



Tionól Reigiúnach Oirthir agus Lár-Tíre Eastern and Midland Regional Assembly

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Proposed Variation No. 5 of the Dublin City Development Plan 2022-2028

The Eastern and Midland Regional Assembly notes the publication of the proposed Variation No. 5 of the Dublin City Development Plan 2022-2028 and sets out hereunder observations on behalf of the Assembly. The submission has been prepared by the executive and approved by the Cathaoirleach of the Eastern and Midland Regional Assembly (EMRA).

1.0 Regional Spatial and Economic Strategy (RSES)

The Council will be aware of the finalisation of the Regional Spatial and Economic Strategy for the Eastern and Midland Region which was made on 28th June 2019. In line with the provisions of the Planning and Development Act 2000, as amended, the planning authority shall ensure, when making a variation to the development plan, that it is consistent with the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region, thus ensuring full alignment between local, regional and national planning policy. In this regard, the Regional Assembly welcomes the proposed variation to the Development Plan.

2.0 Legislative Context

Under Section 27C of the Planning and Development Act 2000, as amended, the Eastern and Midland Regional Assembly, is obliged to prepare submissions/ observations to be submitted to the relevant planning authority and copied to the Office of the Planning Regulator.

A submission shall contain a report which shall state whether, in the opinion of the Regional Assembly, the draft variation of the development plan, and its core strategy, is consistent with the Regional Spatial and Economic Strategy. If, in the opinion of the Regional Assembly the proposed draft variation of the development plan and its core strategy is not consistent with the RSES, the submission / observations and report shall include recommendations as to what amendments, in the opinion of the Regional Assembly, are required to ensure that it is consistent.

This report contains the opinion of the Eastern and Midland Regional Assembly in relation to the above matter along with recommendations as required under Section 27C of the Planning and Development Act 2000 as amended.

3.0 Proposed Variation No. 5

Dublin City Council has published proposed Variation No. 5 seeking to vary the Dublin City Development Plan (CDP) 2022-2028 in respect of the following;

Proposed Variation No. 5 - To make a technical update to the Dublin City Development Plan 2022-2028 in relation to 'Build-To-Rent' (BTR) accommodation following the publication of the guidelines '*Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DHLGH, 2023*', which include transitional arrangements.

It is proposed to vary the Dublin City Development Plan 2022 – 2028, by making the following amendments:

Part A: A technical update in relation to 'Build-To-Rent' (BTR) accommodation on foot of the publication of Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DHLGH, 2023.

Part B: Insert new Appendix 19 into Volume 2: Appendices of the Dublin City Development Plan 2022 – 2028 containing transitional arrangements for Build-To-Rent accommodation proposals that are subject to consideration within the planning system on or before 21st December 2022.

3.1 Purpose of the Draft Variation

The purpose of the proposed variation is to make a technical update in relation to 'Build-To-Rent' (BTR) accommodation having regard to and ensuring compliance with Section 28 Guidelines as set out in the Department of Housing, Local Government and Heritage (DHLGH) document '*Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DHLGH 2023*' including transitional arrangements.

3.2 Proposed Variation

Section 3.0 of the planning report published as part of the proposed variation sets out the proposed amendments to the text in both Volume 1 (Written Statement) and Volume 2 (Appendices) of the Dublin CDP 2022-2028. There are a total of 19 no. amendments proposed in the variation. These are summarised in the table below.

Table 1: Summary of proposed technical update to the Dublin City Development Plan 2022 - 2028

Chapter / Appendix	Amendment Delete / Insert	Text / Policy / Objectives / Standards
Table of Contents Volume 1	Delete	Section 15.10 and page number
Chapter 5: Quality Housing and Sustainable Neighbourhoods	Amendment Delete / Insert text	Section 5.5.7 Specific Housing Typologies Build to Rent (BTR) and Shared Accommodation
Chapter 14 Land Use Zoning	Delete text in	Land Use Zoning Objectives - Sections 14.7.1, 14.7.2, 14.7.4, 14.7.5, 14.7.10, 14.7.12, 14.7.13,

Chapter Development Standards	15	Delete text in	Section 15.8 Residential Development Section 15.9.1 Unit Mix Section 15.9.2 Unit Size / Layout
Chapter Development Standards	15	Delete <u>all</u> text	Section 15.10 Build to Rent Residential Development (BTR), including policies QHSN40, QHSN41 and QHSN42 And including 15.10.1 and 15.10.2
Glossary and Acronyms	and	Delete text in definition of	Build to Rent Residential Accommodation
Volume 2 Appendix 14: Statement Demonstrating Compliance with Section 28 Guidelines	14:	Delete rows from	Table 2 SPPR7: BTR development SPPR8: Proposals that qualify as specific BTR development
Volume 2 Appendix 15: Land Use Definitions		Delete text in definition of Land Use	Build to Rent Residential Accommodation

Source: Planning report of Variation No. 5 to Dublin CDP 2022-2028

In addition, Part B of the proposed variation includes a new Appendix 19 to the Dublin CDP 2022-2028 containing transitional arrangements in relation to Build-To-Rent accommodation which is provided for under paragraphs 5.10 and 5.11 of the *'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, DHLGH, 2023'*. The transitional arrangements allow for Build-To-Rent proposals in the planning system on or before the 21st December 2022 to be considered and decided in accordance with the 2020 Guidelines.

4.0 Submission

The Regional Assembly acknowledges proposed Variation No. 5 of the Dublin City Development Plan (CDP) 2022-2028, which seeks to vary the Dublin CDP 2022-2028 having regard to the publication of the *'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, DHLGH, 2023'* whereby Build-To-Rent type accommodation is no longer identified as a specific housing typology which for the purpose of the planning system, requires specific guidance/design standards. The proposed variation will update the Dublin CDP 2022-2028 whereby current references to Build-To-Rent type development will be amended by deleting now out of date references, policies, objectives and standards pertaining to 'Build-To-Rent' accommodation throughout the CDP. The proposed variation includes a new Appendix 19 of the Dublin CDP 2022-2028 containing the transitional arrangements for Build-To-Rent accommodation proposals that are subject to consideration within the planning system on or before 21st December 2022, as set out in the 2023 Guidelines referred to above.

At the outset, it should be noted that neither the National Planning Framework (NPF) nor the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region make specific reference to Build-To-Rent type accommodation in their contents. However, the RSES does contain RPOs 3.3 and 5.4 which makes reference to the Apartment Guidelines and are considered of relevance;

RPO 3.3: Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites in line with the Guiding Principles set out in the RSES and to provide for increased densities as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for new Apartments Guidelines’ and the ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing; Design Standards for New Apartments Guidelines’ and ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

It is considered that the proposed variation is consistent with the RSES by bringing the content of the Dublin CDP 2022-2028 in line with the updated Section 28 Guidelines issued in 2023 on this matter, and, in this regard, the Regional Assembly supports in principle the proposed amendments to the Dublin CDP 2022-2028.

In addition, the RSES sets out 16 Regional Strategic Outcomes (RSOs) which are aligned with national policy, specifically the National Planning Framework. These are cross referenced and aligned with the three key principles of the RSES; Healthy Placemaking, Climate Action and Economic Opportunity. The most relevant RSO which supports the proposed variation is RSO 2, ‘Compact Growth and Urban Regeneration’, which is to ‘*promote the regeneration of our cities, towns and villages by making better use of under-used land and buildings within the existing built -up urban footprint and to drive the delivery of quality housing and employment choices for the Region’s citizens*’. This aligns with National Strategic Outcome 1 of the National Planning Framework.

The proposed variation will align with Regional Strategic Outcome 2 of the RSES, and Regional Policy Objectives 3.3 and 5.4 of the RSES. Accordingly, the Regional Assembly does not have any objection to the proposed Variation No. 5 of the Dublin CDP 2022-2028 as placed on public display and consider it consistent with the RSES for the Eastern and Midland Region 2019-2031.

5.0 Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA)

The proposed variation underwent a screening for Strategic Environmental Assessment (SEA) and concluded that the proposal does not require a Strategic Environmental Assessment as it would be unlikely to have significant effects on the environment, taking account of the relevant criteria set out in Schedule 2A of the Planning and Development Regulations 2001 (as amended).

Furthermore, a screening for Appropriate Assessment (AA) was also carried out and concluded that the proposed variation will not have any significant cumulative, direct or indirect impacts on a European

site, therefore it is not considered necessary to undertake any further stages of the Appropriate Assessment process. The proposed variation does not therefore require an Appropriate Assessment or the preparation of a Natura Impact Report (NIR).

6.0 Conclusion

It is considered that proposed Variation No. 5 to the Dublin City Development Plan 2022-2028, is consistent with the Regional Spatial and Economic Strategy (RSES) 2019-2031, having regard to the observations outlined above.

Regards,



Clare Bannon
Acting Director
Eastern and Midland Regional Assembly
31st January 2024