

POOLBEG WEST PLANNING SCHEME

MATERIAL ALTERATIONS

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PART 1

Introduction

On 17th May 2016, the Government designated Poolbeg West as an SDZ, as the 34 Ha area was deemed to be of social and economic importance to the state. The order specifically referred to the need to provide for much needed housing, and to provide for the expansion of the national port.

Dublin City Council was appointed as Development Agency and charged with the preparation of the Planning Scheme. Work commenced in July 2016 with the invitation of ideas, comments and consultation with the local community. Public information sessions were organised in the local area during July and feedback received during the pre draft consultation stage informed the preparation and focus of the draft planning scheme.

The draft planning scheme was published on the 24th January 2017. This coincided with the commencement of a 6 week public consultation period until 8th March 2017, and included

- A display of the plan at the Civic Offices in Wood Quay and at Dublin Docklands office, Dublin 1.
- A dedicated website at www.poolbegwest.ie was created and the draft planning scheme document, the accompanying Environmental reports and details on how to make a submission were made available to the public on the site.
- Drop-in sessions were held in the local area to coincide with the consultation period
- Monthly information updates and presentations were provided to the South East Area Committee throughout the preparation period of the draft planning scheme.
- A presentation of the draft planning scheme was made to Members of the City Council on the 8th of February 2017.

The Chief Executives report was prepared which summarised the submissions received (109) and provided a response and recommendations to the issues raised during the public consultation period. Following circulation of the CE report on submissions an information session was held for Members, which was followed by the submission of 108 Motions. The Chief Executive Report on these Motions was circulated to members on 12th May 2017.

At a special council meeting held on the 18th of May 2017, Dublin City Council, having considered the Poolbeg West draft planning scheme and the Chief Executive's report Numbers 141/2017 and 176/2017, in accordance with the Planning and Development Act 2000 as amended, resolved to make, subject to variations and modifications as agreed at the meeting, the Poolbeg West draft planning scheme subject to the making of a determination if a strategic environmental assessment or an appropriate assessment or both such assessments, as the case may be, is or are to be carried out as respects one or more than one proposed variation or modification that would, if made be a material alteration of the draft planning scheme.

Proposed Alterations to the Draft Poolbeg West Planning Scheme

A number of the modifications agreed at the meeting held on the 18th of May 2017 constitute material alterations to the draft planning scheme and as such require further public display period under the Planning and Development Act 2000, as amended.

It is concluded that the majority of modifications agreed at the council meeting do not constitute material alterations, in that they are de minimis in nature, or provide clarification to the existing text and overall do not significantly change the nature and character of the planning scheme. However it is

concluded that the following modifications constitute a material alteration to the draft planning scheme:

i. Affordable Housing

Provision is now made for an additional 550 affordable housing units in the SDZ by way of agreement between Dublin City Council, the Minister for Housing, Planning, Community and Local Government, and the beneficial owners of the land. It is considered that the change in tenure diversity from the 10% (350 units) provided in the Draft Planning Scheme to 900 units would constitute a material alteration

ii. Mix of Units

The planning scheme is modified so that the minimum amount of 3 bed units is increased from 15% to 20% and the maximum amount for 1 bed units is reduced from 25-30% to 20-25% in the SDZ. These modifications constitute a material alteration to the mix of units in the SDZ

iii. Social, Cultural, Creative and Artistic Spaces

The scheme is amended to require all developments over 50 units/5000m² to provide 5 % social, cultural, creative and artistic spaces in the SDZ as identified in a cultural community audit rather than in the general locality.

iv. Re-allocation of B2 lands to Mixed use

The land identified as B2 in the draft planning scheme and shown as Industrial & Port Zone is now zoned for mixed use, mainly to allow for existing developments on site such as Bissett Engineering and to allow for consideration of a film studio type development in the B2 area. These alterations which will include a reduction in the Port Park size, are considered to be material alterations to the scheme.

v. Urban form and Height

Additional storeys are provided for on a number of streets within the scheme, apart from Sean Moore Road which remains 4-5 Storeys. In addition, provision is made for an increase in the height of the landmark buildings, with the maximum height of the focal building overlooking the park increased from 16 to 20 storeys. The scheme is also amended to show a general height of up to 20m (5 storeys) on the Port Lands. These amendments facilitate a possible increase from c.3000 to c.3,500 units. All buildings are subject to detail assessment in relation to amenity, urban design etc at planning application stage.

This document, which is accompanied by environmental determinations prepared in accordance with Section 169 of the Planning and Development Act 2000, as amended, Article 179 of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 and Article 6 of the Habitats Directive 92/43/EEC, details the proposed material alterations to the draft planning scheme.

How to Make a Submission/Observation

Observations or submissions regarding the proposed material alterations **only** must be received between

Wednesday 14th June 2017 and **Wednesday 12th July 2017** inclusive:

- Online at www.poolbegwest.ie
- In writing to: **“Poolbeg West Draft Planning Scheme” Dublin Docklands, Dublin City Council, Custom House Quay, Docklands, Dublin 1**

Submissions/observations should be made by **one** medium only and should refer to:

- Proposed Material Alteration **Reference number(s)** as shown in the document
- Full Name & Address of person making submission/observation
- Details of organisation/community group/company which you represent where relevant

If you require any assistance you can contact a member of the SDZ team on

Tel: 01 222 5233.

How this Document is organised

The proposed material alterations to the draft Poolbeg West planning scheme are set out in **Part 2** of this document.

Proposed material alterations to the text of the draft planning scheme are assigned a **Reference Number** and their location in the plan is referenced where applicable (references to page numbers are to the draft planning scheme page number).

See examples below.

***Additions** to the text are shown in green print underlined, for example:*

Material Alteration Reference Number 4.1

Insert text after the first paragraph in chapter 4.1 introduction (page 14)

Dublin City Council through the Department of Community and Social Development has assumed responsibility for Community Development, Social Inclusion, Children's Services, Integration and an Age Friendly City.

***Deletions** to the text are shown in red print with strikethrough, for example:*

Material Alteration Reference Number 6.4

Text in Section 6.4 (page 26) under the heading 'cycling', second sentence to be omitted

~~Nearby Sandymount Strand Promenade provides a good recreational cycle route however, and this connects through paths to Sean Moore park.~~

Mapping – The proposed material alterations to the Maps of draft Poolbeg West planning scheme are set out in Part 3 of this document. The Map Reference Number should be referenced when making a submission or observation on maps.

Note: Amendments and updates to Figures/Maps will be made in the Final publication

PART 2

Proposed Material Alterations

CHAPTER 3 – A New Residential Neighbourhood

Material Alteration Reference Number 1

Insert text in Section 3.5, ‘social housing provision’ after the first paragraph (page 12)

Of the 3,500 new homes permissible on the site under this Planning Scheme, 900 will be delivered as either social and/or affordable units including units for senior citizens. A minimum of 350 (10%) will be delivered as social housing in accordance with the provisions of Part V of the Planning and Development Act 2000, (as amended). In addition, given public investment in enabling infrastructure for the area and in order to ensure a proper and sustainable tenure mix, a commercial agreement with confirmed funding will be entered into, prior to commencement of development, between Dublin City Council, the Department of Housing, Planning, Community and Local Government and the owners/developers of the residential element of the overall SDZ area which will ensure the delivery of the balance of the social/affordable homes.

This objective takes account of and implements Government Policy as set out in the ‘Action Plan on Housing and Homelessness Rebuilding Ireland’ including Actions 2.4 and 2.8 (delivery of additional social housing over and above Part V through a variety of means), Action 2.16 (housing for older people, including assisted living), Action 3.1 (Local Infrastructure Housing Activation Fund (LIHAF))and Action 4.6 affordable rental), together with policies promoting tenure diversity in the City Council’s Housing Strategy. In addition, Dublin City Council will be given an option, as part of the SDZ to acquire, at market rate, 100 housing units.”

CHAPTER 3 – A New Residential Neighbourhood

Material Alteration Reference Number 2

Amend ‘Table 3.1 – Mix of Unit types in SDZ’ to

Apartment Unit Type	% of SDZ Scheme
1 beds	20-25% (up to a quarter of which may be studios)
3+ beds	20% minimum
2 beds	up to 60% (balance)

CHAPTER 4 – Community Development

Material Alteration Reference Number 3

Amend Objective CD 8 to

- (i) To require all developments over 50 residential units/5000m² to provide 5% social, cultural, creative and artistic purposes in the SDZ as identified in a cultural and community audit. Each block Masterplan/application needs to demonstrate how this is being incorporated. This space can be provided in tandem with community needs identified through community audits (see CD 9 below) to achieve viable economies of scale.
- (ii) Developers to consult with the Arts Office of Dublin City Council, Local Communities and residents in developing the social, cultural, creative and artistic needs of the SDZ.

CHAPTER 9 – Land Use & Phasing

Material Alteration Reference Number 4

Delete all words from and inclusive of the film, TV and digital content industries in line one to vision a Reality and to adopt the following paragraphs as follows so that it will read:

Dublin Bay Studios: A once in a lifetime opportunity for Dublin
That the area designated as B2 in the Strategic Development Zone be shown for mixed use, including film, TV and digital content production studios
And that such a facility would allow for the provision of sound stages, post production and digital services, workshop areas, ancillary support and admin buildings, backlot (outdoor, green area)

CHAPTER 11 – Urban Structure & Design

Material Alteration Reference Number 5

Insert additional bullet point to Section 11.5.1, Pg 65

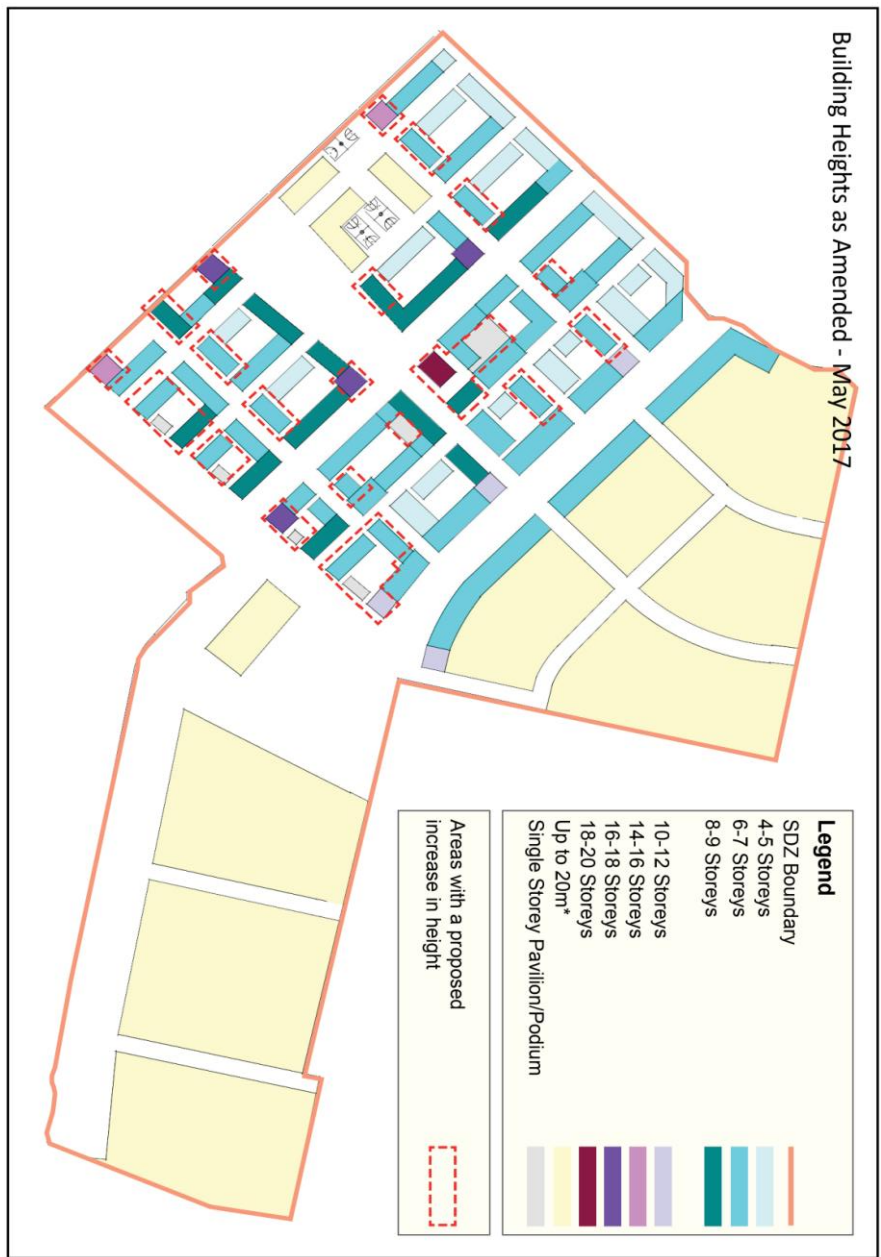
- “Whilst no minimum height has been set for Landmark or Gateway buildings where such buildings are required they shall be of sufficient height (compared with adjacent buildings) so as to ensure legibility throughout the SDZ and enhance the diversity of the skyline, particularly when viewed from surrounding areas”

PART 3

Proposed Material Alterations Maps

Material Alteration Map 1

Amend Figure 11.2 – Block Form and Layout within the Draft SDZ Planning Scheme Plan, with concurrent increases in building height as illustrated below



Material Alteration Map 2

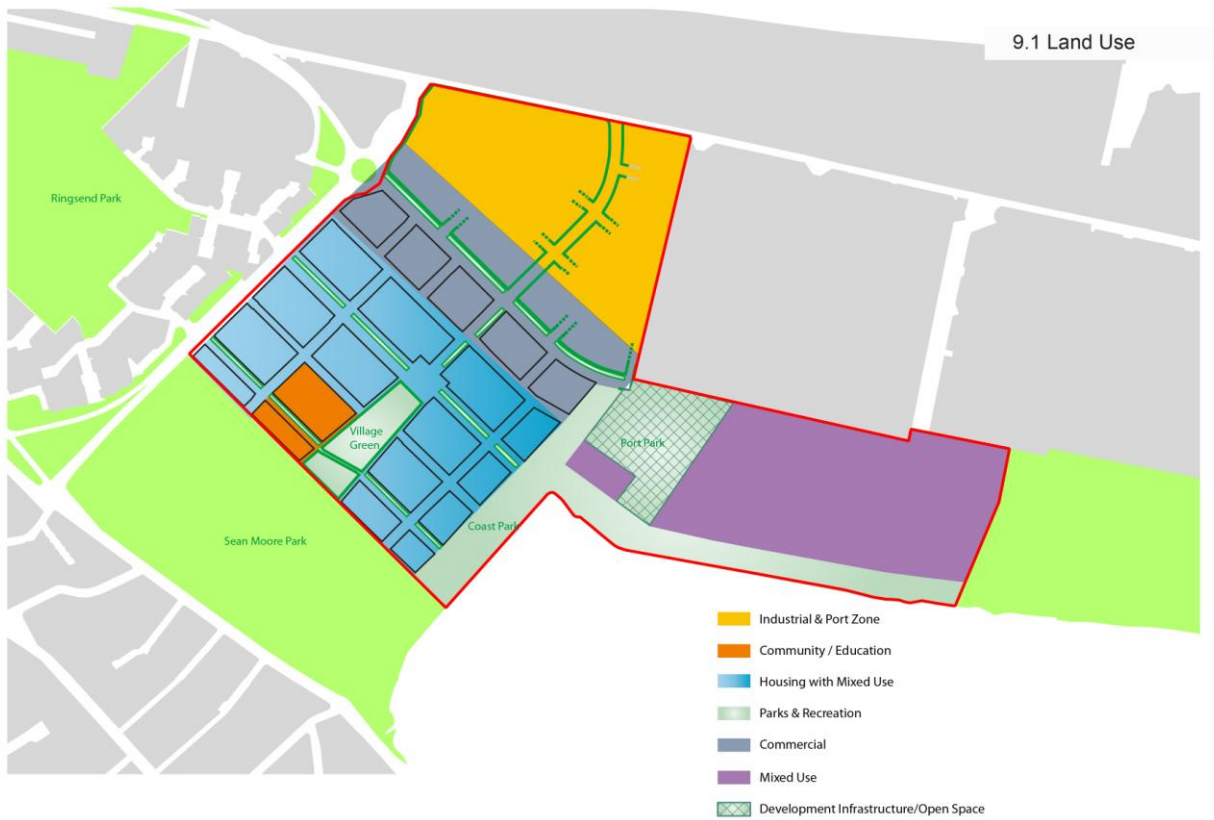
To amend Fig. 8.1, 9.1 and associated drawings so that the site is shown for development/infrastructure in the longer term, with open spaces shown by hatched lines in the short term, with the exception of the John Bissett site which will be shown for mixed use development



8.2 Indicative Sustainable Urban Drainage



9.1 Land Use





PART 4

Environmental Assessments Determination

**Strategic Environmental Assessment (SEA)
Screening Determination under:
The Planning and Development Act 2000 as amended
For:
Proposed Material Alterations to the
Draft Poolbeg West Draft Planning Scheme**

A Strategic Environmental Assessment (SEA) Screening Determination has been made by Dublin City Council regarding Proposed Material Alterations to the Poolbeg West Draft Planning Scheme.

Section 169 (4) (ba) of the Planning and Development Act 2000 (as amended), requires, inter alia, a determination to be made as to whether Proposed Material Alterations to the Draft Planning Scheme warrant the undertaking of SEA.

Such a determination takes into account relevant criteria set out in Schedule 2A 'Criteria for determining whether a plan is likely to have significant effects on the environment' of the SEA Regulations, as amended.

Taking into account the measures that have already been integrated into the Draft Planning Scheme which contribute towards environmental protection, environmental management and sustainable development, it is identified that all potential adverse effects arising from proposed changes are either present already and will be further contributed towards or will be mitigated so as not to be significant (residual adverse); or are potentially adverse and would be mitigated by the measures integrated into the planning scheme or the Dublin City Development Plan so as not to be significant. The proposed changes do not change the selected scenario for the draft planning scheme that emerged from the draft planning scheme/SEA preparation process. Therefore, it is determined that SEA is not required for the Proposed Material Alterations.

An SEA Screening Determination Considerations report on the Proposed Material Alterations has been prepared which accompanies and has informed this determination. The determination has also been informed by the SEA Environmental Report and the draft planning scheme.

**Appropriate Assessment Determination under:
The Planning and Development Act 2000 (as amended)
For the:
Material Alterations to the Poolbeg West SDZ Planning Scheme**

An Appropriate Assessment (AA) determination has been made by Dublin City Council regarding the Material Alterations to the Poolbeg West SDZ planning scheme.

Section 169 (4) (ba) of the Planning and Development Act 2000, requires, inter alia, a determination to be made as to whether Material Alterations to the Poolbeg West SDZ planning scheme warrant the undertaking of AA. An Appropriate Assessment determination [pursuant to Article 6(3) of the Habitats Directive as to whether or not a plan or project would adversely affect the integrity of a European site and the Planning and Development Act 2000 (as amended)] is being made by Dublin City Council.

In carrying out this Appropriate Assessment, the Council is taking into account the relevant matters specified under Part XAB of the Planning and Development Act 2000 (as amended), including:

- Existing Poolbeg West SDZ planning scheme (and associated NIR and SEA reports);
- The Strategic Environmental Screening Determination; and
- The Screening Statement for the Material Alteration of the Poolbeg West SDZ planning scheme.

It is determined that the risks to the safeguarding and integrity of the qualifying interests, special conservation interests and conservation objectives of all European Sites have been addressed by the inclusion of achievable mitigation measures within the existing Poolbeg West SDZ with which the Material Alterations must comply. These prioritise the avoidance of effects in the first place and will reliably mitigate these effects where these cannot be avoided. In addition, any lower level plans and projects arising through the implementation of the plan will themselves be subject to relevant stages of Appropriate Assessment when further details of design and location are known.

Having incorporated these mitigation commitments; it is considered that the Material Alterations to the Poolbeg West SDZ planning scheme is not foreseen to have any likely significant effects on the ecological integrity of any European Site¹.

¹ Except as provided for in Section 6(4) of the Habitats Directive, viz. There must be:
a) no alternative solution available,
b) imperative reasons of overriding public interest for the plan to proceed; and #
c) Adequate compensatory measures in place.