



## MINUTES OF THE PLANNING AND PROPERTY DEVELOPMENT SPC MEETING

HELD ON TUESDAY 25<sup>TH</sup> SEPTEMBER 2018

### 1 **Draft Urban Development and Building Height: Guidelines for Planning Authorities**

The Chair welcomed the MSc students who are studying spatial planning in DIT to the meeting.

The Purpose of this Special Planning and Property Development SPC is to discuss the **Draft “Urban Development and Building Height: Guidelines for Planning Authorities”**.

John O’Hara, City Planner, gave a brief introduction before he proceeded to the presentation. He explained that these are draft guidelines the final draft to be published by the Minister under Section 28 of the Planning and Development Act 2000 (as amended). Guidelines to assist in the consolidation and densification of urban area. Public Consultation until 24<sup>th</sup> September 2018. The Department agreed to give an extra few days as they had been informed that there was an SPC Meeting today. This would give time for the SPC Members to give their views.

The Guidelines contain 4 Specific Planning Policy Requirements

- SPPR 1 states:

*In accordance with Government policy to support increased building height in locations with good public transport accessibility, particularly town/ city cores, **planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued** for both redevelopment and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies **and shall not provide for blanket numerical limitations on building height.***

- SPPR 2 states:  
*In driving general increases in building heights, planning authorities shall also **ensure appropriate mixtures of uses**, such as housing and commercial or employment development, are provided for in statutory plan policy. **Mechanisms such as block delivery sequencing in statutory plans<sup>2</sup>** could be utilised to **link the provision of new office and residential accommodation**, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities.*
  
- SPPR 3 states:  
*It is a specific planning policy requirement that where;*
  1. **an applicant** for planning permission sets out how a development proposal complies with the criteria **above**; and
  
  2. **the assessment of the planning authority concurs**, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority **may approve such development, even where specific objectives of the relevant development plan, local area plan or planning scheme may indicate otherwise.**
  
- SPPR 4 states:  
*It is a specific planning policy requirement that in planning the future development of **greenfield or edge of city/town locations** for housing purposes, planning authorities must secure:*
  1. the **minimum** densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “**Residential Development in Urban Areas (2007)**” or any amending or replacement Guidelines;
  
  2. **a greater mix of building heights and typologies** in planning for the future development of suburban locations; and
  
  3. avoid **mono-type building** typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development **of 100 units or more.**

The City Planner then gave a presentation.

A discussion followed and The City Planner said that he would make a submission to the Department the following morning. Below are some of the comments made under headings

### **SPC General Comments**

Members welcomed the consultation opportunity provided to them.

There were some divergent opinions but majority were **not** in favour of the guidelines. The guidelines threaten our democracy.

Concern expressed that the guidelines through flagging the possibility of change have actually slowed down residential development.

Document guidelines are not guidelines but a directive, issue with Central Government over ruling Local Democracy.

Worried about impact on other projects, could cause slow down/delays.

Main points were:

#### **Development Plan**

DCC Development Plan struck right note. Development Plan is a local plan (versus national) decided by elected members of the city council. The Ministers proposed changes which would override the development plan could lead to unintended consequences and should be resisted.

The Development Plan takes into account the local Dublin city context. It took 2 development plans to get agreement on height. A consistency of approach to densities and understanding of local issues is what produces what is sustainable in urban areas. The planning authority understands the local planning context. ACAs give context, protected structures, LAPs etc.

Well conceived collaboration and consultation in planning leads to good results eg Concert Hall area is a Strategic Development and Regeneration Area which allows for considered height allowed with new Public Realm.

#### **SDZ**

Basis of SDZ is public consultation followed by Council decision – no appeal to ABP.

Potential to slow down development in SDZ area as there will be legal issues etc. These guidelines make SDZs less significant. Clarification is needed on this to prevent further slowing down of the market.

Concerns about agreed SDZ, changing now would be seen to be breaking contract.

#### **Consultation**

There will be difficulties with all consultations and future buy in if the Minister through these guidelines overrides the consultation processes that led to LAPs, Development Plan, SDZs etc.

This is a serious erosion of local democracy.

#### **Height / Density**

Dublin City does not have a blanket ban on height. How to achieve appropriate density is the main issue. There is a perception that Dublin is against height which is not correct and this message needs to be got out. Intensification is accepted in urban areas but it is a complex issue. The blanket lifting of heights to achieve intensification of density is flawed.

There are 14 locations for high rise identified for the city in the development plan but so far we are not seeing the demand for the heights permitted. Lifting the height elsewhere will not ensure increased supply. The uncertainty from this proposed policy change has an impact on existing projects which are stalling /getting delayed e.g. Oscar Traynor. The proposed guidelines are unsettling the market leading to delays.

The guidelines are inconsistent as on the one hand they are suggesting that height should be incentivised in some areas but not be capped in other areas. There is no policy instrument to incentivise height in certain areas. Without any other mechanism to incentivise other than to permit height in certain areas rather than in others how can you incentivise?

Bias of process is to default to give maximum protection to lowest height protected structure in area whereas in other cities they seem to be able to protect without constraining development. Greater leeway needs to be given to planners in this.

Suggestion made that at a minimum it could be suggested that the default building height of 6 storeys be removed.

The view was expressed that Dublin has very high density compared to Other European Cities, inner City of Dublin very high density. A 20 storey building has same capacity as a 5 storey perimeter block on a given site.

### **Design**

There are other issues such as design allied to quality public realm that need to be understood and taken into consideration. A view was expressed that London has real sense of design.

### **Guidelines**

Question the value of these guidelines for Dublin City.

Described as 'guidelines' but as they contain 'specific planning policy requirements' (SPPRs) it is not correct to say they are 'guidelines' as an SPPR is a mandatory requirement to be applied by the planning authority. Question the democracy of this.

There is a lack of context in the guidelines document.

**Councillor Andrew Montague**  
**Chairperson**

Tuesday 25<sup>th</sup> September 2018

**Attendance:**

**Members:**

Cllr. Andrew Montague (chair)  
Cllr. Deirdre Heney (chair ED&E SPC)  
Cllr. Gaye Fagan  
Cllr. Paul McAuliffe  
Cllr. Áine Clancy  
Cllr. Anne Feeney  
Cllr. Daithí De Róiste  
Cllr. Norma Sammon  
Cllr. Dermot Lacey  
Ms. Geraldine Lavin  
Ms. Ann Mulcrone  
Ms. Valerin O'Shea  
Mr. John McCrane  
Mr. Odran Reid  
Mr. Graeme McQueen

**Officers**

Mr. Richard Shakespeare, Assistant Chief Executive  
Mr. John O'Hara, City Planner  
Ms. Máire Igoe, Senior Executive Officer  
Ms. Mary Mac Sweeney, Senior Executive Officer  
Ms. Niamh Lambert, Administrative Officer

Ms. Aileen Mac Dermott, S. Staff Officer  
Ms. Sharon Beatty, Staff Officer  
Mr. Conor O'Hanlon, Clerical Officer

**Apologies:**

Cllr. Kieran Binchy  
Cllr. Patrick Costello  
Cllr. Hazel De Nortúin  
Cllr. Janice Boylan  
Cllr. Cathleen Carney Boud

Cllr. Greg Kelly  
Cllr. Paddy Bourke  
Cllr. Gary Gannon  
Cllr. Noeleen Reilly  
Cllr. Mary Freehill

Ms. Denise Brophy  
Mr. John Lombard  
Mr. Evanne Kilmurray  
Ms. Geraldine Lavin  
Mr. Martin Harte