

Development Plan Team,
Planning and Property Development Department,
Block 4,
Floor 3, Civic Offices,
Wood Quay,
Dublin 8,
D08 RF3F.

Date: 1st September 2022
Our Ref: PT 20205

Dear Sir/Madam,

RE: SUBMISSION ON THE PROPOSED MATERIAL ALTERATIONS TO THE DRAFT DUBLIN CITY DEVELOPMENT PLAN 2022-2028 ON BEHALF OF HARLEY ISSUER DAC

1.0 INTRODUCTION

- 1.1 On behalf of our client, Harley Issuer DAC, 32 Molesworth Street, Dublin 2, we wish to make a submission in respect of the Proposed Material Alterations to the Draft Dublin City Development Plan 2022-2028.
- 1.2 We welcome the opportunity to make a submission on the Draft Plan on behalf of our client, Harley Issuer DAC, whose controlling entity is active on a number of development sites across the city and who are committed to delivering sustainable residential development in the city over the coming years.
- 1.3 This submission raises a number of requests in respect to the following proposed material alterations (PMAs), which are included below based on the order they appear in the relevant sections of the Draft Plan / PMAs:

Material Alteration Reference Number	Chapter / Objective / Section
2.6	Chapter 2 Section: 2.3.3 Housing Strategy and HNDA – subheading Housing Strategy Page: 68, add additional paragraph at end of subsection
5.16	Chapter 5 Section: 5.5.5 Housing for All Page: 178 Objective QHSNO10 Universal Design
5.23	Chapter 5 - Section: 5.5.7 Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation
5.24	Chapter 5 - Section: 5.5.7 Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation Page: 186, Policy QHSN38 Build to Rent Accommodation

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9.7	Chapter 9 - Section: 9.5.3 Flood Management, Page: 324, Policy SI15 and related to this, Volume 7 - Strategic Flood Risk Assessment, Appendix B - Area Assessment Index, Page: 54
12.19	Chapter 12 - Section 12.5.3 Supporting Cultural Vibrancy in the City Objective CUO22 – SDRAs and Large Scale Developments
13.5	Chapter 13 - Section: 13.2 Overarching Principles Page: 467 – 469, insert New Objective SDRAO1 in section 13.2 after 1st paragraph
15.7	Chapter 15 - Section: 15.9.2 Unit Size / Layout Page: 693, 4th paragraph
15.8	Chapter 15 - Section: 15.10 Build to Rent Residential Developments (BTR)
Appendix 1.10	Volume 2: Appendix1 Section: 7.2.3 Specialist Provision Support from Dublin City Council, subheading: Meeting the Housing Needs of Older Persons and Persons with Disabilities Page: 72, 3rd paragraph

- 1.4 The issues raised in this submission seeks to address concerns in respect to onerous requirements in respect to new residential developments, which will have a detrimental impact on the supply of new homes and will negatively impact on those people seeking to purchase homes in the City, by increasing the cost of delivery and ultimately increase house prices in an already inflationary environment.

2.0 PROPOSED MATERIAL ALTERATIONS AND SUBMISSION REQUESTS

- 2.1 We have reviewed the proposed material alterations to the Draft Plan and wish to highlight a number of concerns and suggested revisions to ensure that the new City Development Plan does not adversely impact on the supply of housing in the City over the six year period of the new Plan.
- 2.2 In summary, and as set out in further detail below, the key concerns relate to flood risk policy SI15 and inconsistency with the Flood Risk Management Guidelines, Objective CUO22 requiring 5% of floorspace for cultural/artist and community use on all schemes above 10,000 sq.m, Objective QHSNO10 and Universal Design requirements for new residential developments, Part V 20% social housing requirements, and locational restrictions and mix ratio requirements for Build to Rent (BTR) Schemes, all of which will adversely impact on the viability, delivery and affordability of housing in the City.

Submission Organisation

- 2.3 The sections of this submission which discuss the PMAs includes the same approach as the Planning Authority, i.e.:
- Proposals to add text to the Draft Plan are shown by way of bold green and underlined text.
 - Proposals to delete text are shown in bold red text with strikethrough.
 - A number of proposed alterations may contain a mix of deleted text and new text which would contain both red strikethrough and green text.

- 2.4 The requested amendments to the Proposed Material Alterations are demonstrated by illustrating the text to be removed in bold red text with strikethrough and the proposed additional text is shown in bold green and underlined.

1. Sustainable environmental infrastructure and flood risk (Relating to Proposed Material Alterations Ref.: 9.7 and Proposed Material Alterations to Volume 7, Strategic Flood Risk Assessment, Appendix B - Area Assessment Index, Page: 54)

- 2.5 The PMAs of relevance to this section of the submission are to Policy SI15 Site-Specific Flood Risk Assessment, which propose the following changes:

“All development proposals shall carry out, to an appropriate level of detail, a Site-Specific Flood Risk Assessment (SSFRA) that shall demonstrate compliance with:

- *The Planning System and Flood Risk Management, Guidelines for Planning Authorities, Department of the Environment, Community and Local Government (2009), as revised by Circular PL 2/2014 {and any future amendments}, and the Strategic Flood Risk Assessment (SFRA) as prepared by this Development Plan.*
- *The application of the sequential approach, with avoidance of {highly and less vulnerable} development in areas at risk of flooding as a priority {and/ or the provision of water compatible development only}. Where the Justification Test for Plan Making and Development Management have been passed, the SSFRA will address all potential sources of flood risk and will consider residual risks including climate change {and those associated with existing flood defences}. The SSFRA will include site-specific mitigation measures, flood-resilient design and construction, and any necessary management measures (the SFRA and Appendix B~~(4)~~ of the above mentioned national guidelines refer). Attention shall be given in the site-specific flood risk assessment to building design and creating a successful interface with the public realm through good design that addresses flood concerns but also maintains appealing functional streetscapes. {Allowances for climate change shall be included in the SSFRA.}*
- *{On lands where the Justification Test for Plan Making has been passed and where a small proportion of the land is at risk of flooding, the sequential approach to development will be applied, and development will be limited to Minor Development (Section 5.28 of the Planning System and Flood Risk Management). There will be a presumption against the granting of permission for highly or less vulnerable development which encroaches onto or results in the loss of the flood plain. Water compatible development only will be considered in such areas at risk of flooding.}*

- 2.6 Our client is concerned that the last bullet point of the above PMA is incorrectly drafted, contradicts the preceding the bullet, and does not align with the Flood Risk Guidelines in respect to areas within the city which are zoned for development and which have passed the Development Plan Justification Test, following which it will be up to the applicant to demonstrate that development on such sites pass the Development Management Justification test.
- 2.7 To address the anomaly identified between the PMA and the Guidelines, we suggest that the bullet point be omitted, as it is not consistent with Government guidelines and the established approach to utilising the Plan Making and Development Management Justification Test for justifying development in areas at risk of flooding.

- 2.8 Our reading of the last bullet point is that even where the Justification Test is passed, if that land is at risk of flooding, which all such sites will be as that is the purpose of applying the justification test, then highly or less vulnerable development cannot be considered where it results in the loss of a flood plain, which is clearly contrary to the objectives of the Guidelines and the intention of the Justification Test approach to development in our towns and cities.
- 2.9 If incorporated into the new Plan, the fear is that it could be interpreted as proposing a blanket ban on new residential development on suitably zoned sites, which have passed the Development Plan Justification Test, and lead to development of residentially or mixed use zoned sites being restricted to water compatible development only, defined in the Flood Risk Guidelines as inter alia flood control infrastructure, docks and marinas, ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location and water-based recreation and tourism (excluding sleeping accommodation), amenity open space, outdoor sports and recreation etc..
- 2.10 It is respectfully submitted that the PMA if adopted would have an adverse impact on a number of zoned development sites and reduce housing supply in the city, even where the Development Plan and Development Management Justification Test can be passed.

Requested Amendment No. 1

- 2.11 Having regard to the above, we request that the additional text proposed under PMA 9.7 which relates to Policy SI15 be omitted from the Draft Plan as follows:

Requested Amendment No. 1 relating to Material Alteration Reference Number 9.6; Chapter 9 - Section: 9.5.3 Flood Management, Page: 324, Policy SI15

~~*“On lands where the Justification Test for Plan Making has been passed and where a small proportion of the land is at risk of flooding, the sequential approach to development will be applied, and development will be limited to Minor Development (Section 5.28 of the Planning System and Flood Risk Management). There will be a presumption against the granting of permission for highly or less vulnerable development which encroaches onto or results in the loss of the flood plain. Water compatible development only will be considered in such areas at risk of flooding.”*~~

- 2.12 Further justification for the above requested amendment is incorporated below, with reference to the Paper Mills site in Clonskeagh, and with supporting requests to amend Volume 7 / remove the wording proposed to be added through the PMA's.

Amended Volume 7 - SFRA

- 2.13 Related to the above request, our client has serious concerns in respect to the proposed material alterations to the Area Assessment Index included at Appendix B of Volume 7 Strategic Flood Risk Assessment (SRFA) of the Plan which relates to Area: 11. Dodder: Donnybrook Bridge – Dundrum Road which includes our client's site at the Former Smurfit Paper Mills, Clonskeagh. The proposed material amendment is as follows:

“Conclusion: The subject area passes {Part 1 and 2 of } the Justification Test for Development Plans {but Part 3 has found that new development should be located in Flood Zone C and avoid Flood Zone A and B.”

- 2.14 The full text extracted from Area assessment for Area: 11. Dodder: Donnybrook Bridge – Dundrum Road is attached as Appendix 1 to this submission. The proposed additions to Volume 7 – SFRA, when compared to the Draft Plan, have significant implications for the development of sites which have been deemed to pass the justification test and we therefore suggest should be omitted or revised as set out below.
- 2.15 Our client has serious concerns in respect to the proposed material alterations and the assessment of future applications in the area, which are otherwise deemed to be in accordance with the approach set out in the Flood Risk Guidelines. To include such a material change within Volume 7 of the PMA’s to the Draft Plan is considered to be inappropriate and no clear explanation is given to why site’s do not pass Part 3 of the Development Plan Justification Test, i.e. what material new information has come to light in the interim, and therefore we strongly request that all such references be removed and the text revert back to Draft Plan stage, which was consistent with the approach recommended in the Guidelines.
- 2.16 For example, the former Paper Mills site which has an extant permission for residential development which was granted by Dublin City Council and An Bord Pleanala and extended to the 5th of June 2025 by Dublin City Council under Extension of Duration Reg. Ref.: 2620/14/X1. The Paper Mills site remains zoned for residential development in the Draft Plan, and the Strategic Flood Risk Assessment highlights that the lands are within an *“established residential suburb of Dublin City”*, and area *“essential to facilitate the expansion of the City”*. However, the proposed material alterations to Volume 7 – SFRA would in seriously impact on the development potential of the site, and goes significantly beyond the provisions of the Flood Risk Guidelines.
- 2.17 We submit that the above text could preclude development of sites appropriately zoned for new residential development where the justification test has been passed in the previous Development Plan and the Draft Plan. However, we note that while the SFRA has been developed to inform the preparation of land-use zoning, policies and objectives for the Dublin City Development Plan 2022-2028 so that the land-use zoning allocations can aim to avoid areas of high flood risk, we note that the SRFA acknowledges that the Flood Zones are based on best currently available data, and that a more detailed, site specific, flood risk assessment may produce locally varying flood outlines.
- 2.18 In respect to the Paper Mills site in Clonskeagh, it is noted that historically buildings were located within the site, which when including the extant permission gives the precedent on how subsequent planning application should be assessed. The subject land is not a greenfield site which provided flood storage along the River Dodder.
- 2.19 Assessment of planning applications for the redevelopment of the site, similar to the approach to the extant permission, should be cognisant of the proposed (ongoing) flood defences that will have a significant impact on the flood extents in the area. As per the current wording in the SFRA, it is requested that any development onsite should be assessed with the flood defences in place. The defences will remove the flood risk from the 1% AEP event and therefore there will be no impact to the development during this event.

- 2.20 It is also requested that the assessment of flood risk should be limited to the 1% AEP flood event due to the historic land use onsite, urban location and because the site is zoned for residential development. It is considered that assessing the impacts from the development for the 0.1% AEP flood event is too onerous for a city centre location that is zoned for residential and is due to be protected by flood defences.
- 2.21 The loss of flood storage is usually only considered for the 1% AEP event and as the site will be removed from the 1% AEP flood event by the proposed (ongoing) flood defences, it will have no impact on flood storage.
- 2.22 Furthermore, on a technical level, the site itself provides limited storage as it is located along a conveyance route. Flood waters overtop the Dodder upstream of Clonskeagh Bridge, traverse the site back into the River Dodder without attenuation and ultimately has no impact on flood levels downstream.
- 2.23 Ultimately, the wording in the Draft Development Plan, SFRA wordings and FRA Guidelines are robust enough to allow appropriate development with mitigation measures onsite without specifically restricting the site to water compatible uses, as proposed in the PMA's.
- 2.24 Therefore, it is respectfully submitted that the text should be amended to ensure that the development of strategic lands can proceed, i.e. in this instance zoned residential land which has passed the Development Plan Justification Test, and where the applicant can demonstrate that the Development Management Justification Test can be passed through the submission of a Site Specific Flood Risk Assessment, which would be required to demonstrate compliance with 2(i) to (iv) of the Box 5.1 Development Management Justification Test.

Requested Amendment No. 2

- 2.25 Having regard to the above, we firstly request that the additional text proposed in Volume 7- SFRA pg. 58 revert to the text in the Draft Plan.
- 2.26 However, if the Planning Authority do not consider this request to be appropriate, we request that the additional text proposed in Volume 7 Strategic Flood Risk Assessment, Appendix B, Page: 58 which relates to development in Flood Zones A and B be amended as follows:

Requested Amendment No. 2 relating to Volume 7 Strategic Flood Risk Assessment, Appendix B, Page: 58.

*“Conclusion: The subject area passes {Part 1 and 2 of } the Justification Test for Development Plans **and although** ~~but~~ Part 3 has found that new development should be located in Flood Zone C and avoid Flood Zone A and B, **in situations where the applicant can demonstrate compliance with the Development Management Justification Test in Box 5.1 of the Flood Risk Management Guidelines, applications will be considered on their merits, having regard to the mitigation and management measures which the development can put in place.**”*

- 2.27 It is respectfully submitted that the amended text is particularly appropriate as individual landowners / applicants may be able to bring forward measures as part of new development proposals which bring wider benefits to the area, and address flood risk, and accordingly this should be incorporated into the new Plan to ensure consistency with the S. 28 Flood Risk Management Guidelines.

2. Part V Social and Affordable Housing provision (Relating to Proposed Material Alteration 2.6)

2.28 The proposed material alteration No. 2.6 amends Section 2.3.3, Housing Strategy relating to Part V by adding an additional paragraph at the end of the Housing Strategy subsection as follows:

“{The conclusion of the HNDAs 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 HNDAs 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.}”

2.29 Our client has significant concerns with this proposed material alteration given the significant implications on tenure mix and the proposed application of 20% social housing for all developments, and in all areas of the City, which goes beyond the provisions of current legislation.

2.30 We note the following in respect of the Affordable Housing Act 2021 as set out in Section 7.2 of the Draft Plan:

“The Affordable Housing Act 2021 provides for a requirement that any new planning permission granted for housing subject to the Act will have a 20 percent Part V requirement on that land where;

- At least half of the land or equivalent net monetary value obtained under Part V must be used for social housing support.*
- The remainder can be used for affordable purchase housing, cost rental housing or both.*
- If there is no requirement for affordable housing, the remainder can be used as an additional discount on construction costs, or for more social housing.*

The Planning Authority will review the Part V of the requirements contained in this Plan if the legislation underpinning this requirement is amended.”

2.31 Our client questions why it is now proposed to restrict the delivery of housing provided for under Part V to social housing only when the Affordable Housing Act 2021 clearly includes measures to provide for the delivery of affordable houses on sites, or flexibility / options for developers where there is no requirement for affordable housing. Such options include discount on construction costs which may be necessary to ensure delivery of housing units particularly at a time when construction costs are rising exponentially within the City.

2.32 Furthermore, our client respectfully submits that the requirement for the full 20% complement of social housing to be provided under the provisions of Part V is unnecessary as the Affordable Housing Act 2021 already provides for 20% Part V social housing if there is no requirement for affordable housing and also exempts certain developments from the additional 10% arising under the 2021 Act, and therefore may be unenforceable in certain instances. The Development Plan

Guidelines 2022 note that planning policy included within Development Plans should not duplicate let alone override other statutory or legislative codes and it is submitted that the wording above is therefore ultra vires and should be omitted.

- 2.33 In addition, the proposed material alterations requiring that the Part V provision be 20% social housing will negatively impact on the provision of affordable homes in the City. As estimated in the HNDA, there is a need for provision of the 7,887 affordable homes in the City over the six-year plan period of 2023-2028 and it is unclear how this need is to be met. It would be more appropriate for the Council to encourage a provision of 20% social and affordable housing across the City and then the allocation per development can be informed by the needs of the area and the appropriate tenure mix for a specific area.

Requested Amendment No. 3

- 2.34 Having regard to the above, our client is seeking that Proposed Material Alteration Reference Number 2.6 (Chapter 2 Section: 2.3.3 Housing Strategy and HNDA – subheading Housing Strategy Page: 68, add additional paragraph at end of subsection) **be omitted from the Plan.**
- 2.35 As explained, the inclusion of Proposed Material Alteration Reference Number 2.6 is unnecessary as the Affordable Housing Act 2021 already provides for 20% Part V social and affordable housing provision. We submit that the Planning Authority provide flexibility on the application of the requirement of Part V provision in respect to social and affordable housing and for the allocation percentages to be considered on a case-by-case basis as part of the development management process.

3. Objective CUO22 - 5% of floorspace for cultural/artist and community use (Relating to Proposed Material Alteration 12.19 and 13.5)

- 2.36 The Draft Plan includes Objective CUO22 relating to SDRAs and large scale developments which states that *“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 and artist workspaces 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.”*
- 2.37 The proposed material alterations to Section 12.19 includes a proposed foot note *“{*Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector.*}”*
- 2.38 The CUO22 Objective requirement is also proposed to be included in Chapter 13 SDRA under Section 13.2 (material alteration reference number 13.5), as follows:

“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.”

- 2.39 Our client has significant concerns in respect to the above aspects of the PMAs of the Draft Plan and Proposed Material Alterations, as this new highly onerous requirement for 5% community, cultural / artists floorspace to be provided for each development within an SDR area or above 10,000 sq.m will significantly impact on the viability of wide range of developments in the City.
- 2.40 A requirement of 5% of floorspace for community, arts and culture and artist workspace equates to 500 sq.m for every 10,000 sq.m of floorspace constructed, which is substantial in terms of construction costs and overall viability.
- 2.41 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 met entirely by the developer. This will consequently push up the cost of housing provision in the city and significantly affect the viability of apartment schemes. The significant additional cost of developments arising out of this policy (adding at least 5% to construction costs to every apartment) would come at a time of significant construction cost inflation which is already threatening viability and delivery of apartments throughout the city. The Development Plan should seek to avoid exacerbating these difficulties for new housing delivery in the city. Such requirements in the 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 objective outweighs any major benefit for cultural and community facilities in the city.
- 2.42 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 finding tenants, e.g. would a community group be able to fund the fit out/rent of such area and if not the cost of providing this floorspace will fall back onto the renter/first time buyer, as someone has to bear this extra cost.
- 2.43 It is respectfully submitted that if the Council see a need for new community, culture and arts floorspace across the City that this is more appropriately provided at a requirement of 1% for every 10,000 sq.m of floorspace, or through a financial contribution in lieu, where the cultural/community floorspace could be provided in suitable locations, rather than piecemeal in locations throughout the city. A financial contribution in lieu would be a much more efficient and effective way to enhance cultural and community provision in the City.
- 2.44 It will be difficult to find viable users for this space that can pay for fit out cost and service charges and therefore if this objective is included in the new Plan it is likely that this objective will result in vacant floorspace in all areas of the City.

Requested Amendment No. 4 & 5

- 2.45 The requested amendments below use the text provided in the Proposed Material Alterations to the Draft Plan (i.e. accepting the PMAs from the Draft Plan), but now with the requested text to be removed is outlined in red and proposed additional text is show in green.

Requested Amendment No. 4 relating to Material Alteration Reference Number 12.19 Chapter 12 - Section 12.5.3 Supporting Cultural Vibrancy in the City Page: 448, 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 15% community, arts and culture and artist workspaces 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 base to justify the 5% going to one sector.*~~

Community, arts and culture and artist workspaces will normally be located on-site, however, in instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity. This would include cases where it is not feasible, due to site constraints or other factors, e.g. where it would be better to locate the spaces elsewhere in the wider area. In these cases, financial contributions may be proposed towards the provision and enhancement of existing community halls and cultural and artist workspace areas in the locality, in fulfilment of this objective.

Requested Amendment No. 5 relating to Material Alteration Reference Number 13.5, Chapter 13, Section 13.2

*All new regeneration areas (SDRAs) and large scale developments above 10,000 sq.m. in total area must provide for **15%** community, arts and culture and artist workspaces 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.*

Community, arts and culture and artist workspaces will normally be located on-site, however, in instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity. This would include cases where it is not feasible, due to site constraints or other factors, e.g. where it would be better to locate the spaces elsewhere in the wider area. In these cases, financial contributions may be proposed towards the provision and enhancement of existing community halls and cultural and artist workspace areas in the locality, in fulfilment of this objective.

4. Universal Design (Relating to Proposed Material Alteration Reference Number 5.16, 15.7 and Appendix 1.10)

2.46 The proposed material alteration No. 5.16 proposes to amend Objective QHSNO10 relating to Universal Design as follows:

~~*“(It is an Objective of Dublin City Council: To require that a minimum of 10% of dwellings in all schemes over 100 units are designed to accommodate people with disabilities and older people in accordance with the Universal Design Guidelines for Homes in Ireland 2015.)*~~

{It is an Objective of Dublin City Council: To ensure that 50% of apartments in any development that are required to be in excess of minimum sizes should

be designed to be suitable for older people/mobility impaired people, people living with dementia and people with disabilities in accordance with the guidelines set out in 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.}"

- 2.47 This PMA relating to Universal Design is also reflected in other sections of the Draft Plan relating to Universal Design - Section 15.9.2 (Material Alteration Ref.: 15.7) and Section 7.2.3 of Appendix 1 (Material Alteration Ref.: App 1.10).
- 2.48 Our client wishes to raise significant concerns with this PMA given the uncertainty in respect to how it would be complied with, i.e. three separate guidelines / standards are referenced, and the onerous nature of the requirement, i.e. whilst not fully clear it would appear to apply to c. 25% of units in a standard apartment scheme (e.g. under the Guidelines in a 101 unit standard apartment scheme, 51 units are required to be over the 10% minimum standard, and 26 of those units would be required to meet Universal Design requirements), which in turn will have significant implications on the delivery of residential developments. This new requirement would have significant cost implications for new residential development and goes significantly beyond the requirements of current building regulations. Our client questions why items such as Universal Design, which is a building regulations matter, is being addressed in the Development Plan, and therefore consider that it should be removed as it will only lead to further complications in the planning application process.
- 2.49 The Development Plan Guidelines 2022 relating to Objectives of Development Plan states that *"The objective should not address matters that are the subject of other legislative provisions. Objectives dealing with specific issues that are governed by other legislative codes, including for example, the Building Regulations or the Building Control Acts, should not be included as mandatory objectives in development plans. While objectives may be provided to encourage particular formats or technical methods as appropriate, these should not be framed as mandatory or statutory requirements."*
- 2.50 Based on the proposed wording, the key concerns in respect to the more onerous Universal Design requirement proposed in the Material Alterations is that it will lead to significant increases in construction costs of apartments, future viability of schemes and housing supply in the city, as it will require larger apartments, more lifts, more dual aspect units, etc.. An architectural practice would need to do a detailed review of the various guidelines to ascertain how the objective may be complied with for a particular development.
- 2.51 It is also submitted that there is a lack of clarity as to what exactly is required for new developments. The objective refers to three separate and conflicting guidelines. If the original guideline (Universal Design Guidelines for Homes in Ireland 2015) was retained on its own, clarification would be required as to which standards within it would be required. For example, would it be TGD B, UD Home, UD Home + or UD Home ++. The 2015 Guidelines only shows one sample fit out for the 4 different option, as it only refers to a 3 person 2-Bed apt with a single bathroom and no other apartment size. Clarification would be required from the Planning Authority as to what is required and is acceptable for alternative unit mixes including 1-Bed, 3 person 2-Bed, 4 person 2-Bed and 3-Bed. This lack of precision and clarity as to what is exactly required will inevitably lead to these matters being raised in Judicial Reviews, which will result in further delays of housing delivery in the city.

- 2.52 In addition, if this objective is being carried forward, the Planning Authority should clarify how will it be expected to be complied with as part of the planning application process. For example, is it necessary to apply for and construct units which fully comply with Universal Design standards or if it is sufficient to demonstrate how units are future proofed so that they can be adapted with minimal alterations in the future should the tenant / owner require same, which would appear more logical.
- 2.53 If the objective is not being omitted from the final Plan, as requested below, it is suggested that a definitive percentage of 5% of proposed apartments to be designed in accordance with the universal design guidelines is included in **Objective QHSNO10 Universal Design** and **Section: 15.9.2 Unit Size / Layout**. This will remove any ambiguity around the requirements and introduce a simple standard which is more acceptable to all. It is noted that other Planning Authorities in the Eastern & Midlands Region have adopted a standardised approach in this regard for example:
- Meath County Development Plan 2021-2027 includes Objective SH OBJ 23 which seeks that *'all new residential developments on zoned lands in excess of 20 residential units provide for a minimum of 5% universally designed units in accordance with the requirements of the 'Building for Everyone: A Universal Design' developed by the Centre for Excellence in Universal Design (National Disability Authority).'*
 - Draft Wicklow County Development Plan 2023-2029 includes Objective CPO 6.8 which requires that *'all new residential developments in excess of 20 residential units to provide a minimum 5% universally designed homes in accordance with the requirements of 'Building for Everyone: A Universal Design Approach and the Universal Design Guidelines for Homes in Ireland (2015).'*
- 2.54 It is suggested that Dublin City Council consider the approach taken by other local authorities in the region and seek to implement a standardised approach to this requirement, if considered necessary. The implications of implementing the **Objective QHSNO10 Universal Design** and **Section: 15.9.2 Unit Size / Layout** as per the material alterations will have significant implications to the design and potential delivery of apartment developments within Dublin City.

Requested Amendment No. 6

- 2.55 Having regard to the above, our client is firstly seeking that Proposed Material Alteration Reference Number 13.5 (Chapter 13, Section 13.2) **be omitted** from the Plan.
- 2.56 Should the Planning Authority not consider the first request to be appropriate, then for the reasons set out above, we request that Proposed Material Alteration Reference Number 13.5 (Chapter 13, Section 13.2) be altered as set out in the text below. The requested amendments below use the text provided in the Proposed Material Alterations to the Draft Plan (i.e. accepting the PMAs from the Draft Plan), but now with the requested text to be removed is outlined in **red** and proposed additional text is show in **green**.

Requested Amendment No. 6 relating to Material Alteration Reference Number 5.16, 15.7 and Appendix 1.10 – Universal Design

It is an Objective of Dublin City Council: To require that a minimum of 5% of the apartments in schemes over 100 units are designed to accommodate people with disabilities and older people in accordance with the Universal Design Guidelines for Homes in Ireland 2015.

~~*{It is an Objective of Dublin City Council: To ensure that 50% of apartments in any development that are required to be in excess of minimum sizes should be designed to be suitable for older people/mobility impaired people, people living with dementia and people with disabilities in accordance with the guidelines set out in 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.}*~~

5. Build to Rent Accommodation (Relating to Proposed Material Alteration Ref.: 5.23, 5.24 and 15.8)

2.57 The PMAs of relevance to this section of the submission are listed as follows:

Material Alteration Reference Number	Chapter / Objective / Section
5.23	Chapter 5 - Section: 5.5.7 Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation
5.24	Chapter 5 - Section: 5.5.7 Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation Page: 186, Policy QHSN38 Build to Rent Accommodation
15.8	Chapter 15 - Section: 15.10 Build to Rent Residential Developments (BTR)

2.58 We summarise the key aspects of the PMAs below and outline our concerns in respect to same and then set out the suggested amendments.

BTR Housing Typology

2.59 The material alterations to Policy QHSN38 propose the following additional changes:

“There will be a general presumption against large scale residential developments (in excess of 100 units) which comprise of 100% BTR typology. To ensure there are opportunities for a sustainable mix of tenure and long term sustainable communities, a minimum of ~~{40%}~~ {60%} of ~~(standard build to sell apartments)~~ {units within a development must be designed as standard apartments in accordance with the requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, December 2020} ~~(will be required in such instances).~~”

2.60 It is respectfully submitted that the proposed alterations above are contrary to SPPR8 of the Apartment Guidelines and will place significant additional costs on the delivery of BTR developments. This concern is consistent with the OPR’s submission on the Draft Plan which requested the City Council to:

'Amend policy QHSN38 to omit the following text which is inconsistent with SPPR 8 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DHLGH, 2020):

'There will be a general presumption against large scale residential developments (in excess of 100 units) which comprise of 100% BTR typology. To ensure a sustainable mix of tenure and long term sustainable communities, a minimum of 40% of standard build to sell apartments will be required in such instances.'

- 2.61 Section 12 of the Planning and Development Act 2000, as amended sets out the statutory provisions and obligations relevant to the making of a new Development Plan. Under section 12(18) of the Act, the statutory obligations of the Planning Authority are specifically stated to include an obligation to ensure the Development Plan is consistent with the national and regional policy objectives of the NPF and the relevant RSES, along with the SPPRs of section 28 Guidelines issued by the minister.
- 2.62 Having regard to the above, we request that Proposed Material Alteration Reference Number 5.24 as demonstrated below (Chapter 5 - Section: 5.5.7 Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation, Page: 186, Policy QHSN38) be omitted from the Plan.

Requested Amendment No. 7

Requested Amendment No. 6 relating to Material Alteration Reference Number 5.24 Chapter 5 - Section: 5.5.7 Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation Page: 186, Policy QHSN38

~~*There will be a general presumption against large scale residential developments (in excess of 100 units) which comprise of 100% BTR typology. To ensure there are opportunities for a sustainable mix of tenure and long term sustainable communities, a minimum of (40%) (60%) of units within a BTR development must be designed as standard apartments in accordance with the requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, December 2020. There will be a presumption against the proliferation and over concentration of BTR development in any one area. In this regard, applications for BTR developments should be accompanied by an assessment of other permitted and proposed BTR developments within a 1km radius of the site to demonstrate:*~~

- ~~*• that the development would not result in the overconcentration of one housing tenure in a particular area and take into account the location of the proposed BTR.*~~
- ~~*• how the development supports housing need, particularly with regard to tenure, unit size and accessibility with particular reference to the Dublin City Council Housing Need and Demand Assessment.*~~

- 2.63 Notwithstanding the above request, if the Planning Authority does not remove the restriction for BTR developments as set out in the OPR submission, we request that the change in the ratio in Policy QHSN38 be revised to 60% BTR and 40% standard designed apartments in BTR developments, as per the Draft Plan.
- 2.64 The answer to concerns regarding low supply of standard designed apartments is to incentivise their provision through appropriate policies and objective not to penalise or restrict BTR. Further requirements in respect to BTR developments, which go

beyond the Apartment Guidelines, as set out in the Proposed Material Alterations will result in further delays to housing delivery and affordability in the City.

- 2.65 Furthermore, there is some ambiguity / confusion as to how to interpret the relevant text in the Draft Plan / PMA's from a Development Management perspective and some clarity in this respect would be helpful, i.e. by including reference to BTR development in the second part of the paragraph as set out below. This would provide clarity that applications can still be made for 100% BTR typology schemes, provided such schemes demonstrate that 40% or 60%, whichever is adopted, have been designed as standard apartments. If this is not the intention, then the policy will prove to be very difficult to comply with in practice, particularly for smaller scale developments that do not include a series of individual blocks where BTR blocks can be differentiated from standard apartment blocks. This request also relates to associated text in Section 5.5.7 (Material Alteration Ref.: 5.23) and Section 15.10 (Material Alteration Ref.: 15.8) relating to Build to Rent Developments.

BTR Locations

- 2.66 We note that it is also proposed to alter Policy QHSN38 to remove the reference to the Inner City as a location where BTR development are specifically supported, as per the text below:

Material Alteration 5.24

Policy QHSN38 Build to Rent Accommodation

To facilitate the provision of Build to Rent (BTR) Accommodation in the following specific locations:

- ~~(Within the Inner City (i.e. within the canal ring)).~~
- Within 500 metre walking distance of a high employment area i.e. more than 500 employees per hectare.
- Within 500 metres of major public transport interchanges (e.g. Connolly Station, Tara Street Station and Heuston Station), and
- Within identified Strategic Development Regenerations Areas.

There will be a general presumption against large scale residential developments (in excess of 100 units) which comprise of 100% BTR typology. To ensure {there are opportunities for} a sustainable mix of tenure and long term sustainable communities, a minimum of ~~(40%)~~ {60%} of ~~(standard build to sell apartments)~~ {units within a development must be designed as standard apartments in accordance with the requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, December 2020} ~~(will be required in such instances)~~. There will be a presumption against the proliferation and over concentration of BTR development in any one area. In this regard, applications for BTR developments should be accompanied by an assessment of other permitted ~~{and proposed}~~ BTR developments {within a} ~~(in the vicinity)~~ {1km}~~{(3km)}~~{radius} of the site to demonstrate:

- that the development would not result in the overconcentration of one housing tenure in a particular area and take into {account} ~~(regard)~~ the ~~(geographical area)~~ {location} of the {proposed} BTR.
- {how the development supports housing need, particularly with regard to tenure, unit size and accessibility with particular reference to the Dublin City Council Housing Need and Demand Assessment.

- 2.67 This material alteration and locational restriction for BTR schemes is also reflected in other sections of the Draft Plan relating to Build to Rent Accommodation, including Section 5.5.7 (Material Alteration Ref.: 5.23) and Section 15.10 (Material Alteration Ref.: 15.8).
- 2.68 Our client is also concerned with the above amendments in respect to the locations where BTR schemes are specifically supported, which in turn puts a greater onus on applicant's to justify a particular location outside these areas as being suitable for BTR, and which is more onerous than the Apartment Guidelines 2020, which acknowledges that suitable locations for BTR development includes all 'Central and/or Accessible Urban Locations', with SPPR8(iii) stating that BTR development is '*suitable for **central locations and/or proximity to public transport services***'.
- 2.69 Related to Policy QHSN38 above, the PMA 5.23 to Section 5.5.7, is proposed to be amended as follows:

Section: 5.5.7 Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation
Page: 184-185

BTR should be concentrated (~~in prime inner-city areas and also~~) in areas of high intensity employment use, (~~such as within 500 metres walking distance of a high employment area i.e. more than 500 employees per hectare,~~) within 500m of major public transport interchanges (~~(e.g. Connolly Station, Tara Street Station and Heuston Station)~~) and within identified Strategic Development Regeneration(~~s~~ **Zones**) **{Areas}**. Furthermore, applications for BTR schemes should be required to demonstrate {how the development supports housing need, particularly with regard to tenure, unit size and accessibility with particular reference to the Dublin City Council Housing Need and Demand Assessment and} that there is not an over-concentration of Build to Rent Accommodation within an area, including a map showing all such facilities within {a 1km radius} (~~(3km)~~) of a proposal. Such housing will be controlled in the interest of providing a mix of tenure and unit types. In assessing the matter of overconcentration, the Planning Authority will have regard to factors such as:

- 2.70 It is also submitted that 'within 500 metres walking distance of a high employment area i.e. more than 500 employees per hectare' will prove problematic in practice and be difficult to ascertain during the Development Management process, as we are not aware of any evidence base to demonstrate which areas of the City have more than 500 employees per hectare and therefore constitute "high employment areas". The current Plan includes Figure W in Appendix 2A relating to the number of persons working with DCC Electoral Divisions. However, this information is now out of date and no up to date evidence base is included in the Draft Plan / PMA's to demonstrate areas which fall within this criterion. We also understand that this information is not readily available from the Census.
- 2.71 Therefore, and as demonstrated in the requested amendment below, it would be appropriate to update Policy QHSN38, and associated sections of the new City Development Plan, to more closely reflect the central and/or accessible location criteria and SPPR8(iii) of the Apartment Guidelines 2020 which specifically state that BTR development is '*suitable for **central locations and/or proximity to public transport services***', which includes the following:

- Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.

2.72 The suggestions made above and illustrated in the tables below, will provide greater certainty for applicants / landowners, the local community, and most importantly ensure that much needed housing continues to be delivered across the City in a timely manner. At present, it is considered that the BTR sections of the Draft Plan / PMA's is somewhat ambiguous in the wording proposed and therefore would benefit from greater clarity prior to adoption.

Requested Amendment No. 8, 9 & 10

2.73 Having regard to the issues and rationale set out above, we respectfully request that the proposed Material Alterations be revised as set out in the tables below. The requested amendments below use the text provided in the Proposed Material Alterations to the Draft Plan (i.e. accepting the PMAs from the Draft Plan), but now with the requested text to be removed outlined in ~~red~~ and proposed additional text shown in green.

**Requested Amendment No. 8 relating to Material Alteration Reference Number 5.24 Chapter 5 - Section: 5.5.7 Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation
Page: 186, Policy QHSN38**

Build to Rent Accommodation

To facilitate the provision of Build to Rent (BTR) Accommodation including but not limited to central and/or accessible locations (as defined in the Apartment Guidelines 2020), to be assessed on a case-by-case basis, ~~in~~ and including the following specific locations:

- Within the Inner City;
- Sites within a reasonable walking distance from high frequency public transport routes (up to 1,000m from high capacity urban public transport stops and 500m to urban bus services);
- Within 500m of significant employment locations, that may include hospitals and third-level institutions; and
- ~~Within 500 metre walking distance of a high employment area i.e. more than 500 employees per hectare.~~
- ~~Within 500 metres of major public transport interchanges (e.g. Connolly Station, Tara Street Station and Heuston Station), and~~
- Within identified Strategic Development Regenerations Areas.

There will be a general presumption against large scale residential developments (in excess of 100 units) which comprise of 100% BTR typology. To ensure there are opportunities for a sustainable mix of tenure and long term sustainable communities, a minimum of (40%) ~~{60%}~~ of units within a **BTR** development must be designed as standard apartments in accordance with the requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, December 2020. There will be a presumption against the proliferation and over concentration of BTR development in any one area. In this regard, applications for BTR developments should be

accompanied by an assessment of other permitted and proposed BTR developments within a 1km radius of the site to demonstrate:

- that the development would not result in the overconcentration of one housing tenure in a particular area and take into account the location of the proposed BTR.
- how the development supports housing need, particularly with regard to tenure, unit size and accessibility with particular reference to the Dublin City Council Housing Need and Demand Assessment.
-

Requested Amendment No. 9 relating to Material Alteration Reference Number 5.23 Chapter 5 - Section: 5.5.7 Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation
Page: 184-185

It is recognised that Build to Rent (BTR) serves an important role in meeting housing demand and can fill a gap in tenure mix in established areas of owner-occupier housing. ~~Recent emerging trends however, would indicate that the dominance of BTR in large schemes can be to the detriment of standard designed apartment units.~~ Whilst such development has its place in the hierarchy of provision of homes across the city, the Planning Authority will seek to avoid over proliferation of such use in certain areas and encourage such development as part of a healthy mix of tenure in order to create sustainable communities and neighbourhoods.

BTR will be facilitated in appropriate locations, including but not limited to: should be concentrated in areas of high intensity employment use, within 500m of major public transport interchanges and within identified Strategic Development Regeneration Areas.

- **Within the Inner City;**
- **Sites within a reasonable walking distance from high frequency public Sites within a reasonable walking distance from high frequency public transport routes (up to 1,000m from high capacity urban public transport stops and 500m to urban bus services);**
- **Within 500m of significant employment locations, that may include hospitals and third-level institutions; and**
- **Within identified Strategic Development Regenerations Areas.**

Furthermore, applications for BTR schemes should be required to demonstrate how the development supports housing need, particularly with regard to tenure, unit size and accessibility with particular reference to the Dublin City Council Housing Need and Demand Assessment and that there is not an over-concentration of Build to Rent Accommodation within an area, including a map showing all such facilities within a 1km radius of a proposal. Such housing will be controlled in the interest of providing a mix of tenure and unit types. In assessing the matter of overconcentration, the Planning Authority will have regard to factors such as:

- the number and scale of other permitted BTR development in the vicinity (within a 1km radius) of the site,
- the household tenure and housing type of existing housing stock in the approximate vicinity (within a 1km radius) of the site,
- and the proximity of the proposal to high capacity urban public transport stops and

interchange (such as DART, Luas and BusConnects).

There will be a general presumption against large scale residential developments (in excess of 100 units) which comprise of 100% BTR typology. To ensure there are opportunities for a sustainable mix of tenure and long term sustainable communities, a minimum of **(40%)** ~~{60%}~~ of units within a **BTR** development must be designed as standard apartments in accordance with the requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, December 2020.

BTR schemes of less than 100 units will generally not be supported. The concept of Built to Rent requires a critical mass of accommodation to provide a meaningful provision of communal facilities and services. Smaller BTR schemes with less than 100 units will only be considered where it can be demonstrated that there is a strong need for the development and a detailed justification is provided.

Requested Amendment No. 10 relating to Material Alteration Reference Number 15.8 Chapter 15 - Section: 15.10 Build to Rent Residential Developments (BTR) Page: 706

Build to Rent” (BTR) refers to purpose built residential accommodation and associated amenities built specifically for long term rental that is managed and serviced in an institutional manner by an institutional landlord. Recent emerging trends would indicate that the dominance of BTR in large schemes can be to the detriment of standard designed apartment units. Dublin City Council will ~~consider~~ **facilitate** “Built to Rent” **within appropriate locations including, but not limited to, central / accessible locations (as defined in the Apartment Guidelines 2020), to be assessed on a case-by-case basis, ~~in~~ and including** specific locations as follows:

- **Within the Inner City;**
- **Sites within a reasonable walking distance from high frequency public transport routes (up to 1,000m from high capacity urban public transport stops and 500m to urban bus services);**
- **Within 500m of significant employment locations, that may include hospitals and third-level institutions; and**
- ~~Within 500 metre walking distance of a high employment area i.e. more than 500 employees per hectare.~~
- ~~Within 500 metres of major public transport interchanges (e.g. Connolly Station, Tara Street Station and Houston Station);~~
- Within identified Strategic Development Regenerations Areas,

There will be a general presumption against large scale residential developments (in excess of 100 units) which comprise of 100% BTR typology. To ensure there are opportunities for a sustainable mix of tenure and long term sustainable communities, a minimum of **(40%)** ~~{60%}~~ of units within a **BTR** development must be designed as standard apartments in accordance with the requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, December 2020.

- 2.74 In considering the requested amendments above, we note that there is an obligation on the planning authority under Section 12(18) of the Act to ensure the development plan is consistent with Section 28 guidelines, particularly SPPR’s, and, under section 28(1C), to comply with the SPPRs in the carrying out of its functions.

3.0 SUMMARY & CONCLUSION

- 3.1 In conclusion, the submission seeks to highlight our client's concerns in respect of the Proposed Material Alterations to the Draft Plan which will result in significant implications for the delivery of residential development in the City. The proposed material alterations will place considerable additional burdens on developers which will increase costs associated with the delivery of residential accommodation across the City.
- 3.2 The issues raised are of significant concern to our client as the proposed material alterations in respect to flood risk policy SI15 and inconsistency with the Flood Risk Management Guidelines, Objective CUO22 requiring 5% of floorspace for cultural/artist and community use on all schemes above 10,000 sq.m, Objective QHSNO10 and Universal Design requirements for new residential developments, Part V 20% social housing requirements, and locational restrictions and mix ratio requirements for Build to Rent (BTR) Schemes, all of which will adversely impact on the viability, delivery and affordability of housing in the City.
- 3.3 We trust that the Planning Authority will consider the contents of this submission when finalising the City Development Plan 2022-2028 and we look forward to reviewing the contents when published.

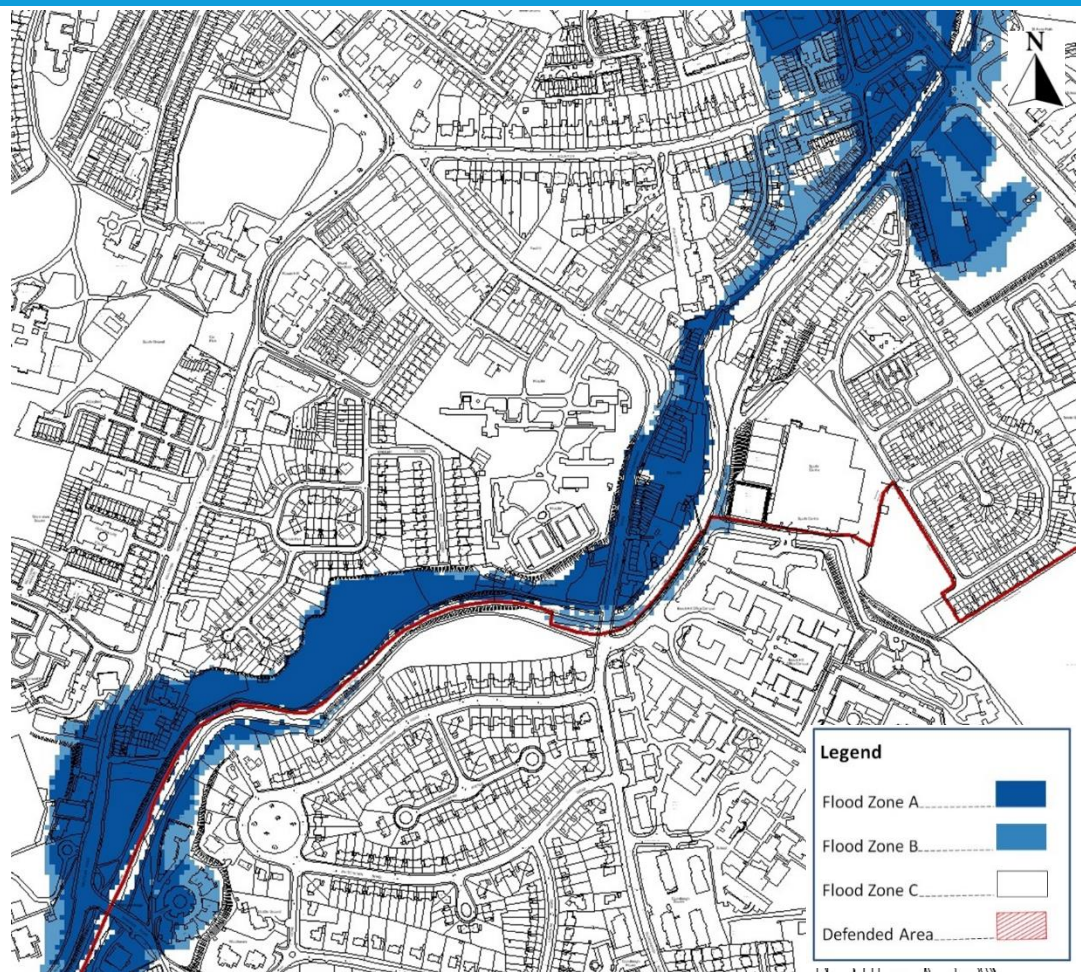
Yours faithfully,



John Spain Associates

**APPENDIX 1- VOLUME 7, STRATEGIC FLOOD RISK ASSESSMENT, APPENDIX B -
AREA ASSESSMENT INDEX, AREA: 11. DODDER: DONNYBROOK BRIDGE –
DUNDRUM ROAD**

Area: 11. Dodder: Donnybrook Bridge – Dundrum Road



(Map H Dublin City Council Development Plan 2022-2028 (zoning map key at back of tables)

{For Land Use Zoning Maps Overlaid with Flood Zones see:

- [Draft Dublin City Council Development Plan 2022 – 2028 – Flood Map H](#)
- [Proposed Material Amendments to the Draft Dublin City Development Plan 2022 – 2028 - Flood Maps in Appendix G.](#)

Area Description

This area on the Dodder river goes from Donnybrook (Anglesea) Bridge to Clonskeagh Bridge to Dundrum Road Bridge. To the southeast it includes Beaver Row and Beech Hill Road (in Dun Laoghaire-Rathdown County Council). To the northwest it includes the rear of lower part of Eglington Road, Dunbar, Brookvale Road, two Smurfit Weirs, Ashton’s Pub and the Smurfit Site. Upstream of Clonskeagh Bridge it includes Clonskeagh House, Scully’s Field, Strand Terrace in Milltown. The southern floodplains are in Dun Laoghaire-Rathdown County Council’s area and they should be consulted on any proposed

Area: 11. Dodder: Donnybrook Bridge – Dundrum Road	
	<p>development in or adjacent to their area.</p> <p>The area has only fluvial and pluvial rainfall influences.</p> <p>Development in this area is a mixture of low to high density commercial and residential with infill development of both.</p>
SDRAs within this Area	N/A
Benefitting from Defences (flood relief scheme works)	There are no existing flood defences above ground level in this area and therefore no defended areas on the map. Flood defences up to the first Smurfit Weir are planned to be carried out by Q2 2022.
Sensitivity to Climate Change	An increase of 20% on top of the estimated 100-year fluvial level is planned to be catered for by storage upstream of where the Tallaght Stream joins the River Dodder. A 30% increase in fluvial flows should be used when assessing the viability of any critical development/ infrastructure.
Residual Risk	As no existing defences are utilised this is not currently applicable, but assessment of residual risks will be required when new flood defences are in place.
Historical Flooding	The flood maps attached are consistent with previous flooding of this section of the River Dodder in 1986 and 2011.
Surface Water	<p>All surface water in this area needs to be carefully managed and provision made for significant rainfall events during high river flows. Should development be permitted, best practice with regard to surface water management should be implemented across the development area, to limit surface water run-off to current values. Separation of surface water and foul sewage flows should be carried out where possible.</p> <p>All developments shall have regard to the Pluvial Flood Maps in their Site Specific Flood Risk Assessment, see FloodResilienCity Project, Volume 2 City Wide Pluvial Flood Risk Assessment at http://www.dublincity.ie/main-menu-services-water-waste-and-environment-drains-sewers-and-waste-water/flood-prevention-plans.</p>
<p>Commentary on Flood Risk:</p> <p>The flood extents indicate flow paths generally coming directly out of the river channel. These can be compounded with local pluvial flooding if heavy rainfall coincides with high river flows. Backing up of the local</p>	

Area: 11. Dodder: Donnybrook Bridge – Dundrum Road

combined and surface water network can occur when heavy rainfall coincides with high river flows. Some fluvial flood routes are modelled to leave upstream of the Lower Smurfit Weir and carry on down Beaver Row flooding Simmons Court Terrace before draining slowly back into the river. Pluvial flooding in the past has exacerbated this flooding. Another flood route is from Strand Terrace through Scully's Field and down to Clonskeagh House, across the Clonskeagh Road into the Smurfit site and back into the river. Any development to alter these flood routes needs to be carefully planned.

These flood maps were produced based on the OPW CFRAM Dodder Pilot Study and checked against historic flooding in the area. A new flood study for this site started in 2020.

Development Options:

The main flood cells in this area are located in parkland and in small residential developments. No new development should be allowed in these green areas unless they are water compatible. All existing embankments and walls should be evaluated for new developments behind them.

Residential development (mainly infill) with a small amount of commercial would be a natural extension of existing development in this area. However, any development could reasonably be accommodated within the extents of Flood Zone C and should not need to extend into Flood Zone A or B unless defended. Some development may require to await future flood defence works in this area.

Justification Test for Development Plans

1. **Part 1 of the Justification Test is covered under Section 3.2.1 in the main body of the SFRA report.**
2. **The zoning or designation of the lands for the particular use or development type is required to achieve the proper planning and sustainable development of the urban settlement and, in particular:**

- (i) **Is essential to facilitate regeneration and/or expansion of the centre of the urban settlement.**

Answer: Yes: This area is an established residential suburb of Dublin City. This stretch of the Dodder goes from Donnybrook (Anglesea) Bridge to Clonskeagh Bridge to Dundrum Road Bridge. To the southeast, it includes Beaver Row and Beech Hill Road (in Dun Laoghaire Rathdown County Council's area). To the northwest, it includes the rear of lower part of Eglington Road, Dunbar, Brookvale Road, two Smurfit Weirs, Ashton's Pub and the Smurfit Site. Upstream of Clonskeagh Bridge it includes the Clonskeagh House, Scully's field, Strand Terrace in Milltown. This area is essential to facilitate the expansion of the City.

- (ii) **Comprises significant previously developed and/or under-utilised**

Area: 11. Dodder: Donnybrook Bridge – Dundrum Road

lands.

Answer: Yes: The River along this stretch primarily flows through built-up established residential suburbs. Sites would generally consist of brownfield sites.

(iii) Is within or adjoining the core of an established or designated urban settlement.

Answer: Yes: The lands form part of ~~(an established suburb of the City)~~ {the established / designated urban settlement of Dublin City}.

(iv) Will be essential in achieving compact and sustainable urban growth.

Answer: Yes: (see response to (iii) above).

(v) There are no suitable alternative lands for the particular use or development type, in areas at lower risk of flooding within or adjoining the core of the urban settlement.

Answer: There are no suitable alternative lands for the particular uses or development type in areas at lower risk of flooding, within or adjoining the urban settlement.

3. Specific Flood Risk Assessment

- Some areas within Flood Zone A and B are open space, providing a river corridor along the Dodder. These lands should be retained as they will provide moderation of flows to currently developed areas.
- Larger scale development or regeneration should be configured to avoid development within Flood Zone A and B, thus reconnecting the floodplain and minimising downstream flows.
- Development within Flood Zone A and B should be limited to small residential/ commercial extensions or changes of use. Surface water and overland flows have been identified as being important in this area, so should be fully assessed in any site specific flood risk assessment.
- Liaison with Dun Laoghaire-Rathdown County Council is required for any proposed development which may have cause a change in flood risk in their area.

Conclusion: The subject area passes {Part 1 and 2 of } the Justification Test for Development Plans {but Part 3 has found that new development should be located in Flood Zone C and avoid Flood Zone A and B.}