

Planning Department, Dublin City Council, Civic Offices, Wood Quay, Dublin 8.

> Date: 31/03/2025 Our Ref:

Dear Sir/Madam,

RE: <u>SUBMISSION IN RELATION TO THE RESIDENTIAL ZONED LAND TAX (RZLT)</u> ON BEHALF OF IN RELATION TO SITES AT RICHMOND STREET SOUTH, DUBLIN 2.

DCC Reg. Ref.

INTRODUCTION

On behalf of our client,

we, John Spain Associates, 39 Fitzwilliam Place, Dublin 2, hereby make a submission to Dublin City Council on the draft Residential Zoned Land Tax maps, published in February 2025, in relation to the sites at Richmond Street South, Dublin 2.

This submission sets out the planning and development context of the subject sites, the considerations under Taxes Consolidation Act 1997 (as amended) that apply to the sites, and requests that the sites be removed from the RZLT map. The annual draft map for the 2026 year was published on 1 February 2025 ahead of the publication of the revised final map in January 2026. As set out by DCC the deadline for submissions regarding the inclusion in or exclusion from the final map of specific sites, is 1st April 2025 therefore this submission has been made on time.

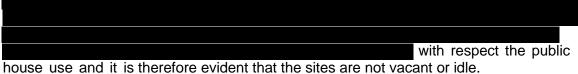
An application for a large-scale development on these sites was submitted 14th July 2023 to Dublin City Council and in turn was granted planning permission following First Party Appeal, on the 1st of October 2024, of the decision of Dublin City Council on DCC Reg. Ref. 4148/23 (ABP 318150-23) to refuse it. This application went through an extensive 2-year design process involving several pre-application meetings with the Senior Planner and Area Planner.

The design evolved through a consultative process, and the scheme was revised and refined in accordance with the comments received. The evolution of the design process is set out in the application documentation, which shows previous iterations of the scheme

Managing Director: P. Turley. Executive Directors: R. Kunz | S. Blair | B. Cregan | L. Wymer | K. Kerrigan Senior Associate Directors: M. Nolan | B. Coughlan | I. Livingstone. Associate Director: T. Devlin John Spain Associates Ltd. trading as John Spain Associates extensively revised in response to the feedback of the City Planners. The decision to include the sites in the RZLT is significantly at odds with the policies and objectives of the Dublin City Development Plan 2022-2028, discussions / agreement with Elected Representatives, City Planners and our client's engagement with the Development Plan making process.

which was included within this application and included on the RZLT Maps. A large portion of the application site is in the ownership of DCC (See Appendix 1 for extent of our client's ownership, which shows two sites divided by lands which are in the ownership of Dublin City Council). The ownership pattern to the north and south of the DCC site are not suitable for comprehensive development in isolation of the DCC land. As such this submission relates to two separateland parcels ('the subject sites').

Furthermore, the Tax Consolidation Act (as amended) states that land is excluded from the scope of RZLT where land: "is in use as premises, in which a trade or profession is being carried on, that is liable to commercial rates."



Please find the following enclosed with this submission:

- Appendix 1: Site location map OS Map;
- Appendix 2: Receipt of •
- Appendix 3: DCC Report No •

EXECUTIVE SUMMARY

The following summary sets out the key reasons why the subject sites should be removed from the RZLT Map:

- 1. It is considered that the land is not idle or vacant as it is required for and integral to a trade, namely property development, and will be required for office type professions in the near future. Significant efforts have been taking place in order to allow for the sites to come forward for development. No unauthorised development is taking place, no enforcement notice has been issued in relation to the sites and the public house use on the lands is authorised. ABP granted permission for a large scale office led mixed-use development in October 2024. On foot of the grant of permission, the applicant is progressing to detailed design with the design team, with the intent of preparing a tender pack for issue to potential contractors. In the interim the landowner is preparing the pub for re-use before the summer, as part of this they are carrying out works to the roof of the pub to ensure fully weatherproof.
- 2. The subject sites are zoned Z10 'Inner Suburban and Inner City Sustainable Mixed-Uses', the objective of which is "To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses." It is abundantly clear that the intention of the Z10 zoning is to ensure that there is a sufficient mix across the entire Z10 zoned area at any given location rather than on individual sites, and that the use mix is acceptable provided it falls within the 30-70% bracket across the entire Z10 land area, and does not result in an undue concentration of one-particular land use. The Board agreed that the wording of the Z10 Zoning objective is clear that the mix requirements are to be applied across the Z10 area as a whole. The Board agreed

that the wording of the Z10 Zoning objective is clear that the mix requirements are to be applied across the Z10 area as a whole stating: "*I do not consider that the 'promotion' of residential under policy QHSN10 would outweigh the otherwise compliant land uses, particularly given that the Z10 zoning objective does make provision for residential, which in this case has been met on the wider Z10 lands.*"

- 3. It is not the intent of the landowner to develop residential uses on the lands, and such an approach is entirely consistent with the provisions of the mixed use zoning objective having regard to both the overall Z10 landbank and the exemption to deliver a mix of uses on the subject site. To satisfy the RZLT criteria as identified in section 653B, land must be zoned residential use or for mixed uses including residential within a Development Plan. However residential use would not be in the faith and the intent of the mixed use zoning given the existing quantum which has been already delivered. Therefore the placement of the sites on the RZLT Map is entirely inappropriate and should be removed.
- 4. The west and north of the sites are bound by a narrow lane and existing and permitted commercial development, and a residential development up to the boundary to the east. The only aspect of the sites which is not physically constrained is the Richmond Street South side. Therefore, any residential development would be solely single aspect, as any aspect to the west, north or east would have sub standard amenity due to overlooking from commercial uses. The DCC ownership is located at the centre of the site, reducing any potential for residential development. Additionally, any such aspect would be severely constrained in terms of daylight access.
- 5. A residential development, which would meet the required standards of amenity would therefore not be possible and the sites are therefore *"affected, in terms of its physical condition, by matters of a sufficient extent to preclude the provision of dwellings."*
- 6. with respect the public house use and is therefore evidence that the sites are not vacant or idle, notwithstanding the public house is not currently operating. Additionally, the public house has been actively marketed for rent and is currently under offer for operation until the wider development is possible.

SITE LOCATION AND CONTEXT

The subject sites at Richmond Street South are occupied in part by the

This building is to be brought back into use as part of the permitted office development and incorporated into the wider scheme which was granted following First Party Appeal, on the 1st of October 2024, DCC Reg. Ref. 4148/23 (ABP 318150-23) by An Bord Pleanala. Rates have been paid for the business as set out in further detail later.

The sites present a significant opportunity for redevelopment at a key brownfield location in the south city centre. The owner has committed significant resources to assembling the sites over a number of years from various different parties, in order to bring forward a comprehensive scheme and contribute positively to Richmond Street South and the City. The owner is therefore demonstrably actively pursuing the development of the lands.

The applicant has spent 25 years assembling this site, made up of 16 separate land interests in addition to DCC, in order to bring forward a comprehensive development which is complementary to the regeneration completed and underway on adjacent sites. The ownership was fragmented with multi-layered titles and assembling the sites and involved tracking down previously unknown fee farm grant owners, acquiring ground rents, possessory titles, securing a Ministerial waiver to reinstate the long lease of a company struck off over 60 years ago, and agreeing a land swap with an adjoining owner to regularise the boundary to the south.

A detailed agreement was entered into with the City Council to acquire a portion of the land of which DCC retains ownership. This agreement required and obtained the approval of the elected members, the same elected members whom made the current Development Plan. The DCC Housing Department has considered their site, located between the two parcels of lands in our client's control, to be unsuitable for residential development.

Dublin City Council have agreed to sell their site to

subject to grant of permission for a non-residential mixed-use development. Please see Appendix 3 for this document. Residential development is not envisaged on these lands by the elected members, as evidenced by the approval of the disposal of the DCC lands to our client, to be incorporated into a non residential scheme across the three parcels of land.

As part of the agreement for the disposal of the DCC lands, an arts facility is to be provided within the permitted scheme in accordance with the specifications and requirements of the Arts Office. These requirements have been incorporated into the scheme which is currently subject to appeal and are reflective of a collaborative process undertaken with the City Arts Office.

In the context of the above we have described the lands as a series of parcels in relation to their present status:

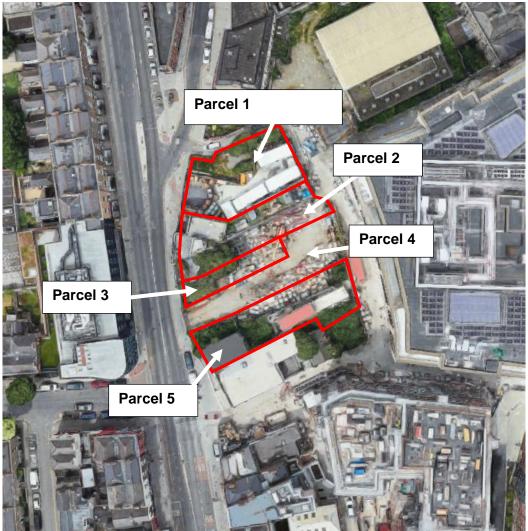


Figure 1: Approximate Subject Sites Location (Source: Google Maps)

- Parcel 1: Currently leased to **Example 10** portacabins, toilets, temporary Offices, Canteen and power Generator. These lands are not vacant or idle.
- Parcel 2:
- Parcel 3: Small strip to the south of the Pub.
- Parcel 4: DCC lands whose purchase has been agreed with the Dublin City Council by Vote

This is incorporated in the that has received Planning Permission in November last. Ownership to transfer on completion of Conditions.

• Parcel 5: Strip of Land to the south of DCC lands.

BASIS FOR REMOVAL FOR RZLT MAPS

This submission is made in accordance with Section 653D:

"653D (1) person may, not later than 1 January 2023, make a submission in writing, on a draft map published in accordance with section 653C(2), regarding—

(a) the inclusion in, or exclusion from, the final map of a site, or

(b) the date on which a site first satisfied the relevant criteria

by sending the submission, together with the person's name and address, to the local authority concerned."

As set out below, this submission seeks that the lands in our client's ownership are removed from the RZLT map, having regard to the specific exclusion provided under Section 653B(iii)(I) which is addressed in the following section of this submission.

In accordance with Section 653D (3), "a map prepared by Ordnance Survey Ireland at a scale at which the site can be accurately identified" is included with this submission (Appendix 1).

Section 653B sets out criteria for inclusion on the RZLT maps. The relevant provisions for the lands to be excluded from the map are addressed below, with specific provisions highlighted in bold:

"653B. In this Part, a reference to land which satisfies the relevant criteria is a reference to land that–

- (a) is included in a development plan, in accordance with section 10(2)(a) of the Act of 2000, or a local area plan, in accordance with section 19(2)(a) of the Act of 2000, zoned–
 - (i) solely or primarily for residential use
 - (ii) for a mixture of uses including residential use
- (b) it is reasonable to consider may have access, or be connected, to public infrastructure and facilities, including roads and footpaths, public lighting, foul sewer drainage, surface water drainage and water supply, necessary for dwellings to be developed and with sufficient service capacity available for such development, and
- (c) it is reasonable to consider is not affected, in terms of its physical condition, by matters to a sufficient extent to preclude the provision of dwellings, including contamination or the presence of known archaeological or historic remains,

but which is not land-

- (i) that is referred to in paragraph (a)(i) and, having regard only to development (within the meaning of the Act of 2000) which is not unauthorised development (within the meaning of the Act of 2000), is in use as premises, in which a trade or profession is being carried on, that is liable to commercial rates, that it is reasonable to consider is being used to provide services to residents of adjacent residential areas,
- (ii) that is referred to in paragraph (a)(ii), unless it is reasonable to consider that the land is vacant or idle,
- (iia) the development of which would not conform with—

(I) in a case in which the land is zoned in a development plan, the phased basis in accordance with which development of land is to take place under the plan, as detailed in the core strategy included in that plan in accordance with section 10(2A)(d) of the Act of 2000, or

(II) in a case in which the land is zoned in a local area plan, the objective, consistent with the objectives and core strategy of the development plan for

the area in respect of which the local area plan is prepared, of development of land on a phased basis, included in the local area plan in accordance with section 19(2) of the Act of 2000

- (iii) that it is reasonable to consider is required for, or is integral to, occupation by–
- social, community or governmental infrastructure and facilities, including infrastructure and facilities used for the purpose of public administration or the provision of education or healthcare,
- (II) transport facilities and infrastructure
- (III) energy infrastructure and facilities,
- (IV) telecommunications infrastructure and facilities,
- (V) water and wastewater infrastructure and facilities,
- (VI) waste management and disposal infrastructure, or
- (VII) recreational infrastructure, including sports facilities and playgrounds,
- (iv) that is subject to a statutory designation that may preclude development, or
- (v) on which the derelict sites levy is payable in accordance with the Derelict Sites Act 1990."

The sites have been included on the draft RZLT map, shown in purple to indicate mixed use zoned lands:

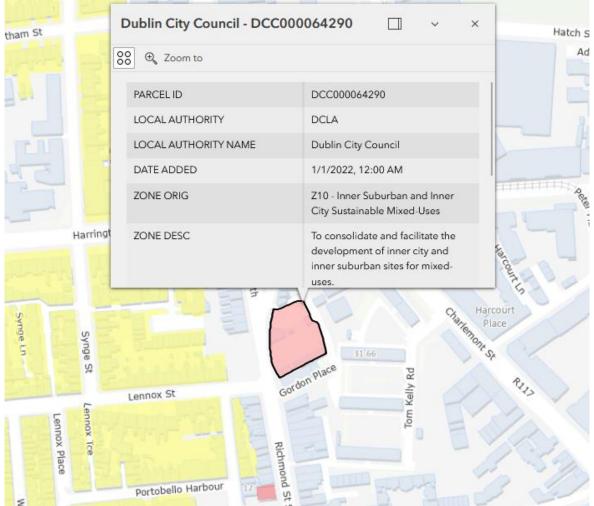


Figure 3: Extract RZLT Draft Map with location of subject sites (outlined in dashed red) which also includes DCC site to be acquired (Source: Department of Housing, Local Government and Heritage, 2025)

While the sites are zoned for a mixture of uses including residential use, there are a number of practical reasons why the sites do not satisfy the criterion for inclusion in the map, the following considerations are considered relevant:

- 1. The sites are not 'Vacant or Idle';
- 2. DCC Development Plan: Z10 zoning Objective;
- 3. The physical condition of the sites do not allow for the provision of residential uses; and
- 4. Payment of rates.

Consideration 1: The Sites Are Not Vacant or Idle (all parcels)

The Finance Act 2024, which governs the implementation of the RZLT, defines 'vacant or idle' land as:

"land which, having regard only to development (within the meaning of the Act of 2000) which is not unauthorised development, is not required for, or integral to, the operation of a trade or profession being carried out on, or adjacent to the land".

Having regard to this definition, and the provisions of subsection (ii) of Section 653(b) which exclude mixed-use zoned lands from the RZLT maps if they are not vacant or idle, it is considered that the sites do not satisfy the criterion for inclusion under subsection (ii).

It is noted that, as set out in section 3.1.2 of the RZLT Guidelines for Planning Authorities, there are two criteria to be tested to determine whether land can be considered vacant or idle:

- (a) Whether or not the development on the land is required for or integral to the operation of a trade or profession being carried out on or adjacent to the land, and
- (b) Whether or not the development is authorised.

In relation to criterion (a), in the absence of a specific exemption for development on foot of a valid planning permission, it is considered that the land is required for and integral to a trade, namely property development, and will be required for office type professions in the near future. While construction on the sites is not currently ongoing, significant efforts have been taking place in order to allow for the sites to come forward for development, as previously set out. The lands are now subject to extant permission for a large-scale office led development.

The site is being rented and actively used by

who are completing development to the east of the site. They have pre-fabricated cabins on the lands with administrative offices.

In the interim the landowner is preparing the pub to re-open before the summer, as part of this they are carrying out works to the roof of the pub to ensure fully weatherproof.

In relation to criterion (b), it is considered that no unauthorised development is taking place, no enforcement notice has been issued in relation to the sites and the public house use on the northern portion of lands is authorised.

Consideration 2: Z10 Zoning Objective (all parcels)

The subject sites are zoned Z10 'Inner Suburban and Inner City Sustainable Mixed-Uses', the objective of which is "To consolidate and facilitate the development of inner city and inner suburban sites for mixed-uses."

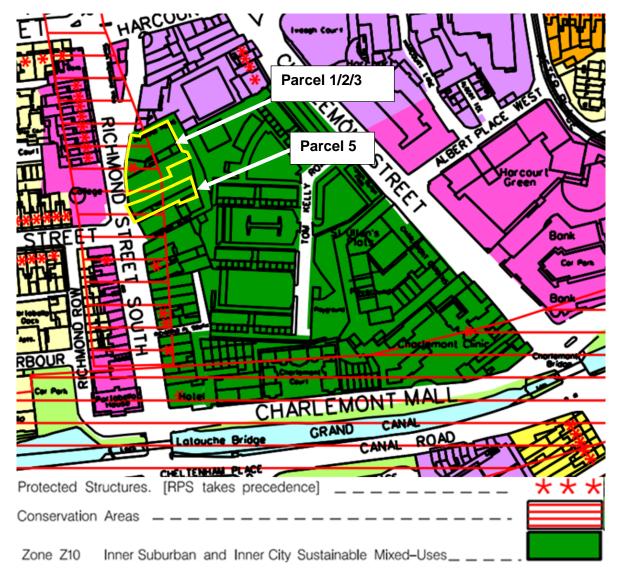


Figure 4: Zoning Extract from the Dublin City Development Plan 2022-2028 with the sites approximately outlined in yellow .

The accompanying text in the Development Plan states:

"The purpose of this zoning is to promote mixed-use in order to deliver sustainable patterns of development in line with the principles of the 15-minute city. The concept of mixed-use will be central to the development or redevelopment of these sites and mono uses, either all residential or all employment/office use, shall not generally be permitted.

In order to ensure that a mixed-use philosophy is adhered to on Z10 zoned lands, the focus will be on delivering a mix of residential and commercial uses. There will be a requirement that a range of 30% to 70% of the area of Z10 zoned lands can be given to one particular use, with the remaining portion of the lands to be given over to another use or uses (e.g. residential or office/employment). For very small sites, typically less than

0.5ha, flexibility on mix requirement may be considered on a case-by-case basis, where it can be demonstrated that the proposal would not result in an undue concentration of one particular land-use on the Z10 landholding as a whole.

The primary uses supported in this zone are residential, office and retail, with ancillary uses also facilitated where they deliver on the overall zoning objective.

There will be a requirement that for any significant scheme (on Z10 zoned lands greater than 0.5ha in size) seeking to increase densities and/or height, a masterplan is prepared (see also Appendix 3: Achieving Sustainable Compact Growth). The requirement to prepare a masterplan in respect of future development will also specifically apply to Z10 zoned lands at Malahide Road, Harmonstown Road, Goldenbridge Industrial Estate, 110-114 Cork Street, Glenview Industrial Estate and Brickfield House/ Sunshine Estate." [our emphasis]

It is clear from the wording, in particular that emphasised above, that the assessment of the mix of uses is against the overall Z10 landbank. The subject site is significantly below the 0.5 ha, at 0.22ha.

During the preparation process of the 2022-2028 Dublin City Development Plan, a *Chief Executive's Report on Draft Plan Consultation Process*¹ was published by DCC on the 29th of April 2022. The report addresses submissions which were raised at public consultation stage, including a number of submissions which related specifically to the Z10 zoning. Under Chapter 14: Land Use Zoning, they clarify what the intention and purpose of the Z10 zoning objective is, stating that:

"As noted in the Draft Plan, the purpose of the Z10 zoning objective is to promote mixed use in order to deliver sustainable patterns of development in line with the principles of the 15minute city. The proximity principle is a core concept in the Draft Plan and it is considered reasonable and appropriate to prescribe an appropriate mix of uses on such lands. The CE notes the comments made that the approach conflicts with that taken with regard to Z16. However, the CE considers that given the wide variety of uses permissible and open for consideration under the Z10 zoning objective, that there is sufficiently flexibility to ensure that a mixed-use approach is pursued on such lands and is not an onerous requirement. The CE however, recommends greater flexibility, that the objective should be amended to require a range of 30% to 70% and that this approach ensures that the objective is not prescriptive.

The CE acknowledges however, that such a mix requirement may be too restrictive on small infill sites and recommends a textual amendment to provide greater flexibility for such sites.

It is intended that the land use mix requirements relate to site area not GFA and relate to the Z10 landholding as a whole, rather than individual sites within.

Clarification to the text is recommended in this regard. The Draft Plan is clear on which specific sites require a masterplan. In addition, the masterplan requirement applies to sites over 1ha. Please see response to the OPR in relation to the CE recommendation in relation to masterplans. The concerns regarding loss of lower order uses are noted. However, the zoning matrix provides for a wide variety of uses within Z10 lands and the mix requirements provides an opportunity for such uses to be accommodated on the Z10 lands if redeveloped." [Our emphasis]

¹ <u>https://www.dublincity.ie/sites/default/files/2022-05/ce-report-no-119-2022-draft-devlopment-plan-public-submission.pdf</u> [Report No. 119 2022 – 29th April 2022]

The text associated with the Z10 zoning objective was altered from the Draft stage of the plan making process by a material alteration, agreed by the Council and incorporated in its adopted Development Plan as shown below:

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

The primary uses supported in this zone are residential, office and retail with ancillary uses also facilitated where they deliver on the overall zoning objective.

There will be a requirement that for any significant scheme (on Z10 zoned lands greater than {1} (0.5) ha in size) seeking to increase densities and/or height, that a masterplan is prepared (see also Appendix 3). The requirement to prepare a masterplan in respect of future development will also specifically apply to Z10 zoned lands at Malahide Road, Harmonstown Road, Goldenbridge Industrial Estate, 110-114 Cork Street, Glenview Industrial Estate and Brickfield House/ Sunshine Estate."

The final adopted text therefore now reads as follows:

"The purpose of this zoning is to promote mixed-use in order to deliver sustainable patterns of development in line with the principles of the 15-minute city. The concept of mixed-use will be central to the development or redevelopment of these sites and mono uses, either all residential or all employment/office use, shall not generally be permitted.

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

The primary uses supported in this zone are residential, office and retail, with ancillary uses also facilitated where they deliver on the overall zoning objective.

There will be a requirement that for any significant scheme (on Z10 zoned lands greater than 0.5ha in size) seeking to increase densities and/or height, a masterplan is prepared (see also Appendix 3: Achieving Sustainable Compact Growth). The requirement to prepare a masterplan in respect of future development will also specifically apply to Z10 zoned lands at Malahide Road, Harmonstown Road, Goldenbridge Industrial Estate, 110-114 Cork Street, Glenview Industrial Estate and Brickfield House/ Sunshine Estate."

ABP granted permission for development in October 2024. The Board agreed that the wording of the Z10 Zoning objective is clear that the mix requirements are to be applied across the Z10 area as a whole. The Inspector agreed with the above interpretation, stating:

"The appeal site is located on Z10 land that forms the urban block bounded by Richmond Street South, Richmond Villas, Charlemont Street, and Charlemont Mall. The greater majority of this Z10 landholding is occupied by the Charlemont Square development (set out in detail in the Planning History section above) which is a mixed use office, residential and commercial development. Following an analysis of the surrounding land uses within the Z10 landholding, including the proposed uses on the appeal site, the Applicant considers that 10% of the Z10 land relates to mixed uses, 42% predominantly commercial use, and 48% predominantly residential use. The greater balance of use on the Z10 landholding relates to residential use and even when adding the mixed uses to commercial uses, the overall land use mix would remain compliant with the 30%-70% requirement of the zoning objective.

I am therefore satisfied that the development would comply with the Z10 zoning objective and would contribute an appropriate mix of uses, ensuring that the Z10 land achieves the required mix with regard to the 30%-70% requirement for the Z10 landholding and having regard to the flexibility to be applied to sites below 0.5 hectares. On the basis that the requirements of the zoning objective have been fully met in terms of land use, I do not consider that the 'promotion' of residential under policy QHSN10 would outweigh the otherwise compliant land uses, particularly given that the Z10 zoning objective does make provision for residential, which in this case has been met on the wider Z10 lands. I am therefore fully satisfied that when considering the Z10 lands as a whole, in addition to the recent development of Charlemont Square, a suitable balance between residential and commercial would be achieved. For this reason, I am of the view that the first reason for refusal should be set aside." (Our emphasis.)

As shown above, it is abundantly clear that the intention of the Z10 zoning is to ensure that there is a sufficient mix across the entire Z10 zoned area at any given location rather than on individual sites, and that the use mix is acceptable provided it falls within the 30-70% bracket across the entire Z10 land area, and does not result in an undue concentration of one-particular land use. Further, provision was made for flexibility on sites below 0.5 hectares, such as the subject site, in recognition that the delivery of a mix of uses may not be possible or an efficient use of land for such smaller sites.

It is not appropriate to assess the subject sites in isolation of their wider Z10 surroundings, in which instance it would have been identified that the majority use on the Z10 landbank is in fact residential and the ratio of land uses sought are already achieved. It is incorrect to apply the residential requirement to these sites in isolation.

The Z10 zoning objective states that the land use mix requirements relate to the Z10 landholding as a whole, rather than individual sites within. The exercise carried out by John Fleming Architects below, shows substantial residential, office, hotel and retail land uses within the Z10 landbank and immediate area.

As shown, residential is the most significant use in the Z10 landbank, including the permitted development on the subject lands, with 50% of the Z10 land area, while strictly commercial uses accounting for 30% of the land use area. Even if the 'mixed use' and hotel areas across the landbank were allocated entirely to the commercial uses, the commercial uses would not exceed 50%, and would in fact be similar to the amount of residential land use. Clearly, the land use mix objective of the Development Plan and the Z10 zoning objective are comfortably complied with.

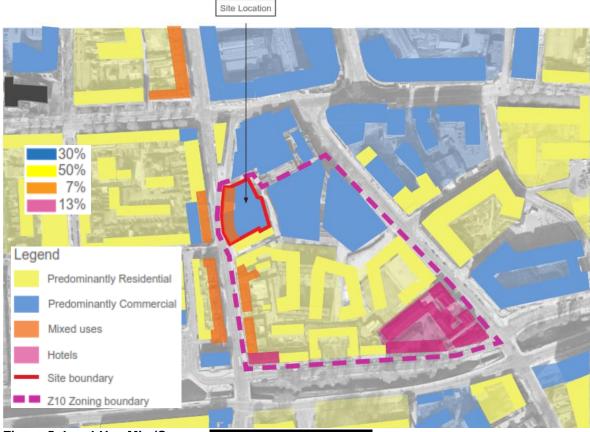


Figure 5: Land-Use Mix (Source:

It is not the intent of the landowner to develop residential uses on the lands, and such an approach is entirely consistent with the provisions of the mixed use zoning objective having regard to both the overall Z10 landbank and the exemption to deliver a mix of uses on the subject sites as it is below 0.5 hectares. The Inspector notes that the 'promotion' of residential under policy QHSN10 does not outweigh the otherwise compliant land uses, which have been met on the wider Z10 lands. Therefore the placement of the sites on the RZLT Map is entirely inappropriate and should be removed.

Consideration 3 – The physical condition of the sites do not allow for the provision of residential uses (all parcels)

Having regard to 653B (c) below, it is submitted that due to the configuration and context of the sites, that the provision of residential development of an acceptable standard would not be possible.

"(c)it is reasonable to consider is not affected, in terms of its physical condition, by matters to a sufficient extent to preclude the provision of dwellings, including contamination or the presence of known archaeological or historic remains,"

The west and north of the sites are bound by a narrow lane and existing and permitted commercial development, and a residential development up to the boundary to the east. The only aspect of the sites which are not physically constrained is the Richmond Street South side. Therefore, any residential development would be solely single aspect, as any aspect to the west, north or east would have sub standard amenity due to overlooking from commercial uses. Additionally, any such aspect would be severely constrained in terms of daylight access.

A residential development, which would meet the required standards of amenity would therefore not be possible and the sites are therefore *"affected, in terms of its physical condition, by matters of a sufficient extent to preclude the provision of dwellings."*

As stated above DCC Housing Department have similarly determined that their lands are not suitable for residential development.

Consideration 4: Payment of Rates (Parcel 3)

The Finance Act (as amended) defines 'vacant or idle' land as:

"land which, having regard only to development (within the meaning of the Act of 2000) which is not unauthorised development, is not required for, or integral to, the operation of a trade or profession being carried out on, or adjacent to the land".

Rates were paid by our client on the subject lands in January 2025 (see Appendix 2 for confirmation of same) with respect the public house use which is identified as Parcel 3 above and is therefore evidence that the sites are not vacant or idle, notwithstanding the public house is not currently operating.

The pub was vacated and deactivated in preparation for development at the end of this planning process. The public house has been actively marketed for rent and is currently under offer for operation until the wider development is possible.

We note that the advertising hoarding on No. 8 South Richmond Street is also a property subject to rates (property number 815383) a are the rate payer.

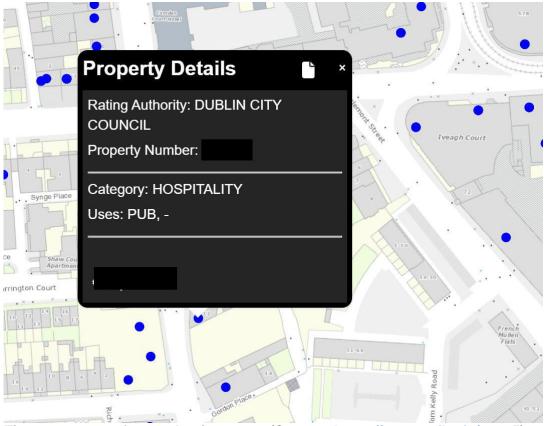


Figure 6: extract from valuations map (Source: https://maps.tailte.ie/, 2025)

John Spain Associates

To apply the RZLT to the subject property would be double charging for the operation of a business and not in the spirit of RZLT, which seeks to activate land.

CONCLUSION

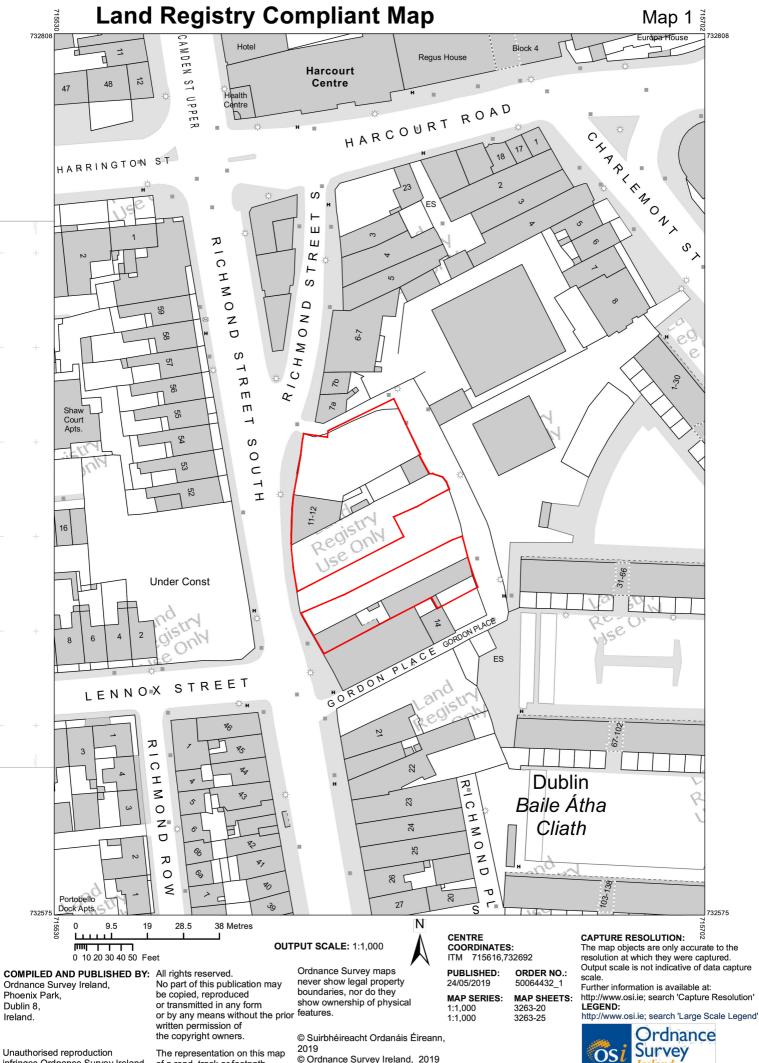
For these practical reasons and considerations set out above, it is respectfully requested that the Planning Authority remove the sites from the RZLT map. We trust that the Planning Authority will take into account this submission.

Yours sincerely,

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Executive Director John Spain Associates Ltd.

APPENDIX 1 - SITE LOCATION MAP - OS MAP



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APPENDIX 2: RECEIPT OF

PAYMENT



Transaction confirmation

Transaction details

Amount	
My statement message	
Payee message	
Туре	
Currency	
Additional information for payee	
Payment option	
AIB reference no	
Payment status	
Payment reference	
Transaction Date	

Payer details

Payee details

Payee name	
Payee account	
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APPENDIX 3

To the Lord Mayor and Members of Dublin City Council Report No. Report of the Assistant Chief Executive

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Comhairle Cathrach Bhaile Átha Cliath Dublin City Council

With reference to the proposed disposal of 15 and rear 14 Richmond Street South, Dublin 8 to

Dublin City Council is the freehold owner of a mid-terraced site at 15 and rear 14 Richmond Street South. Dublin 8. which is adjoined on the north and south by property in the ownership of the

Council to purchase this site to facilitate the cohesive redevelopment of the city block 8-17 Richmond Street South. A number of meetings have been held with area councillors over the summer to discuss the proposal.

Background:

Street South, Dublin 2 for inclusion into the redevelopment of a larger site (extending from 8 to 17 South Richmond Street), which is one of the last significant brown field sites in Dublin 8. The proposal is for a mixed-use development, centred on the protection, restoration and regeneration of the former Bambrick's Public House, and comprises a coffee shop, restaurant, atrium lobby and retail units on the ground level fronting South Richmond Street, office accommodation above and a dedicated Arts and Cultural space in the basement. The overriding design emphasis has been on revitalisation of the building and street-level activity and the careful integration of the Protected Structure into the development.

The Housing Department and the City Architects have confirmed that the site is not suitable nor feasible for residential development unless it is integrated into a larger site.

It is proposed therefore to dispose of the site to subject to the following terms and conditions which the Chief Valuer has recommended as fair and reasonable:

- 1. That the disposal of the Council site with a site area of 394sq.m. (c. 0.09acres) shown outlined red, coloured pink on the attached map index no. SM2012-0356 will facilitate the redevelopment of the city block at 8-17 Richmond Street South.
- That the disposal price for the site will be the sum Vat if applicable.
- 3. That the disposal will be subject to the purchaser lodging a valid planning application within nine months of City Council approval to the disposal. That, if required, the purchaser will have one opportunity to appeal to An Bord Pleanála.
- 4. That as part of the planning permission for the site redevelopment the purchaser will provide a Cultural and Arts space with a gross internal area of 343sq.m. (3,692sq.ft.). The precise specification and layout to be agreed with the Arts Officer. The space will be leased to Dublin City Council Arts Office on favourable terms as set out at Condition No. 10 below.
- 5. That if the planning permission is either refused (by Dublin City Council or An Bord Pleanála), or granted subject to onerous conditions, then the purchaser may rescind the

agreement within eight weeks of the refusal or final grant of planning permission, without penalty or compensation due to either party. In the case of a grant of permission the Purchaser must indicate in writing that it is an acceptable grant of planning permission within four weeks of the decision.

- 6. That the contracts for disposal and the agreement for lease for the arts/cultural space will issue within 10 weeks of City Council approval to the disposal and the parties will exchange within 6 months of issue. A 10% deposit falls due on the signing of contracts for the disposal.
- 7. The balance falls due once construction of the proposed development reaches first floor slab level and title will pass at this point.
- 8. That Dublin City Council reserves the right to terminate the agreement, should the purchaser fail to substantially commence the development within three years of the date of final grant of planning permission.
- 9. That the property is being sold as seen, Dublin City Council will not be required to clear the site prior to the completion of the sale.
- 10. That any of the timelines outlined above may be extended by the Executive Manager of the Planning and Property Development Department and all notices must be given in writing.
- 11. That each party will be responsible for their own professional and legal costs arising from the transaction.

12. Proposed Lease of Cultural and Arts space:

- i. That the lease will be for a term of
- iii. That Dublin City Council will have a right to licence the space to Cultural and Arts operators.
- iv. That a detailed landlord specification is to be prepared and agreed pre-contract, but the intention is that an enhanced specification would be provided to include the provision of the stairs, lift, entrance doors and glazed light well. In addition, acoustic works consistent with the intended use(s) will be undertaken but all other fit out works to include the provision of services and finishes will be to the account of DCC or the end user. The proposed general use is to be for to use as an Arts, Creative and / or Cultural space. It is accepted that the initial specific use selected by DCC may come from a variety of Arts and Cultural areas but it is acknowledged that the initial use will be selected in consultation with the Landlord in the context of the landlord's objective to create a quality mixed use development on this important Dublin 2 site.

Given the nature of the proposed use, the lease will include specific noise restrictions to be agreed setting out acceptable decibel levels in the context of the acoustic specification provided by the landlord and the lease will also stipulate the maximum capacity of the space having regard to the initial fire cert.

- v. That the unit will be self-contained and the tenant will be responsible for internal repairs including the lift and any other plant which exclusively serves the demise. The tenant will also be responsible to make a pro rata contribution to the repair of the retained parts (the exterior and structure and other services where a direct benefit is derived will be capped
- vi. That in the event the tenant wishes to dispose of its leasehold interest in the space the lease will contain a pre-emption clause that will provide a mechanism which will allow the landlord to match any bona fide offers received in that event.

The site to be disposed of was acquired from

The disposal shall be subject to any such covenants and conditions as the Law Agent in her discretion shall stipulate.

No agreement enforceable at law is created or intended to be created until an exchange of contracts has taken place.

This proposal was approved by the South East Area Committee at its meeting on 12th September 2022.

This report is submitted in accordance with the requirements of Section 183 of the Local Government Act, 2001.

Resolution:

That Dublin City Council notes the contents of this report and assents to the proposal outlined therein.

<u>Richard Shakespeare</u> Assistant Chief Executive

19th September 2022

