Nial Ring

Refers to: Chapter 5: Quality Housing and Sustainable Neighbourhoods – **MA 5.23/5.24**

Motion

MA Ref: 5.23, 5.24, and Policy QHSN38 Motion: That policy QHSN38 revert to the 60/40 Build to Sell/Build to Rent ratio as agreed by councillors pursuant to Motion 5.59, MOT 01563 which rejected the CE recommendation to retain the 40/60 ratio and adopt a 60/40 ratio in our development plan.

Planning Reason

To reflect the decision of City Councillors to have a 60/40 Build to Sell/Build to Rent ratio and to have DCC as a lead authority supporting the Minister's plans to amend the apartment guidelines which will eliminate the planning rationale whereby BTR is a separate development type availing of "flexible" (inferior) design standards.

Given the Minister for Housing's recent statement that "there is no longer a planning rationale to retain BTR as a separate development type subject to more flexible design standards" it could be argued that these entire Build to Rent references in the Development Plan be deleted but, as the amendment of the Section 28 Apartment to remove the specific requirement that BTR is identified as a separately defined type of development with specific design standards has not yet been implemented, I believe DCC should revert to the 60/40 ratio agreed by Councillors as a first and important step in the process of doing away with the BTR "flexible" design standards and send a strong signal to developers and financiers that Dublin wants housing but not housing built to lower standards than our citizens deserve.

Chief Executive's Response

The CE highlights that a clear rationale for the 40% BTR requirement was set out in the CE Report (April 2020) on pages 54-55. It is considered that, until there is a change in government policy on Build to Rent accommodation, the requirement for 40% of units within a scheme (including a BTR scheme) to be designed as standard apartments, future proofs the city's housing stock and provides for a higher quality of development.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No.s 5.4, 5.5, 5.6, 5.8 and 15.2.

Material Alteration 5.24

Motion No. 5.8: MOT-01942

Submitted By Councillor(s): Cllr Dermot Lacey

Refers to: Chapter 5: Quality Housing and Sustainable Neighbourhoods – **MA 5.24**

Motion

This Council agrees to substitute the figure 50% to replace 60% in Chief Executive recommendations at 5.24

Planning Reason

The planning reasons for a limit on Build to Rent units has been made by the Chief Executive in his report and numerous motions adopted previously by Councillors. This has led to the current situation where the Manager is proposing 40% and Councillors agreement to date is that of 60%. The 50% proposed in these motions is a straightforward compromise between these two figures and is proposed in order to make progress and secure agreement on this contentious issue. It is also proposed that it provides greater clarity to all given the 50/50 nature of the proposal.

Chief Executive's Response

The CE highlights that a clear rationale for the 40% BTR requirement was set out in the CE Report (April 2020) on pages 54-55. It is considered that, until there is a change in government policy on Build to Rent accommodation, the requirement for 40% of units within a scheme (including a BTR scheme) to be designed as standard apartments, future proofs the city's housing stock and provides for a higher quality of development. However, the CE is of the view that the increase to 50% is a Material Alteration that has not been the subject of public consultation, unlike both the 40% and 60% levels.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No.s 5.4, 5.5, 5.6, 5.7, and 15.2.

Material Alteration 5.23

Motion No. 5.9: MOT-01978

Submitted By Councillor(s): Cllr Joe Costello

Refers to: Chapter 5: Quality Housing and Sustainable Neighbourhoods – **MA 5.23**

Motion

That the CE define “identified” as it refers to Strategic Development Regeneration Areas.

Planning Reason

Without a definition the word is confusing and it is unclear if BTR accommodation is to be facilitated in all SDRAs or just those “identified” in some way.

Chief Executive's Response

The motion relates to text that has not been subject of a Material Alteration that was subject to public consultation (i.e. that does not relate to highlighted text in the material alteration). No change can be recommended as it is outside the scope of the planning legislation.

However in any event, the CE would like to clarify that Section 5.23 and Policy QHSN38 refer to the SDRAs identified in the Development Plan which are clearly set out in Table 2-8 and Table 13.1 and indicated on Map K.

Chief Executive's Recommendation

The motion relates to text that has not been subject of a Material Alteration.

Motion not agreed.

Material Alteration 5.29

Motion No. 5.10: MOT-01933

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 5: Quality Housing and Sustainable Neighbourhoods – **MA 5.29**

Motion

Material Alteration Reference Number 5.29 Chapter 5 Section: 5.5.8 Social and Community Infrastructure, subsection Schools and Education Page: 195, Policy QHSN51 Motion: To remove the word 'existing' from policy QHSN51.

Planning Reason

To ensure new school sites are also protected under this policy.

Chief Executive's Response

The CE recommends the motion amendment which is considered a minor change, for the planning reason provided.

Chief Executive's Recommendation

Motion agreed.

For clarity, Policy QHSN51 Education Provision in Section 5.5.8 Social and Community Infrastructure, subsection Schools and Education to read:

Material Alteration Reference Number 5.29

Policy QHSN51 Education Provision

- (i) To support the provision of new schools and the expansion of existing school facilities having regard to the requirements of the DES.
- (ii) {To protect and retain the entire curtilage of existing schools sites, including buildings, play areas, pitches and green areas, that may be required for the expansion of school facilities in the future, unless the Council it has been determined in agreement with the Department of Education that the use of the site for school provision is no longer required}.
- (iii) To support the ongoing development and provision of third level education, further education and lifelong learning in the city.

See also Motion Nos. 5.11, 5.12 and 5.13.

Material Alteration Reference 5.29

Motion No. 5.11: MOT-02014

Submitted By Councillor(s): Cllr Naoise O'Muirí

Co-sponsors:

Cllr Deirdre Heney

Cllr Damian O'Farrell

Refers to: Chapter 5: Quality Housing and Sustainable Neighbourhoods – **MA 5.29**

Motion

Material Alteration Reference Number 5.29 Chapter 5 Section: 5.5.8 Social and Community Infrastructure, subsection Schools and Education Page: 195, Policy QHSN51 MOTION Remove the word “existing” from new subparagraph (ii).

Planning Reason

To ensure that new school sites that come on-stream during the lifetime of the Plan are protected into the future.

Chief Executive's Response

The CE recommends the revised wording set out in the motion which is considered a minor change, for the planning reason provided.

Chief Executive's Recommendation

Motion agreed.

For clarity, Policy QHSN51 Education Provision in Section 5.5.8 Social and Community Infrastructure, subsection Schools and Education to read:

Material Alteration Reference Number 5.29

Policy QHSN51 Education Provision

- (i) To support the provision of new schools and the expansion of existing school facilities having regard to the requirements of the DES.
- (ii) {To protect and retain the entire curtilage of ~~existing~~ schools sites, including buildings, play areas, pitches and green areas, that may be required for the expansion of school facilities in the future, unless the Council it has ~~been~~ determined in agreement with the Department of Education that the use of the site for school provision is no longer required}.
- (iii) To support the ongoing development and provision of third level education, further education and lifelong learning in the city.

See also Motion Nos. 5.10, 5.12 and 5.13.

Material Alteration 5.29

Motion No. 5.12: MOT-01968

Submitted By Councillor(s): Cllr Catherine Stocker

Refers to: Chapter 5: Quality Housing and Sustainable Neighbourhoods – **MA 5.29**

Motion

Replace wording to read ‘Unless the council has determined in agreement with the Department of Education that the use of the site for school provision is no longer required’.

Planning Reason

To ensure such an agreement is reached between the council and the Department of Education - not a potential developer and the Department of Education without the council’s input.

Chief Executive's Response

The CE recommends the revised wording set out in the motion which is considered a minor clarification on a matter that is already implicit in the intent of the policy.

Chief Executive’s Recommendation

Motion agreed.

For clarity, Policy QHSN51 Education Provision in Section 5.5.8 Social and Community Infrastructure, subsection Schools and Education to read:

Material Alteration Reference Number 5.29

Policy QHSN51 Education Provision

- (iii) To support the provision of new schools and the expansion of existing school facilities having regard to the requirements of the DES.
- (iv) {To protect and retain the entire curtilage of ~~existing~~ schools sites, including buildings, play areas, pitches and green areas, that may be required for the expansion of school facilities in the future, unless the Council it has ~~been~~ determined in agreement with the Department of Education that the use of the site for school provision is no longer required}.
- (iii) To support the ongoing development and provision of third level education, further education and lifelong learning in the city.

See also Motion Nos. 5.10, 5.11 and 5.13.

Material Alteration Reference 5.29

Motion No. 5.13: MOT-02015

Submitted By Councillor(s): Cllr Naoise O'Muiri

Co-sponsors:

Cllr Deirdre Heney

Cllr Damian O'Farrell

Refers to: Chapter 5: Quality Housing and Sustainable Neighbourhoods – **MA 5.29**

Motion

Replace “unless it has been determined in agreement with the Department of Education that the use of the site for school provision is no longer required” With “unless it has been determined by the Planning Authority in agreement with the Department of Education that the use of the site for school provision is no longer required”

Planning Reason

To give clarity as to who is responsible for reaching agreement with the Department of Education and the associated criteria for determination.

Chief Executive's Response

The CE recommends the wording set out in the motion with a minor amendment, for the planning reason provided, and to ensure consistency of language throughout the plan and in the interests of plain English.

Chief Executive's Recommendation

Motion agreed with minor amendment.

For clarity, Policy QHSN51 Education Provision in Section 5.5.8 Social and Community Infrastructure, subsection Schools and Education to read:

Material Alteration Reference Number 5.29

Policy QHSN51 Education Provision

- (v) To support the provision of new schools and the expansion of existing school facilities having regard to the requirements of the DES.
- (vi) {To protect and retain the entire curtilage of existing schools sites, including buildings, play areas, pitches and green areas, that may be required for the expansion of school facilities in the future, unless the Council it has been determined in agreement with the Department of Education that the use of the site for school provision is no longer required}.

- (iii) To support the ongoing development and provision of third level education, further education and lifelong learning in the city.

See also Motion Nos. 5.10, 5.11 and 5.12.

Material Alteration N/A

Motion No. 5.14: MOT-01995

Submitted By Councillor(s): Cllr Claire Byrne

Refers to: Chapter 5: Quality Housing and Sustainable Neighbourhoods – **Not a MA**

Motion

Motion in the name of Cllr Claire Byrne: 'To develop and LAP for the Ringsend and Irishtown area'.

Planning Reason

Planning reason: For the sustainable development of the area and effective communication and engagement with the local residents.

Chief Executive's Response

The motion relates to a matter that was not subject of a Material Alteration that was subject to public consultation. No change can be recommended as it is outside the scope of the planning legislation. In any event Ringsend/Irishtown is listed in Table 2-14 Schedule of Other LAPs/VIPs of the Draft Plan. The preparation of these LAP's will be based on a prioritised selection procedure to be agreed during the implementation stage of the plan.

Chief Executive's Recommendation

The motion relates to a matter that was not subject of a Material Alteration.

Motion noted.

See also Motion No. 14.23.

Chapter 7: The City Centre, Urban Villages and Retail

Material Alteration Reference 7.4

Motion No. 7.1: MOT-01920

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 7: The City Centre, Urban Villages and Retail – **MA 7.4**

Motion

Chapter 7 ref 7.4 Section 7.5.1 General Retail Policy. Page 250, Policy CCUV14

The motion is seeking an amendment to Policy CCUV14 Adult Shops, Betting Shops and Gaming Arcades, as follows:

It is the policy of Dublin City Council to seek to prohibit adult shops, betting shops and gaming arcades in proximity to residential areas, places of public worship and schools and to seek to prevent an excessive concentration of such uses having regard to the existing presence of such retail outlets in an area.

Planning Reason

To protect and enhance the quality of retail in our City.

Chief Executive's Response

The Chief Executive notes that the motion seeks to amend the wording of Policy CCUV14, as amended at the Material Amendments Stage, so that the wording of the policy reverts back to the wording as set out in the Draft Development Plan.

The wording of the policy under Material Alteration 7.4 is as follows:

Policy CCUV14 Adult Shops, Betting Shops and Gaming Arcades

~~(To seek to prohibit)~~ {That there will be a presumption against} adult shops, betting shops and gaming arcades in proximity to residential areas, places of public worship and schools and ~~(to seek to prevent)~~ {similarly, there will be a presumption against} an excessive concentration of such uses having regard to the existing presence of such retail outlets in an area.

Prior to the Material Amendments to the Draft Plan being approved, the Chief Executive report on Motions noted that the Development Plan may not prohibit development as all development should be considered on its merits in accordance with the proper planning and development of the area. However, the Chief Executive agreed that the wording of the policy could be strengthened and stronger wording used in Policy CCUV14. The new wording (in green as outlined above), was agreed at the Special Council meeting on 5th/6th/7th July 2022.

It is considered that the wording of Policy CCUV14, as amended by material amendment, is stronger than the amendment proposed and is more appropriate than that originally proposed and that it does not require further amendment as it provides sufficient clarity as to how development proposals for Adult Shops, Betting Shops and Gaming Arcades will be assessed at the Planning Application stage.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Material Alteration Reference 7.14

Motion No. 7.2: MOT-01979

Submitted By Councillor(s): Cllr Joe Costello

Refers to: Chapter 7: The City Centre, Urban Villages and Retail – **MA 7.14**

Motion

The motion seeks an amendment to New Policy – Public Realm – City Centre by adding “walking” after “public transport” in line 5 of CEs amendment – to read:

“To move to a low traffic environment generally and to increase the amount of traffic-free spaces provided in the city over the lifetime of the Plan as well as create new high quality public realm areas where possible, taking into account the objective to enhance access to and within the city centre by public transport, walking and cycling.”

Planning Reason

No planning reason given.

Chief Executive's Response

The Chief Executive notes that the motion relates to a proposed amendment to the Chief Executive’s recommended amendment to New Policy (Public Realm – City Centre) as set out in Report No 261/2022. It is considered appropriate to further amend the policy as outlined above by the inclusion of the word ‘walking’. It is considered to constitute a minor change.

Chief Executive’s Recommendation

Motion agreed.

Amend text in proposed MA as follows:

Material Alteration Reference Number 7.14

New Policy – Public Realm – City Centre after CCUV41

To move to a low traffic environment generally and to increase the amount of traffic free spaces provided in the city centre over the lifetime of the Plan as well as create new high quality public realm areas where possible taking into account the objective to enhance access to and within the city centre by public transport, walking and cycling.}

Material Alteration Reference 7.15

Motion No. 7.3: MOT-01924

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 7: The City Centre, Urban Villages and Retail – **MA 7.15**

Motion

Chapter 7 ref 7.15 Section 7.5.8 Public Realm, Objective CCUVO13 Objective CCUVO13 Civic Spine/College Green.

The Motion seeks the inclusion the following text in Objective CCUVO13

‘with a traffic free, bicycle free, scooter free, all mechanically propelled vehicle free, excepting wheelchairs, fully pedestrianised world class public realm.’

Planning Reason

To enhance and provide a safer public realm which is accessible and welcoming to all.

Chief Executive's Response

This motion proposes an amendment to Material Alteration No. 7.15 by the addition of wording to CCUV013 Civic Spine/College Green which would preclude bicycles, scooters, and all mechanically propelled vehicles, except wheelchairs, in a redesigned College Green Dame Street Project area.

As set out in the 21st September CE's Report on Submissions Received on the Proposed Material Alterations to the Draft Plan, Draft Policy on page 67, it is not considered appropriate in advance of the detailed design of such a project to preclude bicycles, scooters etc. and for this reason the motion is not agreed.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Material Alteration 7.16

Motion No. 7.4: MOT-02010

Submitted By Councillor(s): Cllr Mannix Flynn

Refers to: Chapter 7: The City Centre, Urban Villages and Retail – **MA 7.16**

Motion

The Motion supports the Chief Executive's Recommendation (dated Wednesday, 21 September 2022): "Chapter 7: Material Alteration No. 7.16: To support the full pedestrianisation of South William Street, subject to feasibility including opportunities for cycling provision."

Planning Reason

In the interest of transparent sustainable and proper planning in law.

Chief Executive's Response

The Chief Executive notes that the motion supports the CE's Recommendation in respect of Material Alteration No. 7.16 New Objective – Pedestrianisation South William Street.

Chief Executive's Recommendation

Motion agreed.

See also recommendation for Motion No. 7.5.

Material Alteration Reference 7.16

Motion No. 7.5: MOT-01986

Submitted By Councillor(s): Cllr Claire Byrne

Refers to: Chapter 7: The City Centre, Urban Villages and Retail - **MA 7.16**

Motion

The Motion seeks to replace the words 'subject to' with 'to include a feasibility study including opportunities for cycling provision'.

Planning Reason

Reason: To reaffirm the commitment to the objective of the full pedestrianisation of South William Street.

Chief Executive's Response

The Chief Executive notes the proposed amendment to the Chief Executive's recommended amendment to New Objective Pedestrianisation South William Street.

The Objective, as amended by the Chief Executive reads as follows:

{Objective – Pedestrianisation South William Street

To support the full pedestrianisation of South William Street, subject to feasibility including opportunities for cycling provision}

The proposal to amend the New Objective (Pedestrianisation South William Street) by replacing the words 'subject to' with 'to include a feasibility study including opportunities for cycling provision' is not agreed, as, whilst the CE is fully supportive of pedestrianisation, its implementation must be subject of a full feasibility study to investigate all matters and the needs of all stakeholders re: access, traffic management etc.

The Chief Executive agrees to the addition of the word 'study' - as in 'a feasibility study'.

Chief Executive's Recommendation

Motion agreed with minor amendment.

Amend text in proposed MA as follows:

Material Alteration Reference Number 7.16

New Objective – Pedestrianisation South William Street

To support the full pedestrianisation of South William Street, subject to a feasibility study including opportunities for cycling provision.

Material Alteration Reference 7.16

Motion No. 7.6: MOT-02011

Submitted By Councillor(s): Cllr Mannix Flynn

Refers to: Chapter 7: The City Centre, Urban Villages and Retail - **MA 7.16**

Motion

The motion seeks to amend Material Alteration No. 7.16: as follows:

‘To support in principle a pedestrianisation process for South William Street, subject to detailed feasibility studies including Environmental Impact Assessment, Traffic Impact Assessment and opportunities for cycling provision.’

Planning Reason

In the interest of transparent sustainable and proper planning in law.

Chief Executive's Response

The Chief Executive notes the proposed changes to New Objective (Pedestrianisation South William Street) which seeks references to environmental and traffic studies to be prepared as part of any detailed feasibility studies.

Given the nature of the project, any feasibility study to pedestrianise South William Street will include a transport study.

As part of any Part 8 Application for the pedestrianisation of / development on South William Street the need or not for environmental studies (EIA and AA) will be determined and progressed as required in accordance with all relevant national and European legislation and directives. This is a statutory requirement, and in this regard, it is not considered necessary or appropriate to specifically detail this in the policy.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also recommendation for Motion No. 7.5 above.

Material Alteration Reference 7.17

Motion No. 7.7: MOT-02021

Submitted By Councillor(s): Cllr Nial Ring

Refers to: Chapter 7: The City Centre, Urban Villages and Retail – **MA 7.17**

Motion

The motion proposes an amendment to Objective CCUVO15 – Public Realm Plans/Masterplans as follows:

To reverse the proposed omission of the “Markets Area Public Realm Plan 2021” as a standalone objective and to amend the proposed wording “Other forthcoming public realm plans such as for the City Markets Area” to exclude the reference to the City Market Area.

Therefore, the last two lines of Objective CCUVO15 would read:

- Markets Area Public Realm Plan 2021
- Other forthcoming public realm plans

Planning Reason

To ensure that the Markets Area Public Realm plan is separate and distinct, similar to the other four plans mentioned in Objective CCUVO15. Including it with “Other forthcoming public realm plans” would, I believe, undermine its importance and may result in it not being brought forward in its own right.

Chief Executive's Response

The Chief Executive notes the proposal to amend the CE’s recommended amendment to Objective CCUVO15 – Public Realm Plans/Masterplans as set out in the CE’s Report 261/2022 by retaining a specific reference to the Markets Area Public Realm Plan and by referencing ‘Other forthcoming public realm plans’. It is considered that the proposed amendment is acceptable, however, it is recommended that any reference to the Market Area Public Realm Plan should refer to the Draft Plan and the year 2022, as the Public Realm Plan has not yet been finalised.

Chief Executive’s Recommendation

Motion agreed with minor amendment.

Amend text in proposed MA as follows:

Material Alteration Reference Number 7.17

Objective CCUVO15 Public Realm Plans / Masterplans

To support the implementation of the following public realm plans / masterplans (listed below) and companion manuals:

- 'The Heart of the City' Public Realm Masterplan for the City Core 2016;
- Grafton Street Quarter Public Realm Improvement Plan, 2013;
- Public Realm Masterplan for the North Lotts & Grand Canal Dock SDZ Planning Scheme 2014;
- Temple Bar Public Realm Plan 2016; and
- {Draft Markets Area Public Realm Plan 2022;}
- ~~(Markets Area Public Realm Plan 2021.)~~
- ~~{Other forthcoming public realm plans such as for the City Market Area.}~~

Material Alteration Reference N/A
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Motion No. 7.8: MOT-01921

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 7: The City Centre, Urban Villages and Retail – **Not a MA**

Motion

Chapter 7 ref 7.4 Section 7.5.1 General Retail Policy.

The motion is seeking to insert a new policy after CCUV14 and subsequent numbering to be amended accordingly.

New Policy:

It is the policy of Dublin City Council to prohibit betting shops, amusement arcades and adult shops from street level premises in our Category 1 and Category shopping streets.

Planning Reason

To protect and enhance the quality of retail in our City.

Chief Executive's Response

The motion relates to a matter that was not subject of a Material Alteration that was subject to public consultation. No change can be recommended as it is outside the scope of the planning legislation.

As noted in the 21st September CE Report on Submissions Received on the Proposed Material Alterations to the Draft Plan, Draft Policy CCUV16 – Category 1 and Category 2 Streets states:

“To protect the primary retail function of category 1 streets in the city and to provide for a mix of retail and other complementary uses on category 2 streets. To promote active uses at street level on the principal shopping streets in the city centre retail core having regard to the criteria for Category 1 and Category 2 streets (see Appendix 2 and Figure 7.2).”

Appendix 2 states:

“Dublin City Council will seek to prohibit adult shops, betting shops and gaming arcades on Category 1 and 2 principle shopping streets in Dublin.”

In this regard, it is considered that this matter is fully addressed in the plan in policy terms.

Chief Executive's Recommendation

The motion relates to a matter that was not subject of a Material Alteration.

Motion not agreed

Material Alteration Reference N/A
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Motion No. 7.9: MOT-01923

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 7: The City Centre, Urban Villages and Retail – **Not a MA**

Motion

The Motion seeks the insertion of a new policy after CCUV38 and subsequent numbering to be amended accordingly.

Proposed New Policy:

It is the policy of Dublin City Council to ban the use of bicycles, scooters and all mechanically propelled vehicles, excepting wheelchairs only, from our City's pedestrianised zones.

Planning Reason

To enhance and provide a safer public realm which is accessible and welcoming to all.

Chief Executive's Response

This motion is proposing a new policy related to banning mechanically propelled vehicles, except wheelchairs, in pedestrianised zones. The motion relates to a matter that was not subject of a Material Alteration that was subject to public consultation. No change can be recommended as it is outside the scope of the planning legislation.

In any event it is considered that the control and ban of bicycles and mechanically propelled vehicles (excluding wheelchairs) from the City's pedestrian zones is a traffic enforcement matter and is not within the remit of the Development Plan.

Chief Executive's Recommendation

The motion relates to a matter that was not subject of a Material Alteration.

Motion not agreed

Material Alteration Reference N/A
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Motion No. 7.10: MOT-01922

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 7: The City Centre, Urban Villages and Retail – **Not a MA**

Motion

The Motion seeks to amend policy CCUV38 as follows

Policy CCUV38 High Quality Streets and Spaces

To promote the development of high-quality streets and public spaces which are also wheelchair accessible and inclusive in accordance with the principles of universal design, and which deliver vibrant, attractive, accessible, and safe places and meet the needs of the city's diverse communities regardless of age, ability, disability or gender. We will achieve the above with the use of regular wheelchair ability audits.

Planning Reason

To enhance and provide a safer public realm which is accessible and welcoming to all.

Chief Executive's Response

The motion seeks to amend Policy CCUV38 to include references to wheelchair accessibility and wheelchair ability audits. Policy CCUV38 High Quality Streets and Spaces was not the subject of a Material Alteration which was subject to public consultation. No change can be recommended as it is outside the scope of the planning legislation.

Notwithstanding this, the CE notes that 'universal design' / 'accessibility for all' is an underlying principle of all public realm design. As city centre public realm projects progress, and as projects for Key Urban Villages / Urban Villages are developed, accessibility for all will be a fundamental consideration in design development.

In that regard the use of the phrase, to 'meet the needs of the city's diverse communities regardless of age, ability, disability or gender' in Policy CCUV38 is implicit by its nature in including wheelchair accessibility, without prioritising one ability over another.

Furthermore, there are a range of policies and objectives in the Development Plan regarding accessibility for all users, including the above referred Policy CCUV38 High Quality Streets and Spaces, Policy CCUV42 Key Urban Villages / Urban Villages, Policy CCUV43 New Development, Objective CCUVO9 Town Centre Health Checks, CCUVO14 City Centre Public Realm Strategy, Policy SMT10 Pedestrian Network, Objective SMT02 Improving the Pedestrian Network, Policy

SMT17 The Pedestrian Environment and a new Objective: Walking and Cycling Audits. These policies and objectives will ensure compliance with universal design principles, as well as having regard to the UN Convention on Rights of Persons with Disabilities (UNCRPD), the National Disability Inclusion Strategy, 2018 and gender proofing.

Chief Executive's Recommendation

The motion relates to a matter that was not subject of a Material Alteration.

Motion not agreed.

Chapter 8: Sustainable Movement and Transport

Material Alteration Reference 8.4

Motion No. 8.1: MOT-01925

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 8: Sustainable Movement and Transport – **MA 8.4**

Motion

Chapter 8 ref 8.4 Section: 8.5.4 Accessibility for all Page 285 SMT10 Pedestrian Network Insert the words 'and wheelchair' into the title SMT10 making it Pedestrian & Wheelchair Network. And insert the words 'and wheelchair accessible' network after the word pedestrian. To read: to protect, improve and expand on the pedestrian and wheelchair accessible network etc. etc.

Planning Reason

Planning reason; to enhance our city and public realm and to recognise the unique difficulties faced by people using wheelchairs.

Chief Executive's Response

The motion relates to text that has not been subject of a Material Alteration that was subject to public consultation (i.e. that does not relate to highlighted text in the Material Alteration). No change can be recommended as it is outside the scope of the planning legislation.

However, as set out in the CE's Report on Submissions Received on the Proposed Material Alterations to the Draft Dublin City Development issued in September 2022, in response to Material Alteration Reference Number 8.4, it is considered more appropriate to promote inclusivity for all ages and abilities as opposed to highlighting the need of a specific group over another. In that regard, it is considered that the intent of the motion is adequately addressed as it is inherent to the title 'Accessibility for all' and the text of MA 8.4 which specifically references people with mobility impairment and/or disabilities, and therefore, includes wheelchair accessibility.

Chief Executive's Recommendation

The motion relates to text that has not been subject of a Material Alteration.

Motion not agreed.

Material Alteration Reference 8.6
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Motion No. 8.2: MOT-01927

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 8: Sustainable Movement and Transport – **MA 8.6**

Motion

Chapter 8 ref 8.6 Section 8.5.4 Accessibility for all Amendment SMT04 Taxi Rank To include the word 'wheelchair' in front of the suggested Material Alteration addition to read, 'wheelchair accessible and inclusive for a range of users'.

Planning Reason

To enhance our city and public realm and to recognise the unique difficulties faced by people using wheelchairs.

Chief Executive's Response

As set out in the CE's Report on Submissions Received on the Proposed Material Alterations to the Draft Dublin City Development issued in September 2022, in response to Material Alteration Reference Number 8.6, it is considered more appropriate to promote inclusivity for all ages and abilities as opposed to highlighting the need of a specific group over another.

In that regard the use of the phrase 'accessible and inclusive for a range of users' in this Objective is implicit by its nature in including wheelchair accessibility, without prioritising one ability over another.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed

Material Alteration Reference 8.13

Motion No. 8.3: MOT-01928

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 8: Sustainable Movement and Transport – **MA 8.13**

Motion

Chapter 8 ref 8.13 Section 8.5.6 Sustainable Modes, subheading Active Travel - Walking and Cycling Page 290 Policy SMT17 Amendment: the very last sentence to read..... accessible to all, including wheelchair users, in accordance with best accessibility practice.

Planning Reason

Planning reason; to enhance our city and public realm and to recognise the unique difficulties faced by people using wheelchairs.

Chief Executive's Response

The motion relates to text that has not been subject of a Material Alteration that was subject to public consultation (i.e. that does not relate to highlighted text in the Material Alteration). No change can be recommended as it is outside the scope of the planning legislation.

However, as set out in the CE's Report on Submissions Received on the Proposed Material Alterations to the Draft Dublin City Development issued in September 2022, in response to Material Alteration Reference Number 8.13, it is considered more appropriate to promote inclusivity for all ages and abilities as opposed to highlighting the need of a specific group over another. In that regard the use of the phrase 'accessible to all in accordance with best accessibility practice' in this Policy is implicit by its nature in including wheelchair accessibility, without prioritising one ability over another.

Chief Executive's Recommendation

The motion relates to text that has not been subject of a Material Alteration.

Motion not agreed.

Material Alteration Reference 8.24

Motion No. 8.4: MOT-01984

Submitted By Councillor(s): Cllr Joe Costello

Refers to: Chapter 8: Sustainable Movement and Transport – **MA 8.24**

Motion

CE Report: Strategic Environmental Assessment, Appropriate Assessment and Strategic Flood Risk Assessment P.9 MA 8.24 1. That the CE clarify his statement that a Strategic Environmental Assessment is not required for the development of the Metrolink interchange station at Cross Guns Bridge on the basis of there being “no significant environmental effects” when he also states that it is “subject to environmental requirements being satisfied”. 2. That “no significant environmental effects. SEA not required.” be deleted from the CE’s Report.

Planning Reason

Such a major development would surely have significant environmental effects and the CE should clarify the basis on which he says that no SEA is required.

The Development Plan should include provision for an SEA for this development.

Chief Executive's Response

There are different environmental processes relating to the assessment of the environmental effects of the implementation of a plan or a project- SEA, EIA and AA.

- A Strategic Environmental Assessment (SEA) is a process of predicting and evaluating the likely environmental effects of implementing a proposed plan, programme or strategy.
- Environmental Impact Assessment (EIA) is the process of examining the anticipated environmental effects of a proposed project.
- Appropriate Assessment (AA) is the process for assessing the implications of any plan or project on Natura 2000 sites (i.e. Special Areas of Conservation and Special Protection Areas).

The Development Plan is a proposed Plan and, therefore, all policies and objectives are screened as part of the SEA process to assess their likely effects on the environment. In this regard, it was determined that the amendments to wording of Objective SMT014 as set out in M.A Reference 8.24 would have no significant environmental effects.

MetroLink is a Project and, therefore, will be subject to different environmental assessments i.e. Environmental Impact Assessment.

Appropriate Assessment is applicable to both plans and projects.

These EIS and AA assessments will be progressed at the application stage of the Metrolink project.

In summary, SEA relates to the plan making process and EIA relates to projects. The screening of an objective or policy as part of the Development Plan process does not remove the statutory obligation for any resultant project that arises from said objective or policy to undergo further environmental assessment in accordance with all relevant European legislation and directives.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Material Alteration Reference 8.24

Motion No. 8.5: MOT-02028

Submitted By Councillor(s): Cllr Nial Ring

Refers to: Chapter 8: Sustainable Movement and Transport – **MA 8.24**

Motion

MA Ref: 8.24; Objective SMT014. Motion: To reinstate the objective (ii) into SMT014 “To promote the provision of a station at Croke Park Stadium”.

Planning Reason

While the NTAs and the OPR’s submissions are noted I cannot accept that DCC itself cannot have an objective such as the above. It is clear that a station at Croke Park would alleviate traffic pressure in the area at event times but would also serve the local community for whom access to Drumcondra and Connolly stations are not feasible. While the NTA advises “against reference to Croke Park Stadium” and the OPR advise “against unrealistic expectations around the delivery of this project” I believe DCC should take a lead on this issue and while this may not be delivered during the lifetime of this development plan, we should show foresight, vision ambition and keep this possibility on the agenda by way of reinstatement into the Development Plan.

Chief Executive's Response

As set out in the CE’s Report on Submissions Received on the Proposed Material Alterations to the Draft Dublin City Development issued in September 2022, in response to Material Alteration Reference Number 8.24, the provision of a station at Croke Park does not align with national policy. Drumcondra Station, located to the west of Croke Park, is within walking distance of the stadium. There is also a Metrolink Stop proposed for the Mater Hospital and at Glasnevin. As noted in their submission on the Proposed Material Alterations, the NTA confirmed that there are physical and operational constraints in relation to crowd management at major events at this location and, therefore, would not be supportive of a station in the vicinity of Croke Park.

The Development Plan must align with national policy and the infrastructure provision set out within. The inclusion of an Objective to provide a station at Croke Park stadium would, therefore, be contrary to national policy and would set unrealistic expectations of its feasibility and deliverability.

Chief Executive’s Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive’s response.

Motion not agreed.

Material Alteration Reference 8.29

Motion No. 8.6: MOT-02029

Submitted By Councillor(s): Cllr Nial Ring

Refers to: Chapter 8: Sustainable Movement and Transport – **MA 8.29**

Motion

MA Ref: 8.29; Objective SMT28. Motion: To include the wording “such as Dublin Port Company” in SMT28 after “other relevant stakeholders”.

Planning Reason

Given that the CE has “no objection in principle to the reference to Dublin Port in the wording on the policy” (page 78 of CE Report) and, given the size, impact and strategic importance of Dublin Port to the economy of the city and the country, I believe Dublin Port Company merits separate reference and mention in the policy as a vital and major stakeholder.

Chief Executive's Response

The CE considers the proposed amendment is minor in nature and has no objections to the inclusion of the Dublin Port Company in the Objective, subject to a minor amendment to the suggested wording as set out below.

Chief Executive's Recommendation

Motion agreed with minor amendment.

Amend text in proposed MA as follows:

Material Alteration Reference Number 8.29

SMT28 National Road Projects

To protect national road projects as per the NTA {Transport} Strategy for the Greater Dublin Area ~~(2016 – 2035)~~ {2022 – 2042 (and its review), and in consultation with TII, NTA and other relevant stakeholders including the Dublin Port Company, to support} ~~(including)~~ the ~~(provision)~~ {delivery} of ~~(a)~~ {the} Southern Port Access Route to Poolbeg, {as a public road. The indicative alignment of this road link is shown on Map J.}

Material Alteration Reference N/A
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Motion No. 8.7: MOT-01926

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 8: Sustainable Movement and Transport – **Not an MA**

Motion

Chapter 8 ref 8.4 Section 8.5.4 Accessibility for All. Page 285 Policy SMT10 Pedestrian Network To insert a new policy after SMT10, subsequent numbering to be amended accordingly. It is the policy of Dublin City Council, during the lifetime of this development plan, to carry out a comprehensive public realm wheelchair-ability audit in respect of the entire area covered by our Category 1 and Category 2 shopping streets.

Planning Reason

To proactively and strategically seek to enhance our city and public realm to make it a welcome space for all.

Chief Executive's Response

The motion relates to a matter that was not subject of a Material Alteration that was subject to public consultation. No change can be recommended as it is outside the scope of the planning legislation.

Notwithstanding, universal design is an underlying principle of all public realm design. As city centre public realm projects progress, including those within the Grafton Street and Henry Street areas, accessibility for all will be a fundamental consideration in design development. Furthermore, there are a range of policies and objectives in the Development Plan regarding accessibility for all users, ensuring compliance with universal design principles, as well as having regard to the UN Convention on Rights of Persons with Disabilities (UNCRPD), the National Disability Inclusion Strategy, 2018 and gender proofing. Through the Development Management process, the scope of the Walking and Cycling Audits will be reflected in the context of the above, ensuring all ages and abilities are considered within major developments.

Chief Executive's Recommendation

The motion relates to a matter that was not subject of a Material Alteration.

Motion not agreed

Material Alteration Reference N/A
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Motion No. 8.8: MOT-01929

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 8: Sustainable Movement and Transport – **Not an MA**

Motion

Chapter 8 ref 8.16 Section: 8.5.6 Sustainable Modes, subheading Active Travel - Walking and Cycling Page 291 insert New Objective, after New Objective ' Greater Dublin Area Cycle Network Plan', subsequent numbering to be amended accordingly Amendment Objective Walking, Cycling and Wheelchair -ability audits. Permission for major development (>100 units for example) will only be granted by the City Council, once a full audit of the walking, cycling and wheelchair ability facilities in the environs of a development is undertaken.

Planning Reason

Planning reason; to enhance our city and public realm and to recognise the unique difficulties faced by people using wheelchairs.

Chief Executive's Response

The motion relates to a matter that was not subject of a Material Alteration that was subject to public consultation. No change can be recommended as it is outside the scope of the planning legislation.

However, as set out in the CE's Report on Submissions Received on the Proposed Material Alterations to the Draft Dublin City Development issued in September 2022, in response to Material Alteration Reference Number 8.16, it is considered more appropriate to promote inclusivity for all ages and abilities as opposed to highlighting the need of a specific group over another.

There are a range of policies and objectives in the Development Plan regarding accessibility for all users, ensuring compliance with universal design principles, as well as having regard to the UN Convention on Rights of Persons with Disabilities (UNCRPD), the National Disability Inclusion Strategy, 2018 and gender proofing. Through the Development Management process, the scope of the Walking and Cycling Audits will be reflected in the context of the above, ensuring all ages and abilities are considered within major developments.

Chief Executive's Recommendation

The motion relates to a matter that was not subject of a Material Alteration.

Motion not agreed.

Material Alteration Reference N/A
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Motion No. 8.9: MOT-01930

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 8: Sustainable Movement and Transport – **Not an MA**

Motion

Chapter 8 ref 8.20 Section; 8.5.6 Sustainable Modes, subheading Active Travel and Schools Page 292, New Policy to be inserted after SMT19 Walking and Cycling for School trips, subsequent numbering to be amended accordingly. Amendment Policy - Accessibility and Design of Schools To ensure that the development of new schools or expansion of existing schools demonstrate accessibility by sustainable transport options and that the layout and design shall be optimised to prioritise permeability and safe routes for pedestrians, cyclists and wheelchair users.

Planning Reason

To enhance our city and public realm and to recognise the unique difficulties faced by people using wheelchairs.

Chief Executive's Response

The motion relates to a matter that was not subject of a Material Alteration that was subject to public consultation. No change can be recommended as it is outside the scope of the planning legislation.

However, as set out in the CE's Report on Submissions Received on the Proposed Material Alterations to the Draft Dublin City Development issued in September 2022, in response to Material Alteration Reference Number 8.20, it is considered more appropriate to promote inclusivity for all ages and abilities as opposed to highlighting the need of a specific group over another. The amendment proposed under MA 8.20 in the CE Report ensures that the policy is expanded to be inclusive of all users and abilities.

Chief Executive's Recommendation

The motion relates to a matter that was not subject of a Material Alteration.

Motion not agreed.

Chapter 9: Sustainable Environmental Infrastructure and Flood Risk

Material Alteration Reference 9.20

Motion No. 9.1: MOT-01990

Submitted By Councillor(s): Cllr Claire Byrne

Refers to: Chapter 9: Sustainable Environmental Infrastructure and Flood Risk – **MA 9.20**

Motion

‘To remove the words ‘electricity and gas’ from the following sentence: ‘The Council will support energy utility providers in their efforts to deliver, reinforce and strengthen existing electricity and gas transmission distribution’ and revert to original wording of ‘utility infrastructure’ or simply ‘power generation’

Planning Reason

So that the City Development Plan reflects our renewables, decarbonisation and climate targets and does not explicitly reference fossil fuel generation as an objective in the plan.

Chief Executive's Response

The Chief Executive considers that it is appropriate to retain the reference ‘to deliver, reinforce and strengthen existing electricity and natural gas transmission/distribution grid infrastructure’ and for Development Plan to support utility provider efforts to deliver electricity and gas as an essential part of national energy provision until renewable resources can be fully implemented.

Such an interim measure will secure our future energy supply and is considered an appropriate and practical approach supported by the Department of the Environment, Climate and Communications.

The CE notes that the Government Policy Statement on Security of Electricity Supply (November 2021) explicitly includes approval that:

- The development of new conventional generation (including gas-fired and gasoil/distillate-fired generation) is a national priority and should be permitted and supported in order to ensure security of electricity supply and support the growth of renewable electricity generation.
- It is appropriate that existing conventional electricity generation capacity should be retained until the new conventional electricity generation capacity is developed in order to ensure security of electricity supply.

It is noted in the policy statement that security of electricity supply must be maintained throughout the transition to up to 80% of electricity consumption coming from renewable sources by 2030 on a pathway to net zero emissions. The statement also notes that sources of renewable energy are variable in nature and will require other technologies (including conventional generation typically powered by natural

gas) to both support their operation and provide electricity supplies when they are not generating. In this context, the textual amendment proposed under MA 9.20 is considered appropriate and is consistent with national policy.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Material Alteration Reference 9.20

Motion No. 9.2: MOT-01987

Submitted By Councillor(s): Cllr Claire Byrne

Refers to: Chapter 9: Sustainable Environmental Infrastructure and Flood Risk – **MA 9.20**

Motion

‘To insert the words ‘and climate resilient’ after social and economic’.

Planning Reason

Reason: So that the City Development Plan reflects our renewables, decarbonisation and climate targets.

Chief Executive's Response

The motion relates to text that has not been subject of a Material Alteration that was subject to public consultation (i.e. that does not relate to highlighted text in the Material Alteration). No change can be recommended as it is outside the scope of the planning legislation.

However, the CE notes that the sentiment of what is sought in this motion is considered to be already imbued throughout the Development Plan and in particular, within the content of Chapter 3 Climate Action.

Chief Executive's Recommendation

The motion relates to text that has not been subject of a Material Alteration.

Motion not agreed.

Material Alteration Reference 9.20

Motion No. 9.3: MOT-01988

Submitted By Councillor(s): Cllr Claire Byrne

Refers to: Chapter 9: Sustainable Environmental Infrastructure and Flood Risk – **MA 9.20**

Motion

‘To insert the words ‘and renewable’ after ‘support for decentralised and indigenous’.

Planning Reason

So that the City Development Plan reflects our renewables, decarbonisation and climate targets.

Chief Executive's Response

The motion relates to text that has not been subject of a Material Alteration that was subject to public consultation (i.e. that does not relate to highlighted text in the Material Alteration). No change can be recommended as it is outside the scope of the planning legislation.

However, the sentiment of what is sought in this motion is considered to be already imbued throughout the Development Plan and in particular, within the content of Chapter 3 Climate Action.

Chief Executive's Recommendation

The motion relates to text that has not been subject of a Material Alteration.

Motion not agreed.

Material Alteration Reference 9.20

Motion No. 9.4: MOT-01989

Submitted By Councillor(s): Cllr Claire Byrne

Refers to: Chapter 9: Sustainable Environmental Infrastructure and Flood Risk – **MA 9.20**

Motion

‘To insert the words ‘and offshore wind’ after Dublin District Heating’.

Planning Reason

Reason: So that the City Development Plan reflects our renewables, decarbonisation and climate targets.

Chief Executive's Response

The motion relates to text that has not been subject of a Material Alteration that was subject to public consultation (i.e. that does not relate to highlighted text in the Material Alteration). No change can be recommended as it is outside the scope of the planning legislation.

In any event, the CE notes that the examples provided for in the policy are for illustrative purposes and not a definitive list.

Policies promoting energy from renewable sources e.g. solar, wave/tidal, geothermal, wind, CHP, district heating, micro renewable and off shore are all included in Chapter 3 – Climate Action.

Chief Executive's Recommendation

The motion relates to text that has not been subject of a Material Alteration.

Motion not agreed.

Chapter 10: Green Infrastructure and Recreation

Material Alteration Reference 10.12

Motion No. 10.1: MOT-01945

Submitted By Councillor(s): Cllr Dermot Lacey

Refers to: Chapter 10: Green Infrastructure and Recreation – **MA 10.12**

Motion

This Council agrees to include a specific reference to Sandymount, Merrion, Poolbeg/Shellybanks and Dollymount Beaches in Objective G1036.

Planning Reason

These are among the most used public beaches within the Dublin City area with enormous potential for greater intervention to enhance the bathing quality and Blue Flag status of same. It is important that they would be specifically referenced to highlight their importance and the weight that the elected members attach to their enhancement.

Chief Executive's Response

The intent of the motion is noted. It is considered that it would be appropriate to maintain **all** bathing locations in the city but that the identification of some named beaches to the exclusion of others is not appropriate. On this basis, it is considered that Material Amendment No. 10.12 can be amended to state 'To ensure all bathing locations are maintained...'.

Chief Executive's Recommendation

Motion agreed with minor amendment.

Amend text in proposed MA as follows:

Material Alteration Reference Number 10.12

{Objective G1036 Bathing Beaches and Blue Flag Status

To ensure maintain} (beaches for) {all bathing} (at Dollymount and Sandymount) {locations are maintained to a high standard and to protect and improve water quality & bathing facilities at designated and other monitored waters in order to bring them to designated bathing waters as far as is possible and/or 'Blue Flag' standard.}

See also Motion No.s 10.2 and 10.3 which propose further minor amendments.

Material Alteration Reference Number 10.12

Motion No. 10.2: MOT-01956

Submitted By Councillor(s): Green Party Comhaontas Glas

Refers to: Chapter 10: Green Infrastructure and Recreation – **MA 10.12**

Motion

Motion seeks “To support the CE recommendations but to amend wording to include:

To maintain bathing locations to a high standard and to protect and improve water quality & bathing facilities at designated (bathing areas including Dollymount, Sandymount and to work to designate other popular areas such North Bull wall as bathing areas and recover Merrion Strand as designated bathing area and) other monitored waters in order to bring them to ‘Blue Flag’ standards.

Planning Reason

Reason: To strengthen the objectives of increasing and maintaining Dublin City bathing areas to high standards and to align with wording in the EU bathing directive.

Chief Executive's Response

The Chief Executive notes the intent of the motion and agrees that Objective GIO36 can be amended to reflect the fact that some of the city’s bathing locations need to be brought up to designated bathing waters standard in the first instance. Amendments to the wording are recommended in the interests of clarity, plain English standards and brevity.

Chief Executive’s Recommendation

Motion agreed with minor amendment.

Amend text in proposed MA as follows:

Material Alteration Reference Number 10.12

{Objective GIO36 Bathing Beaches and Blue Flag Status

To ensure maintain} (beaches for) {all bathing} (at Dollymount and Sandymount) {locations are maintained to a high standard and to protect and improve water quality & bathing facilities at designated and other monitored waters in order to bring them to designated bathing waters as far as is possible and/or ‘Blue Flag’ standard.}

See also Motion No.s 10.1 and 10.3 which propose further minor amendments.

Material Alteration Reference Number 10.12

Motion No. 10.3: MOT-02022

Submitted By Councillor(s): Cllr Nial Ring

Refers to: Chapter 10: Green Infrastructure and Recreation - **MA 10.12**

Motion

MA Ref: 10.12 – Objective GI036 – Bathing Beaches and Blue Flag Status.

The motion seeks to strengthen the objective the Chief Executive's revised text at GI036 of bringing bathing locations to "Blue Flag" status to reflect an objective of achieving this status for bathing areas rather than the fairly non-committal phrase "bring them to Blue Flag status". An example of wording could be: "...in order to ensure that, insofar as possible and within the lifetime of this Development Plan, "Blue Flag" status will be awarded to Dublin's coastal bathing facilities".

Planning Reason

It is a slightly different objective to bring facilities to Blue Flag status as distinct from them being awarded such status. I believe having the achievement of the status as an objective is a stronger statement as this would not only ensure bringing facilities to the standard but would also involve constant monitoring and maintenance.

Chief Executive's Response

The Chief Executive agrees with the intent of this motion. However, to obtain blue flag status, a water body, amongst other criteria, must achieve "Excellent" water quality based on 4 years sampling results. Dollymount Strand is Dublin City Councils most likely bathing water to achieve same, and this is currently classified as 'Good'.

On this basis, it is considered that Objective GIO36 can be amended to reflect the fact that some of the city's bathing locations need to be brought up to designated bathing waters standard in the first instance.

It is agreed that the policy should be strengthened to state 'to ensure' in place of 'to maintain' at the beginning of the objective.

Chief Executive's Recommendation

Motion agreed with minor amendment.

Amend text in proposed MA as follows:

Material Alteration Reference Number 10.12

{Objective GIO36 Bathing Beaches and Blue Flag Status

To ensure maintain} (beaches for) {all bathing} (at Dollymount and Sandymount) {locations are maintained to a high standard and to protect and improve water quality & bathing facilities at designated and other monitored waters in order to bring them to designated bathing waters as far as is possible and/or 'Blue Flag' standard.}

See also Motion No.s 10.1 and 10.2 which propose further minor amendments.

Chapter 12: Culture

Material Alteration Reference 12.19
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Motion No. 12.1: MOT-01980

Submitted By Councillor(s): Cllr Joe Costello

Refers to: Chapter 12: Culture – **MA 12.19**

Motion

To amend by adding “performance, exhibition and” after artist to read: “All new regeneration areas (SDRAs) and large-scale developments above 10,000 sq. m in total area must provide for 5% community arts and artist **performance, exhibition** and workspaces”.

Planning Reason

Large-scale developments should include the full range of cultural spaces including performance, exhibition and workspaces.

Chief Executive's Response

The intent of the sentence is to include a range of spaces for community, arts and cultural purposes. This includes exhibition and performance space. It is recognised that the structure of the sentence in the objective does not make this fully clear, and therefore, the addition of the word “space” is proposed as a technical correction so that there is a distinction between the all-encompassing spaces for arts, culture and community and spaces provided for artist workspaces. It is recommended that the uses requested in the motion are included as illustrative examples. This technical correction is considered minor in nature and does not change the intent or purpose of the Objective.

Chief Executive's Recommendation

Motion agreed with minor amendment.

Amend text in the proposed MA as follows:

Material Alteration Reference Number 12.19

Objective CUO22 SDRAs and Large Scale Developments

All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area must provide for 5% community, arts and culture **{spaces including exhibition, performance,}** and artist workspaces **{predominantly}** internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided

at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.

{*Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence to justify the 5% going to one sector.}

Material Alteration Reference 12.26
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Motion No. 12.2: MOT-01931

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 12: Culture – **MA 12.26**

Motion

Chapter 12 ref 12.26 Section 12.5.3 Supporting Cultural Vibrancy in the City Page 453, Policy CU22 Amendment Policy CU22 Range of Cultural and Amenity Options. To seek and encourage a range of cultural and amenity options for residents and visitors within the city that are independent of licensed premises to allow options for younger people, families, elders and others to engage and enjoy a range of activities in our city during evening hours.

Planning Reason

To enhance our city and to make our city more inclusive.

Chief Executive's Response

Report 261/2022 on the submissions received gives a summary and the CE response to submissions received; including in relation MA 12.26. The CE response in Report 261/2022 recommends that the Policy CU22 is amended to include the phrase “elders”; as is sought by this motion. The report recommends:

Material Alteration Reference Number 12.26

Policy CU22 Range of Cultural and Amenity Options

To seek and encourage a range of cultural and amenity options for residents and visitors within the city that are independent of licenced premises to allow options for younger people, **families** **elders** and others to engage and enjoy a range of activities in the city during evening hours.

There is no objection to this minor amendment as it does not materially change the meaning or purpose of the policy.

Chief Executive's Recommendation

Motion agreed, as already addressed in CE Report 261/2022 on page 95.

Material Alteration Reference 12.28
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Motion No. 12.3: MOT-1992

Submitted By Councillor(s): Cllr Claire Byrne

Refers to: Chapter 12: Culture – **MA 12.28**.

Motion

Objective CUO35 Purpose Spaces for Evening and Night Time Activities Motions in the name of Cllr Claire Byrne: 'To retain the over 100 bedrooms' as the standard'.

Planning Reason

Reason: to ensure the provision of night-time spaces in the City.

Chief Executive's Response

As outlined in Report 261/2022 in response to submissions received; it is considered that the threshold included in the Draft Plan is too low; and needs to be revised. It is, therefore, recommended in response to the submissions in Report 261/2022, to raise the threshold to 150 bedrooms to ensure that the objective is applied to larger hotels which are of a scale that will and can provide larger spaces that could be suitability used for cultural purposes.

The CE recommends that the motion is not agreed as it is considered that the lower threshold will place a requirement for cultural spaces on smaller sized hotels; which may not have the scale necessary to ensure the objective can be met without having a significant negative impact on the project.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No. 12.4.

Material Alteration Reference 12.28
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Motion No. 12.4: MOT-01993

Submitted By Councillor(s): Cllr Claire Byrne

Refers to: Chapter 12: Culture – **MA 12.28**

Motion

‘To remove the word ‘or’ from the proposed ‘and / or’.

Planning Reason

Reason: to ensure the provision of night -time spaces in the City.

Chief Executive's Response

The removal of the flexibility provided for in the phrase “and/or” in Objective CUO35 undermines the ability of a hotel provider to propose the most suitable space for evening and night time activities depending on the location of the hotel (such as within a quiet residential district), or for different types of hotel buildings (such as a building on the RPS) as well as the best cultural offer to fit within the overall project.

Objective CUO35 states:

“To encourage the opportunity presented by new larger developments, {including a requirement for all large hotels*}; to provide high quality designed for purpose spaces that can accommodate evening and night time activities, such as basement/roof level “black box” spaces that can be used for smaller scale performance/theatre/{music}/dance venues, and{/or} for flexibility in the design of larger spaces, such as conference spaces to be adaptable for evening uses. {*over 150 bedrooms}”

It is in the best interest of sustainable development to encourage multiple uses of the same spaces; rather than using resources to build spaces that have only one purpose; limited to specific days/times. An example could be the ability of a conference space to become a night-club and wedding venue and a music performance space out of business hours and at weekends. By building in this flexibility into the design stage, it ensures that there are increased opportunities for expanding the cultural offer within the city.

The objective also provides the option of building purpose built spaces - which may be more suitable for certain projects where for example, a conference space is not part of the hotel and the location is attractive for a purpose built venue. The removal of the phrase and/or will restrict the ability to adapt to the specific circumstances of any particular project.

A minor amendment is proposed to clarify that night-time uses (such a dance/nightclub/music venue type uses) are being referred to in the last sentence of other possible uses for conference/hall type spaces.

The CE recommends that the motion is not agreed as it undermines the ability at design state to respond to site specific circumstances and encourage greater use of built spaces.

Chief Executive's Recommendation

Motion agreed with minor amendment.

Amend text in proposed MA as follows:

Material Alteration Reference 12.28

Objective CUO35 states:

“To encourage the opportunity presented by new larger developments, {including a requirement for all large hotels*}; to provide high quality designed for purpose spaces that can accommodate evening and night time activities, such as basement/roof level “black box” spaces that can be used for smaller scale performance/theatre/{music}/dance venues, and{/or} for flexibility in the design of larger spaces, such as conference spaces to be adaptable for evening {and night-time} uses.
{*over 150 bedrooms}

See also Motion No. 12.3.

Material Alteration Reference 12.30
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Motion No.12.5: MOT-01932

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 12: Culture –**MA 12.30**

Motion

Chapter 12 Ref 12.30 Section 12.5.5 Culture in the Community Page; 457, Objective CU043 Amendment Objective CU043 - Accessibility To encourage people of all abilities and ages including wheelchair users to take part fully in the city's culture as creators, artists, workers and consumers by supporting a high standard of accessibility in new and existing cultural assets.

Planning Reason

To enhance our city and public realm and to recognise the unique difficulties faced by people using wheelchairs.

Chief Executive's Response

As the intent of the objective CU043 is to reflect the full breadth of people with all types of ability; to single out and reference only one particular group would undermine the meaning of the objective to all other groups of people who have other disabilities that should and need to be considered in the provision of cultural infrastructure. It is impractical and inappropriate to list all possible groups and for this reason the objective currently states:

“To encourage people of all abilities and ages to take part fully in the city’s culture as creators, artists, workers and consumers by supporting a high standard of accessibility in new and existing cultural assets”.

The current proposed wording as amended by MA 12.30, which adds the phrase “of all abilities and ages”; reflects the full community; including wheelchair users.

It is recommended that the motion is not agreed as it gives greater emphasis to one group in the objective; which undermines the equal importance of all forms of disability.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Material Alteration Reference 12.36
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Motion No. 12.6: MOT-01981

Submitted By Councillor(s): Cllr Joe Costello

Refers to: Chapter 12: Culture – **MA 12.36**

Motion

To welcome the commitment of all agencies including TU Dublin, Grangegorman Development Agency and now TII to explore the potential of the Broadstone Plaza for public events and markets and seek new opportunities for public events in the area.

Planning Reason

Broadstone Plaza is an extensive under-utilised space which is ideally suited for public events and markets. With the Luas stop at the Plaza it would be important for TII to be consulted on proposals.

Chief Executive's Response

The motion proposes the inclusion of the phrase TII in objective CUO56. The support for the change is noted in CE report 261/2022. A minor amendment is proposed to use the full title of the organisation for clarity.

Chief Executive's Recommendation

Motion agreed with minor amendment.

Amend text in the proposed MA as follows:

Material Alteration Reference Number 12.36

To undertake a study to examine the potential of utilising the Broadstone Plaza for hosting public events and markets and to explore opportunities to work with TU Dublin, [{TII Transport Infrastructure Ireland}](#) and Grangegorman Development Agency in development new opportunities for public events in this area.

Chapter 13: Strategic Development Regeneration Areas

Material Alteration Reference 13.3

Motion No. 13.1: MOT-01972

Submitted By Councillor(s): Cllr Daniel Ceitinn

Co-sponsors: Cllr Claire Byrne

Refers to: Chapter 13: Strategic Development Regeneration Areas (SDRAs) - **MA 13.3**

Motion

To reject the CE's recommendation on Material Alteration no. 13.3 and return to the previous phrasing.

Planning Reason

“Some flexibility in the interpretation of the guiding principles maps will be applied” is not appropriate to support the CDP provisions for Ringsend Village and Irishtown environs. Located within boundary SDRA 6 but not located within an SDZ, the Ringsend village and Irishtown environs continue to be subject to ad hoc speculative development applications, in the absence of any plan-led approach other than the provisions of the existing CDP and the proposed draft CDP which do not alleviate the ad hoc and reactive approach to speculative development within the Ringsend and Irishtown areas.

In particular with the proposed wording, a statutory Local Area Plan would be required to be developed for the Ringsend & Irishtown areas within the lifetime of the new CDP to protect and enhance these communities located within an SDRA and between SDZ, however, cannot be protected under the definition of guiding principles for an SDRA encompassing 2 Strategic Development Zones.

The Draft Plan sets out the locations as to where the Plan considers the most appropriate locations for locally higher and landmark buildings within the Docklands area, some of which are outside the existing SDZs. Without a statutory local area plan Ringsend Village and Irishtown environs, the area is subject to the interpretations and guidelines which cannot protect these areas on a consistent and statutory footing.

Chief Executive's Response

The Chief Executive notes the motion to reject the proposed change of wording of text under Material Alteration no. 13.3 from '*minor deviations from the guiding principles map may be acceptable*' to '*some flexibility in the interpretation of the [SDRA] guiding principles maps will be applied*'.

The purpose of the MA is to provide an appropriate framework for future development, with sufficient scope for innovation and design in achieving the guiding principles of the SDRAs. The CE has previously highlighted (CE's Report June 2022 and September 2022) that SDRA maps are indicative and that flexibility will be

applied to the guiding principles subject to delivering upon the overall intent of the SDRA.

In this context, the wording in the Draft Plan is considered overly prescriptive and the amendment as proposed is appropriate. The amendment is considered a reasonable and more balanced approach where it can be demonstrated that the overall intent of the guiding principles have been incorporated and that an appropriate development response for the site has been developed.

The CE notes that the planning reason given for this motion states that a statutory LAP for the Ringsend & Irishtown areas would be required within the lifetime of the Development Plan to protect the local communities from ad hoc speculative development, particularly with reference to the 'Locally Higher Buildings' shown in Figure 13-6 that occur outside of the Docklands SDZ area.

It is important to note that all development proposals in the Ringsend and Irishtown areas will be assessed against the planning policies and objectives of the Plan, including the detailed criteria set out under Appendix 3 and only development that accords with the proper planning and sustainable development of the Ringsend / Irishtown areas will be permitted. Development proposals in the Poolbeg West SDZ, and the North Lotts Grand Canal Dock SDZ will continue to be assessed against the Planning Schemes that have been adopted for those areas. Development in the 15 sites identified under SDRA 6 Docklands for development and to which the guiding principles map for SDRA 6 Docklands primarily relate, will be assessed against the new Development Plan policies and the guiding principles map / text for SDRA 6.

It is further noted that the Draft Development Plan, under Objective CSO4 proposes the implementation of a programme for the preparation of Local Area Plans and/or Village Improvement Plans in the city in accordance with the strategic objectives of the Core Strategy of the Plan. Table 2.14 'Schedule of Other LAPs/VIPs' of the Plan lists Ringsend/Irishtown as an area that will be the subject of an LAP/VIP, subject to resources.

Chief Executive's Recommendation

The CE considers that flexibility is required to deliver upon the guiding principles of the SDRA. The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Material Alteration Reference 13.3

Motion No. 13.2: MOT-01973

Submitted By Councillor(s): Cllr Daniel Ceitinn

Co-sponsors:

Cllr Kevin Donoghue

Cllr Claire Byrne

Refers to: Chapter 13: Strategic Development Regeneration Areas (SDRAs) - **MA 13.3**

Motion

To reject the CE's recommendation on Material Alteration no. 13.3 except if a timeline is provided for the development of a statutory local area plan for the environs affected by SDRAs and in particular lands adjacent to SDRA areas which are located between SDZ areas, such as those lands between the Docklands SDZ and the Poolbeg West SDZ.

Planning Reason

"Some flexibility in the interpretation of the guiding principles maps will be applied" is not appropriate to support the CDP provisions for Ringsend Village and Irishtown environs. Located within boundary SDRA 6 but not located within an SDZ, the Ringsend village and Irishtown environs continue to be subject to ad hoc speculative development applications, in the absence of any plan-led approach other than the provisions of the existing CDP and the proposed draft CDP which do not alleviate the ad hoc and reactive approach to speculative development within the Ringsend and Irishtown areas.

In particular with the proposed wording, a statutory Local Area Plan would be required to be developed for the Ringsend & Irishtown areas within the lifetime of the new CDP to protect and enhance these communities located within an SDRA and between SDZ, however, cannot be protected under the definition of guiding principles for an SDRA encompassing 2 Strategic Development Zones.

The Draft Plan sets out the locations as to where the Plan considers the most appropriate locations for locally higher and landmark buildings within the Docklands area, some of which are outside the existing SDZs. Without a statutory local area plan Ringsend Village and Irishtown environs, the area is subject to the interpretations and guidelines which cannot protect these areas on a consistent and statutory footing.

Chief Executive's Response

The Chief Executive notes the motion to reject the proposed change of wording of text under Material Alteration no. 13.3 from '*minor deviations from the guiding principles map may be acceptable*' to '*some flexibility in the interpretation of the [SDRA] guiding principles maps will be applied*'.

As is discussed under Motion 13.1, it is considered that the proposed Material Alteration provides an appropriate framework for future development, with sufficient scope for innovation and design in achieving the guiding principles of this SDRA. The MA proposes a more balanced and flexible approach rather than a prescriptive one. The CE has previously highlighted (CE's Report June 2022 and September 2022) that SDRA maps are indicative and that flexibility will be applied to the guiding principles subject to delivering upon the overall intent of the SDRA. This is considered a reasonable approach where it can be demonstrated that the overall intent of the guiding principles have been incorporated and that an appropriate development response for the site has been developed.

The motion states that a timeline for the preparation of a statutory LAP for the environs affected by SDRAs would be required if MA 13.3 is adopted, to protect the local communities from ad hoc speculative development.

This part of the motion relates to text that has not been subject of a Material Alteration that was subject to public consultation (i.e. that does not relate to highlighted text in the Material Alteration), and is not considered minor in nature. No change can be recommended as it is outside the scope of the planning legislation.

Notwithstanding this, the CE notes that the Draft Development Plan, under Objective CSO4, proposes the implementation of a programme for the preparation of Local Area Plans and/or Village Improvement Plans in the city in accordance with the strategic objectives of the Core Strategy of the Plan. Table 2.14 'Schedule of Other LAPs/VIPs' of the Plan lists Ringsend/Irishtown as an area that will be the subject of an LAP/VIP, subject to resources.

Chief Executive's Recommendation

The CE considers that flexibility is required to deliver upon the guiding principles of the SDRA.

The motion relates to text that has not been subject of a Material Alteration that was subject to public consultation (i.e. that does not relate to highlighted text in the Material Alteration). No change can be recommended as it is outside the scope of the planning legislation.

In addition, the motion proposes an amendment that is not minor in nature and is outside the scope of the legislation.

Motion not agreed.

Material Alteration Reference 13.5

Motion No. 13.3: MOT-01991

Submitted By Councillor(s): Cllr Claire Byrne

Refers to: Chapter 13: Strategic Development Regeneration Areas (SDRAs) - **MA 13.5**

Motion

To replace the words 'greening/ biodiversity initiatives' with 'green infrastructure, biodiversity initiatives and nature based solutions'.

Planning Reason

To ensure there is an emphasis on nature based solutions.

Chief Executive's Response

The CE notes the motion in respect of MA 13.5, and agrees that the proposed wording provides greater clarity. The CE recommends the amendment as a minor technical correction.

Chief Executive's Recommendation

Motion agreed.

Amend text in proposed MA as follows:

Material Alteration Reference 13.5

{Surface Water Management: All development proposals should provide for sustainable surface water management and the installation of sustainable drainage systems (SuDS) in order to reduce surface water runoff and potential flooding. This should be considered in conjunction with open space design and ~~greening/biodiversity initiatives~~ green infrastructure, biodiversity initiatives and nature based solutions. See Appendix 11, 12 and 13 for further detail.}

Material Alteration Reference 13.37
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Motion No. 13.4: MOT-01982

Submitted By Councillor(s): Cllr Joe Costello

Refers to: Chapter 13: Strategic Development Regeneration Areas (SDRAs) - **MA 13.37**

Motion

To welcome the inclusion of Prussia Street in the Grangegorman/Broadstone Strategic Development Regeneration Area (SDRA).

Planning Reason

Prussia Street is part of the boundary of Grangegorman and as such is an integral part of the campus development with significant access routes from Prussia Street to the campus. Prussia Street is one of Dublin's finest 18th Century streetscapes and it requires properly planned regeneration.

Chief Executive's Response

The CE notes and welcomes the support expressed.

Chief Executive's Recommendation

This is a supportive motion.

Motion is agreed.

Material Alteration Reference 13.50

Motion No. 13.5: MOT-02000

Submitted By Councillor(s): Cllr Michael Pidgeon

Co-sponsors:

Cllr Marie Devine

Cllr Darragh Moriarty

Cllr Deirdre Cronin

Refers to: Chapter 13: Strategic Development Regeneration Areas (SDRAs) - **MA 13.50**

Motion

Title: Fixing inconsistency with height ranges following amendment Chapter: 13
Relates to Material Amendment Ref: 13.50 Motion: Subheading: Height, Page 562,
second bullet point, Amend text to read, where {} indicates an addition and () a
deletion: "The SDRA Guiding Principles Map identifies locations suitable for
increased height over and above the standard {3} (6)- 8 storeys, subject to
compliance with Appendix 3 of the Development Plan."

Planning Reason

Material Amendment 13.50 changed the normal range of heights to 3-8 stories.
However, the following bullet point refers back to the original range, an error which
results in an inconsistent text.

Chief Executive's Response

Material Amendment 13.50 refers to the deletion of references to 6 and 22 storeys in
the first and third bullet points only. The proposed amendment does propose a
change to the text 'landmark buildings in the order of 15 storeys'.

The CE notes that MA 13.50 was made on foot of motion 13.33 of Report No.
120/2022 (June 2022), which stated that 15-storey housing would rightly expand the
scale in the area, at levels more in keeping with reasonable expectations of the area,
or comparable areas in Dublin or other European cities. The CE considers, therefore,
that there was a clear rationale for the proposed amendment based on a motion and
that this amendment was not made in error as suggested.

The proposed omission of the reference to 15 storey buildings has not been subject
of a Material Alteration that was subject to public consultation (i.e. that does not
relate to highlighted text in the Material Alteration), and is not considered minor in
nature. No change can be recommended as it is outside the scope of the planning
legislation.

Chief Executive's Recommendation

The motion relates to text that has not been subject of a Material Alteration, and also proposes an amendment that is not minor in nature, and is outside of the scope of the legislation.

Motion not agreed.

Material Alteration Reference 13.50
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Motion No. 13.6: MOT-02001

Submitted By Councillor(s): Cllr Michael Pidgeon

Co-sponsors:

Cllr Marie Devine

Cllr Darragh Moriarty

Cllr Deirdre Cronin

Refers to: Chapter 13: Strategic Development Regeneration Areas (SDRAs) - **MA 13.50**

Motion

Title: Fixing “landmark building” conflict between text and map and repetition between text and appendix Chapter: 13 Relates to Material Amendment Ref: 13.50
Motion: Subheading: Height, Page 562, third bullet point, Amend text to read, where {} indicates an addition and () a deletion: “The SDRA Guiding Principles Map identifies opportunities for {locally higher} (landmark) buildings (in the order of 15 storeys) to frame the proposed centrally located open space and to enhance the legibility of the built environment. The acceptability of such {locally higher} (landmark) buildings will be subject to compliance with the performance criteria for {locally higher} (landmark) buildings set out in Appendix 3 of the development plan”

Planning Reason

Planning reason: Replace “landmark building” with “locally higher building” to fix the conflict between the text and map. Remove “in the order of 15 storeys”, to avoid duplication and confusion as Appendix 3, Section 3.1 of the Draft Development Plan already gives a clear definition of “locally higher buildings”.

Chief Executive's Response

The CE acknowledges that there is a discrepancy between the graphic amendment proposed to Figure 13.11 and the text, and that the bullet point should refer to ‘Locally Higher Buildings’ up to 15 stories, rather than ‘Landmark Buildings’. To ensure consistency, this technical correction will be made prior to publication of the plan.

As per previous motion, the proposed omission of the reference to 15 storey buildings has not been subject of a Material Alteration that was subject to public consultation (i.e. that does not relate to highlighted text in the Material Alteration), and is not considered minor in nature. No change can be recommended as it is outside the scope of the planning legislation. This amendment was made specifically on foot of a previous motion.

Chief Executive's Recommendation

A minor technical correction will be made to replace references to 'Landmark Buildings' with 'Locally Higher Buildings' in the first and third bullet points in section height on page 562.

In respect of the request to remove references to 15 storey buildings, this part of the motion relates to text that has not been subject of a Material Alteration, and also proposes an amendment that is not minor in nature, and is outside of the scope of the legislation.

Motion not agreed.

Material Alteration Reference 13.51
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Motion No. 13.7: MOT-02002

Submitted By Councillor(s): Cllr Michael Pidgeon

Refers to: Chapter 13: Strategic Development Regeneration Areas (SDRAs) - **MA 13.51**

Motion

Title: Fixing map to reflect amendment which “protects special character” of Player Wills Chapter: 13 Relates to Material Amendment Ref: 13.51 Motion: Page 564, amendments to Draft Guiding Principles Map Update the Draft Guiding Principles Map so that the amended proposals “protect the special character of the listed Player Wills factory and its setting”.

Planning Reason

Material amendment 13.51 adds recognition to this protected structure in the text, and this should be reflected on the map.

Chief Executive's Response

The CE notes the motion received in respect of MA 13.51, and recommends this minor technical correction to align the text with the associated map (Figure 13-11). A red asterisk will be added to the Figure 13-11 to denote the protected structure status of the Player Wills factory (Record of Protected Structures No. 8796).

Chief Executive's Recommendation

Motion agreed.

Amend Figure 13-11 to add a red asterisk to the former Player Wills Factory.

Material Alteration Reference 13.51
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Motion No. 13.8: MOT-02008

Submitted By Councillor(s): Cllr Michael Pidgeon

Co-sponsors:

Cllr Marie Devine

Cllr Darragh Moriarty

Cllr Deirdre Cronin

Refers to: Chapter 13: Strategic Development Regeneration Areas (SDRAs) - **MA 13.51**

Motion

Title: Clearly show protected structure on Map Sheet E Chapter: Map Sheet E
Relates to Material Amendment Ref: 13.51 Motion: The red asterisk Protected Structure symbol should be placed on the Player Wills factory building on Map Sheet E.

Planning Reason

Material amendment 13.51 adds recognition to this protected structure in the text, and this should be reflected on the map.

Chief Executive's Response

The CE concurs with the motion and recommends a minor technical correction to align the text with the associated zoning map (Map Sheet E). A red asterisk will be added to Map E to denote the protected structure status of the Player Wills factory (Record of Protected Structures No. 8796).

Chief Executive's Recommendation

Motion agreed.

Amend Map Sheet E to add a red asterisk to the former Player Wills Factory.

Material Alteration Reference 13.51
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Motion No. 13.9: MOT-02007

Submitted By Councillor(s): Cllr Michael Pidgeon

Co-sponsors:

Cllr Marie Devine

Cllr Darragh Moriarty

Cllr Deirdre Cronin

Refers to: Chapter 13: Strategic Development Regeneration Areas (SDRAs) - **MA 13.51**

Motion

Title: Clearly show protected structure on SDRA 11 map Chapter: 12 Relates to Material Amendment Ref: 13.51 Motion: The existing Player Wills factory Protected Structure should be outlined and clearly defined on the Map rather than the current proposed blue buildings, with the “locally higher building” indicated on the protected structure removed.

Planning Reason

Planning reason: Material amendment 13.51 adds recognition to this protected structure in the text, and this should be reflected on the map.

Chief Executive's Response

As per motion 13.7 in respect of MA 13.51, the CE recommends that Figure 13-11 be amended to add a red asterisk to the former Player Wills Factory, to denote its protected structure status (Record of Protected Structures No. 8796).

The CE notes that this motion also seeks the removal of 2 no. ‘Locally Higher Buildings’ from the map, which has not been subject of a Material Alteration that was subject to public consultation (i.e. does not relate to a change to the graphic map that was subject to the Material Alteration). The amendments to the graphic map solely related to replacing 4 no. landmark buildings as local higher buildings. No change can be recommended as it is outside the scope of the planning legislation. Further to this, the motion proposes a change which is not considered minor in nature. It introduces a change which has not been the subject of public consultation and, therefore, cannot be considered at this stage of the plan making process.

Chief Executive's Recommendation

The motion relates to a matter that was not subject of a Material Alteration and also proposes an amendment that is not minor in nature and is outside the scope of the legislation.

Motion not agreed.

Material Alteration Reference 13.51
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Motion No. 13.10: MOT-02003

Submitted By Councillor(s): Cllr Michael Pidgeon

Co-sponsors:

Cllr Marie Devine

Cllr Darragh Moriarty

Cllr Deirdre Cronin

Refers to: Chapter 13: Strategic Development Regeneration Areas (SDRAs) - **MA 13.51**

Motion

Title: Fixing omission of Rehoboth Ave and Place in SDRA 11 Chapter: 13 Relates to Material Amendment Ref: 13.51 Motion: Subheading: Design, Page 562, second bullet point, Amend text to read, where {} indicates an addition and () a deletion: "The existing established residential amenity of properties along South Circular Road, Donore Avenue, {Rehoboth} and Eugene Street shall be respected. As such, proposed developments will be required to demonstrate integration with the surrounding streetscapes."

Planning Reason

The three streets listed are to the south, east and north of the SDRA site. Rehoboth Avenue and Rehoboth Place are the only streetscapes on the western boundary of the SDRA site, presumably left out in error, and should be specifically included so that their existing established residential amenity is respected.

Chief Executive's Response

The motion relates to text that has not been subject of a Material Alteration that was subject to public consultation (i.e. that does not relate to highlighted text in the Material Alteration), and is, therefore, outside the scope of the legislation.

The inclusion of Rehoboth Avenue and Rehoboth Place in the text for SDRA 11 is also not considered minor in nature. It introduces a change which has not been the subject of public consultation and, therefore, cannot be considered at this stage of the plan making process. No change can be recommended as it is outside the scope of the planning legislation. The substantive issue raised in the motion is addressed in other policies and standards in the Development Plan.

Chief Executive's Recommendation

The motion relates to text that has not been subject of a Material Alteration and also proposes an amendment that is not minor in nature and is outside the scope of the legislation.

Motion not agreed.

Material Alteration Reference 13.52
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Motion No. 13.11: MOT-02004

Submitted By Councillor(s): Cllr Michael Pidgeon

Co-sponsors:

Cllr Marie Devine

Cllr Darragh Moriarty

Cllr Deirdre Cronin

Refers to: Chapter 13: Strategic Development Regeneration Areas (SDRAs) - **MA 13.52**

Motion

Title: Fixing map to reflect density on site Chapter: 12 Relates to Material Amendment Ref: 13.52 Motion: Page 564, amendment to Draft Guiding Principles Map Remove the 2 No. 'locally higher buildings' from the Bailey Gibson site.

Planning Reason

High density housing is provided on this site with heights in the range of 3-8 storeys, already at the maximum permitted density.

Chief Executive's Response

The CE notes that MA 13.52 made 3 no. alterations to the graphic map, which comprised the following:

- Replace "Permeability Intervention" with "Access and Permeability"
- Replace 4 identified "Landmark Buildings" with "Locally Higher Buildings"
- Move the North arrow on the graphic map from the bottom left corner to the top right corner.

The CE notes that this motion seeks the removal 2 no. 'Locally Higher Buildings' from the map. This amendment has not been subject of a Material Alteration that was subject to public consultation (i.e. that does not relate to a change indicated on the graphic map Material Alteration). No change can be recommended as it is outside the scope of the planning legislation. Furthermore, the proposed removal of 2 no. locally higher buildings from the Baily Gibson site is not considered minor in nature. It introduces a change which has not been the subject of public consultation and cannot be considered at this stage of the plan making process.

Chief Executive's Recommendation

The motion relates to a matter that was not subject of a Material Alteration and also proposes an amendment that is not minor in nature and is outside the scope of the legislation.

Motion not agreed.

Material Alteration Reference 13.52
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Motion No. 13.12: MOT-02005

Submitted By Councillor(s): Cllr Michael Pidgeon

Co-sponsors:

Cllr Marie Devine

Cllr Darragh Moriarty

Cllr Deirdre Cronin

Refers to: Chapter 13: Strategic Development Regeneration Areas (SDRAs) MA 13.52

Motion

Title: Fixing map to include park as set in text Chapter: 12 Relates to Material Amendment Ref: 13.52 Motion: Page 564, amendment to Draft Guiding Principles Map Amend the map to extend the local park onto the Bailey Gibson site as per the Adopted 2017 Framework Plan and in line with the text of the “Land Use and Activity” guiding principle in SDRA 11.

Planning Reason

The ‘Land Use & Activity’ Guiding Principle for SDRA11 in the Draft Development Plan states:

“The area will primarily support residential uses, complemented by a range of community facilities accessible to the wider community, such as the playing pitches on the northern end of the site and community facilities located in the former Player Wills building. This will include the provision of elements such as a GAA pitch on the DCC lands, local parks on the Bailey Gibson and Player Wills sites, including a playground on the Player Wills site.”

The Draft Guiding Principles Map in the Draft Development Plan does not show a local park on the Bailey Gibson site, in conflict with the text. The Adopted 2017 Framework Plan included a local park (Player’s Park) which was located on the Bailey Gibson site and on DCC land, however this has been removed from the Bailey Gibson site in the new Draft Plan. This is in direct contravention of the ‘Land Use & Activity’ Guiding Principle for SDRA11.

Chief Executive's Response

The motion relates to the inclusion of a park on the graphic map for SDRA 11. This matter that was not subject of a Material Alteration that was subject to public consultation (i.e. that does not relate to a change indicated on the graphic map Material Alteration). No change can be recommended as it is outside the scope of the planning legislation. Furthermore, it introduces a change which has not been the subject of public consultation and cannot be considered at this stage of the plan making process.

Notwithstanding this, the CE notes that the Draft Development Plan describes the guiding principles for development of the SDRA, and the graphic map is intended as a guide rather than a prescriptive checklist. The text and map for each of the SDRAs provide an appropriate framework for future development, with sufficient scope for innovation in achieving the guiding principles. The Development Plan, on pg 561, shows that there is a commitment to provide a new public park in SDRA 11, which will contain a range of recreational and sporting facilities. Details on the layout and facilities provided in the SDRA will be agreed through the development management process.

Chief Executive's Recommendation

The motion relates to a matter that was not subject of a Material Alteration and also proposes an amendment that is not minor in nature and is outside the scope of the legislation.

Motion not agreed.

Material Alteration Reference 13.52
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Motion No. 13.13: MOT-02006

Submitted By Councillor(s): Cllr Michael Pidgeon

Co-sponsors:

Cllr Marie Devine

Cllr Darragh Moriarty

Cllr Deirdre Cronin

Refers to: Chapter 13: Strategic Development Regeneration Areas (SDRAs) - **MA 13.52**

Motion

Title: Fixing LDA lands in SDRA 11 map to fit with LDA plans Chapter: 12 Relates to Material Amendment Ref: 13.52 Motion: Page 564, amendment to Draft Guiding Principles Map Remove the 2 no. 'locally higher buildings' on the western side of the DCC land, to be developed by the LDA.

Planning Reason

The LDA is designing their proposal in accordance with the heights in the Adopted 2017 Framework Plan, and the Draft Guiding Principles Map should be updated to reflect this and remove any 'redundant' locally higher buildings.

Chief Executive's Response

The CE notes that this motion seeks the removal of 2 no. 'Locally Higher Buildings' from the map, which has not been subject of a Material Alteration that was subject to public consultation (i.e. that does not relate to a change to the graphic map that was subject to the Material Alteration). No change can be recommended as it is outside the scope of the planning legislation. Further to this, the motion proposes a change which is not considered minor in nature. It introduces a change which has not been the subject of public consultation and, therefore, cannot be considered at this stage of the plan making process.

Chief Executive's Recommendation

The motion relates to a matter that has not been subject of a Material Alteration and also proposes an amendment that is not minor in nature and is outside the scope of the legislation.

Motion not agreed.

Material Alteration Reference 13.65
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Motion No. 13.14: MOT-01998

Submitted By Councillor(s): Cllr Michael Pidgeon

Co-sponsors:

Cllr Marie Devine

Cllr Darragh Moriarty

Cllr Deirdre Cronin

Refers to: Chapter 13: Strategic Development Regeneration Areas (SDRAs) - **MA 13.65**

Motion

Title: Reversing Material Amendment for green infrastructure at Marrowbone Lane
Chapter: 13 Relates to Material Amendment Ref: 13.65 Motion: To reverse the effects of Material Amendment 13.65, changing 13.17 SDRA 15 Liberties and Newmarket Square, Guiding Principles for Key Opportunity Sites Page: 588, Site 6 – Marrowbone Lane. Amend the text so that it now reads as before the Material Amendment: It is considered that the SDRA should deliver the objectives for the site including: - The council owned depot at Marrowbone Lane to be developed as a Green Infrastructure and Recreational Area. - Extension of amenity/recreational spaces in association with St. Catherine's sports centre.

Planning Reason

To ensure sufficient green space for the growing local residential community and provide space for a playing pitch on the site.

Chief Executive's Response

The Marrowbone Lane area was the subject of Variation 6 of the Dublin City Development Plan 2016-2022 in February 2019 to provide for the consolidation of the City Council depot and the regeneration of the wider depot area following public consultation. The variation as adopted stated:

"The rationalisation of the City Council depot will deliver a well designed consolidated depot on a significantly smaller footprint (45% of its current footprint) enabling the continued delivery of essential Council services including flood risk management, street cleaning, road maintenance and housing maintenance to the city centre and south city areas.

The balance of the site would be given over to the provision of improved amenity and recreational facilities, some residential and mixed use development and new access routes as provided for in the Liberties Local Area Plan. The Depot Consolidation Project will expedite the implementation of important elements of the Liberties Local Area Plan by facilitating the following:

- the provision of additional all weather pitches adjacent to and managed by St. Catherine's Leisure Centre (one 7 a-side pitch: 60m x 35m; one 4 a-side pitch: 20m x 35m; in addition to the existing astro field),
- the provision of an additional 100 plus new residential units,
- an improved active street frontage and public realm along Marrowbone Lane,
- improved permeability of the area by provision of 2 new access routes - the Robert Street South extension & an extension to Allingham Street."

It is considered that the proposed Material Alteration includes the essence of the adopted variation in SDRA 15 and Fig 13.15, includes specific guidance regarding Marrowbone Lane. This includes the delivery of a number of key objectives including:

- Consolidation and reduction on the area of the existing City Council depot.
- Provision of a new public spaces onto Marrowbone Lane.
- Extension of amenity/recreational spaces in association with St. Catherine's Sports Centre.
- New residential development.
- New through routes and connections and the remaking of the street.

The reversing of the MA so that the depot is solely developed as a green infrastructure and recreational area would preclude this approach and the variation as previously agreed.

It is considered that the adopted variation to the current plan and proposed Material Alteration regarding SDRA 15 of the Draft Plan provide a clear understanding of how the site is to be developed into the future that is in accordance with the proper planning and sustainable development of the area.

The CE acknowledges the need for quality open spaces and recreational facilities in the Liberties and Newmarket Square SDRA. MA 13.65 expressly refers to the provision of new public open space onto Marrowbone Lane, which is in addition to the extension of amenity/recreational spaces proposed in association with St. Catherine's sports centre. Further to this, objective GI055 'Marrowbone Lane Depot' supports the development of the council owned land as a green infrastructure and recreational area.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No. 13.15.

Material Alteration Reference 13.68
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Motion No. 13.15: MOT-01999

Submitted By Councillor(s): Cllr Michael Pidgeon

Co-sponsors:

Cllr Marie Devine

Cllr Darragh Moriarty

Deirdre Cronin

Refers to: Chapter 13: Strategic Development Regeneration Areas (SDRAs) - **MA 13.68**

Motion

Title: Reversing Material Amendment for green infrastructure at Marrowbone Lane
Chapter: 13 Relates to Material Amendment Ref: 13.68 Motion: To reverse the map changes in Material Amendment 13.68, which changed Figure 13-15: SDRA 15 Liberties and Newmarket Square, Page: 591. The three changes listed below should be reverted: - Guiding principles map amended to omit reference to green infrastructure and recreational area at Marrowbone Lane and included as part of Opportunity site 6. - "Green Infrastructure and Recreational Area" removed from guiding principles in map legend. - All "Permeability Intervention" guiding principles in SDRA 15 removed and replaced with "Access and Permeability" guiding principles.

Planning Reason

To ensure sufficient green space for the growing local residential community and provide space for a playing pitch on the site.

Chief Executive's Response

As noted above, the Marrowbone Lane area was the subject of Variation 6 of the Dublin City Development Plan 2016-2022 in February 2019 to provide for the consolidation of the City Council depot and the regeneration of the wider depot area following public consultation. The variation as adopted stated:

"The rationalisation of the City Council depot will deliver a well designed consolidated depot on a significantly smaller footprint (45% of its current footprint) enabling the continued delivery of essential Council services including flood risk management, street cleaning, road maintenance and housing maintenance to the city centre and south city areas.

The balance of the site would be given over to the provision of improved amenity and recreational facilities, some residential and mixed use development and new access routes as provided for in the Liberties Local Area Plan. The Depot Consolidation Project will expedite the implementation of important elements of the Liberties Local Area Plan by facilitating the following:

- the provision of additional all weather pitches adjacent to and managed by St. Catherine's Leisure Centre (one 7 a-side pitch: 60m x 35m; one 4 a-side pitch: 20m x 35m; in addition to the existing astro field),
- the provision of an additional 100 plus new residential units,
- an improved active street frontage and public realm along Marrowbone Lane,
- improved permeability of the area by provision of 2 new access routes - the Robert Street South extension & an extension to Allingham Street."

It is considered that the proposed Material Alteration includes the essence of the adopted variation in SDRA 15 and Fig 13.15, includes specific guidance regarding Marrowbone Lane. This includes the delivery of a number of key objectives including:

- Consolidation and reduction on the area of the existing City Council depot.
- Provision of a new public spaces onto Marrowbone Lane.
- Extension of amenity/recreational spaces in association with St. Catherine's Sports Centre.
- New residential development.
- New through routes and connections and the remaking of the street.

The reversing of the MA so that the depot is solely developed as a green infrastructure and recreational area would preclude this approach and the variation as previously agreed.

It is considered that the adopted variation to the current plan and proposed Material Alteration to the graphic map regarding SDRA 15 of the Draft Plan provide a clear understanding of how the site is to be developed into the future that is in accordance with the proper planning and sustainable development of the area.

The CE acknowledges the need for quality open spaces and recreational facilities in the Liberties and Newmarket Square SDRA. MA 13.65 expressly refers to the provision of new public open space onto Marrowbone Lane, which is in addition to the extension of amenity/recreational spaces proposed in association with St. Catherine's sports centre. Further to this, objective GI055 'Marrowbone Lane Depot' supports the development of the council owned land as a green infrastructure and recreational area.

The CE also notes that the purposed amendment to the graphic map relating to the replacement of the permeability intervention with access and permeability guiding principles was an amendment made to all of the graphic maps in order to provide for consistency throughout the plan.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No. 13.14.

Chapter 14: Land Use Zoning

Material Alteration Reference 14.2

Motion No. 14.1: MOT-01958

Submitted By Councillor(s): Green Party Comhaontas Glas

Refers to: Chapter 14: Land-use Zoning - **MA 14.2**

Motion

Motion to support chief executive recommendations with this amendment - Residential conservation areas have extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. {A Zone Z2 area may also be open space located within or surrounded by an Architectural Conservation Area and/or a group of protected structures and or landscaping grounds and gardens associated with historical buildings past or present.

Planning Reason

To preserve landscape heritage.

Chief Executive's Response

The motion proposes a textual change to Material Alteration 14.2 which is not considered minor in nature. It introduces a change which has not been the subject of public consultation and, therefore, cannot be considered at this stage of the plan making process.

The proposed change is significant and would require further public consultation. The intent of the motion is noted, however, the CE notes that the Draft Plan already contains an extensive suite of policies to protect the curtilage of Protected Structures and to manage development in, or in the vicinity of Conservation Areas and Architectural Conservation Areas, as set out in Chapter 11: Built Heritage and Archaeology. For example, in relation to ACAs and Conservation Areas, Policy BHA7 (Page 403 of Plan) and Policy BHA9 (Page 409) are relevant considerations. Policy BHA2 provides detailed safeguarding criteria to manage development in relation to, and in the vicinity of Protected Structures and their curtilage and setting.

Chief Executive's Recommendation

The motion proposes an amendment that is not minor in nature and is outside the scope of the legislation.

Motion not agreed.

Material Alteration Reference 14.7

Motion No. 14.2: MOT-01934

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 14: Land-use Zoning - **MA 14.7**

Motion

Material Alteration Reference Number 14.7 Chapter 14: Land Use Zoning Section: 14.7.9 Amenity/Open Space Lands/Green Network – Zone Z9 Page: 622, 5th paragraph of Section 14.7.9 Motion: to remove the sentence 'with the exception of land disposed of prior to the adoption of the plan' in respect of the above referenced Zone Z9 text.

Planning Reason

Land ownership is not a planning consideration.

Chief Executive's Response

This particular clause refers specifically to future planning applications. The policy regarding Z9 has changed in the Draft Plan from that in the 2016 plan. It would be unreasonable to apply this policy retrospectively to lands that were disposed of before the adoption of the plan and that are no longer in the ownership of a sports club, etc. The purpose of the clause is to require clarity during the planning application process. Whilst ownership is not generally a planning consideration, it may be a relevant consideration in the Development Management process under the regulations, when considering the matter of consent to make a planning application.

It would not be proportionate or appropriate to expect that where land had been purchased prior to the policy coming into place that a land owner would have to obtain consent from a 3rd party, who may or may not wish to provide such a consent. This would in effect represent a burden on the ownership of the land and would be unsound in planning and legal terms.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No. 14.5.

Material Alteration Reference 14.7

Motion No. 14.3: MOT-01935

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 14: Land-use Zoning - **MA 14.7**

Motion

Material Alteration Reference Number 14.7 Chapter 14: Land Use Zoning Section: 14.7.9 Amenity/Open Space Lands/Green Network – Zone Z9 Page: 622, 5th paragraph of Section 14.7.9 Motion: to reject the CE recommendation's to delete the requirement for a legal agreement in bullet point 3.

Planning Reason

Planning reason: to ensure that the sports facilities are legally protected.

Chief Executive's Response

The CE's Recommendation to delete the requirement for a legal agreement in bullet point 3 arises on the basis of serious concerns that such an agreement is an improper mechanism due to vagueness and lack of clarity and could give rise to legal uncertainty either in the Development Plan itself, or at the application stage when an applicant is applying for permission. Typically legal agreements, such as Section 47 agreements as provided for in planning legislation, are concluded in the period post planning grant and prior to the commencement of development. This does not provide for public input or consultation in any subsequent discussion between the Planning Authority and a developer.

A more effective and appropriate approach is to require the applicant to submit a statement to form part of a planning application, demonstrating how the sports facility will be retained and enhanced on the site. This places the onus on the applicant to transparently evidence and document that the facility will be retained and enhanced and also allows the public to make submissions or observations for consideration by the Planning Authority in the normal manner. The Planning Authority retains the right to refuse permission on the basis of the information submitted and taking the relevant planning issues raised in the submissions or observations into account in the decision making process.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No.s 14.4 and 14.5.

Material Alteration Reference 14.7

Motion No. 14.4: MOT-01963

Submitted By Councillor(s): Cllr Catherine Stocker

Refers to: Chapter 14: Land-use Zoning - **MA 14.7**

Motion

To revert to the previous wording 'In all cases, the applicant shall submit a statement, as part of a legal agreement under the Planning Acts, demonstrating how the sports facility will be retained and enhanced.'

Planning Reason

A statement which is not legally binding is insufficient to protect the Z9 status of the land.

Chief Executive's Response

The CE's Recommendation to delete the requirement for a legal agreement in bullet point 3 arises on the basis of serious concerns that such an agreement is an improper mechanism due to vagueness and lack of clarity and could give rise to legal uncertainty either in the development plan itself, or at the application stage when an applicant is applying for permission. Typically legal agreements, such as Section 47 agreements as provided for in planning legislation, are concluded in the period post planning grant and prior to the commencement of development. This does not provide for public input or consultation in any subsequent discussion between the Planning Authority and a developer.

A more effective and appropriate approach is to require the applicant to submit a statement to form part of a planning application, demonstrating how the sports facility will be retained and enhanced on the site. This places the onus on the applicant to transparently evidence and document that the facility will be retained and enhanced and also allows the public to make submissions or observations for consideration by the Planning Authority in the normal manner. The Planning Authority retains the right to refuse permission on the basis of the information submitted and taking the relevant planning issues raised in the submissions or observations into account in the decision making process.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No.s 14.3 and 14.5.

Material Alteration Reference 14.7

Motion No. 14.5: MOT-02016

Submitted By Councillor(s): Cllr Deirdre Heney

Co-sponsors:

Cllr Damian O'Farrell

Cllr Naoise O'Muirí

Refers to: Chapter 14: Land-use Zoning - **MA 14.7**

Motion

Material Alteration Reference Number 14.7 Chapter 14: Land Use Zoning Section: 14.7.9 Amenity/Open Space Lands/Green Network – Zone Z9 Page: 622, 5th paragraph of Section 14.7.9 CE Report 261/2022 That the requirement for a legal agreement in bullet point 3 be re-instated and the statement {(with the exception of land disposed of prior to the adoption of the plan),} in the last bullet point, be removed;

Planning Reason

Planning Reason: A Legal Agreement is good practice as evidenced by its inclusion in the current Development Plan; there is no evidence that the requirement for an Agreement was a hindrance to clubs from a planning & development perspective.

Chief Executive's Response

The CE's Recommendation to delete the requirement for a legal agreement in bullet point 3 arises on the basis of serious concerns that such an agreement is an improper mechanism due to vagueness and lack of clarity and could give rise to legal uncertainty either in the development plan itself, or at the application stage when an applicant is applying for permission.

Typically legal agreements, such as Section 47 agreements as provided for in planning legislation, are concluded in the period post planning grant and prior to the commencement of development. This does not provide for public input or consultation in any subsequent discussion between the Planning Authority and a developer.

A more effective and appropriate approach is to require the applicant to submit a statement to form part of a planning application, demonstrating how the sports facility will be retained and enhanced on the site. This places the onus on the applicant to transparently evidence and document that the facility will be retained and enhanced and also allows the public to make submissions or observations for consideration by the Planning Authority in the normal manner. The Planning Authority retains the right to refuse permission on the basis of the information submitted and taking the relevant planning issues raised in the submissions or observations into account in the decision making process.

With respect to the clause regarding, 'land disposed of prior to the adoption of the plan', this particular refers specifically to future planning applications. The policy regarding Z9 has changed in the Draft Plan from that in the 2016 plan. It would be unreasonable to apply this policy retrospectively to lands that were disposed of before the adoption of the plan and that are no longer in the ownership of a sports club, etc. The purpose of the clause was to require clarity during the planning application process. Whilst ownership is not a planning consideration in the evaluation of planning applications, it is a relevant consideration in the Development Management process under the regulations, when considering the matter of consent to make a planning application.

It would not be proportionate or appropriate to expect that where land had been purchased prior to the policy coming into place that a land owner would have to obtain consent from a 3rd party, who may or may not wish to provide such a consent.

Overall, there is no objection to the wording in the motion regarding the final bullet point as the revised wording makes it clear that the applicant shall be the land owner or have a letter of consent from the landowner.

Chief Executive's Recommendation

Motion agreed with minor amendment.

For clarity, it is recommended that the final clause of the proposed MA will state:

Material Alteration Reference Number 14.7

- In all cases, ~~{{(with the exception of land disposed of prior to the adoption of the plan),}}~~ the applicant shall be the sports club owner ~~(/occupier)~~ {or have a letter of consent from the owner.}

See also Motion No.s 14.2, 14.3 and 14.4.

Material Alteration Reference 14.7

Motion No. 14.6: MOT-01962

Submitted By Councillor(s): Cllr Catherine Stocker

Refers to: Chapter 14: Land-use Zoning - **MA 14.7**

Motion

To revert to the previous wording 'Any such residential/commercial development must be ancillary in scale'.

Planning Reason

Ancillary has legal definition in planning terms whereas subordinate does not and thus better serves to protect the Z9 status.

Chief Executive's Response

The concept of ancillary use in planning terms relates to a functional use as distinct from the primary use, but this may not necessarily be connected to the scale of use in relationship to the primary use.

Planning legal precedent confirms that where an ancillary activity takes place, it is deemed to have the same use as the primary use or of the land as a whole. The ancillary uses are not recognised as uses in their own right but in law, partake of the character of their parent use. This concept is utilised in development management where the change of an area to an ancillary use, for example, as storage in a retail unit, may not necessitate planning permission as no material change of use will have taken place.

Contrary to the forgoing, the intent of the Development Plan text (bullet point 2) is to ensure that any residential/commercial development is subordinate in 'scale' to the primary sporting land use. In this respect, the planning concept is a matter of physical scale and not any functional relationship between the new development and the primary sporting land use. As such, 'subordinate in scale' is more appropriate and will achieve the intent that any future development is of a lesser/smaller scale than the main primary sporting use, in order to ensure that the primary use is not materially eroded, reduced or fragmented.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Material Alteration Reference 14.11
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Motion No. 14.7: MOT-01940

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 14: Land-use Zoning - **MA 14.11**

Motion

Ref: Chapter 14: land use zoning Motion: to remove 'build to rent' apartments from all 'permissible uses and 'open for consideration' uses in all zoning categories.

Planning Reason

To provide one single planning standard for our apartment stock going forward and to ensure that all planning permissions granted are for units that are available and fit to buy. To provide certainty for all.

Chief Executive's Response

Material Alteration 14.11 proposes that 'Build to Rent Residential' be changed from an 'Open for Consideration' use to a 'Permissible Use' under the Z14 zoning objective.

The motion submitted proposes the removal of 'build to rent' apartments from all 'permissible' uses and 'open for consideration' uses in all zoning categories. No Material Alterations were proposed to BTR Residential in any zoning objective save with respect to the Z14 objective.

As the motion relates to a matter that was not subject of a Material Alteration that was subject to public consultation in terms of the other zoning categories, (i.e. that does not relate to highlighted text in the Material Alteration), no change can be recommended and this element of the request is outside the scope of the planning legislation. The proposal would also not be considered a minor change.

With regard to the removal of 'Build to Rent Residential' from 'Open for Consideration' and 'Permissible Use' under the Z14 zoning objective, the CE highlights that the MA that went on display relates only to the categorisation of 'Build to Rent Residential' as either 'Open for Consideration' or 'Permissible' and not for its deletion in entirety from the Z14 zoning objective. In this context, as the motion relates to a matter that was not subject of a Material Alteration that was subject to public consultation, no change can be recommended to this element of the request as it is outside the scope of the planning legislation and would not be considered a minor change.

The CE notes the intent of the motion in terms of seeking to provide for quality residential accommodation in the city. The CE however, considers that this issue is adequately addressed in the Draft Plan through policies SC12, QHSN3, QHSN36

and QHSN32 which seek to encourage a wide variety of housing and apartment types, sizes and tenures, in accordance with the Housing Strategy and HNDA.

The CE re-emphasises that the Z14 zoning objective is considered an appropriate place for BTR Residential given that Z14 lands are in highly accessible locations with close proximity to existing and planned public transport. They are also areas that are either proximate to, or planned for, significant economic and employment development. The specific nature of a Z14 - Strategic Development and Regeneration Areas (SDRAs) zoning objective is such that regeneration needs a mixed tenure approach. 'BTR Residential' is one such typology that can be part of a mixed tenure approach and the CE considers that is appropriate as a 'Permissible' use under the Z14 zoning, but importantly, subject to compliance with Policies QHSN38 and QHSN39 and other safeguarding criteria (See also MA5.23, MA5.24 and MA15.8).

The CE notes the ongoing public and political discourse in relation to BTR policy. As of now, the Planning Authority has not received any formal direction that BTR policy at a national level is to be amended. If and when this matter is addressed, this issue can be revisited by way of a variation to the plan, including related statutory public consultation.

Chief Executive's Recommendation

The motion relates to a matter that was not subject of a Material Alteration and would not be considered a minor alteration and, therefore, cannot be considered at this stage of the plan making process.

Motion not agreed.

Material Alteration Reference 14.12
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Motion No. 14.8: MOT-02023

Submitted By Councillor(s): Cllr Nial Ring

Refers to: Chapter 14: Land-use Zoning - **MA 14.12**

Motion

MA Ref: 14.12; Zoning Objective Z15. Motion: Given that the Chief Executive notes the concerns regarding the terminology “limited”, “highly exceptional circumstances” and “subordinate” regarding possible residential development being allowed on Z15 zoned lands, I propose the following amendment to MA Ref 14.12: (Page 121 of CE Report) In the case of the paragraph one, setting out the criteria for Development on Z15 lands (A) the word “limited” be inserted before “residential” in this paragraph. Thus it will read: “In proposals for any limited residential/commercial development.....”

Planning Reason

To emphasise/make it clear the that such applications will only be entertained for “limited residential...” developments which, if challenged, would stand a better chance of proper interpretation/clarification than if just the meaning of “residential” were challenged.

Chief Executive's Response

The proposed wording is considered a minor change that will provide better clarity in the Draft Plan text.

Amend text in proposed MA as per Chief Executive’s Recommendation.

Chief Executive’s Recommendation

Motion agreed.

Amend text in proposed MA 14.12, Page 121, bullet point 1 of CE Report as follows:

Material Alteration Reference Number 14.12

- {In proposals for any limited residential/commercial development, the applicant must demonstrate that the future anticipated needs of the existing use, including extensions or additional facilities would not be compromised.}

Material Alteration Reference 14.12
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Motion No. 14.9: MOT-02026

Submitted By Councillor(s): Cllr Nial Ring

Refers to: Chapter 14: Land-use Zoning - **MA 14.12**

Motion

MA Ref: 14.12; Zoning Objective Z15. Motion: That in the case of the paragraph six (Page 121, CE Report), setting out the criteria for Development on Z15 lands the (A) the requirement for a Business Plan should be extended/clarified to include “or any other relevant/pertinent report deemed useful and/or necessary....”

Planning Reason

A business plan, though useful and necessary, might not cover all information required to get full information on a proposed development and its impact and as the retention of the existing institutional facility might also need to be subject to a site survey, condition survey, architect/conservation architect report etc. We should not limit ourselves in the information requirements for such an application.

Chief Executive's Response

The proposed wording is considered a minor change that will provide better clarity in the Draft Plan text.

Amend text in proposed MA as per Chief Executive’s Recommendation.

Chief Executive’s Recommendation

Motion agreed.

Amend text in proposed MA 14.12, Page 121, bullet point 6 of CE Report as follows:

Material Alteration Reference Number 14.12

- In all cases, the applicant shall submit a statement, {typically in the form of a business plan, or any other relevant/pertinent report deemed useful and/or necessary} ~~(as part of a legal agreement under the Planning Acts,)~~ demonstrating how the existing institutional ~~{/social/community}~~ facility will be retained {and enhanced} ~~(long term)~~ on ~~{the}~~ site ~~{/lands}~~.

Material Alteration Reference 14.12
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Motion No. 14.10: MOT-01936

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 14: Land-use Zoning - **MA 14.12**

Motion

Material Alteration Reference Number 14.12 Chapter 14: Land Use Zoning Section: 14.7.14 Community and Social Infrastructure Page: 628 Motion: to remove the following from the above referenced text in Paragraph A. and/or other institutional social/community use within the Dublin City Council area in the control of the landowner/applicant}

Planning Reason

To ensure that green space in one area is not sacrificed for the betterment of another area.

Chief Executive's Response

The purpose of the proposed text is to provide for instances that may arise where Z15 lands may be developed to provide the necessary funds to enhance/improve the institutional/ social community infrastructure of the same land owner elsewhere in the city, in order to maintain or enhance such uses in the administrative area of the city. This approach is considered appropriate having regard to the fact that the City Plan is a strategic plan for the city area and not exclusively for specific local areas/sites.

It is important to make policy provision for the considered management of zoned land in the city in a coherent way having regard to future social and community needs. The Chief Executive is of the view that the above approach would be supportive of the overriding objective of the Z15 zoning to protect and enhance the social and community assets of the city within the Dublin City Council area and should be retained.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Material Alteration Reference 14.12
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Motion No. 14.11: MOT-01937

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 14: Land-use Zoning MA 14.12

Motion

Material Alteration Reference Number 14.12 Chapter 14: Land Use Zoning Section: 14.7.14 Community and Social Infrastructure Page: 628 Motion: to remove the following sentence from the above referenced text / in the final bullet. {(with the exception of land disposed of prior to the adoption of the plan),}

Planning Reason

Land ownership is not a planning consideration.

Chief Executive's Response

This particular clause refers specifically to future planning applications. The policy regarding Z15 has changed in the Draft Plan from that in the 2016 plan. It would be unreasonable to apply this policy retrospectively to lands that were disposed of before the adoption of the plan. The purpose of the clause was to require clarity during the planning application process. Whilst ownership is not generally a planning consideration, it may be a relevant consideration in the Development Management process under the regulations, when considering the matter of consent to make a planning application.

It would not be proportionate or appropriate to expect that where land had been purchased prior to the policy coming into place that a land owner would have to obtain consent from a 3rd party, who may or may not wish to provide such a consent.

Overall, there is no objection to the wording in the motion as the revised wording makes it clear that the applicant shall be the land owner or have a letter of consent from the landowner.

Chief Executive's Recommendation

The motion is agreed for the planning reasons set out in the Chief Executive's response.

For clarity, it is recommended that the clause of the proposed MA will be amended to state:

Material Alteration Reference Number 14.12

- In all cases ~~{{with the exception of land disposed of prior to the adoption of the plan}},~~ the applicant shall be the (institutional) {land} owner (/occupier) {or have a letter of consent from the landowner}.

Motion agreed.

Material Alteration Reference 14.12
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Motion No. 14.12: MOT-01938

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 14: Land-use Zoning - **MA 14.12**

Motion

Material Alteration Reference Number 14.12 Chapter 14: Land Use Zoning Section: 14.7.14 Community and Social Infrastructure Page: 628 Motion: to remove the following words from the above referenced text unless exceptional circumstances prevail in Paragraph B;

Planning Reason

To ensure the protection offered by Z15 zoning cannot be undermined and to recognise the role of councillors in determining zoning variations.

Chief Executive's Response

Whilst the overriding objective of the Z15 zoning objective is to protect and provide for social and community infrastructure, there may be instances where following a cessation of such Z15 use, that the lands may be more appropriate for an alternative use. The wording of the objective – unless exceptional circumstances prevail - allows a limited degree of flexibility. The objective is clear that where any other uses other than social or community use is proposed, this must be subject of a variation/material contravention and subject to full consultation. In this regard, the role of the elected members is explicitly recognised.

The CE considers that the wording of the zoning objective is very clear as to what constitutes exceptional circumstances, and that proposals for residential or commercial development will only be considered where it can be adequately demonstrated that the land is not viable /suitable for social and community use.

The CE is satisfied that the wording in paragraph B is appropriate, would ensure better consistency in the plan and would not undermine the overriding objective of the Z15 zoning to protect and enhance the social and community assets of the city.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Material Alteration Reference 14.12
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Motion No. 14.13: MOT-01939

Submitted By Councillor(s): Cllr Damian O'Farrell

Refers to: Chapter 14: Land-use Zoning - **MA 14.12**

Motion

Material Alteration Reference Number 14.12 Chapter 14: Land Use Zoning Section: 14.7.14 Community and Social Infrastructure Page: 628 Motion: to remove the following sentence / use from 'open for consideration' uses. •{residential (only in accordance with the highly exceptional circumstances set out above)},

Planning Reason

Inclusion of residential as open for consideration in Z15 zoning undermines the objective of preserving the finite resource that is the Z15 land bank. Separately councillors have a role in determining zoning variations.

Chief Executive's Response

The CE's proposal to include 'residential' as an open for consideration use under the Z15 zoning objective, (subject to the caveat regarding the 'highly exceptional circumstances') arises having regard to a number of detailed submissions received during the public consultation stage on this issue. The CE is satisfied that this approach would ensure better consistency in the plan and would not undermine the overriding objective of the Z15 zoning to protect and enhance the social and community assets of the city. Taking into account that strict criteria are already set out under Z15, it is considered reasonable and appropriate that residential can be considered an open for consideration use subject to the safeguarding exceptional circumstance criteria set out under the zoning objective. The CE is of the view that this approach is more robust in the long term and will not override the objectives of Z15 to enhance the social and community assets of the city. It is noted that residential open for consideration describes housing of all tenures.

The CE considers that the wording of the zoning objective is very clear as to what constitutes exceptional circumstances, and that proposals for residential or commercial development will only be considered where it can be adequately demonstrated that the development is required in order to maintain or enhance the function/operational viability of the primary institutional/social/community use on the lands and/or other institutional social community use within the Dublin City Council area in the control of the land owner/applicant.

In terms of possible future variations or material contraventions, the CE notes that the role of elected members is clearly set out in planning legislation.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No. 14.14.

Material Alteration Reference 14.12
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Motion No. 14.14: MOT-01967

Submitted By Councillor(s): Cllr Catherine Stocker

Refers to: Chapter 14: Land-use Zoning - **MA 14.12**

Motion

To remove the wording 'residential (only in accordance with the highly exceptional circumstances set out above)' from the open for consideration uses.

Planning Reason

Residential development is not appropriate to a Z15 community and social infrastructure site unless it has a specific purpose relating to the community and social use of the site and the 'exceptional circumstances' outlined do not ensure this and are insufficiently clear in their definition.

Chief Executive's Response

The CE's proposal to include 'residential' as an open for consideration use under the Z15 zoning objective, (subject to the caveat regarding the 'highly exceptional circumstances') arises having regard to a number of detailed submissions received during the public consultation stage on this issue. The CE is satisfied that this approach would ensure better consistency in the plan and would not undermine the overriding objective of the Z15 zoning to protect and enhance the social and community assets of the city. Taking into account that strict criteria are already set out under Z15, it is considered reasonable and appropriate that residential can be considered an open for consideration use subject to the safeguarding exceptional circumstance criteria set out under the zoning objective. The CE is of the view that this approach is more robust in the long term and will not override the objectives of Z15 to enhance the social and community assets of the city. It is noted that residential open for consideration describes housing of all tenures.

The CE considers that the wording of the zoning objective is very clear as to what constitutes exceptional circumstances, and that proposals for residential or commercial development will only be considered where it can be adequately demonstrated that the development is required in order to maintain or enhance the function/operational viability of the primary institutional/social/community use on the lands and/or other institutional social community use within the Dublin City Council area in the control of the land owner/applicant.

In terms of possible future variations or material contraventions, the CE notes that the role of elected members is clearly set out in planning legislation.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No. 14.13.

Material Alteration Reference 14.12
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Motion No. 14.15: MOT-01964

Submitted By Councillor(s): Cllr Catherine Stocker

Refers to: Chapter 14: Land-use Zoning - **MA 14.12**

Motion

To remove the Chief Executive's addition '{and/or other institutional social/community use within the Dublin City Council area in the control of the landowner/applicant}'.

Planning Reason

The functioning or operational viability of a community resource elsewhere in the city should not have a bearing on the land use of Z15 community or social infrastructure land in any given area. The appropriateness of development on Z15 land in an area should be considered in relation to that community's need for such infrastructure.

Chief Executive's Response

The purpose of the proposed text is to provide for instances that may arise where Z15 lands may be developed to provide the necessary funds to enhance/improve the institutional/ social community infrastructure of the same land owner elsewhere in the city, in order to maintain or enhance such uses in the administrative area of the city. This approach is considered appropriate having regard to the fact that the City Plan is a strategic plan for the city area and not exclusively for specific local areas/sites.

It is important to make policy provision for the considered management of zoned land in the city in a coherent way having regard to future social and community needs. The Chief Executive is of the view that the above approach would be supportive of the overriding objective of the Z15 zoning to protect and enhance the social and community assets of the city within the Dublin City Council area and should be retained.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Material Alteration Reference 14.12
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Motion No. 14.16: MOT-01965

Submitted By Councillor(s): Cllr Catherine Stocker

Refers to: Chapter 14: Land-use Zoning - **MA 14.12**

Motion

To revert to the previous wording 'Any such residential/commercial development must be ancillary in scale to the primary institutional/community use'.

Planning Reason

Ancillary has more clearly defined legal meaning in planning terms and therefore offers greater certainty and protection to the Z15 zoned lands.

Chief Executive's Response

The concept of ancillary use in planning relates to a functional use as distinct from the primary use, but this may not necessarily be connected to the scale of use in relationship to the primary use.

Planning legal precedent would suggest that where an ancillary activity takes place, it is deemed to have the same use as the primary use or of the land as a whole. The ancillary uses are not recognised as uses in their own right, but in law partake of the character of their parent use. This concept is utilised in development management where the change of an area to an ancillary use, for example, as storage in a retail unit, may not necessitate planning permission as no material change of use will have taken place.

Contrary to the forgoing, the intent of the Development Plan text (bullet point 2) is to ensure that any residential/commercial development is subordinate in 'scale' to the primary institutional/social/community land use. In this respect, the planning concept is a matter of physical scale and not any functional relationship between the new development and the primary institutional/social/community land use. As such, 'subordinate in scale' is more appropriate and will achieve the intent that any future development is of a lesser/smaller scale than the main primary use, in order to ensure that the primary use is not materially eroded, reduced or fragmented.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Material Alteration Reference 14.12
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Motion No. 14.17: MOT-01966

Submitted By Councillor(s): Cllr Catherine Stocker

Refers to: Chapter 14: Land-use Zoning - **MA 14.12**

Motion

To revert to the wording 'In all cases, the applicant shall submit a statement, as part of a legal agreement under the Planning Acts, demonstrating how the existing institutional/social/community facility will be retained and enhanced on the site/lands'.

Planning Reason

A statement without legal status is insufficient to protect the Z15 zoning of the land.

Chief Executive's Response

The CE's Recommendation to delete the requirement for a legal agreement in bullet point 6 arises on the basis of serious concerns that such an agreement is an improper mechanism due to vagueness and lack of clarity and could give rise to legal uncertainty either in the development plan itself, or at the application stage when an applicant is applying for permission.

Typically legal agreements, such as Section 47 agreements as provided for in planning legislation, are concluded in the period post planning grant and prior to the commencement of development. This does not provide for public input or consultation in any subsequent discussion between the Planning Authority and a developer.

A more effective and appropriate approach is to require the applicant to submit a statement to form part of a planning application, demonstrating how the existing institutional/social/community facility will be retained and enhanced on the site/lands.

This approach places the onus on the applicant to transparently evidence and document that the facility will be retained and enhanced and also allows the public to make submissions or observations for consideration by the Planning Authority in the normal manner. The Planning Authority retains the right to refuse permission on the basis of the information submitted and taking the relevant planning issues raised in the submissions or observations into account in the decision making process.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Material Alteration Reference 14.12
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Motion No. 14.18: MOT-01970

Submitted By Councillor(s): Cllr Daniel Ceitinn

Refers to: Chapter 14: Land-use Zoning - **MA 14.12**

Motion

To reject the inclusion of "assisted living/retirement home" in Z15 - Permissible Uses and to retain its previous inclusion in Z15 - Open for Consideration Uses.

Planning Reason

Z15 zoning serves to protect lands for community uses. Assisted living or retirement homes, while providing services to a community, are primarily residential uses. In some circumstances it may be appropriate to locate such services on Z15 lands but it does not conform with the general meaning of the zoning objective to include such developments as a primary permissible use, and as such it should be retained only in the open for consideration uses as the use of such land for such developments should be subject to the wider considerations required by such a designation.

Chief Executive's Response

Due to the demographic profile in the city and its aging population, there is a continuing and growing need to make adequate provision for assisted living and retirement homes. This type of use is considered to be a critical social and community infrastructure to cater for community needs and to provide much needed housing for the vulnerable. The CE considers that it is entirely appropriate that such uses should be facilitated on social and community lands (Z15 objective), given their character and setting and the opportunity to provide synergy with other supporting facilities such as hospitals etc. Z15 zoned lands are eminently suited for such development and is it is recommended that "assisted living/retirement home" be retained as a permissible use in the Z15 land use zoning.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Material Alteration Reference 14.12
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Motion No. 14.19: MOT-01971

Submitted By Councillor(s): Cllr Daniel Ceitinn

Refers to: Chapter 14: Land-use Zoning - **MA 14.12**

Motion

To insert "not for profit" ahead of "Assisted living/retirement home" in Z15 Permissible Uses, or, if retained under Z15 - Open for Consideration Uses.

Planning Reason

To ensure that such services are genuinely community services in line with the zoning objective.

Chief Executive's Response

The motion proposes a textual change which is not considered minor in nature. It introduces a change which has not been the subject of public consultation and therefore, cannot be considered at this stage of the plan making process. Moreover, it is not a Development Plan matter to distinguish the type of ownership or management of such uses or to exclude such uses on the basis of their economic model.

Chief Executive's Recommendation

The motion proposes an amendment that is not minor in nature and is outside the scope of the legislation. The proposed amendment is also considered outside the scope of the Development Plan.

Motion not agreed.

Material Alteration Reference 14.12
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Motion No. 14.20: MOT-02024

Submitted By Councillor(s): Cllr Nial Ring

Refers to: Chapter 14: Land-use Zoning - **MA 14.12**

Motion

MA Ref: 14.12; Zoning Objective Z15. Motion: Given that the Chief Executive notes the concerns regarding the terminology “limited”, “highly exceptional circumstances” and “subordinate” regarding possible residential development being allowed on Z15 zoned lands, I propose the following amendment to MA Ref 14.12. (Page 121 of CE Report). In the case of the paragraph two, setting out the criteria for Development on Z15 lands (A) the word “significantly” be inserted before “subordinate” in this paragraph. Thus it will read: “Any such residential/commercial development must demonstrate that it is significantly subordinate in scale to the primary social/community use”.

Planning Reason

To emphasise/make it clear that such applications will only be entertained for residential/commercial which are demonstrably “significantly subordinate” in scale to the primary social/community use”. Given the concerns around the word “subordinate” and its interpretation, the inclusion of “significantly” would, if challenged, stand a better chance of proper interpretation/clarification than if just the meaning of “subordinate” were challenged.

Chief Executive's Response

The motion proposes a textual change which is not considered minor in nature. It introduces a change which has not been the subject of public consultation and, therefore, cannot be considered at this stage of the plan making process.

Chief Executive's Recommendation

The motion proposes an amendment that is not minor in nature and is outside the scope of the legislation.

Motion not agreed.

Material Alteration Reference 14.12
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Motion No. 14.21: MOT-02025

Submitted By Councillor(s): Cllr Nial Ring

Refers to: Chapter 14: Land-use Zoning - **MA 14.12**

Motion

MA Ref: 14.12; Zoning Objective Z15. Motion: That in the case of the paragraph three, setting out the criteria for Development on Z15 lands the (A) the words “Where appropriate, proposals should be subject to....” be replaced by “In all cases, proposals for any residential/commercial development.....”

Planning Reason

Given the sensitive nature of the overall proposal on Z15 here, it would be appropriate to have widespread consultation and also to clarify that this refers to residential/commercial development applications.

Chief Executive's Response

The motion proposes a textual change which is not considered minor in nature. It introduces a change which has not been the subject of public consultation and, therefore, cannot be considered at this stage of the plan making process.

The CE would also highlight that Z15 lands have a wide range of characteristics and can often include a wide range of uses including sports facilities, community facilities, cultural/recreational uses, open space, public worship, etc., not all of which are relevant to the requirements of the Department of Education/Health Service Executive. It would not be appropriate that such cases would have to consult with the Department of Education/Health Service Executive. The proposal is considered to be an onerous requirement and not necessary for all sites, in particular, for small infill sites.

Chief Executive's Recommendation

The motion proposes an amendment that is not minor in nature and is outside the scope of the legislation.

Motion not agreed.

Material Alteration Reference 14.12
--

Motion No. 14.22: MOT-02027

Submitted By Councillor(s): Cllr Nial Ring

Refers to: Chapter 14: Land-use Zoning - **MA 14.12**

Motion

MA Ref: 14.12; Zoning Objective Z15. Motion: That in the case of the last paragraph (Page 122, CE Report), setting out the criteria for Development on Z15 lands the (B) the requirement that “Where there is an existing sports pitch or sports facility on Z15 land subject to redevelopment, commensurate sporting/recreational infrastructure will be required to be provided and retained for community use where appropriate as part of any new development”, the following should be added at the end of the sentence: “and that such commensurate sporting/recreational infrastructure will be clearly defined, identified and funding therefore be ring-fenced in advance of the commencement of the approved development, unless provided prior to the commencement of the development and approved by DCC”.

Planning Reason

To ensure promised facilities are delivered.

Chief Executive's Response

The motion relates to text that has not been subject of a Material Alteration that was subject to public consultation (i.e. that does not relate to highlighted text in the Material Alteration). No change can be recommended as it is outside the scope of the planning legislation.

Furthermore, the motion proposes a textual change which is not considered minor in nature. It introduces a change which has not been the subject of public consultation and, therefore, cannot be considered at this stage of the plan making process. The proposed change would represent an onerous requirement, requiring significant amendment to the Draft Plan.

Chief Executive's Recommendation

The motion relates to text that has not been subject of a Material Alteration. In addition, the motion proposes an amendment that is not minor in nature and is outside the scope of the legislation.

Motion not agreed.

Material Alteration Reference N/A
--

Motion No. 14.23: MOT-01996

Submitted By Councillor(s): Cllr Claire Byrne

Refers to: Chapter 14: Land-use Zoning – **Not an MA**

Motion

Chapter 5 / Chapter 14 Motion in the name of Cllr Claire Byrne: 'To develop and LAP for the Ringsend and Irishtown area'.

Planning Reason

Planning reason: For the sustainable development of the area and effective communication and engagement with the local residents.

Chief Executive's Response

The motion relates to a matter that was not subject of a Material Alteration that was subject to public consultation. No change can be recommended as it is outside the scope of the planning legislation.

Nonetheless, it is noted that in addition to the priority list of LAPs to be progressed over the Development Plan period, it is proposed to prepare a number of other Local Area Plans and/or Village Improvement Plans (VIPs) as set out in Table 2-14 (Page 77) and previously agreed by Council. Ringsend/Irishtown is already included in Table 2-14.

Chief Executive's Recommendation

The motion relates to a matter that was not subject of a Material Alteration.

Motion noted.

See also Motion No. 5.14.

Chapter 15: Development Standards

Material Alteration 15.7

Motion No. 15.1: MOT-02013

Submitted By Councillor(s): Cllr Declan Meenagh

Refers to: Chapter 15: Development Standards – **MA 15.7**

Motion

Motion 2: To reject the managers proposed amendment to Material Alteration Reference Number 15.7.

Planning Reason

Under the Disability Act the government (including the OPR) and Dublin City Council have the obligation to support disabled people in accessing services. This includes accessing housing so it is illegal under the disability act for the OPR to make it harder for disabled people to access housing with their observation. The Disability Act also applies to the Section 28 Guidelines Sustainable Urban Housing: Design Standards for New Apartments 2020 and the OPR or the minister have failed to provide information showing this is in compliance with the Disability Act.

The report Wasted Lives published by the Ombudsman shows there are over 1,300 people under the age of 65 living in nursing homes who do not need to be there. The main reason for this is lack of a PA service and other issues but there is a lack of affordable and accessible housing for disabled people. The only way to rectify this is to build more homes that are accessible.

Article 19 of the UN Convention on the rights of Persons with a Disability says everyone has a right to live in a place of their choosing. For disabled people this means that there needs to be a large supply of accessible housing.

Chief Executive's Response

The CE would welcome revised guidelines from the Department of Housing, Local Government and Heritage which would bring consistency and clarity regarding the implementation of Article 19 of the UN Convention on the Rights of Persons with Disabilities through appropriate standards and policy. The current situation is that the Development Plan must comply with the Section 28 Guidelines Sustainable Urban Housing: Design Standards for New Apartments 2020 and the SPPRs therein. In addition certain other requirements which require reform must be done through appropriate revisions to the building regulations. The revisions to the policy recommended by the CE are to ensure that the Development Plan does not circumvent national guidance.

The issue raised should be referred to the Planning and Urban Form SPC with a view to highlighting to the Department of Housing, Local Government and Heritage the conflicting standards between the guidelines set out in the Sustainable Urban Housing: Design Standards for New Apartments, December 2020, particularly

Section 3.8, and guidance provided under the Universal Design Guidelines for Homes in Ireland 2015, the DHLG&H's Design Manual for Quality Housing 2022 and the DHP&LG & DH's Housing Options for Our Ageing Population Policy Statement 2019.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Refer to the Planning and Urban Form SPC.

See also Motion No. 5.1.

Material Alteration 15.8

Motion No. 15.2: MOT-01943

Submitted By Councillor(s): Cllr Dermot Lacey

Refers to: Chapter 15: Development Standards – **MA 15.8**

Motion

1. This Council agrees to substitute the figure 50% to replace 60% in Chief Executive recommendations at 15.8.

Planning Reason

The planning reasons for a limit on Build to Rent units has been made by the Chief Executive in his report and numerous motions adopted previously by Councillors. This has led to the current situation where the Manager is proposing 40% and Councillors agreement to date is that of 60%. The 50% proposed in these motions is a straightforward compromise between these two figures and is proposed in order to make progress and secure agreement on this contentious issue. It is also proposed that it provides greater clarity to all given the 50/50 nature of the proposal.

Chief Executive's Response

The CE highlights that a clear rationale for the 40% BTR requirement was set out in the CE Report (April 2020) on pages 54-55. It is considered that, until there is a change in government policy on Build to Rent accommodation, the requirement for 40% of units within a scheme (including a BTR scheme) to be designed as standard apartments, future proofs the city's housing stock and provides for a higher quality of development. However, the CE is of the view that the increase to 50% is a Material Alteration that has not been the subject of public consultation, unlike both the 40% and 60% levels.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion Nos. 5.4, 5.5, 5.6, 5.7 and 5.8.

Material Alteration N/A

Motion No. 15.3: MOT-02033

Submitted By Councillor(s): Cllr Terence Flannagan

Co-sponsors:

Cllr Declan Flanagan

Refers to: Chapter 15: Development Standards – **Not an MA**

Motion

Title: Chapter 15: Development standards Chapter: Chapter 15: Development Standards Motion refers to Childcare. Requests Dublin City Council to provide details as to how many exemptions to the childcare ratio in new developments/mixed developments have been granted since the adoption of the previous development plan.

Planning Reason

There are over 93,000 young people aged under 18 years living in Dublin City according to the 2016 Census, representing nearly 17% of the population. A young population requires accessible and affordable childcare facilities.

Chief Executive's Response

The motion relates to a matter that was not subject of a Material Alteration that was subject to public consultation. No change can be recommended as it is outside the scope of the planning legislation.

As stated in the CE Response to a similar motion in the CE's Report on Motions received following Submissions made on the Draft Dublin City Development Plan 2022 – 2028 Report No. 120/2022 from June 2022, this matter relates to an analysis of planning applications and should be referred to the Planning Department so that the necessary research can be undertaken where data is available. It is also understood that a report on DCC's role in supporting of childcare places in the city will be brought to the December Planning and Urban Form SPC meeting.

Chief Executive's Recommendation

The motion relates to a matter that was not subject of a Material Alteration.

Motion not agreed.

Material Alteration N/A

Motion No. 15.4: MOT-02034

Submitted By Councillor(s): Cllr Terence Flannagan

Co-sponsors:

Cllr Declan Flanagan

Refers to: Chapter 15: Development Standards - **Not an MA**

Motion

DCC-C39-MOT-22 Cllr Terence Flannagan No Title: Chapter 15: Development Standards Chapter: Chapter 15: Development Standards Motion refers to Childcare. Requests Dublin City Childcare committee to carry out a study of supply and demand in each ward and the prospective needs in the next 5 years

Planning Reason

There are over 93,000 young people aged under 18 years living in Dublin City according to the 2016 Census, representing nearly 17% of the population. A young population requires childcare facilities.

Chief Executive's Response

The motion relates to a matter that was not subject of a Material Alteration that was subject to public consultation. No change can be recommended as it is outside the scope of the planning legislation.

Nonetheless, as set out in the CE Response to a similar motion in the CE's Report on Motions received following Submissions made on the Draft Dublin City Development Plan 2022 – 2028 Report No. 120/2022 from June 2022, this matter should be referred to the Dublin City Childcare Committee and to the Department of Children, Equality, Disability, Integration and Youth who develop the annual work plan for Childcare Committees. It is also understood that a report on DCC's role in supporting of childcare places in the city will be brought to the December Planning and Urban Form SPC meeting.

Chief Executive's Recommendation

The motion relates to a matter that was not subject of a Material Alteration.

Motion not agreed.

Material Alteration N/A

Motion No. 15.5: MOT-02035

Submitted By Councillor(s): Cllr Terence Flannagan

Co-sponsors: Cllr Declan Flanagan

Refers to: Chapter 15: Development Standards – **Not an MA**

Motion

DCC-C39-MOT-22 Cllr Terence Flannagan No Title: Chapter 15: Development Standards Chapter: Chapter 15: Development Standards Motion refers to Childcare. Requests all sections of Dublin City Council to assess how they can make changes to facilitate better early childhood i.e. parks, housing, travel, libraries, public buildings.

Planning Reason

There are over 93,000 young people aged under 18 years living in Dublin City according to the 2016 Census, representing nearly 17% of the population. A young population requires childcare facilities and better facilities for early childhood.

Chief Executive's Response

The motion relates to a matter that was not subject of a Material Alteration that was subject to public consultation. No change can be recommended as it is outside the scope of the planning legislation.

As stated in the CE Response to a similar motion in the CE's Report on Motions received following Submissions made on the Draft Dublin City Development Plan 2022 – 2028 Report No. 120/2022 from June 2022, this matter refers to operational matters for other departments within the city council and is not a Development Plan matter. It is also understood that a report on DCC's role in supporting of childcare places in the city will be brought to the December Planning and Urban Form SPC meeting.

Chief Executive's Recommendation

The motion relates to a matter that was not subject of a Material Alteration.

Motion not agreed.

Volume 3 - Zoning Maps

Map Sheet B

Map Reference B-0010; Corpus Christi Parochial Hall, Home Farm Road, Drumcondra

Motion V3.1: MOT-01983

Submitted By Councillor(s): Cllr Joe Costello

Refers to: Volume 3: Zoning Maps - **MA B-0010**

Motion

Corpus Christi Parochial Hall. To welcome the retention of Z15 zoning to ensure the lands remain in community and public use.

Planning Reason

The retention of the Z15 zoning will protect a valuable community resource.

Chief Executive's Response

The motion is noted.

Chief Executive's Recommendation

It is the recommendation of the CE to agree the motion.

Motion agreed.

Map Reference B-0012; Grass Verge adjacent to DCU Lands, Griffith Avenue Dublin 9

Motion V3.2: MOT-02020

Submitted By Councillor(s): Cllr Nial Ring

Refers to: Volume 3: Zoning Maps - **MA B-0012**

Motion

MA Ref: B-0012; Grass Verge, Griffith Avenue, Dublin 9. Motion: To amend zoning in proposed MA Ref. B-0012 to provide for an area of white lands 30m in length along Griffith Avenue as previously agreed under Motion 01491 (V3.4)

Planning Reason

The current proposal in MA Ref. B-0012 for an amended zoning is welcomed, as an access point at Griffith Avenue is essential to service the zoned Z12 and Z15 lands on the north side of Griffith Avenue, which are important strategic development lands for the city. These lands could facilitate housing and opens space of at least 25% of the site and, furthermore, enable DCU to invest further in third level educational facilities on their nearby campuses, including expansion of their scholarship/access programmes in the surrounding areas which currently facilitates over 1,300 scholarship students.

However, to realise the potential of the site in terms of much needed housing and enhanced educational facilities as described, an access point of at least 30 metres in width, which would include provision for associated pedestrian and cycling facilities, is deemed necessary to facilitate a junction capable to allow for the future development of these lands in accordance with the objectives of the City Development Plan.

In addition, some flexibility on the precise location of this access is required to ensure that, at detailed design stage, the junction can be located at the optimum point in terms of minimising impact on trees and landscaping at Griffith Avenue as well as allowing for proximity to existing entrances to residential dwellings to the south.

This access will facilitate a new tree-lined avenue providing access to the Z12 zoned lands with potential for public access to c. 5 hectares of new parkland/public open space which will represent a significant gain in recreational amenity and biodiversity and DCU is committed to ensure that any development will significantly more than compensate any loss of trees and the limited section of grass verge at the access point from Griffith Avenue.

In the Chief Executive's response to the MA he states, correctly, that "It has been. It has been clarified by DCU in their submission on B-0012, that no viable alternative accesses/ point of access are available to their adjoining Z12 lands on the north side of the avenue". The site is landlocked with a "ransom strip" on Walnut Rise and, without an adequate area of white land at Griffith Avenue, our Development Plan,

designed to, inter alia, facilitate the building of much needed homes as well as provide for, encourage and inspire enhanced educational facilities (especially in areas where third level participation rates are low), would have the opposite effect here.

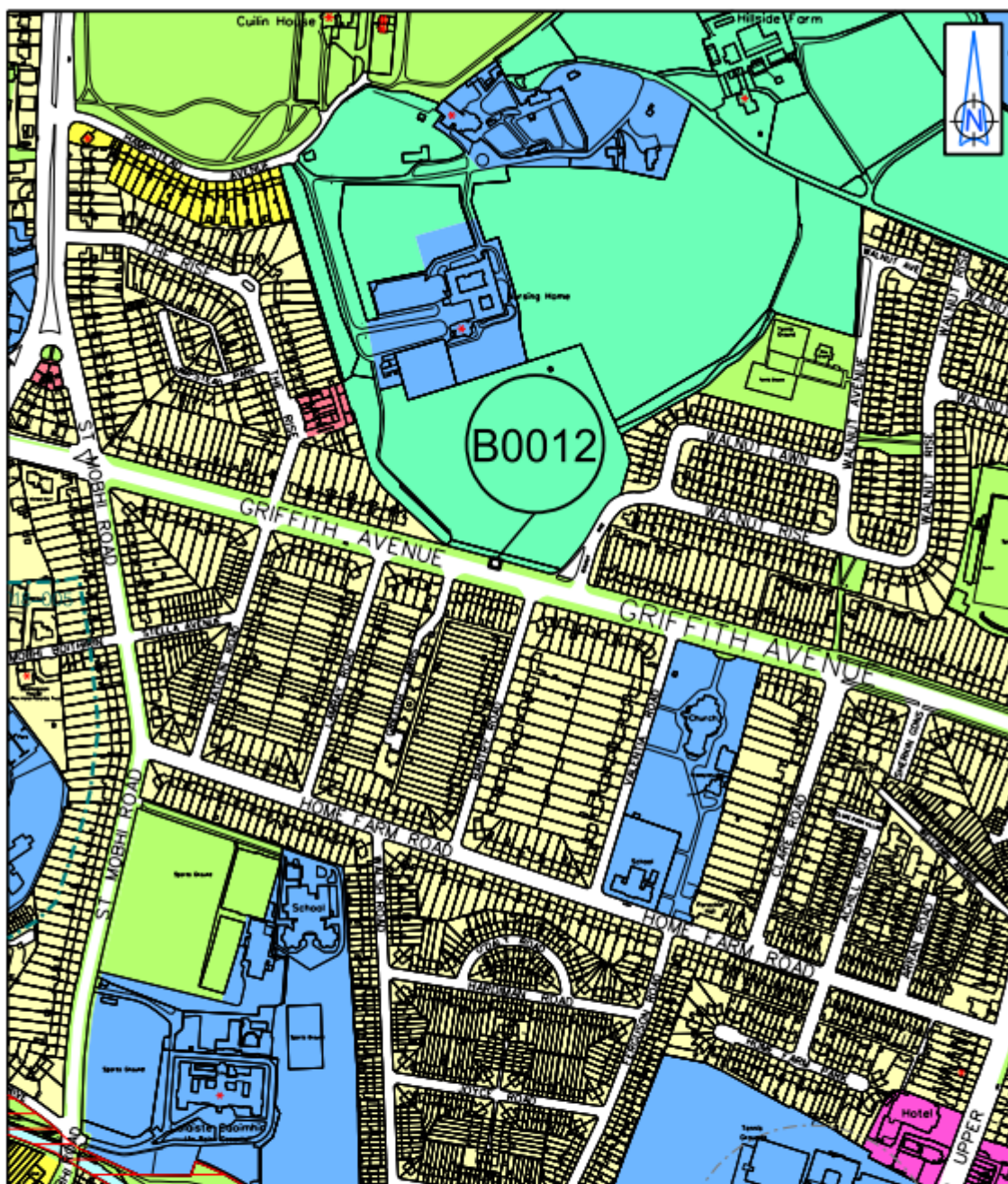
Chief Executive's Response

The CE is agreeable to the motion with a minor amendment in order to provide for a 10m wide strip of 'White' land to ensure an appropriate balance is struck between protecting the tree lined character and integrity of Griffith Avenue whilst also providing for safe access and egress to the lands in accordance with DMURS urban street design guidance. The extent of the 10 metres zone is set out in the CE report 261/2022 on page 154) and included here for reference.

Chief Executive's Recommendation

Motion agreed with minor amendment (see B0012 Map below).

See also Motion No.s V3.3, V3.4, V3.5 and V3.6.



Dublin City Development Plan 2022–2028

Proposed Amendments to Draft Plan CE Recommendation

Grass Verge adjacent to DCU lands,
 Griffith Avenue, Dublin 9
 Extract from Map B - B0012

Map Reference B-0012; Grass Verge adjacent to DCU Lands, Griffith Avenue Dublin 9

Motion V3.3: MOT-01919

Submitted By Councillor(s): Cllr Eimer McCormack

Refers to: Chapter 14: Land-use Zoning - **MA B-0012**

Motion

Chapter: Rezoning Motion. That the section of grass verge, 30m in length approximately, running parallel between the Dublin City University (DCU) site and the public road along Griffith Avenue, between the footpath and the road, currently zoned as Z9, to retain this zoning and DCU use the original location for access they submitted in the previous Development Plan. I note the CE's reply to a previous request which reads: The continuous strip of Z9 along the north side of Griffith Avenue is in public ownership and is integral to protecting the tree lined character of the Avenue. Having regard to the function of the Z9 strip and the existence of a number of other existing and potential access points to the DCU lands, Walnut Rise (Griffith Avenue), Collins Avenue Extension (north) and Ballymun Road via Hampstead Avenue (west) to facilitate the future development of the lands, it is considered that it is unnecessary for the lands to be rezoned or the Z9 zoning objective to be modified in response to this submission. No change is recommended as existing text in the Draft Plan satisfactorily responds to issues raised.

Planning Reason

Having regard to the function of the Z9 strip and the existence of a number of other existing and potential access points to the DCU lands, Walnut Rise (Griffith Avenue), Collins Avenue Extension (north) and Ballymun Road via Hampstead Avenue (west) to facilitate the future development of the lands, it is considered that it is unnecessary for the lands to be rezoned or the Z9 zoning objective to be modified in response to this submission.

Chief Executive's Response

As stated in the previous CE Report (No. 261/2022), the purpose of the proposed material amendment is to facilitate access to Z12 zoned lands which do not have another viable point of access available to them. This point has also been made in MOT-02020 by Cllr Nial Ring. The CE considers that alternative accesses could potentially undermine the tree setting of the protected structures at Hillside Farm and Elmhurst Cottage. On this basis, the CE still considers that it is appropriate to facilitate access given the strategic importance of these educational lands to the future growth of the university, together with their potential to deliver much needed housing.

Notwithstanding this, the concerns raised are noted by the CE and in response the CE proposes to reduce the extent of the lands proposed for rezoning from Z9 to 'White' land in order to facilitate a reduced width access point of 10m.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No.s V3.2, V3.4, V3.5 and V3.6.

B-0012; Grass Verge adjacent to DCU Lands, Griffith Avenue Dublin 9

Motion V3.4: MOT-01955

Submitted By Councillor(s): Alison Gilliland

Refers to: Volume 3: Zoning Maps - **MA B-0012**

Motion

That the section of grass verge proposed for White Lands be removed and the full section in question revert to the original Z9 zoning, therefore rejecting the CE amendment for reduce the full White lands strip to only 10m as per Map B-0012).

Planning Reason

The environmental and aesthetic argument in retaining a continuous Z9 strip along this area is evident. However, to recognise the need for DCU to increase its education facilities it would not be unreasonable to argue that, as we move to a carbon neutral city, any additional campus development should be general vehicle free and therefore access onto Griffith Avenue should not be necessary, rather DCU should intend to link and integrate any additional campus facilities on these lands through the use of active carbon free transport whether that be linking to its main campus or on the existing road infrastructure. This planning approach would further support and future proof the local community and as well as the carbon footprint of DCU.

Chief Executive's Response

As stated in the previous CE Report (No. 261/2022), the purpose of the proposed material amendment is to facilitate access to Z12 zoned lands which do not have another viable point of access available to them. This point has also been made in MOT-02020 by Cllr Nial Ring. The CE considers that alternative accesses could potentially undermine the tree setting of the protected structures at Hillside Farm and Elmhurst Cottage. On this basis, the CE still considers that it is appropriate to facilitate access given the strategic importance of these educational lands to the future growth of the university, together with their potential to deliver much needed housing.

Notwithstanding this, the concerns raised are noted by the CE and in response the CE proposes to reduce the extent of the lands proposed for rezoning from Z9 to 'White' land in order to facilitate a reduced width access point of 10m.

The CE also notes that in considering the requirement to provide for vehicular access as part of any future development on the lands, the Development Plan advocates for the use of sustainable transport modes with significant policy support in Chapters 3 (Climate Action), 8 (Sustainable Movement and Transport) and 15 (Development Management) for addressing climate change through more sustainable mobility and active travel initiatives.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No.s V3.2, V3.3, V3.5 and V3.6.

Map Reference B-0012; Grass Verge adjacent to DCU Lands, Griffith Avenue Dublin 9

Motion V3.5: MOT-01957

Submitted By Councillor(s): Green Party Comhaontas Glas

Refers to: Volume 3: Zoning Maps - **MA B-0012**

Motion

DCC-C43-MA-141 Griffith Avenue to reject the proposed material alteration from Z9 to White lands and to reject CE recommendations” Map Reference: B-0012 Site Address: DCU Lands, Griffith Avenue, Dublin 9 Draft Plan Zoning: Z9 Draft development variation to white land Zoning: In reference to support public submission and by Cllr. Donna Cooney on behalf of Green Party group Motion “That the grass verge on Griffith Avenue be retained as Z9 as per the original recommendations of the Chief executive, as there is no reason at present to vary the zoning to white lands this can be reviewed if need be with a material alteration of a section if deemed necessary for access to the site” Retain Z9 zoning. Background Map Reference: B-0012 Site Address: DCU Lands, Griffith Avenue, Dublin 9 Draft Plan Zoning: Z9 Requested Zoning: Z12 CE Recommended Zoning: Z9 Summary A submission was made by Dublin City University (DCU) seeking the rezoning of a portion of lands along the north side of Griffith Avenue from Z9 to Z12 in order to facilitate vehicular access to an adjoining Z12 zoned site to the south of the DCU lands. The submission also states that if it the proposed rezoning was not deemed appropriate, the text accompanying the Z9 zoning objective in Chapter 14 could be updated to facilitate vehicular access for sites zoned for urban development. Chief Executive’s Response The continuous strip of Z9 along the north side of Griffith Avenue is in public ownership and is integral to protecting the tree lined character of the Avenue. Having regard to the function of the Z9 strip and the existence of a number of other existing and potential access points to the DCU lands, Walnut Rise (Griffith Avenue), Collins Avenue Extension (north) and Ballymun Road via Hampstead Avenue (west) to facilitate the future development of the lands, it is considered that it is unnecessary for the lands to be rezoned or the Z9 zoning objective to be modified in response to this submission. Chief Executive’s Recommendation Retain Z9 zoning. No change is recommended as existing text in the

Planning Reason

The continuous strip of Z9 along the north side of Griffith Avenue is in public ownership and is integral to protecting the tree lined character of the Avenue. Having regard to the function of the Z9 strip and the potential need for access points to the DCU lands if a future development is proposed and no other access is available that a small 10metre strip zoning could be varied at that stage, that a variation at this stage is premature and unnecessary.

Chief Executive's Response

As stated in the previous CE Report (No. 261/2022), the purpose of the proposed material amendment is to facilitate access to Z12 zoned lands which do not have another viable point of access available to them. This point has also been made in MOT-02020 by Cllr Nial Ring. The CE considers that alternative accesses could potentially undermine the tree setting of the protected structures at Hillside Farm and Elmhurst Cottage. On this basis, the CE still considers that it is appropriate to facilitate access given the strategic importance of these educational lands to the future growth of the university, together with their potential to deliver much needed housing.

Notwithstanding this, the concerns raised are noted by the CE and in response the CE proposes to reduce the extent of the lands proposed for rezoning from Z9 to 'White' land in order to facilitate a reduced width access point of 10m.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No.s V3.2, V3.3, V3.4 and V3.6.

Map Reference B-0012; Grass Verge adjacent to DCU Lands, Griffith Avenue Dublin 9

Motion V3.6: MOT-01961

Submitted By Councillor(s): Cllr Patricia Roe

Refers to: Volume 3: Zoning Maps - **MA B-0012**

Motion

In response to Motion No. V3.4 seeking that lands along Griffith Avenue be zoned to white land to facilitate access to development land to the north of above site, I wish to propose the following: Motion submitted by Cllr Patricia Roe Refers to: Volume 3: Zoning maps Material Alteration Ref. B-0012; Grass Verge, Griffith Avenue, Dublin 9. That lands at the above site revert to Z9.

Planning Reason

Reason:

- 1) to protect the current and future physical integrity of the longest purely residential double tree lined avenue in Europe.
- 2) to avoid traffic congestion by creating a second traffic junction within metres of the well established entrance to Courtlands Estate which borders this site

Chief Executive's Response

As stated in the previous CE Report (No. 261/2022), the purpose of the proposed material amendment is to facilitate access to Z12 zoned lands which do not have another viable point of access available to them. This point has also been made in MOT-02020 by Cllr Nial Ring. The CE considers that alternative accesses could potentially undermine the tree setting of the protected structures at Hillside Farm and Elmhurst Cottage. On this basis, the CE still considers that it is appropriate to facilitate access given the strategic importance of these educational lands to the future growth of the university, together with their potential to deliver much needed housing.

Notwithstanding this, the concerns raised are noted by the CE and in response the CE proposes to reduce the extent of the lands proposed for rezoning from Z9 to 'White' land in order to facilitate a reduced width access point of 10m.

The purpose of this amendment is to ensure an appropriate balance is struck between protecting the tree lined character and integrity of Griffith Avenue whilst also providing for safe access and egress to the lands in accordance with DMURS urban street design guidance. The location of the 10m strip has also been carefully considered so as to avoid potential conflict with existing adjacent accesses at Walnut Rise, Bantry Road and Griffith Lawns.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No.s V3.2, V3.3, V3.4 and V3.5.

Map Reference B-0033; Slademoire Avenue, Ard Na Greine, Dublin 13

Motion V3.7: MOT-01985

Submitted By Councillor(s): Cllr Daryl Barron

Refers to: Volume 3: Zoning Maps - **MA B-0033**

Motion

Motion Ref B-0033; Slademoire Avenue, Ard Na Greine, Dublin 13. "This Council rejects the Chief Executive's recommendation of Z15 Zoning and amend to previously approved vote held on 10th November 2021 to approve Z9 Zoning. This was voted by the majority of councillors to accept a Z9 open space zoning this green space in "Slademoire Park". Following this vote, several hundred submissions were issued to the development team by the local residents in the first round of public consultation. These submissions were all issued in support of the previous approved Z9 zoning – in line with how the park has been enjoyed for the past 40+ years. Following this vote the community has been eagerly awaiting the ratification of the development plan which will include our green space (Slademoire Park Ref B-0033) to be rezoned to a Z9 open space in accordance with the overwhelming majority of local residents. A majority of the North Central Area Councillors are supportive of the retention of this Green Space in Slademoire Avenue and agree with a Z9 Zoning. I urge my councillors on Dublin City Council to please support the community of Slademoire and Ayrfield and vote to reject the Chief Executive report."

[<https://consult.dublincity.ie/sites/default/files/image-20221005162345-1.png>]

Planning Reason

Reason:

- Not suitable for development
- Greenspace and should be amended to reflect nature of use as a Z9
- Potential loss of light or overshadowing
- Potential overlooking and loss of privacy
- Adjacent to St. Paul's National School which will increase traffic into estate.
- Potential Development would not reflect height or density of wider community
- Removal of this greenspace will result in no greenspace in Ard Na Greine/Slademoire

Chief Executive's Response

As stated in CE Report No. 120/2022, it is the duty of the Council to review lands, including those in the outer suburbs, that are suitable for small scale infill housing. This site has been identified by the Housing Department of Dublin City Council as being suitable for a low scale housing scheme for the elderly. There is an urgent need to provide step down housing to meet the needs of our ageing population and to allow people to stay in their community.

It is considered that the Z15 zoning would be a more appropriate zoning for the site as per the current 2016 Development Plan. This would ensure that much needed

social housing for the elderly could be delivered in conjunction with high quality open space as 25% of the site is retained as greenspace for use by the community.

This site lies close to a number of other open spaces, including the adjoining larger open space at Ayrfield Park to the immediate south. A limited development of the nature proposed above, has the potential to enhance the quality of recreational space available to local residents, providing a greater sense of enclosure and improved passive supervision more suited to a residential estate.

The motion specifies a number of development management concerns and these are noted by the CE. Given that the site is earmarked for housing for the elderly, it is not envisaged that it would generate significant traffic volumes. In addition, the potential for overshadowing, overlooking and inappropriate height/density etc. would be subject to thorough planning assessment as part of any future Part 8 application in respect of the site. This consultative process would also offer further opportunity for public to shape the design and landscaping of the specific development proposal in respect of the site.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No.s V3.8 and V3.9.

Map Reference B-0033; Slademoire Avenue, Ard Na Greine, Dublin 13

Motion V3.8: MOT-02037

Submitted By Councillor(s): Cllr Terence Flannagan

Co-sponsors: Cllr Declan Flanagan

Refers to: Volume 3: Zoning Maps - **MA B-0033**

Motion

DCC-C39-MOT-22 Cllr Terence Flannagan No Title: Volume 3: Zoning maps
Chapter: Volume 3:Zoning maps Map reference B-0033 – Slademoire Avenue open space
Your comment Motion refers to zoning. That the zoning of Z9 be restored as local residents wish to retain this well established open space

Planning Reason

Zoning of Z9 is the appropriate zoning for this well-established open space.

Chief Executive's Response

As stated in CE Report No. 120/2022, it is the duty of the Council to review lands, including those in the outer suburbs, that are suitable for small scale infill housing. This site has been identified by the Housing Department of Dublin City Council as being suitable for a low scale housing scheme for the elderly. There is an urgent need to provide step down housing to meet the needs of our ageing population and to allow people to stay in their community.

It is considered that the Z15 zoning would be a more appropriate zoning for the site as per the current 2016 Development Plan. This would ensure that much needed social housing for the elderly could be delivered in conjunction with high quality open space as 25% of the site is retained as greenspace for use by the community.

This site lies close to a number of other open spaces including Ayrfield Park to the immediate south. A limited development of the nature proposed above, has the potential to enhance the quality of recreational space available to local residents, providing a greater sense of enclosure and improved passive supervision more suited to a residential estate.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No.s V3.7 and V3.9.

Map Reference B-0033; Slademoire Avenue, Ard Na Greine, Dublin 13

Motion V3.9: MOT- 02038

Submitted By Councillor(s): Cllr Tom Brabazon

Refers to: Volume 3: Zoning Maps - **MA B-0033**

Motion

SLADEMORE AVENUE, ARD Na GREINE - MAP NUMBER B-0033

Current Status Z 15 was proposed to be Z9 in November 2021 and accepted by the council as such.

Chief Executives Recommendation Z15

Motion:-

Given that there is a very clear local democratic Mandate that these lands to be retained z9 for community use as is evidenced by the large numbers of submissions made b by local residents that this council resolves that the lands be so retained as Z9.

Planning Reason

REASONS

1. There is dearth of green open space in Ard na Greine estate. If this area is built upon then there would be only a small green left in the entire estate that would be accessible by the public for recreational use, dog walking, community gathering etc. There is a dearth of playing and training facilities for local football and hurling clubs whose numbers are burgeoning and a necessity to provide space for youth activities within the Ard na Greine estate.
2. There is potential here to encourage and foster biodiversity and building on the site would remove that opportunity.
3. Given the height and density guidelines any construction here would be out of place with neighbouring properties and would take away from and harm existing residential amenity by overlooking, invading privacy and by removing light into those properties.
4. Given the location of the site beside St Paul's NS there would be additional traffic drawn into the estate to service any such building which would compound the existing traffic issues at the school at drop off and collection times.
5. The site is well used by estate residents and suggestions that there are other places available do not stack up and remove the convenience of this site from its many current and past users.

Chief Executive's Response

As stated in CE Report No. 120/2022, it is the duty of the Council to review lands, including those in the outer suburbs, that are suitable for small scale infill housing. This site has been identified by the Housing Department of Dublin City Council as being suitable for a low scale housing scheme for the elderly. There is an urgent need to provide step down housing to meet the needs of our ageing population and to allow people to stay in their community.

It is considered that the Z15 zoning would be a more appropriate zoning for the site as per the current 2016 Development Plan. This would ensure that much needed social housing for the elderly could be delivered in conjunction with high quality open space as 25% of the site is retained as greenspace for use by the community.

This site lies close to a number of other open spaces including Ayrfield Park to the immediate south. A limited development of the nature proposed above, has the potential to enhance the quality of recreational space available to local residents, providing a greater sense of enclosure and improved passive supervision more suited to a residential estate.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No. V3.7 and V3.9.

Map Reference B-0034; Shanowen (northern part), Santry, Dublin 9

Motion V3.10: MOT-02017

Submitted By Councillor(s): Cllr Declan Flanagan

Refers to: Volume 3: Zoning Maps - **MA B-0034**

Motion

Title: Volume 3: Zoning maps Chapter: Volume 3:Zoning maps Map reference B-0034 – Shanowen / Santry Your comment Motion refers to zoning. To change the zoning of Z10 recommended by the CEO to Z6.

Planning Reason

Zoning of Z6 is the appropriate zoning for this well-established area.

Chief Executive's Response

The CE wishes to clarify that MA B-0034 proposes to change the zoning of the subject site from Z1 to Z6 and that no Z10 zoning was proposed as part of the material amendment.

As per CE Report No. 119/2022, it is considered that the lands are well-served but currently underutilised, and provide a good opportunity for mixed-use redevelopment that can accommodate local businesses, services and leisure uses alongside new housing. On that basis, the CE would reiterate that a Z10 zoning, as per the Draft Plan, would be the most appropriate zoning for the site.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Map Reference B-0053; Former St. Pauls Playing Pitches, Raheny, Dublin 5

Motion V3.11: MOT-01969

Submitted By Councillor(s): Cllr Catherine Stocker

Co-sponsors:

Cllr Deirdre Heney

Cllr Jane Horgan-Jones

Cllr Damian O'Farrell

Cllr Donna Cooney

Cllr Naoise O'Muirí

Refers to: Volume 3: Zoning Maps - **MA B-0053**

Motion

Zoning map B Map Reference: B-0053. Site Address: Former St. Pauls Playing Pitches, Raheny, Dublin 5 Draft Plan Zoning: Z15/Z9 Requested Zoning: Z9 Motion: To apply a Z9 zoning to the entirety of the site in question. The planning map indicates that the site in question includes a sports ground and local councillors are acutely aware that this area is bereft of sports grounds / facilities considering the demographic, number of local soccer, GAA and Rugby clubs, and DCC's own admission to Councillors that St Anne's Park is finding it next to impossible to provide the number of playing fields required. The site in question is close to the North Bull Island SPA and is acknowledged as an important ex situ feeding site for light bellied brent geese. Z9 zoning is vital for these lands in view of their importance in providing ecosystem services, in particular maintaining biodiversity, given these lands historic role as an ex-situ feeding site for light bellied Brent geese, prior to the cessation of the established sporting use. There is an ongoing legal obligation to restore this land use. The CE's own report states on page 375 that "The Z9 zoning objective is intended to provide protection to the city's recreational amenity and open spaces. Such amenities provide essential community recreational functions and are an essential component of healthy place-making. The preservation of such assets, many of which also have an important biodiversity function, is essential, particularly as the city continues to densify. A Z9 zoning at this entire location (map ref B-0053) will provide for the most sustainable use of this land.

Planning Reason

A Z9 zoning is necessary to preserve, provide and improve recreational amenity and open space as well as contributing to the biodiversity and ecosystem services.

Chief Executive's Response

The CE previously recommended that the site be rezoned to Z15 (social and community infrastructure) in part under the Chief Executive's Report on Submissions Received on the Proposed Material Alterations (Report No. 261/2022) with the remainder being retained for Z9 use, where open space/amenity/playing pitches etc. could be accommodated. This recommendation was based on a consideration of the site's planning and use history, proximity to existing public transport connections and

established social/ community/ greenspace infrastructure, in addition to the potential to contribute to the ecology and recreational needs of the area.

When taken together with the newly zoned Z9 lands to the immediate south and east (which have the potential to contribute to local recreational facilities, biodiversity and ecosystem services) and the multiple playing pitches and other sports facilities in the adjoining 270 acre St. Anne's Park, a Z15 zoning would strike the most appropriate balance between the provision of open space on 25% of the lands allowing the development of new social and community uses on the remainder – in line with the principles of healthy placemaking and the 15-minute city.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No. V3.12.

Map Reference B-0053; Former St. Pauls Playing Pitches, Raheny, Dublin 5

Motion V3.12: MOT-01960

Submitted By Councillor(s): Cllr Catherine Stocker

Co-sponsors:

Cllr Deirdre Heney

Cllr Jane Horgan-Jones

Cllr Damian O'Farrell

Donna Cooney

Cllr Naoise O'Muirí

Refers to: Volume 3: Zoning Maps - **MA B-0053**

Motion

Ref. B-0053, St. Paul's Pitches. Site Address: Former St Pauls Playing Pitches, Raheny Dublin 5. To reject the Chief Executive's recommendation and zone the entire site Z9.

Planning Reason

A Z9 zoning is necessary to preserve, provide and improve recreational amenity and open space as well as contributing to the biodiversity and ecosystem services.

Chief Executive's Response

The CE previously recommended that the site be rezoned to Z15 (social and community infrastructure) in part under the Chief Executive's Report on Submissions Received on the Proposed Material Alterations (Report No. 261/2022) with the remainder being retained for Z9 use, where open space/amenity/playing pitches etc. could be accommodated. This recommendation was based on a consideration of the site's planning and use history, proximity to existing public transport connections and established social/ community/ greenspace infrastructure, in addition to the potential to contribute to the ecology and recreational needs of the area.

When taken together with the newly zoned Z9 lands to the immediate south and east (which have the potential to contribute to local recreational facilities, biodiversity and ecosystem services) and the multiple playing pitches and other sports facilities in the adjoining 270 acre St. Anne's Park, a Z15 zoning would strike the most appropriate balance between the provision of open space on 25% of the lands allowing the development of new social and community uses on the remainder.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No. V3.11.

Map Sheet E:

Map Reference E-0140; CYMS Premises and Pitch and Putt Course, Philipsburg Avenue, Dublin 3

Motion V3.13: MOT-02030

Submitted By Councillor(s): Cllr Nial Ring

Refers to: Volume 3: Zoning Maps - **MA E-0140**

Motion

Ref: MOT – 01819 (V3.43) CYMS premises and pitch and putt course, Philipsburg Avenue, Dublin 3. Motion: That the zoning on part of the premises and small part of the pitch and putt course on Philipsburg Avenue revert to its original Z1 Zoning to facilitate the building of 48 senior citizen units (AHB) on the site and which will retain the pitch and putt course in its entirety.

Planning Reason

The CYMS clubhouse and pitch and putt course have been on Philipsburg Avenue for many years and the pitch and putt club continues to thrive. To facilitate the building of 48 Senior Citizen units on the site of the CYMS clubhouse, a small portion of the pitch and putt course needs to be relocated. This comprises two tee box areas and one green and a detailed plan has been drawn up to show how the course can be redesigned to facilitate this process. This involves, with the agreement of the club members, the course being enhanced and toilet and clubhouse facilities being provided to the club. The rezoning of part of the site which will impact the pitch and putt course is minimal, but is important to the layout, design and feasibility of the approved housing body project.

Chief Executive's Response

The CE notes that the site is zoned residential in the 2016-2022 Dublin City Development Plan in order to provide for appropriate infill housing along the avenue to complement the existing streetscape. It should also be noted that the Z1 zoning does not prevent the use of the site as for a pitch and putt use. It is concluded that the site should be retained under the Z1 zoning objective, to provide for much needed housing and complement the existing streetscape. It is also considered that the small part of the pitch and putt course can be re-configured without loss of its functionality. The CE recommends that the motion is agreed for the planning reason provided.

Chief Executive's Recommendation

As per the CE Report No. 120/2022, it is the recommendation of the CE that the site retain its Z1 zoning.

Motion agreed.

Map Reference E-0055; Marrowbone Lane, Dublin 8

Motion V3.14: MOT-01997

Submitted By Councillor(s): Cllr Michael Pidgeon

Co-sponsors:

Cllr Marie Devine

Cllr Darragh Moriarty

Cllr Deirdre Cronin

Refers to: Volume 3: Zoning Maps - **MA E-0055**

Motion

SDRA 15 motions (3): -- Title: Reversing Material Amendment for green infrastructure at Marrowbone Lane Chapter: Map Sheet E Relates to Material Amendment Ref: E-0055 Motion: To reverse the effects of Material Amendment E-0055 to Map Sheet E, which changed the zoning from Z9/Z14 to Z14. The zoning should be reinstated to Z9/Z14 as before the material amendment.

Planning Reason

To ensure sufficient green space for the growing local residential community and provide space for a playing pitch on the site.

Chief Executive's Response

In line with the specific guiding objectives for the future development of Marrowbone Lane (Site 6 within SDRA 15 Liberties and Newmarket Square) as set out in the Draft Plan (on page 588), it is proposed to rezone the lands at Marrowbone Lane as Z14 to give the opportunity to remake the street as a new perimeter block, deliver definition and mixed-use activity at Summer Street, and also to provide potential for open space adjacent to St. Catherine's Sport Centre.

Material Amendment 13.65 in respect to Site 6 - Marrowbone Lane seeks a reduced sized and regenerated Council Depot, the development of a new public open space onto Marrowbone Lane to the north, and the extension of the amenity/ recreation spaces associated with the existing St. Catherine's Community Sports Centre to the west. These proposed amendments seek to strike a balance between ensuring the efficient mixed-use of prime inner city land, avoiding the creation of a large quantity of mono use land whilst providing sufficient space for well-designed and optimally located sports facilities and public greenspace.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Map Reference E-0060; ESB Polefield Site, Portside Business Centre, Aldi and MKN Hotel Site, East Wall Road

Motion V3.15: MOT-01994

Submitted By Councillor(s): Cllr Claire Byrne

Co-sponsors:

Cllr Janet Horner

Refers to: Volume 3: Zoning Maps - **MA E-0060**

Motion

Ref E-0060; ESB Polefield Site, Portside Business Centre, Aldi and MKN Hotel Site, East Wall Road. Motion in the name of Cllr Claire Byrne and Cllr Janet Horner 'To reject the CEO proposal to revert to Z6 zoning in relation to this portion of the subject lands together with the adjoining residual portion to the east and to retain the current Z10 zoning in Draft Plan.

Planning Reason

To free up state owned land for potential development for social and affordable housing to address the housing crisis.

Chief Executive's Response

The CE notes that whilst there is an urgent need for housing across Dublin, critical infrastructure to serve the city must also be facilitated by the Council.

The ESB have made a detailed submission in respect to proposed MA E-0060 and are seeking that the 'Polefield' portion of the site retain its Z6 zoning, as per the Draft Plan and the current 2016 Plan. The ESB state that the lands form part of their network plans for the development of new strategic infrastructure (a Transmission Station and new ESB depot to serve city centre), and are required to increase electrical service capacity in the area and to meet future demand. They also state that, given the subject sites proximity to significant Port Tunnel interchange infrastructure and potential for related adverse impacts on residential amenity, Z6 would be most appropriate zoning.

Similarly, the submission by TII seeks that MA E-0060 is reviewed to take account of the fact that the lands subject of the rezoning to Z10 are directly adjacent to the Dublin Port Tunnel with potential impacts arising for their future development in respect to noise, vibration, emissions etc. It is considered that residential development at this location would be inappropriate and proximity to the Port Tunnel would have significant adverse impacts on the amenities of future residents.

In responding to the issues raised by the ESB and TII, the CE has sought to strike a balance between providing for critical infrastructure and facilitating mixed-use redevelopment adjacent to existing local facilities and services in East Wall village (i.e. convenience retail, fuel service station, civic amenity site and local greenspace). Accordingly, the CE has recommended that the east portion of E-0060 be rezoned

from Z10 to Z6 whilst the substantial west portion of the site – containing the Portside Business Centre, Aldi and MKN Hotel Site - remains zoned Z10.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Map Reference E-0122; St. Teresa's, Donore Avenue

Motion V3.16: MOT-01959

Submitted By Councillor(s): Cllr Deirdre Cronin

Co-sponsors:

Cllr Marie Devine

Refers to: Volume 3: Zoning Maps - **E-0122**

Motion

Retention of Z15 zoning on entirety of Church lands Reference: Page 564 amendment to Draft Guiding Principles Map E Material Alteration Ref E-0122 Motion This council supports the retention of Z15 zoning on the entirety of Church land and accordingly rejects Material Alteration E-0122.

Planning Reason

Reason: The Z15 zoning of "Community and Social Infrastructure" should be retained for the entirety of the Church lands so that they can continue to serve the needs of the local community, and any future development accords with this vision and the building of community facilities.

Chief Executive's Response

As per the previous CE Report No. 120/2022, the CE recommended that Z15 be retained on the southern and eastern half of the subject lands, containing St. Teresa's Church and the DCC Donore Youth and Community Centre, to accord with its existing social and community use. The CE also recommended that the zoning of the remainder of the lands (the north-west portion which corresponds with MA E-0122) be changed to Z14 in order to better integrate with SDRA 11 – St. Teresa's Gardens and Environs proposals for improved public open space adjacent to the church, a potential new building next to the DYC centre and future playing field which could provide for further community facilities, together with a new cycling and pedestrian connection through to Donore Avenue.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Map Reference E-0033; Construction House and Canal House, Canal Road, Dublin 6

Motion No. V3.17: MOT-01950

Submitted By Councillor(s): Cllr Dermot Lacey

Refers to: Volume 3: Zoning Maps - **MA E-0033**

Motion

1. That in relation to the lands at Construction House and Canal House the Manager would examine what measures can be developed that would provide for a strong residential component to the rear of the site as it backs onto Athlumney Villas including a possible split of the site into two distinct zoning categories.

Planning Reason

To protect the residential amenity of the Athlumney Villas and provide housing in a high demand area while enabling the development of the remainder of the site consistent with the Z6 category.

Chief Executive's Response

The motion proposes a change in site zoning which is not considered minor in nature. A new residential zoning and/ or a split zoning in respect of the site, which has not been the subject of public consultation, cannot be considered at this stage of the plan making process in accordance with Section 12(10)(c) of the Planning and Development Act, 2000 (as amended).

The CE recommended a Z10 zoning for the subject site under previous CE Reports (No's 119/2022 and 120/2022) in order to provide for a variety of mixed uses (including residential), and to facilitate the creation of more active and vibrant streetscapes in line with the principles of the 15-minute city. A Z10 zoning would also facilitate a significant quantum of commercial/ office accommodation as per the policy guidance in Section 14.7.10 of the Draft Plan.

Notwithstanding this, in CE Report No. 261/2022, the CE noted that "Whilst there is merit in the Z10 mix use approach, members agreed on Z6 as a MA at the special council meeting in July 2022. Given that the site is currently in commercial use, the CE considers that a Z6 zoning would most appropriately provide for a continuation of the current use." and recommended that the site retain its Z6 zoning.

It is noted that a rejection of Material Alteration E-0033 at this stage in the process would see the site revert to a Z10 zoning as proposed under the Draft Plan, striking a balance between facilitating commercial development and protecting residential amenity as sought by the motion. The CE has no objection to the Material Alteration being rejected and the site reverting to a Z10 zoning.

Chief Executive's Recommendation

The motion proposes an amendment that is not minor in nature and is outside the scope of the legislation.

Motion not agreed.

Map Sheet F:

Map Reference F-0006; Redcourt, Clontarf

Motion V3.18: MOT-01953

Submitted By Councillor(s): Cllr Jane Horgan-Jones

Co-sponsors:

Cllr Deirdre Heney

Cllr Catherine Stocker

Cllr Damian O'Farrell

Cllr Donna Cooney

Cllr Naoise O'Muirí

Refers to: Volume 3: Zoning Maps - **MA F-0006**

Motion

To reject the Chief Executive's recommendation regarding Ref F- 0006; Redcourt, Clontarf and restore the original Z2 zoning of the site.

Planning Reason

Z2 zoning is appropriate for this site on which development proposals have the potential to impact greatly on the residential character of the area and on the architectural quality of the streetscape. The overall quality of the location in design and layout terms is such that it requires special care in dealing with development proposals which affect structures in the immediate area. Unsuitable developments on this site would have a negative impact on the amenity and residential character of the area. Any developments on this site should not detract from or alter the physical character and fabric of the existing streetscape and this will be ensured by the restoration of the Z2 zoning.

Chief Executive's Response

The Z2 zoning of Redcourt as per the 2016 Plan related to a historic use on the site when it previously accommodated a detached 19th century house and gardens which have since been demolished and cleared following extensive fire damage.

Section 14.7.2 of the Draft Plan states that Z2 zoned residential conservation areas are characterised by their "extensive groupings of buildings and associated open spaces with an attractive quality of architectural design and scale. {A Zone Z2 area may also be located within or surrounded by an Architectural Conservation Area and/or a group of protected structures.}"

The CE has assessed the Redcourt site in planning terms and notes that the site is located within an area of almost exclusively Z1 zoning and surrounded by standard form suburban housing dating predominantly from the early to mid/late-20th century, with a more contemporary early 2000s infill development to the immediate east at Redcourt Oaks. The site is, therefore, not located in an area of significant

architectural quality and there is no Architectural Conservation Area in the vicinity of the site nor a group of Protected Structures as per the (materially amended) Z2 zoning objective.

Given that a Z2 zoning functions to protect residential conservation areas, it would not be appropriate to apply such a zoning to the Redcourt site as to do so would undermine the integrity and purpose of the Z2 zoning. Therefore, the CE has recommended that the zoning of the site be amended to Z1 to better reflect its changed status and to ensure consistency with the general pattern of development and zoning in the vicinity.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Map Sheet H:

Map Reference H-0008; Former St. Mary's College, Bloomfield Avenue, Donnybrook, Dublin 4

Motion No. V3.19: MOT-01946

Submitted By Councillor(s): Cllr Dermot Lacey

Refers to: Volume 3: Zoning Maps - **MA H-0008**

Motion

1. This City Council agrees to zone the former Saint Mary's College, Bloomfield Avenue, Donnybrook (H 0008) as Z15.

Planning Reason

These lands were all Institutional lands covered by the intention of the Z15 zoning proposal. Their role had been an institutional use and their place within the community reflected that Institutional use. It is appropriate therefore that any development of these sites, which is permissible under the Z15 zoning would reflect that previous use and ensure that appropriate community access/use be continued to be provided on these lands which in many cases has been either bought or sustained by ongoing support from the surrounding communities.

Chief Executive's Response

In respect to the motion for the Z15 zoning to be retained on the Former St. Mary's College lands, the CE considers that, as the institutional use of the subject site (which has an extant planning permission for significant redevelopment under 3608/19) is redundant, the site is vacant and no longer holds any association with St. Mary's College, a Z12 zoning would be more appropriate for the site and would allow for the future residential development of the lands together with the delivery of a significant quantum of public open space. The site provides an opportunity to facilitate much needed housing in the city.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Map Reference H-0015; Embassy House Lane, Anglesea Road, Ballsbridge

Motion No. V3.20: MOT-01951

Submitted By Councillor(s): Cllr Dermot Lacey

Refers to: Volume 3 – Zoning Maps - **MA H-0015**

Motion

This Council agrees that the current green space in front of the Herbert Park apartments at the area referred to as Embassy House Lane, Ballsbridge referenced as Map H -H0015 remain as Z9.

Planning Reason

This is a relatively small site but any building on would take from the overall open natured aspect of the area as it fronts on to the River Dodder and would amount to enormous densification of the site.

Chief Executive's Response

The CE wishes to clarify that the purpose of MA H-0015 is to correct a minor mapping anomaly which saw a small portion of the existing Embassy House building (fronting the river) being zoned Z9 under the Plan when it should have had a Z4 zoning in line with the remainder of the building. The proposed MA makes no change to the strip of Z9 zoning along the River Dodder – which the motion identifies as the green space in front of the Herbert Park apartments.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Map Reference H-0018; Energia Park, Donnybrook Road, Dublin 4

Motion No. V3.21: MOT-01952

Submitted By Councillor(s): Cllr Dermot Lacey

Refers to: Volume 3: Zoning Maps - **MA H-0018**

Motion

1. This Council agrees that the Z1 zoning proposed for a site at Energia Park on map H- H0018 be rejected and that the site remain as Z9.

Planning Reason

There are two planning reasons for this 1) this is a tiny site with limited traffic access yet only yards across the street from existing terraced houses and is unsuitable for infill development of this sort. 2) immediately across the road permissions are in place or being sought for up to 400 new apartments. This tiny area cannot sustain that level of development.

Chief Executive's Response

As per the previous CE Report No. 119/2022, it is acknowledged that residential use on this small triangular area would strengthen a sporting organisation's sustainability and ability to continue to grow and improve its facilities and infrastructure. As such, it is considered that part of the Energia Park lands at the junction of Donnybrook Road and Eglinton Terrace (corresponding with MA H-0018), should be rezoned to Z1 to support the ongoing operation of the sporting facility. The site is well located with respect to sustainable transport infrastructure and the services available in Donnybrook village centre and, therefore, is appropriate to facilitate infill residential development.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No. V3.22.

Map Reference H-0018; Energia Park, Donnybrook Road, Dublin 4

Motion V3.22: MOT-02009

Submitted By Councillor(s): Cllr Mannix Flynn
Refers to: Volume 3: Zoning Maps - MA H-0018

Motion

[<https://consult.dublincity.ie/sites/default/files/user-files/1856/image-20221005161607-1.jpeg>] [<https://consult.dublincity.ie/sites/default/files/user-files/1856/image-20221005161608-2.jpeg>] Zoning map extract from Dublin City Development Plan 2016-2022 and Draft Dublin City Development Plan 2022-2028. Subject site shown by red-line boundary. (Source: Dublin City Council, 2022, annotated by TPA, 2022.) Motion: That the Council support the zoning of the parcel of unused undeveloped land located to the north of the Energia Park stadium landholding from Objective Z9 (Amenity) to Objective Z1 (Residential) in line with National, Regional and Development Plan policies promoting compact urban growth and the efficient use of zoned and serviced urban lands well served by high quality public transportation (adjoining the Donnybrook Road/N11 QBC).

Planning Reason

The site in question has not been previously used for recreational or amenity purposes associated with Energia Park and is not identified as being suitable for such future use. It is noted that part of the site is located in a generally designated Conservation Area associated with the River Dodder. It is evident that this designation does not preclude development from occurring within this area. However, for clarity, this portion of the land parcel can be specifically noted as being within the Conservation Area and can be accommodated appropriately in any future development proposals for the site. Given its locational characteristics, this site can also be developed without giving rise to significant adverse impacts on the surrounding residential area.

Chief Executive's Response

The motion refers to a parcel of land to the north of MA H-0018 which was not subject of the MA. The motion therefore relates to a matter that was not subject of a Material Alteration that was subject to public consultation. No change can be recommended as it is outside the scope of the planning legislation.

Chief Executive's Recommendation

The motion relates to a site that was not subject of a Material Alteration.

Motion not agreed.

See also Motion No. V3.21.

Map Reference H-0023; Milltown Park, Sandford Road, Dublin 6

Motion V3.23: MOT-02019

Submitted By Councillor(s): Cllr Hazel Chu

Refers to: Volume 3: Zoning Maps - **MA H-0023**

Motion

Ref: H-0023; Milltown Park, Sandford Road, Dublin 6. To retain site Ref. H-0023; Milltown Park, Sandford Road, Dublin 6 as Z15 zoning and not the proposed Z12.

Planning Reason

Rationale - to provide balanced development and amenity for the local community.

Chief Executive's Response

The overall objective of the Draft Plan is to promote balanced, sustainable and mixed-use development in the city. It is considered that a Z12 zoning is appropriate for the subject site and will enable future development of the lands, with this residential development potential being counterbalanced by the Council's safeguarding of established social and community uses through changes made to the Z15 zoning objectives.

It is acknowledged that Dublin City Council previously supported the principle of residential development on this site in relation to a previous proposal for the comprehensive redevelopment of this site. It is also noted that the subject lands no longer hold any function associated with the school and have been disposed of. The existing school, Gonzaga College, remains within the overall Z15 landholding to the south west of the site and retains sufficient space for its existing sports grounds and any future expansion of the school.

The Z12 zoning will require many of the provisions of Z15, such as the 25% open space requirement, to be retained and will ensure that the former character and setting of the existing lands is protected in any future development of the lands. As such, it is considered that Z12 zoning is appropriate for the subject site which will enable future residential development of the lands whilst also having regard to the landscape character and former institutional use. The redevelopment of the lands would make an important contribution to meeting the future housing needs of the city.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No. V3.24.

Map Reference H-0023; Milltown Park, Sandford Road, Dublin 6

Motion No. V3.24: MOT-01947

Submitted By Councillor(s): Cllr Dermot Lacey

Refers to: Volume 3: Zoning Maps - **MA H-0023**

Motion

1. This Council agrees to zone the lands referenced as H-0023 Milltown Park, Sandford Road, Dublin 6 as Z15.

Planning Reason

These lands were all Institutional lands covered by the intention of the Z15 zoning proposal. Their role had been an institutional use and their place within the community reflected that Institutional use. It is appropriate therefore that any development of these sites, which is permissible under the Z15 zoning would reflect that previous use and ensure that appropriate community access/use be continued to be provided on these lands which in many cases has been either bought or sustained by ongoing support from the surrounding communities.

Chief Executive's Response

The overall objective of the Draft Plan is to promote balanced, sustainable and mixed-use development in the city. It is considered that a Z12 zoning is appropriate for the subject site and will enable future development of the lands, with this residential development potential being counterbalanced by the Council's safeguarding of established social and community uses through changes made to the Z15 zoning objectives.

It is acknowledged that Dublin City Council previously supported the principle of residential development on this site in relation to a previous proposal for the comprehensive redevelopment of this site. It is also noted that the subject lands no longer hold any function associated with the school and have been disposed of. The existing school, Gonzaga College, remains within the overall Z15 landholding to the south west of the site and retains sufficient space for its existing sports grounds and any future expansion of the school.

The Z12 zoning will require many of the provisions of Z15, such as the 25% open space requirement, to be retained and will ensure that the former character and setting of the existing lands is protected in any future development of the lands. As such, it is considered that Z12 zoning is appropriate for the subject site which will enable future residential development of the lands whilst also having regard to the landscape character and former institutional use. The redevelopment of the lands would make an important contribution to meeting the future housing needs of the city.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

See also Motion No. V3.23.

Map Reference H-0024; Nullamore House, Richmond Avenue South and Milltown Road, Dartry, Dublin 6

Motion No. V3.25: MOT-01948

Submitted By Councillor(s): Cllr Dermot Lacey

Refers to: Volume 3 – Zoning Maps - **MA H-0024**

Motion

1. This Council agrees to zone the lands referenced as H-0024 at Nullamore House, Richmond Avenue South and Milltown Road, Dartry, Dublin 6 as Z15.

Planning Reason

These lands were all Institutional lands covered by the intention of the Z15 zoning proposal. Their role had been an institutional use and their place within the community reflected that Institutional use. It is appropriate therefore that any development of these sites, which is permissible under the Z15 zoning would reflect that previous use and ensure that appropriate community access/use be continued to be provided on these lands which in many cases has been either bought or sustained by ongoing support from the surrounding communities.

Chief Executive's Response

The Draft Development Plan has sought to strike a balance between protecting institutional lands in ongoing active use for social, community and religious purposes whilst bringing forward former institutional land for much needed housing.

The Draft Development Plan has introduced changes to the Z15 zoning in order to safeguard institutional, social and community uses and support the future expansion of such uses, in the context of more intense development occurring throughout the city.

The Z12 zoning objective seeks to provide for future development potential on sites where the former institutional use has clearly gone or been superseded whilst protecting their landscape character and setting via a generous 25% open space requirement (see section 14.7.12 page 626 of the Draft Plan). While envisioning a predominantly residential future for Z12 lands, the zoning objective also provides for other social and community uses such as education, healthcare, sports and recreational facilities.

In respect to the motion for the Z15 zoning to be retained on the Nullamore House lands, the CE considers that the site is currently underutilised, and it is considered more appropriate that the subject site be rezoned to Z12 (Institutional Land (Future Development Potential)), to take account of the future development potential of the lands, while ensuring that any development is progressed on the basis of a masterplan and that 25% public open space is provided.

In summary, the CE considers that a Z12 zoning is appropriate for the subject site and will enable future development of the lands, with this residential development potential being counterbalanced by the Council's safeguarding of established social and community uses through changes made to the Z15 zoning objectives. The site provides an opportunity to facilitate much needed housing in the city.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

Map Reference H-0036; Muckross Park House, Marlborough Road, Donnybrook, Dublin 4

Motion No. V3.26: MOT-01949

Submitted By Councillor(s): Cllr Dermot Lacey

Refers to: Volume 3 – Zoning Maps - **MA H-0036**

Motion

1. This Council agrees to zone the lands referenced as H-0036 at Muckross Park House, Marlborough Road, Donnybrook, Dublin 4 as Z15.

Planning Reason

These lands were all Institutional lands covered by the intention of the Z15 zoning proposal. Their role had been an institutional use and their place within the community reflected that Institutional use. It is appropriate therefore that any development of these sites, which is permissible under the Z15 zoning would reflect that previous use and ensure that appropriate community access/use be continued to be provided on these lands which in many cases has been either bought or sustained by ongoing support from the surrounding communities.

Chief Executive's Response

The Draft Development Plan has sought to strike a balance between protecting institutional lands in ongoing active use for social, community and religious purposes whilst bringing forward former institutional land for much needed housing.

The Draft Development Plan has introduced changes to the Z15 zoning in order to safeguard institutional, social and community uses and support the future expansion of such uses, in the context of more intense development occurring throughout the city.

The Z12 zoning objective seeks to provide for future development potential on sites where the former institutional use has clearly gone or been superseded whilst protecting their landscape character and setting via a generous 25% open space requirement (see section 14.7.12 page 626 of the Draft Plan). While envisioning a predominantly residential future for Z12 lands, the zoning objective also provides for other social and community uses such as education, healthcare, sports and recreational facilities.

In respect to the motion for the Z15 zoning to be retained on the Muckross Park House lands, the CE notes that the site is no longer in use as a convent by the Dominican Sisters with the current landowner confirming in their submission on the Draft Plan (February 2022) that it is currently vacant. Therefore, in this context, as a former institutional use, it is considered more appropriate that the subject site be rezoned to Z12 (Institutional Land (Future Development Potential)), to take account of the future development potential of the lands, while ensuring that any development is progressed on the basis of a masterplan and that 25% public open

space is provided. The rezoning will also facilitate the redevelopment of this important protected structure for an alternative use, ensuring its viability into the future.

In summary, the CE considers that a Z12 zoning is appropriate for the subject site and will enable future development of the lands, with this residential development potential being counterbalanced by the Council's safeguarding of established social and community uses through changes made to the Z15 zoning objectives. The site provides an opportunity to facilitate much needed housing in the city.

Chief Executive's Recommendation

The motion is not agreed for the planning reasons set out in the Chief Executive's response.

Motion not agreed.

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