

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

Date: 1st September
JSA Ref: 18027

Dear Sir / Madam,

RE: SUBMISSION ON THE PROPOSED MATERIAL AMENDMENTS TO DRAFT DUBLIN CITY DEVELOPMENT PLAN 2022-2028 ON BEHALF ON BALMORAL LAND BERESFORD LIMITED IN RESPECT OF LANDS AT MARY'S LANE AND BERESFORD STREET, DUBLIN 7

1. Introduction

1.1 On behalf of our client, Balmoral Land Beresford Limited, 29 North Anne Street, Dublin 7, we wish to make a submission to the proposed amendments on draft Dublin City Development Plan 2022-2028 in respect of lands at Mary's Lane and Beresford Street, Dublin 7.

1.2 We welcome the opportunity to make submission to the proposed amendments to the draft Dublin City Development Plan 2022-2028 and wish to express the broad support of our client for the key themes and objectives set out in the draft Plan, and particularly in respect of the proposed Markets Area & Environs SDRA 13 which identifies our client's lands as 'Opportunity Site 1' located at the 'Total Produce' Site bound by Mary's Lane, Beresford Street, George's Hill and Cuckoo Lane.

1.3 Following submission on the draft Plan, our seeks to make amendments to the following proposed amendments:

- **Chapter 13: Strategic Development & Regeneration Areas**
 - Material Alteration Reference Number 13.5: Objective SDRA01
Overarching Principles and Vision

1.4 The Markets area has experienced a recent emerging trend away from the traditional industrial and commercial uses related and towards a mixed-use area which reflects the area's Z5 city centre zoning. This has been characterised by a significant number of notable permissions in the last 5 years for residential and hotel development amongst others. The area benefits from an excellent inner-city location in close

Managing Director: John P. Spain BBS MRUP MRICS ASCS MRTPI MIPI

Executive Directors: Paul Turley BA MRUP Dip Environmental & Planning Law MIPI RORY KUNZ BA (MOD) MScERM MAT&CP Dip EIA Mgmt. MIPI
Stephen Blair BA (Mod) MRUP MIPI MRTPI Mary Mac Mahon MSc TCP Pg Dip MSP Pg Dip Env Eng Dip Env Plg Law Dip Mgmt Dip EIA & SEA B Soc Sc MIPI
Blaine Cregan B Eng BSc MSc

Senior Associate Directors: Luke Wymer BA MRUP Dip Plg & Env Law Dip PM Prof Cert Env Mgmt MIPI

Meadhbh Nolan BA MRUP MRTPI Kate Kerrigan BA MSc MRTPI

Associate Director: Ian Livingstone MA Town & Regional Planning, MSc. Spatial and Regional Planning, RTPI

John Spain Associates Ltd. trading as John Spain Associates. Directors: J. Spain, S. Spain.
Registered in Ireland No. 396306. Registered Office: 39, Fitzwilliam Place, Dublin 2. VAT No. IE 6416306U

proximity to employment centres, facilities and public transport connections, making it suitable for comprehensive regeneration centred around the Victorian Fruit Market. Our client is fully supportive of the proposed SDRA 13 and the role which the Total Produce site can play in enhancing the urban fabric and public realm.

2. Chapter 13: Strategic Development & Regeneration Areas

- 2.1 We note the following Material Alteration Reference Number 13.5 in respect of the provision of cultural, arts and community use.

Material Alteration Reference Number 13.5

Chapter 13

Section: 13.2 Overarching Principles

Page: 467 – 469, insert New Objective SDRAO1 in section 13.2 after 1st paragraph

Amendment:

After 1st paragraph delete existing text in section 13.2 and replace with the following text:

{13.2.1 Overarching Principles and Vision

Objective SDRAO1 Overarching Principles and Vision

It is the objective of Dublin City Council:

...

Cultural Infrastructure: All new regeneration areas (SDRAs) and large-scale developments above 10,000 sq. m. in total area must provide at a minimum 5% community, arts and culture internal floorspace as part of their development. See policy CUO21, Chapter 12 for further detail.}

- 2.2 Our client has significant concerns in respect to the above proposed amendment of the draft Plan and material alteration, as this new highly onerous requirement for community, cultural / artists floorspace to be provided for each development within an SDRA area or above 10,000 sqm will significantly impact on the viability of wide range of developments in the City.
- 2.3 This proposed material alteration requiring 5% of internal floorspace for community, arts and cultural use is considered inappropriate by our client and should be omitted from the adopted Plan.
- 2.4 The draft Plan provides no rationale for this requirement which should be assessed at planning application stage by a social/community audit and implemented by way of development contribution. This policy requirement conflicts with the National Planning Framework and the Apartment Guidelines, neither of which suggest that large-scale developments above 10,000 sqm or within regeneration areas should provide 5% of internal floorspace for community/arts/culture use. The additional of this requirement will only lead to increased construction costs of apartment development which will be to the detriment of overall delivery of housing units in Dublin City, particularly when considered alongside the proposed material

alterations in respect of universal design. It is considered that sites of 2 hectares and above are more appropriately scaled to deliver a meaningful quantum of community, arts and cultural floorspace within a framework or masterplan approach. This is suggested below in the proposed amendment.

- 2.5 Unlike the requirement for Part V, whereby contributions costs are met by Planning Authority through public funding, construction costs for cultural and community floorspace are to be funded entirely by the developer. This will consequently push up the cost of apartment provision in the city and have a significant impact upon the viability of apartment schemes. Such requirements in the City Development Plan will result in reduced housing provision especially outside of high value residential areas. It is submitted that the loss of housing provision as a result of this onerous objective outweighs any major benefit for cultural and community facilities in the city.
- 2.6 In addition to the commercial implications of such a requirement, it would also have significant practical implications on completion of such developments in terms of locating suitable tenants, e.g. a community group is unlikely to be able to fund the fit out and rent of an element of floorspace in a new development, with a clear risk existing of these requirement spaces lying empty for long periods following implementation. There is no financial incentive for developers to provide such areas and there is no reference to encourage this policy in national planning policies.
- 2.7 It is noted that SDRAs are subject to a series of 'Guiding Principles' and specific land use mixes which are provided for through a development framework or masterplan for each area. This mechanism is considered appropriate to provide for adequate cultural/community/arts facilities within the overall SDRAs. It is not considered appropriate to then set out a requirement for an additional 5% floorspace of all development to be delivered for community and cultural space when a specific site may have been identified through the SDRAs development framework. It is contended that the proposed requirement will render many of these spaces to be underutilised or redundant and will eventually result in change of use planning applications being submitted for these spaces.
- 2.8 Vacant internal spaces particularly at ground floor level will detract from passive surveillance and active frontage at street level, impacting negatively on the streetscape and vitality in this respect. As written even very small-scale development in SDRAs must provide 5% cultural/community space. This will result in very small-scale cultural facilities with no practical or viable uses in many cases, and a fractured and ad hoc distribution of such facilities. There is a requirement to approach such a need at a more macro level which is appropriate for SDRAs.
- 2.9 Our client respectfully suggests a more nuanced approach is considered appropriate informed by the level of demand for such spaces in an area. This can be achieved through the Section 48 Development Contributions Scheme and implemented in an efficient and proportionate manner when a need is identified. Alternatively, a financial contribution in lieu would be a more effective way to enhance cultural and community provision in the City.
- 2.10 It is considered unreasonable that housing / apartment developments which may consist of 100 or more units, or a mid-sized commercial office development would be required to provide a minimum of 500 sqm for community/cultural/arts floor space which is a significant contribution. Such a requirement has the potential to detract from the viability of a development and act as a barrier to the provision of other commercial or retail uses which may be more appropriate at a location and for which there may be an identified need. This requirement under Objective SDRAO1

therefore has the potential to undermine the land use zoning objectives for SDRAs as well as other large-scale developments.

- 2.11 Table 15-1 at Chapter 15 of the draft Plan requires that residential applications of 50 units or more will be required to provide a Community and Social Audit. This report should form the basis for the requirement of any community space within a proposed scheme as opposed to an objective of the Plan which may result in the underutilisation and vacancy of these spaces. It is also noted that Objective CUO40 of the draft Plan aims to undertake ‘*an audit and implementation plan for each Electoral Area of the Council to assess the current and future needs with regard to cultural and artistic spaces*’. This will also assist in the identification of need in certain areas.
- 2.12 We therefore request that the Planning Authority include additional text in relevant sections of the Plan to provide flexibility on the application of this requirement, and for it to be considered on a case-by-case basis for smaller urban infill sites less than 2 hectares and that a financial contribution may be provided in lieu where it is not possible to provide 5% of the total floorspace on site.

Proposed Amendment

- 2.13 It is therefore respectfully requested that the proposed wording under Material Alteration Number 13.5 **Section: 13.2 Overarching Principles** in relation to Cultural, Arts and Community Use is amended as follows:

Material Alteration Number 13.5

Chapter 13

Section: 13.2 Overarching Principles

Page: 467 – 469, insert New Objective SDRAO1 in section 13.2 after 1st paragraph

Amendment:

After 1st paragraph delete existing text in section 13.2 and replace with the following text:

{13.2.1 Overarching Principles and Vision

Objective SDRAO1 Overarching Principles and Vision

It is the objective of Dublin City Council:

...

Cultural Infrastructure: All new regeneration areas (SDRAs) on site greater than 2 hectares and large-scale developments above 10,000 sq. m. in total area must provide a proportionate level of at a minimum 5% community, arts and culture internal floorspace consistent with the development framework for the area or to meet a need identified by the Cultural and Artistic Space Audit (to be undertaken by the Council under Objective CUO40) and/or a social infrastructure audit submitted with a planning application. Contributions will be sought through the Council’s Section 48 Development Contribution Scheme proportionate to the development. See policy CUO21, Chapter 12 for further detail.

3. Conclusions

- 3.1 On behalf of our client, Balmoral Land Beresford Limited, we make this submission broadly in support of the draft Dublin City Development Plan 2022-2028 which includes our client's lands within the proposed 'Markets Area & Environs' SDRA 13 as included in the draft Plan.
- 3.2 Our client welcomes the designation of the Markets as a new SDRA which will assist and facilitate the continued regeneration of the area focussed on the Victorian Fruit Market. The area is suitably placed to accommodate significant residential development at a central location which benefits from proximity to existing facilities, employment and educational opportunities and public transport connections. Therefore, it is appropriate that the Markets SDRA 13 is included in the adopted Plan to ensure development consistent with national and regional planning policies and objectives focussed on the regeneration of brownfield land, compact growth and the provision of residential development within the existing urban footprint.
- 3.3 However, our client would respectfully request the above amendment to Material Alteration 13.5. The material alteration as written by the Council is considered unnecessary and will undoubtedly result in community and cultural spaces being left vacant following completion of development. The need for community facilities should be identified via Community & Social Audits required with residential developments of 50 units or over and provided by way of Section 48 Development Contributions or a contribution in lieu. It is not considered appropriate that such provision is a universal requirement for proposed development at individual developments within SDRAs which will result in numerous spaces being empty where a centralised approach provided by the Council would be a more effective way to ensure identified needs are met in an area.
- 3.4 Our client respectfully requests that the Planning Authority includes the aforementioned alterations within the adopted version of the Dublin CDP 2022-2028 to help facilitate the proper and sustainable development of the SDRA and the optimum and sustainable development of our client's lands.

Yours faithfully,



John Spain Associates