
Briefing Note on City Development Plan and Height Guidelines

The Corporate Policy Group at its meeting on Friday 27 January 2019 asked that this Briefing noted by prepared and that the matter be placed on the Agenda for the February City Council meeting.

1. Development Plans are made by the elected members of a Local Authority under Sections 9 – 17 of the Planning and Development Act 2000 (as amended) every 6 years. Section 9(6) of the Act requires that the Development Plan shall, in so far as is practicable, be consistent with such national plans, policies or strategies as the Minister determines relating to proper planning and sustainable development. Section 10 requires the Development Plan to include a Core Strategy to demonstrate that it is consistent with national and regional policy (i.e. the National Spatial Strategy, now superseded by the National Planning Framework 2040, and the draft Regional Spatial and Economic Strategy).

The DHPLG ‘Urban Development and Building Heights – Guidelines for Planning Authorities’ (2018) indicate that there is a need to deliver compact urban growth with an objective to provide at least half of future housing within the existing built up area of the city.

Furthermore, the Guidelines require the Planning Authority to consider building heights of at least six storeys within the canal ring, three to four storeys in suburban locations and to actively seek and bring forward proposals which significantly increase building height and the overall density of development

(The new Guidelines can be accessed at <https://www.housing.gov.ie/planning/national-planning-framework/urban-development-and-building-heights-guidelines-planning>).

2. Section 28 of the 2000 Planning Act (as amended) states that the Minister may issue planning guidelines to Planning Authorities. Under the Planning and Development (Amendment) Act 2015 and by a further amendment in 2018, Section 28 was amended so that the Minister can expressly state specific planning policy requirements (SPPR’s) to be applied by Planning Authorities / An Bord Pleanála.
3. As such Section 28 now distinguishes between advisory guidelines and specific requirements which must be mandatorily applied by Planning Authorities and the Board in the performance of their functions (S28(1c)). Subsequently both the Apartment Guidelines (March 2018) and the Building Height Guidelines (2018)

contain SPPR's which take precedence over any conflicting policies and objectives contained in development plans or local area plans.

4. In relation to the Building Height Guidelines, SPPR No. 1 requires PA's to explicitly identify through future statutory plans, areas where increased height will be actively pursued to secure the urban consolidation objectives of the NPF 'and shall not provide for blanket numerical limitations on height'.

SPPR 3 states that where an applicant demonstrates how a proposal complies with certain criteria (e.g. proximity to good public transport, contribution to place-making/streetscape, daylight/microclimatic impacts, effect on the historic environment etc.), to the satisfaction of the Planning Authority, then permission may be granted, 'even where specific objectives of the relevant Development Plan or Local Area Plan may indicate otherwise'

5. These requirements do not apply to an approved SDZ Planning Scheme. However, the Planning Authority/Development Agency must, on the coming into force of the Guidelines, carry out a review, to ensure the NPF/Guidelines are reflected in the Scheme. The review of the existing DCC SDZ Planning Schemes has commenced. The Guidelines at 2.11 state that it is crucial that Development Plans identify and provide policy support for specific locations or precincts where increased height is not only desirable, but a policy requirement. In this regard, the review of the current City Development Plan must commence by September 2020. It is not necessary or proposed to review the current City Development Plan to take account of the new Building Height Guidelines.

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