

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

Date: 1st September 2022
JSA Ref: 22071

Dear Sir / Madam,

RE: SUBMISSION ON THE PROPOSED MATERIAL AMENDMENTS TO DRAFT DUBLIN CITY DEVELOPMENT PLAN 2022-2028 ON BEHALF ON HERBERTON ROAD DEVELOPMENTS LIMITED IN RESPECT OF LANDS AT THE FORMER G4S SITE, HERBERTON ROAD, RIALTO, DUBLIN 12

1. Introduction & Background

1.1 On behalf of our client, Herberton Road Developments Limited, 76 Baggot Street Lower, Dublin 2, we wish to make a submission to the proposed amendments on draft Dublin City Development Plan 2022-2028 in respect of lands at the Former G4S Site, Herberton Road, Rialto, Dublin 12.

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 material alterations.

1.3 Notwithstanding, our client seeks to make amendments to the following proposed material alteration:

- **Chapter 14: Land Use Zoning**
 - Material Alteration Reference Number 14.1: Inner Suburban and Inner City Sustainable Mixed-Uses – Zone Z10

1.4 Our client is in ownership of a c. 0.77ha site at Herberton Road, Rialto, Dublin 12 which was formerly in use as G4S premises. Our client has intentions to progress with the development of the site to assist with the implementation of much needed housing within a central and accessible urban location which is compatible with existing residential development neighbouring the site on three sides. On this basis, an amendment to the Z10 land use zoning objective wording is sought to assist this.

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

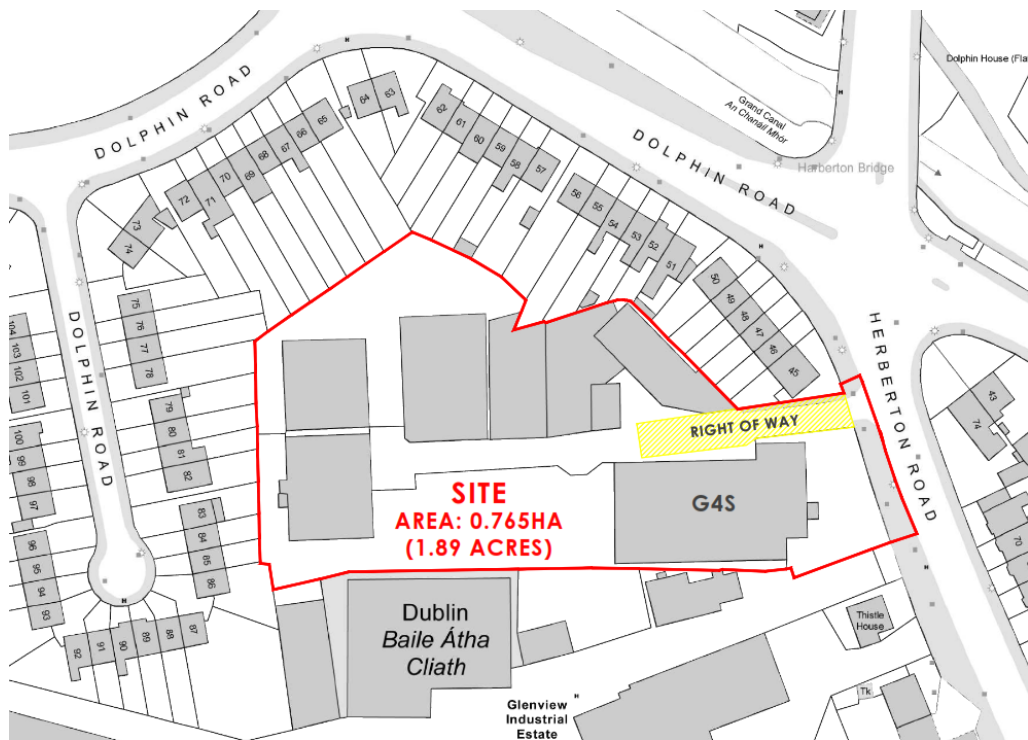


Figure 1: Site Location in client ownership

2. Chapter 14: Land Use Zoning

2.1 Material Alteration 14.1 is replicated below for reference:

Chapter 14

Section: 14.7.10 Inner Suburban and Inner City Sustainable Mixed-Uses – Zone Z10

Page: 623, 2nd and 4th paragraphs

Amendment:

In order to ensure that a mixed use philosophy is adhered to on Z10 zoned lands, the focus will be on delivering a mix of residential and commercial uses. ~~(and t)~~ ~~{T}~~here will be a requirement that ~~{a range of 30% to}~~ ~~(maximum of)~~ 70% ~~{of the area}~~ of ~~(a)~~ Z10 zoned ~~{lands}~~ ~~(site (30% or greater))~~ can be given to one particular use, with the remaining portion of the ~~{lands}~~ to be given over to another use or uses (e.g. residential or office/employment). {For very small sites, typically less than 0.5ha, flexibility on mix requirement may be considered on a case by case basis, where it can be demonstrated that the proposal would not result in an undue concentration of one particular land use on the Z10 landholding as a whole.}

Proposed Amendment

2.2 Our client seeks the variation of the wording accompanying the Z10 zoning objective at Chapter 14 of the draft Plan to assist with the implementation of optimum quantum

of residential development at the site alongside appropriately scaled alternative uses which will contribute to a sustainable mix of uses within the Z10 zoned lands.

- 2.3 We would seek the omission of the proposed prescriptive land use mix ranges as written in the material alteration. It is considered that the existing wording accompanying the Z10 zoning objective in the current Dublin City Development Plan 2016-2022 has operated successfully in enabling the sustainable development and appropriate mix of uses on Z10 lands. Placing an onerous restriction on the mix of uses permissible at Z10 zoned lands has the potential to undermine the aims and objectives of the zoning.
- 2.4 This is increasingly pertinent when considered alongside the elements of the draft Plan which require the provision of 5% of floor space within large scale developments in excess of 10,000 sqm as community/arts/cultural use. The proposed material alteration requiring 50% of apartments which exceed minimum standards by 10% to meet universal design standards will also serve to restrict the optimum implementation of apartment numbers at brownfield, infill lands at central urban locations in conflict with national planning policy and objectives set out in the National Planning Framework and Regional Spatial Economic Strategy which require compact growth and increase delivery of residential development at accessible locations.
- 2.5 A further requirement for a minimum of 30% of Z10 lands to be provided as 'one particular use' i.e. commercial, does not align with the objective for 5% floor space to be provided as community/arts/cultural use, with a minimum of two other uses required alongside residential use.
- 2.6 The wording of the amendment also risks the provision of up to 70% of Z10 lands being occupied by office/employment use, with residential use confined to a minority on these lands. This is considered to be contrary to the need to deliver increased residential development at central and inner-city sites, such as the subject site at Herberton Road, which is predominantly neighboured by residential development at Dolphin Road on three sides. Site specific circumstances should be considered in this respect with flexibility required in land use mix on sites which are more suitable for residential land use.
- 2.7 In this respect, the following wording at page 247 of the extant Dublin CDP 2016-2022 should be incorporated into the adopted 2022 Plan:
- 'An appropriate mix of uses for any given site will be influenced by site location and other planning policies applicable to the associated area... The concept of mixed-use is central to the development or re-development of these sites and mono uses, either all residential or all employment/office use shall not generally be permitted.'*
- 2.8 This wording has operated successfully in the Plan period 2016-2022 and will facilitate the appropriate implementation of residential development at inner-city and suburban Z10 locations. Placing a prescriptive land use mix range within the wording accompanying the Z10 zoning wording at Section 14.7.10 (page 623) of the draft Plan has the potential to undermine the objectives of the Z10 zoning and provide a barrier to the provision of residential development at infill, brownfield lands at accessible locations which are suitable to assist in meeting an identified housing need.
- 2.9 On the basis of the above, we would seek the amendment of Material Alteration Number 14.10 as follows:

Chapter 14**Section: 14.7.10 Inner Suburban and Inner City Sustainable Mixed-Uses – Zone Z10****Page: 623, 2nd and 4th paragraphs****Amendment:**

In order to ensure that a mixed-use philosophy is adhered to on Z10 zoned lands, the focus will be on delivering a mix of residential and commercial uses. The concept of mixed-use is central to the development or re-development of these sites and mono uses, either all residential or all employment/office use shall not generally be permitted. An appropriate mix of uses for any given site will be influenced by site location and other planning policies applicable to the associated area, with all proposals assessed on a case-by-case basis. ~~(and t) (T) here will be a requirement that {a range of 30% to} (maximum of) 70% {of the area} of (a) Z10 zoned {lands} (site (30% or greater)) can be given to one particular use, with the remaining portion of the {lands} to be given over to another use or uses (e.g. residential or office/employment). {For very small sites, typically less than 0.5ha, flexibility on mix requirement may be considered on a case by case basis, where it can be demonstrated that the proposal would not result in an undue concentration of one particular land use on the Z10 landholding as a whole.}~~

3. Conclusions

- 3.1 On behalf of our client, Herberton Road Developments Limited, we make this submission seeking to amended Material Alteration 14.10 relating to Z10 zoned lands. We request that the Planning Authority include additional text set out above at page 623 of the adopted Plan to provide the optimum mix of uses at Z10 lands and assist with the implementation of residential development in order to meet an identified need set out in the Core Strategy of the draft Plan.
- 3.2 It is considered that the material alteration as written has the potential to undermine the overall objective of the Z10 land use zoning. Proposed developments and land use mix on these lands should be considered on a case-by-case basis having regard to relevant national and local planning policies and objectives and having regard to the location and circumstances of individual sites.
- 3.3 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 Z10 lands and the optimum and sustainable development of our client's lands.

Yours faithfully,

**John Spain Associates**