

Development Plan Team,
Planning and Property Development Department,
Dublin City Council,
Wood Quay,
Dublin 8.

Date: 14th February 2022

Dear Sir / Madam,

**RE: SUBMISSION ON THE DRAFT DUBLIN CITY DEVELOPMENT PLAN 2022-2028-
CHAPTER 14- Z15 LAND USE ZONING OBJECTIVE**

INTRODUCTION AND SUMMARY OF SUBMISSION REQUESTS

This submission relates to the publication of the Draft Dublin City Development Plan 2022-2028 (hereafter 'Draft Plan') and is made on behalf of The Congregation of Christian Brothers, Province Centre, Griffith Avenue, Marino, Dublin 9 (hereafter 'The Congregation').

This submission relates to **Chapter 14- Land Use Zoning** and specifically the proposed Z15 land use zoning objective. We wish to raise significant concerns in respect to the proposed changes to the Z15 zoning objective when compared to the current Development Plan, and in particular the restrictions imposed on delivering residential development on surplus and underutilised Z15 lands.

In summary, this submission requests the Planning Authority to consider the following:

- Reinstatement of the text, objectives and policies for the Z15 land use zoning objective from the current Development Plan, which has become established over a number of Development Plans, into the new Development Plan;
And
- Undertake a review of all Z15 zoned lands before proposing any significant changes to the Z15 land use zoning objective as part of the Planning Authority's active land management functions, in consultation with the institutional landowners, and rezone any surplus lands as Z12 or similar;
Or
- If the reinstatement of the current Z15 zoning objective is not supported, the Planning Authority should alter the proposed Z15 zoning objective to ensure it provides appropriate opportunities to deliver residential development on surplus Z15 zoned lands, by removing the onerous new requirements proposed for inclusion, and by including residential and office as open for consideration uses.

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RELEVANT CONTEXT

The majority of the Congregation's properties in the DCC administrative area are zoned Z15. The Congregation is in the process of transferring over surplus Z15 lands (playing fields) to the Edmund Rice Schools Trust (ERST). This process is ongoing. However, the Planning Authority has not engaged with The Congregation or ERST in bringing forward the proposed changes to the planning policy framework for this landbank within the city.

The proposed changes to the Z15 land use zoning have significant implications for our clients' properties and future plans for the institutional uses thereon. The proposed added restrictions and limitations to be placed on Z15 lands unduly impacts on 'institutional' landowners. If there are surplus lands which are not required for the existing uses on a Z15 site, then it is considered unfair to place such onerous restrictions on their development as proposed in the Draft Plan, particularly where they are in established residential locations and in the context of unprecedented need for additional housing in the city.

As the Planning Authority will be aware from various precedents throughout the city, the development of surplus Z15 zoned lands for residential use, has delivered a number of high quality residential developments, associated planning gains in the form of public open space and playgrounds, whilst helping to fund a range of community services and reinvestment in education and other facilities on such lands. The proposed changes to the Z15 land use zoning jeopardises this well-established approach to the planning framework for such lands.

DRAFT CITY DEVELOPMENT PLAN 2022-2028 AND REQUESTED AMENDMENTS

Chapter 14 of the Draft Plan relates to land use zoning. The Draft Plan proposes a number of key changes to the Z15 zoning objective, which is stated as arising from further consideration of the strategic importance of the city's Z15 (Community and Social Infrastructure) landbank (formerly referred to as "institutional lands") to the future development of Dublin, with an increased focus on safeguarding the development of these lands for social and community infrastructure. This in turn has resulted in a number of proposed key policy changes to the Z15 zoning objective, which are of significant concern to our client, and which can be summarised as follows:

- Residential use is no longer open for consideration under the Z15 zoning, and will only be considered in 'highly exceptional circumstances' which are summarised below;
- Limited residential/office development on Z15 lands will only be allowed in highly exceptional circumstances where it can be demonstrated by the institutional landowner that the proposed development is required in order to maintain or enhance the function / operational viability of the primary institution on the lands;
- A series of criteria need to be satisfied if bringing forward residential development on Z15 lands, including illustrating the residential development is ancillary in scale to the primary institutional use, 25% public open space is required, only considering a once-off development on the overall landholding, requirement for a legal agreement in relation to the long term use of the overall landholding, requirement for the institution to be the applicant and demonstrating that the existing use will not be compromised;
- Requirement for a variation of the City Development Plan if part of the Z15 zoned land is sold and being brought forward by a new landowner for residential / office use (the Variation would need to be approved by the full Council).

The new criteria which apply should surplus lands be identified on Z15 landholdings are considered to be overly restrictive and not in the interests of the proper planning and sustainable development of the city and therefore we request the Planning Authority to consider the following amendments to the Draft Plan.

Request No. 1

It is respectfully submitted that the current Z15 land use zoning objective strikes an appropriate balance between protecting and enhancing the institutional / social / community uses thereon, respecting the property rights of 'institutional' owners, and allowing for limited residential development on surplus lands, which contributes towards meeting the housing needs of the city in sustainable locations.

Therefore, in the first instance our client requests the following:

- 1. Reinstate the text, objectives and policies for the Z15 land use zoning objective from the current Development Plan, which has become established over a number of Development Plans, into the new Development Plan;***

This approach would acknowledge the well-established planning policy framework established by the Z15 land use zoning over the 2005, 2011 and 2016, including a series of challenges to same, and provides sufficient certainty for existing communities, the Planning Authority and existing institutional uses in respect to the future use of such lands.

Request No. 2

In addition, the Planning Authority should be aware that a number of Z15 landholdings include surplus lands or facilities which are no longer required by the institutions operating in these locations. The current Z15 land use zoning is well established from previous plans and sets out a workable solution for protection of institutional, social and community infrastructure, whilst allowing an element of residential development on surplus lands.

As the Planning Authority will be aware, given the variety of uses and ownership of Z15 lands, that there will, on occasions, be surplus lands which are not required for community uses and as such these lands should still be provided with the opportunity to bring forward ancillary residential developments, which in turn will help fund the protection and enhancement of the established uses on these lands.

Secondly, we therefore request the following objective be included in the new Plan:

- 2. Undertake a review of all Z15 zoned lands before proposing any significant changes to the Z15 land use zoning objective as part of the Planning Authority's active land management functions, in consultation with the institutional landowners.***

This commitment would help identify if there are surplus and underutilised Z15 lands which provide an opportunity to deliver high quality infill residential developments in the city, which in turn could be rezoned as Z12 or similar, helping to provide additional housing in suitable locations without compromising the institutional and community uses on such lands.

We note that a similar objective for Z6 / Z7 zoned lands was included in the 2016-2022 Development Plan and the review of these lands was undertaken during the lifetime of the current Plan. The review resulted in a number of significant landholdings being identified as surplus to the employment needs of the area / city and suitable for residential / mixed use development and the rezoning of such lands was brought forward through variations to the City Development Plan.

The above two requests would be consistent with two of the key principles outlined in Section 14.2- Strategic Approach to land use zoning, as contained in the Draft Plan, which read as follows:

- “To ensure that the most efficient use is being made of the city’s land in line with the principles of the 15-minute city, and that the redevelopment of under-utilised and brownfield land is promoted in order to consolidate and add vitality to existing centres.
- To promote the intensification of development adjacent and close to public transport nodes and corridors in order to minimise trip generation and distribution and to promote sustainable compact urban form.”

Request No. 3

Should the Planning Authority not be supportive of the amendments to the Draft Plan requested above, we would suggest that at the very least the proposed wording of the Z15 land use zoning should be amended as follows:

- Reinstate ‘residential’ and ‘office’ as open for consideration uses under the zoning matrix for the Z15 land use zoning objective;

And

- Amend the proposed wording of the Z15 land use zoning objective as follows:

(Note: The proposed deletions to the text are shown in **blue text with a strikethrough** and the additions to the text are shown in **red text and underlined**.)

“Land-Use Zoning Objective Z15: To protect and provide for institutional and community uses, and social infrastructure.

“Z15 lands typically comprise medium to large sites, often consisting of long established complexes of institutional/community buildings and associated open grounds, but also comprise smaller sites usually in more central areas. The existing uses on these lands generally include institutional / community related development such as schools, colleges, sports grounds, residential institutions and healthcare institutions, such as hospitals.

Such facilities are considered essential in order to provide adequate community and social infrastructure commensurate with the delivery of compact growth. It is the policy of the council to promote the retention, protection and enhancement of the city’s Z15 lands as they contribute to the creation of vibrant neighbourhoods and a sustainable well-connected city, whilst acknowledging that these lands are largely in private ownership.

The city’s Z15 landbank also accommodates many nationally important institutions such as the RDS and St. James’ Hospital, and the Council are committed to safeguarding their continued operation, consolidation and enhancement.

In recent years, Z15 lands have ~~come under increased pressure~~ provided for an element of residential development, subject to a masterplan and provision of public open space. However, protecting and facilitating the ongoing use of these lands for institutional, community and social infrastructure is a key objective of the Council. The Council are committed to strengthening the role of Z15 lands and protecting the community and social infrastructure function of such lands ~~will actively discourage the piecemeal erosion and fragmentation of such lands~~. However, it is acknowledged that there are some larger Z15 landholdings where surplus lands remain and that they have the potential to contribute towards the delivery of housing in the city.

Therefore, Limited residential/office development on Z15 lands will only be considered ~~allowed in highly exceptional circumstances~~ where it can be demonstrated by the institutional landowner and applicant that the proposed development is required in order to maintain or enhance the function / operational viability of the primary institution on the lands (see paragraph 14.3.1 above). The following criteria must also be adhered to:

- Any such residential/office development must demonstrate that it is ancillary ~~in scale~~ to the primary institutional/social/community use.
- The development must not compromise the open character of the site and should have due regard to features of note including mature trees, boundary walls and any other feature/s as considered necessary by the council.
- ~~Only a once-off development in respect of the site / lands in the ownership of and/or use by the institution will be considered.~~
- In all cases, the applicant shall submit a statement, ~~as part of a legal agreement under the Planning Acts~~, demonstrating how the existing institutional facility will be retained long term on site.
- ~~In all cases the applicant shall be the institutional owner/occupier.~~
- In cases of rationalisation of an existing use in order to facilitate such a residential/office development, the applicant must demonstrate that the future anticipated needs of the existing use, including extensions or additional facilities would not be compromised.

For clarity, the above criteria do not apply to residential institution use (e.g. supported living units) where it is related to the primary use on the Z15 lands.

In instances where all or part of a Z15 landholding is sold or otherwise disposed of for development (e.g. where there has been a cessation of the existing use or the lands or part thereof are sold effectively severing them from the existing primary institutional landholding), the use of the lands will continue on the basis that the existing community and social infrastructure function of the lands remains. The cessation of an existing social/community use on a site or change in land ownership does not extinguish / negate the function of such lands for community and social infrastructure use.

In these circumstances, (i.e. cessation of use on a Z15 site or disposal of all or part of a Z15 site), ~~a variation to the Development Plan will be required to develop such lands for other uses including residential/ office purposes.~~ any planning application for residential / office development on the subject lands ~~Any such variation~~ would need to be supported by a detailed masterplan which should clearly demonstrate why the land is ~~not viable / suitable~~ no longer required for the institutional, social and community use on the landholding. The Masterplan should also set out a clear vision for the overall Z15 lands and provide for a minimum of 25% of the overall development lands for open space and / or community and social facilities. This requirement need not apply if the footprint of existing buildings to be retained on the site exceeds 50% of the total site area.

The masterplan must incorporate landscape features that contribute to the open character of the lands and ensure that public use including the provision of sporting and recreational facilities which would be available predominantly for the community are facilitated. The 25% public open space shall not be split up, unless site characteristics dictate otherwise, and shall comprise mainly of soft landscaping suitable for recreational and amenity purposes and should contribute to, and create linkages with, the strategic green network.

~~Where there is an existing sports pitch or sports facility on the Z15 lands 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 (see also Chapter 10: Green Infrastructure and Recreation, Policy G149).~~

Any proposed development for 'open for consideration' uses on part of the Z15 landholding, shall be required to demonstrate to the planning authority how the proposal is in accordance with and assists in securing the aims of the zoning objective; ~~how it provides for significant new community and social infrastructure that will be of benefit to the wider community~~; and, how such a development would preserve, maintain or enhance the existing social and community function(s) of the lands subject to the development proposal."

The above would ensure that the Z15 land use zoning objective in the new Plan more closely reflects the current Z15 zoning objective and has greater regard to the variety of uses and scale of Z15 zoned land across the city. It would also provide greater flexibility for surplus and underutilised Z15 lands to be afforded the opportunity to deliver high quality infill residential developments, helping to address housing need without compromising the institutional and community uses on such lands.

This more nuanced approach to the Z15 zoning would acknowledge the separate ownerships, existing needs and future potential land uses on Z15 zoned lands across the city, have greater regard to existing ownership / contractual arrangements, ensure that the delivery of enhanced facilities for existing institutional uses is not compromised and ensure the delivery of much needed residential development on underutilised / surplus lands.

The proposed Z15 zoning objective does not acknowledge that there are large areas of Z15 zoned land which are no longer required to serve the existing or future needs of the neighbourhoods they are located within, and are highly suitable for residential development in the short to medium term.

CONCLUSIONS

Our client welcomes the opportunity to make this submission on the Draft Dublin City Development Plan 2022-2028. This submission is made to highlight the significant concerns of The Congregation of Christian Brothers with the proposed changes to the Z15 land use zoning objective, and the significant implications for their landholdings. A number of requested amendments to the Draft Plan are suggested which we submit will provide a more appropriate planning policy framework for the city, consistent with the current Plan, and ensure that surplus / underutilised Z15 zoned lands can continue to be brought forward for residential development, which in turn helps support and fund the established institutional, social and community uses on the Z15 lands.

If considered beneficial, our client and their representatives would be happy to meet with the Planning Authority to discuss the contents of this submission and to provide an update on their various landholdings across the city.

Yours Sincerely,



John Spain Associates