20182409-DHPLG-BHG

Building Height Guidelines 2018 Consultation,
Department of Housing, Planning and Local Government,
Custom House,
Dublin 1,
D01 W6X0.

Sent by email to:
forwardplanning@housing.gov.ie.

24.09.18

Re: DRAFT 'Urban Development and Building Heights Guidelines for Planning Authorities

Dear Sir/Madam,

An Taisce wishes to make the following submission to the Department of Housing, Planning and Local Government on the Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

We request the Department makes An Taisce known of further consultation periods regarding the adoption of the guidelines.

Yours faithfully,

Ian Lumley,

Advocacy Officer

An Taisce – The National Trust for Ireland

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1.0 Introduction

An Taisce wishes to lodge the following submission on the draft 'Urban Development and Building Heights, Guidelines for Planning Authorities' issued by the Department of Housing, Planning and Local Government August 2018 ('Draft Guidelines').

An Taisce supports the objectives of the National Planning Framework (hereafter "**the NPF**") in providing for better designed and higher density urban areas and neighborhoods with walkable and public transport connectivity to services, employment and amenities. The pattern of low density suburban car based sprawl which has characterised much of the development of the last number of decades is unsustainable.

It is also of great importance to recognise and acknowledge that Historic Urban Centres are an irreplaceable social, cultural an economic assets which should not be compromised by high-rise development. The draft guidelines in their present form will have a detrimental impact on the character of the historic core of Ireland's cities and major towns. It is inappropriate to introduce blanket height guidelines that would require planning authorities and An Bord Pleanala to apply specific planning policy requirements of the guidelines in carrying out their functions.

An Taisce considers that the most suitable way to safeguard the character and quality of the historic core whilst at the same time curtailing sprawl would be to maximise land use and identify suitable sites outside the historic core (e.g. large scale institutional lands, disused railway yards) for higher density urban development and accommodate higher density in the historic core through high density type urban developments set out in Section 6.0 of this submission.

An Taisce fully supports the view expressed by Minister Murphy in the Foreward that '*we need to shift away from the unsustainable "business as usual" development patterns and create a more adaptive forward-looking vision'*. It is remarkable then, to find that what is being proposed is not only "*business as usual",* but that the developer-led model has been embraced to a greater degree than ever before, with potentially disastrous consequences for our cities and towns.

2.0 Legal Status of the Guidelines

The Draft Guidelines are to be issued under Section 28 (1C) of the Planning and Development Act 2000 (as amended) (hereafter "**the PDA**") with the effect that all Planning Authorities and An Bord Pleanala will be required to apply specific planning policy requirements outlined therein:

> *'(1C) Guidelines to which subsection (1) relates may contain specific planning policy requirements that, notwithstanding subsection (1), are required to be applied by planning authorities and the Board in the performance of their functions'.*

It is of great concern to An Taisce that the effect of this is to over-ride the democratically adopted local development plans, area plans and planning schemes. An Taisce views the imposition of central government policy to supersede that of local government as further erosion of local democracy.

3.0 Balanced Growth

It is submitted that what is presented in the Draft Guidelines appears to be a simplistic ill-judged 'broad-brush' approach to the issue of the intensification of our urban areas. Intensification is clearly a complex issue which requires a very careful and considered approach and it is our view that to promote the blanket lifting of height restrictions in our main urban areas as a solution is seriously flawed.

In a document on urban development, An Taisce would like to have seen at least some acknowledgement of the need for balanced growth. 'Prospects for Irish Regions and Counties' published by the ESRI in Jan.2018, addressed the complexities of the functioning of urban centres and had this to say regarding the dominance of Dublin. At pg.98 it states:

> *'While the literature shows the benefits of agglomeration, there is also a literature that shows that if economic activity is either too much or little concentrated in one urban centre, national growth is negatively affected (Henderson 2003). Given the empirical findings of that paper, economic activity in Ireland may already be too concentrated in Dublin, and the projections suggest that the dominance of Dublin is set to increase further, which implies that the dominance of Dublin reduces national growth.'*

Given the long-standing concerns about the imbalance created by the size of Dublin compared to our other cities, it is remarkable that the Draft Guidelines fail to address this problem and instead promote a similar approach for intensification for all urban centres i.e. build higher everywhere.

4.0 Height and Density

While it is acknowledged that more intense development in our urban settlements is highly desirable, it behoves An Taisce to point out that the densities of our urban centres are significantly undermined by very low-density two-storey housing in the suburbs and surrounding sprawl/one-off housing in the hinterland. It is suggested that a significant increase in densities of urban areas would be achieved by addressing the vacancy rate of properties in virtually every town and city in the country and that this should be addressed as a priority.

There appears to be a great deal of ill-informed and confused thinking in the Draft Guidelines and the Minister appears to be under the misapprehension that the optimum manner of achieving the desired increase in densities is to raise the height of buildings. This is not the case and, in fact, there is a recognition at Sec.3.7 of the Draft Guidelines themselves that our traditional town and city model created urban environments of the highest quality. It states:

'Linked to the connective street pattern required under Design Manual for Urban Roads and Streets (GMURS), planning policies and consideration of development proposals must move away from a 2-storey, cul-de-sac dominated approach, returning to traditional compact urban forms which created our finest town and city environments'

A key aspect of those most desirable traditional towns and cities is the low-rise, compact scale of the buildings. However, despite the fundamental contribution made by their low-rise scale to the quintessential character of our finest towns and cities; Sec.2.5 of the Draft Guidelines lauds taller buildings (the antithesis of the urban form of these fine towns and cities), as a means of improving the quality of our urban environments. It states:

'Furthermore, while taller buildings will bring much needed additional housing and economic development to well-located urban areas, they can also assist in reinforcing and contributing to a sense of place within a city or town centre, such as indicating the main centres of activity, important street junctions, public spaces and transport interchanges. In this manner, increased building height is a key factor in assisting modern placemaking and improving the overall quality of our urban environments'

This appears to indicate very muddled thinking and a lack of understanding of how densities may be very significantly increased without the need to build at the intrusive and damaging heights being promoted in the Draft Guidelines.

The Draft Guidelines are stated to be in line with national policy objectives to provide more compact forms of urban development as outlined in the NPF. It is dismaying to note that the intention to significantly increase residential densities is quite unnecessarily coupled with significant increases in heights. Section 1.20 of the NPF states:

'A key objective of the NPF is therefore to see greatly increased levels of residential development in our urban centres and significant increases in the building heights and overall density of development is not only facilitated but actively sought…'

In this context it is worth noting the expert view of the former Chairman of the Government Housing Agency, Conor Skehan that:

'It's a very common mistake to confuse high-rise with high density. High-rise makes very little contribution to density. The benefit is very much for the housing developer: they benefit enormously from a high-rise building, the public doesn't.'

5.0 Densities Compared

Density is generally measured in two ways:

1. population density which measures the number of people per square kilometre; and
2. residential density which measures dwellings per hectare.

In order to support the argument for increasing building heights, Section 1.5 of the Guidelines compare the population density of Dublin to that of Paris:

> *'A comparison between the population of the central urban parts of Dublin (approx. 500,000 people) with the similarly sized central urban parts of Paris (population circa 2.2 million) highlights the potential that our capital city and other city and large urban areas have to accommodate the needs of a growing economy and a growing population, without at the same time having to always or predominantly grow outwards.'*

An Taisce submits that to suggest that the 'central urban parts' of Paris are similar in size to those of Dublin is seriously misleading. The area of Paris that accommodates c.2.2 million people is known as the Paris Department and **is the central area of the most densely populated city in Europe.** At approx. 105 sq.km. it is similar in size, not to the 'central urban parts' of Dublin, but to the entire Dublin City Council area (115 sq.km.)

In a scholarly article entitled 'Understanding Density and High Density' by V Cheng, the point is made that: '*it is important that the scales of geographical references be specifically defined in density calculation, otherwise comparison of density measures will be difficult'*. It is pointed out that if the land area of the whole territory of Hong Kong is taken into account, the population density is c.6,300 persons per sq. km. but if the geographical reference is confined to the built-up area, the figure changes to 25,900 per sq.km.

An Taisce submits that in comparing the population density of Paris Department (20,909 people per sq.km), to the population density (4,811 people per sq.km) of the whole Dublin City Council area, similar serious discrepancies in conclusions are reached.

The reality is that the central urban parts of Dublin correspond largely to the Inner City area including the Docklands. This comprises less than 20% of the c.115sq.km. of the Dublin City Council area and has a surprisingly high density.

According to the 2016 Census the population of the entire Dublin City Council area is 554,554. Despite the misleading inference in the Draft Guidelines that this figure represents the population of the central urban area, it clearly includes large tracts of very low-density areas in the suburbs and outer suburbs.

It has been difficult to source exact population figures for Inner City Dublin but the huge variation in population density in the Dublin City Council area was acknowledged in the document published by

Dublin City Council in Dec 2007 entitled 'Maximising the City's Potential – a strategy for intensification and height' ('Maximising the City's Potential') (Attachment No. 1) which referenced a variation from c.9,000 per sq.km in parts of the Inner City to very low densities in the outer suburbs. We know too that figures have shown a sharp increase over many years. 'Maximising the City's Potential' stated:

> *'The inner city has seen significant population increases – from 85,000 in 1991 to 125,000 in 2006'*.

This is also referenced in the Dublin City 'Local Economic and Community Plan 2016-2021' which states that during the 20-year period from 1991 to 2011:

> *'the area of the City that lies between the Canals saw a population increase of 62% while the population of the rest of the City declined slightly (-1%) ….'*

This trend has continued. We know from the 2016 Census that the population of Dublin City grew by 5.1%. and that some areas of the Inner City have very high densities compared to other European cities.

In fact, more recent studies put the densities within Inner City Dublin much higher than previously thought. Eurostat's 2016 publication 'Urban Europe – statistics on cities, towns and suburbs' indicates the numbers of inhabitants per sq.km. in the three highest density electoral areas in each European country. The highest densities in Ireland are to be found in Inner City Dublin and are: Rotunda A (19,509 people per sq.km), Mountjoy A (18,091 people per sq.km) and Merchant's Quay B (16,566 people per sq.km). These are extremely high densities when compared to the highest densities in the other 27 European Union countries and are exceeded only by electoral areas in Paris, in the City of Westminster and in built-up areas of Spain and Belgium.

It will be noted that when the population density figures quoted above for the three highest density areas of Inner City Dublin are averaged (18,055 people per sq.km) they are remarkably close to the most recent average figure for Department in Paris (20,909 people per sq.km.). While it is accepted that the Dublin figures represent the highest density areas in the city, it is submitted that this is a far more accurate comparison of the density of the central urban areas of Dublin and Paris than that made in the Draft Guidelines.

6.0 High Density – Low Rise

As mentioned above, the two relevant measurements of density in the context of the Draft Guidelines are population density (people per sq.km.) and residential density (dwellings per hectare). It is worth clarifying what is generally considered to be high residential density. The Draft Guidelines refer to the 'Sustainable Residential Development in Urban Areas' (hereafter '**SRDUA'**), as complimentary policy advice that should be considered in combination with the Draft Guidelines.

SRDUA refers to the desirability of building at higher densities along public transport corridors in cities and larger towns (Section 5.8) and indicates that minimum net densities of 50 dwellings per hectare (hereafter "**dph**") should be sought. As a general rule-of-thumb 50/60dph is considered the baseline for high density. For the purposes of evaluating the Draft Guidelines and to illustrate the erroneous supposition that in order to achieve high densities it is necessary to accommodate higher buildings in all our urban areas, it is essential to understand that very high densities can be achieved in low-rise developments.

The document prepared by Paul Keogh Architects for Dublin City Council titled: 'Dublin City Council Maximising the City's Potential a Strategy for Intensification and Height' illustrates how a density of 75 units per hectare can be achieved through different built forms – high rise, medium rise or low rise (Attachment No. 1). The document also identifies densities of 165 dph in the Georgian areas of the city with heights no greater than 4 storeys above street level – very high density by any standard (see Attachment 1). A further study was done in the Mountjoy Square area of Dublin where densities of 170 dph per hectare were noted (Attachment No. 2).

A similar very high density (165 dph) is found at Oxmantown Road in Stoneybatter – terraces of two-storey houses opening onto the street with small back yards and with a floor area of **c.80-95sq.m.** (Attachment No. 3). It should be clearly noted that these houses are **similar in size to the minimum floor area specified for 3-bedroom apartments and larger than the minimum floor area specified for two-bedroomed apartments** in 'Sustainable Urban Housing: Design Standards for New Apartments' published by the Department of Housing, Planning and Local Government in March 2018:

> ***'2-bedroom apartment (4 persons) 73sq.m.***
>
> ***3-bedroom apartment (5 persons) 90sq.m'***

In relation to costs of construction the recently published 'Review of Delivery Costs and Viability of Affordable Residential Developments' by the Department of Housing, Planning and Local Government (April 2018) states at Section 6.6.3:

> *'The cost modelling undertaken in connection with this current study identifies heights of up to 6 storeys as being the optimal height from a viability perspective for affordable apartment buildings.'*

The same study also makes it very clear that high densities do not require high buildings. At Section 6.6.3 it states:

'While the prevention of urban sprawl is a positive objective, the NESC study and diagram below illustrate that for a set plot ratio and site size, ***the high rise building does not provide any more dwellings than a perimeter block arrangement of three or four storeys.****'*

It is patently obvious that to achieve significant increases in intensity of development in our towns and cities there is **not a requirement to increase heights** and that the imperative to have what

amounts to a blanket increase in heights in urban areas throughout the country, as set out at Section 3.1 of the Draft Guidelines is seriously misguided:

> *'In relation to the assessment of individual planning applications and appeals, it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of increased height in our town/city cores and in other urban locations with good public transport accessibility.'*

At Section 1.10 the Draft Guidelines refer to a minimum of 6 storeys in city and town centre areas including Cork, Limerick, Waterford, Galway, within the canal ring in Dublin and in other major towns:

> *'In such areas, it would be appropriate to support the consideration of building heights of at least 6 storeys at street level as the default objective, subject to keeping open the scope to consider even greater building heights by the application of the objectives and criteria laid out in Sections 2 and 3 of these guidelines…'*

A 6-storey height is likely to be approx. twice the prevailing height on most streets in most cities and major towns in the country. That this height is being imposed as the default objective has the potential to destroy the architectural integrity of all our cities and major towns. It must be remembered that Dublin and Limerick are among the most important Georgian cities in Europe. In fact, it is alarming that Section 3.2 specifies that increased heights will also be considered within architecturally sensitive areas:

> *'Development proposals incorporating increased building height, <u>including proposals within architecturally sensitive areas,</u> should successfully integrate into/enhance the character and public realm of the area …..*'

7.0 Transforming the Scale of our Cities and Towns

All cities and towns in Ireland, including Dublin, have traditionally been characterised by their low-rise, human scale and this is not only a key defining aspect of their character and charm, but it also makes them more 'livable' and contributes to their social ambience. In recent times there has been ambiguity in relation to the interpretation of the various categories of heights so it is worth clarifying the different height categories as they relate to Ireland.

The definition of building heights is contextual and so varies in relation to location. In fact, the long-accepted definition of a high building was that which pertains in London:

> *'buildings that are significantly taller than their surroundings and/or have a significant impact on the skyline".*

Therefore, what might be considered 'low' in Hong Kong would be quite different from what would be considered 'low' in Galway, Sligo or Athlone. As a guideline it might be reasonable to rely upon the reference in the only study of Dublin building height ever undertaken, the DEGW Study 2000 ('DEGW Study'), for a relevant categorisation of height thresholds for cities and towns in Ireland. It should be remembered, however, that prevailing heights in Georgian Dublin would be significantly greater than those in towns around the country. The DEGW Study states at Section 5.1:

> *'Reflecting construction, massing and urban character in the European context, global experience suggests four height thresholds:*
>
> *Low rise – up to 15m*
>
> *Mid rise – 15-50m*
>
> *High rise – 50-150m Super high rise – above 150m (only relevant in major metropolitan areas with significant demand)'*

The Draft Guidelines refer, not to specific height limits, but rather to promoting (Section 1.10):

> *'at least 6 storeys at street level as the default objective, subject to keeping open the scope to consider even greater building heights….'*

We must assume that new development in our cities and major towns would be at least 18m – in other words, not 'low-rise' but firmly in the 'mid-rise' category identified in the DEGW Study. Indeed, according to the London definition of high-rise, 18m would even be considered high-rise in 2/3 storey areas, of which there are many in our towns and cities. There is no doubt that heights of at least 18m would present as dramatic interventions in most areas of our towns and cities.

There is significant variation globally when it comes to identifying height categories. In general, a low-rise building is understood to mean one which does not require the use of a lift to reach the upper floors. A building of at least 6 storeys would require a lift. The definition of high-rise can vary from as low as 15m. For example, in Hyderabad, India which is the 24th most densely populated city in the world, a high-rise building is one of 15/18 metres or more whereas in Amsterdam any building higher than 30m is considered high-rise. The National Fire Protection Association in the US defines a high-rise building as any building higher than 23metres and the Emporis Standards definition is:

> *"A multi-storey structure between 35-100 metres tall, or a building of unknown height from 12-39 floors".*

This is reflected in New York where a high-rise building is one taller than 35m.

In drawing up the Dublin City Development Plan 2016-2022 ('DCDP'16'), however, the height thresholds suggested by global experience in the DEGW Study were redefined and, in doing so, the 'low-rise' height was almost doubled from 15m to 28m; mid-rise was identified as being up to 50m and deemed suitable for consideration in 10 areas of the city; and high-rise was defined as a building of any height over 50m. and suitable in 4 areas.

The 28m height threshold is considered 'low-rise' throughout Inner City Dublin for commercial development and, for residential development, a 24m threshold is considered 'low-rise'. Based on the standard allowance of 3m per residential storey, the 24m height for residential development in the 'low-rise' category is 8 storeys. This low-rise threshold of 8 storeys for residential development also applies within 500m of any existing or proposed DART, LUAS, mainline, Metro or DART Underground station throughout the Dublin City Council area.

If the New York definition of high-rise meaning any building over 35m were applied to Dublin, we note that Dublin has already designated 14 areas of the city as being suitable for high-rise i.e 10 areas in the supposed 'mid-rise' category of heights up to 50m and 4 areas for high-rise buildings with no height limit.

However, while the DCDP'16 sets limits on the heights that may be built, the Draft Guidelines discourage any limits being imposed and state as a policy (SPPR1) that:

'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 the Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.'

While the Draft Guidelines reject any limits being imposed on the height of buildings, they clearly promote minimum heights (at least 18m) which fall within what according to the DEGW Report is the mid-rise range.

It is clear to An Taisce that the provisions of the Draft Guidelines would inevitably, in time, transform the centuries-old low-rise scale of our towns and cities by interjecting mid-rise, and indeed, buildings that could be considered high-rise in some contexts, completely destroying their ambience and character in the process.

The tragedy of all this is that what is being proposed is completely ill-informed, misguided and ill-judged. As already pointed out, significantly increased densities can be achieved in 2, 3 and 4 storey buildings - there is no need to destroy the integrity of Waterford, Cork, Dublin, Galway, Limerick and towns around the country with buildings of 6 storeys and more.

8.0 Conclusion

An Taisce submit that the Draft Guidelines as presented are fundamentally unsound in planning terms as the premise on which they are based is flawed i.e. that in order to achieve higher density in urban areas, buildings of 6 storeys and higher are required. This is a serious error.

Further, it is of great concern to An Taisce that the Draft Guidelines undermine long-standing objectives to protect the sky-line and inner-urban areas of historic towns and cities. Of equal

concern is the imposition of planning standards by central government which would over-ride democratically adopted local development plans.

We reiterate that the Draft Guidelines are formulated in a manner that epitomises the 'developer-led' approach, facilitating property owners at the expense of the public who suffer the serious consequences of bad planning policy. In effect the Draft Guidelines amount to a 'Developer's Charter'.

Appendix 1

SEA ENVIRONMENTAL REPORT BY RPS CONSULTANTS ON

URBAN DEVELOPMENT AND BUILDING HEIGHT GUIDELINES FOR PLANNING AUTHORITIES

LEGAL OBJECTIVES OF STRATEGIC ENVIRONMENTAL ASSESSMENT DIRECTIVE

The proposed Urban Development and Building Height Guidelines are stated to be built from "*the strategic policy framework*" set out in Project Ireland 2040 and the National Planning Framework (hereafter "**the NPF**").

The Guidelines are subject to requirement for Strategic Environemntal Assessment (hereafter "**SEA**") under Article 3(2) of Directive 2001/42/EC (hereafter "**the Directive**") as it is a plan and programme for "*town and country planning and land use*" and which "*sets out the framework for future development consent of projects*" listed in the EIA Directive.

Ireland needs to demonstrate exemplary engagement and compliance with the provisions of the SEA Directive and address the 2001 Guidance provided by the Commission titled: *"Implementation of Directive 2001/42 on the Assessment of the Effects of Certain Plans and Programmes on the Environment"*. (link: http://ec.europa.eu/environment/archives/eia/pdf/030923_sea_guidance.pdf)

In 2016, the Commission has published relevant European case law and further guidance which needs be addressed. (Link: http://ec.europa.eu/environment/eia/pdf/EIA_rulings_web.pdf)

The preamble to the Directive states that it arises from a range of Treaty obligations and other considerations including under preamble (1):

Article 174 of the Treaty provides that Community policy on the environment is to contribute to, inter alia, the preservation, protection and improvement of the quality of the environment, the protection of human health and the prudent and rational utilization of natural resources and that it is to be based on the precautionary principle. Article 6 of the Treaty provides that environmental protection requirements are to be integrated into the definition of Community policies and activities, in particular with a view to promoting sustainable development.

And under preabmle (3) with regard to Biodiversity:

The Convention on Biological Diversity requires Parties to integrate as far as possible and as appropriate the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans and programmers.

Article 3(5) of the Directive requires taking into account the criteria set out in Annex 1 of the Directive which sets out the criteria for determining the likely significant effects referred to in Article 5(3).

Article 3(1) of the Directive requires an environmental assessment in accordance with articles 4 to 9.

Article 4(1) requires that the assessment "*shall be carried out during the preparation of a plan or programme and before its adoption of submission to the legislative procedure*".

Article 5(1) requires that:

"*Where an environmental assessment is required under Article 3(1), an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated. The information to be given for this purpose is referred to in Annex I*"

The provisions of Annex I are significant and detailed:

> *Information referred to in Article 5(1)*
>
> *The information to be provided under Article 5(1), subject to Article 5(2) and (3), is the following:*
>
> *(a) an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;*
>
> *(b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;*
>
> *(c) the environmental characteristics of areas likely to be significantly affected;*
>
> *(d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;*
>
> *(e) the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;*
>
> *(f) the likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;*
>
> *(g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;*
>
> *(h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;*
>
> *(i) a description of the measures envisaged concerning monitoring in accordance with Article 10.*
>
> *(j) a non-technical summary of the information provided under the above headings.*

There is a clear provision in Article (5)1 for the consideration of "reasonable alternatives"

Section 5.14 of the Commission guidance in referring to plans or programmes covering long time frames states: *"The alternatives chosen should be realistic. Part of the reason for studying alternatives, is to find ways or reducing or avoiding the significant adverse effects of the plan or programme".*

Article 5(2) and 5(3) sets out information requirements:

> *2. The environmental report prepared pursuant to paragraph 1 shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.*
>
> *3. Relevant information available on environmental effects of the plans and programmes and obtained at other levels of decision-making or through other Community legislation may be used for providing the information referred to in Annex I.*

Section 5 of the 2001 Commission guidance sets out extensive consideration of the "*scope and level of detail in the environmental report*" as defined in Article 5(4) of the Directive.

Section 5.26 specifically refers to the explicit provision for consideration of human health, biodiversity and cultural heritage in the Directive, which represented additional considerations to the annexes in the EIA Directive in place at that time.

Article 12(2) of the Directive is a provision of the quality of SEA Environmental Reports.

The 2001 Commission Guidance sets out a key concern on the quality of the Environmental Report on which the SEA is based that the information should be *"complete and reliable*" and be "*adequate for the purposes of the Directive*"

Article 6 sets out the consultation provisions for the Directive with 6(2) requiring that the public be given *"an early and effective opportunity within the appropriate time frames to express their opinion on the draft plan programme and the accompanying environmental report before the adoption of the plan or programme or its submission to the legislative procedure"*.

Article 7 relates to transboundary impact which is not just relevant to Northern Ireland, but also applicable to Ireland's wider environmental footprint including per capita climate emissions.

Article 8 requires consideration on "*the opinions expressed pursuant to Article 6*". The Commission Guidance also notes that the parallel provisions of Articles 6(8) and Article 7 of the Aarhus Convention requires taking due account of public participation.

Article 9 sets out provisions for information.

Article 10 sets out the provisions for monitoring.

> *1. Member States shall monitor the significant environmental effects of the implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.*
>
> *2. In order to comply with paragraph 1, existing monitoring arrangements may be used if appropriate, with a view to avoiding duplication of monitoring.*

The provision of Article 10 are not just for monitoring, but the remediation of unforeseen adverse effects. Section 8.12 of the Commission guidance states that *"Unforeseen adverse effects is better interpreted as referring to shortcomings of the prognostic statements in the environmental report (e.g regarding the predicted intensity of the environmental effect) or unforeseen effects resulting form change of circumstances.. "*

Section 8.13 states that "*One purpose of monitoring is to take appropriate remedial action if monitoring reveals adverse effects on the environment that have not been considered in the environmental assessment*"

Article 11 sets out the provision for relation to other community legislation:

> *1. An environmental assessment carried out under this Directive shall be without prejudice to any requirements under Directive 85/337/EEC and to any other Community law requirements.*
>
> *2. For plans and programmes for which the obligation to carry out assessments of the effects on the environment arises simultaneously from this Directive and other Community legislation, Member States may provide for coordinated or joint procedures fulfilling the requirements of the relevant Community legislation in order, inter alia, to avoid duplication of assessment.*
>
> *3. For plans and programmes co-financed by the European Community, the environmental assessment in accordance with this Directive shall be carried out in conformity with the specific provisions in relevant Community legislation.*

The 2001 Commission guides set out considerations in relation Water Framework Directive, Nitrates Directive, Waste Framework Directive, Air Quality Framework Directive and Habitats Directive.

ISSUES IN RELATION SEA ENVIRONMENTAL REPORT BY RPS CONSULTANTS

ON URBAN DEVELOPMENT AND BUILDING HEIGHT GUIDELINES FOR PLANNING AUTHORITIES

There are major deficiencies in the SEA Environmental Report with regard to consideration of Cultural Heritage.

The SEA Environmental Report largely consists of content which is cut and pasted from other SEA Reports by RPS on Nitrates and other Programmes.

While international conventions are referenced in the appendix, including the Granada Convention on Architectural Heritage, the consideration of cultural and architectural heritage in particular is systemically deficient in the Report.

The overarching "*Review of Relevant Plans, Policies and Programmes*" does not reference the key Government Guidelines policy for Architectural heritage namely the DAHG "*Architectural Heritage Protection Guidelines for Planning Authorities"*.

The consideration of "*Relevant Aspects of the Current State of the Environment (Baseline)* is largely based on EPA reports and data. This includes Table 3 defining what the EPA identifies 4 Key Challenges, which includes under Challenge 1 the "natural environment" but not cultural heritage and the EPA "State of the Environment Overview – Ireland". EPA data does not include any evaluation of Cultural Heritage including archaeological and architectural heritage.

There is no evaluation of Ireland's performance under the "*Charter for the Conservation of Historic Towns and Urban Areas (Washington Charter 1987)*. This includes the provision that *"Qualities to be preserved include the historic character of the town or urban area and all those material and spiritual elements that express this character"* including "*relationships between buildings*".

Section 5.2.7 on Cultural Heritage does not set out a proper evaluation of the factors which are relevant to architectural heritage, in particular the impact of new development on the quality, scale, character and coherence of historic urban areas.

Section 5.2.8.2. sets out consideration on Landscape Protection designations which are largely irrelevant to urban areas.

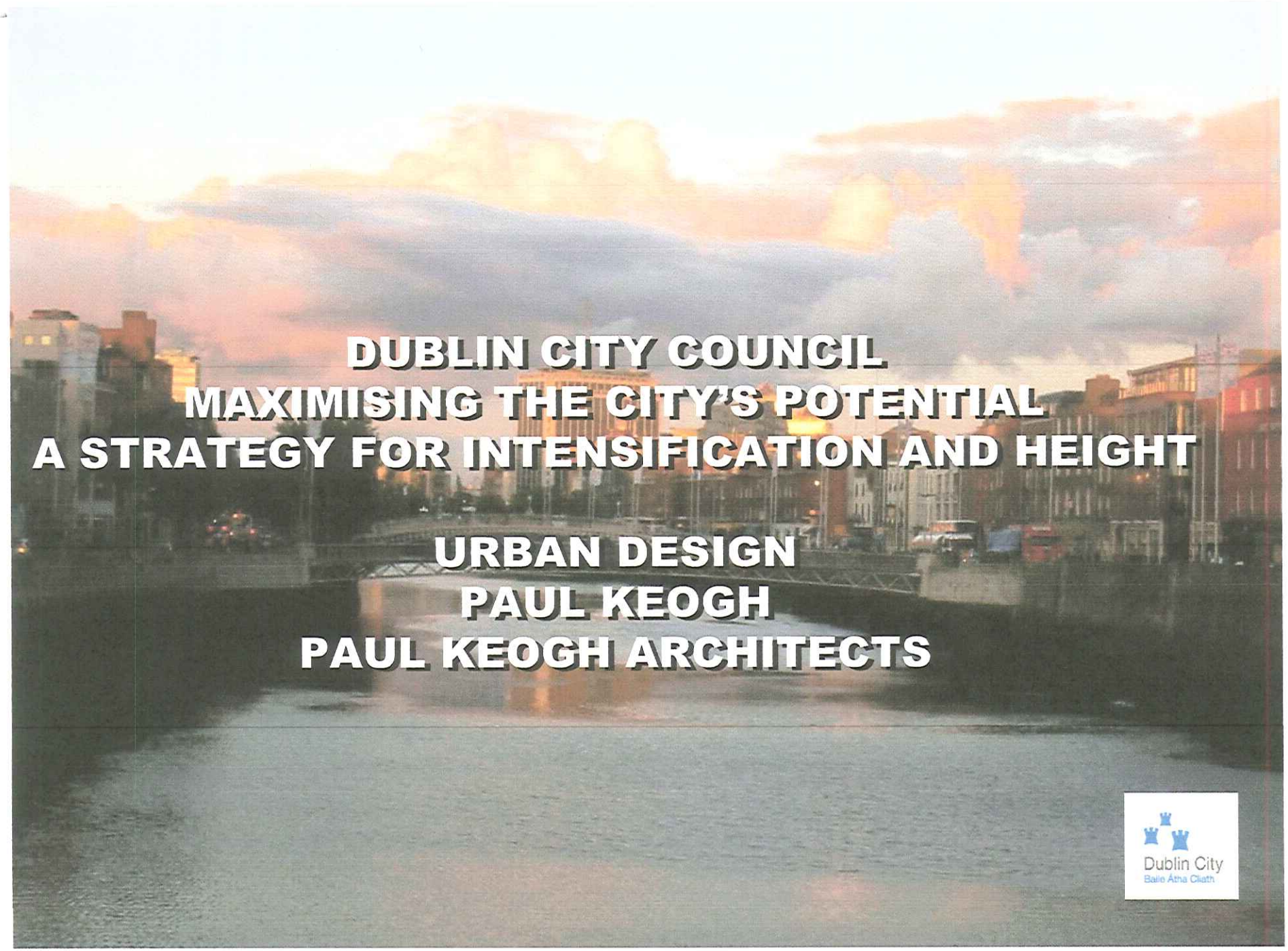
Section 8.3.4 on consideration of Cumulative Impacts does include reference to impact on Architectural Conservation Areas and Culturally Significant Areas but this is not referenced in Tables 6.1 on targets and indicators or Table 8 on the SEA Monitoring Programme.

Table 8 on the SEA Monitoring Programme under Cultural Heritage makes reference only to *"key landmark*s" and "*key vistas*". No reference to targets for protecting the setting of Protected Structures or building on the National Inventory of architectural Heritage (herafter "**the NIAH**"), or Architectural Conservation Areas (hereafter "**ACA**"), which have legal status under Planning and Development Act 2000 (as amended) (hereafter "**the PDA**").

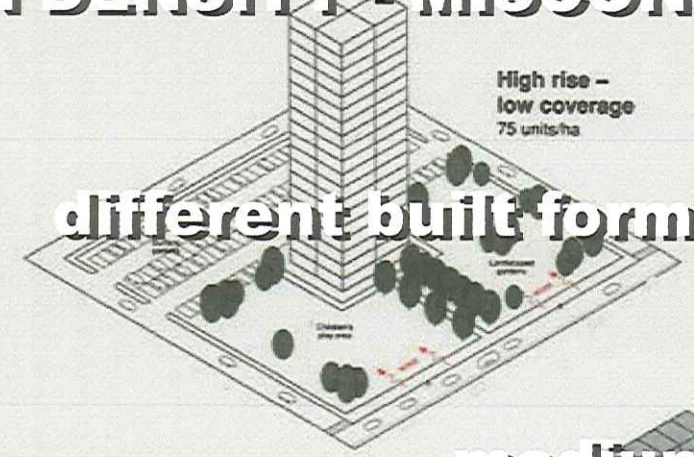
No information is set out as to how the impact of unforeseen adverse effects on Cultural Heritage are to be monitored and necessary corrective action taken if arising as required under the Directive.

It is submitted that the SEA is not fit for purpose and does not meet the legal obligations of the Directive in that it is systemically deficient in providing Baseline Information, Monitoring and Mitigation on Cultural Heritage.

Attachment No. 1


DUBLIN CITY COUNCIL
MAXIMISING THE CITY'S POTENTIAL
A STRATEGY FOR INTENSIFICATION AND HEIGHT
URBAN DESIGN
PAUL KEOGH
PAUL KEOGH ARCHITECTS
Dublin City
Baile Átha Cliath

URBAN DENSITY - MISCONCEPTIONS

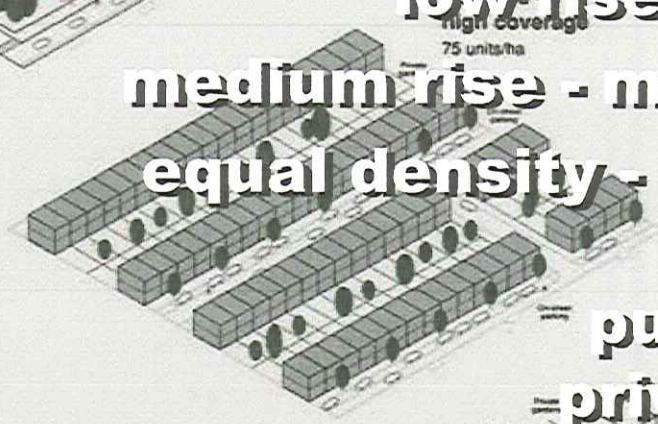


high density v high rise

different built forms can have equal density

high rise - low coverage

low rise - high coverage



medium rise - medium coverage

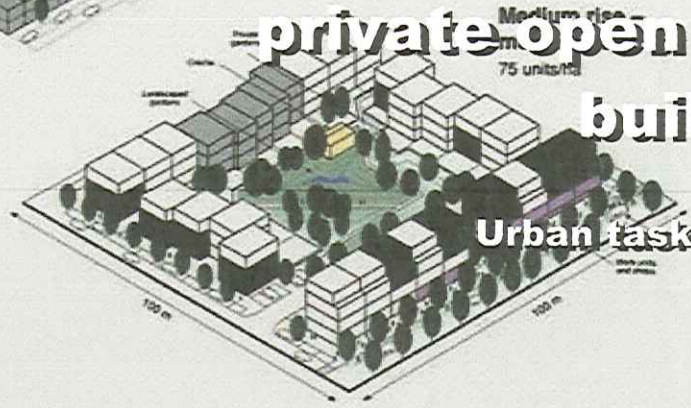
equal density - different results

urban structure

public open space

private open space

built form



Urban task force p 53

Key

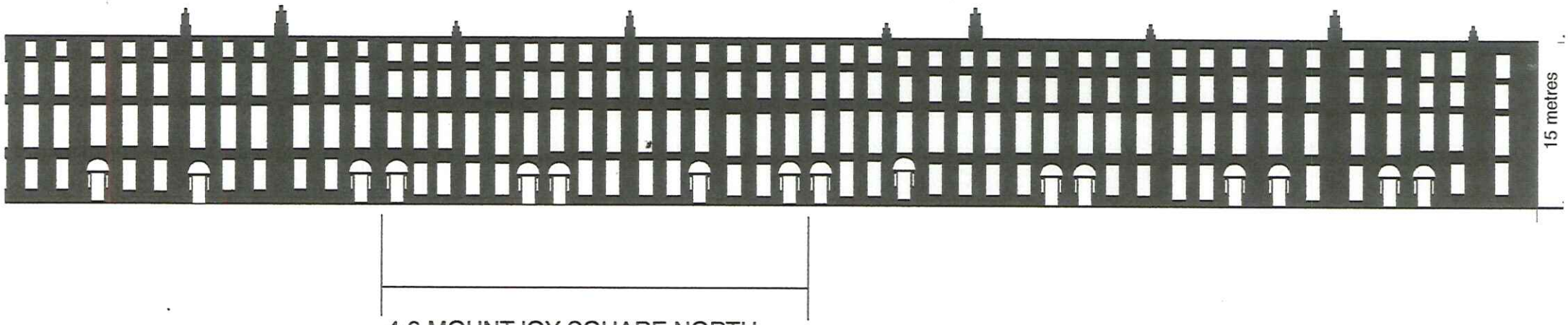
Target a mix of activities
Include a variety of house types

- Community facilities
- Shops and workspaces
- Maisonettes
- Houses
- Apartments

PKA
PAUL KEOGH ARCHITECTS

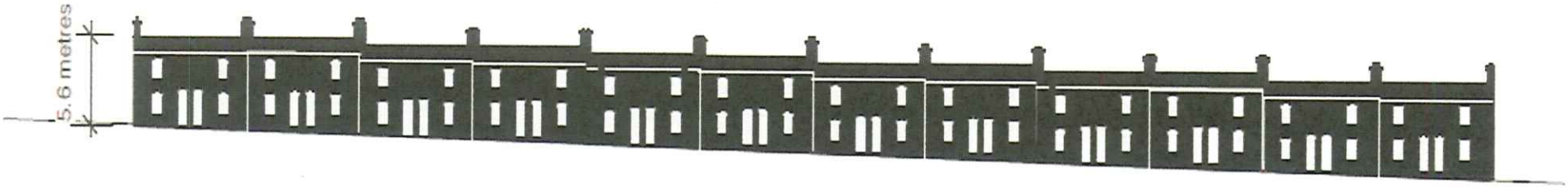

DENSITY COMPARED
Dublin outer suburbs - 27 dwellings per ha.
Ranelagh Rathmines - 45 dwellings per ha.
Amsterdam eastern harbour- 100 dwellings per ha.
Tango Housing Malmo - 158 dwellings per ha.
Georgian Dublin - 165 dwellings per ha.
Victoriagade Copenhagen - 170 dwellings per ha.
Java Island Amsterdam - 180 dwellings per ha.
PKA
PAUL KEOGH ARCHITECTS

Attachment No. 2



4-8 MOUNTJOY SQUARE NORTH
Density **170** units per hectare
5 Storey to front, approx. 15m high
(5 apts per house, approx 85sm each)
2&3 storey to rere mews (20 apts)

Attachment No. 3



OXMANTOWN ROAD. Existing Density **165** units to the hectare.
2-storey houses, front doors on the street, small back yards.
Floor area per house approx. 80 sm - 95 sm.

Attachment No. 4

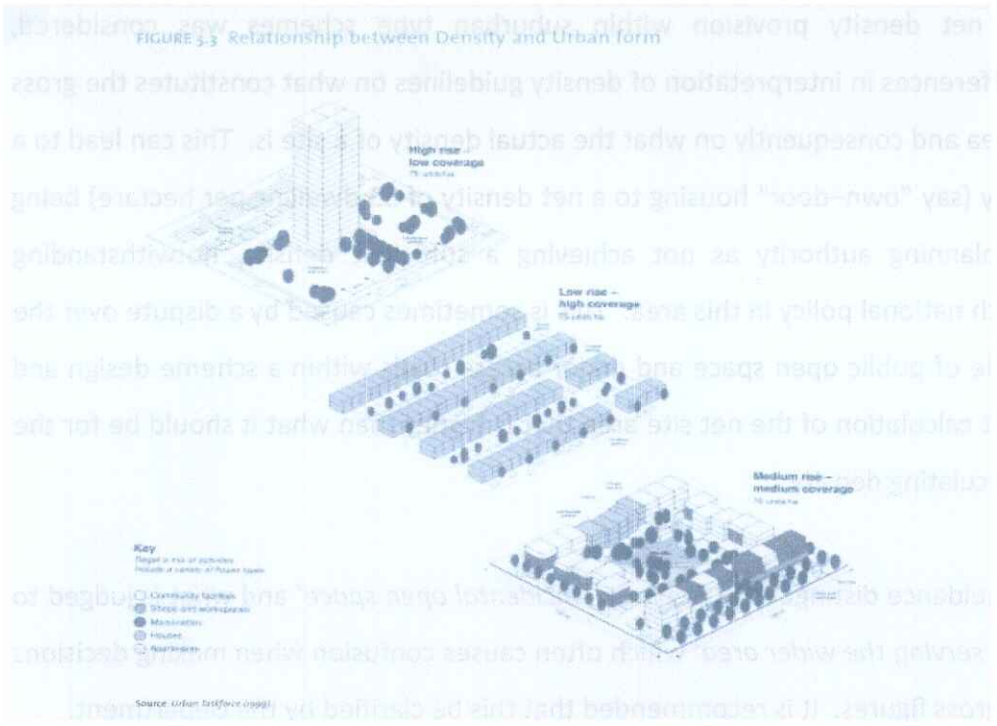
Review of Delivery Costs and Viability for Affordable Residential Developments

April 2018

An Roinn Tithíochta,
Pleanála agus Rialtais Áitiúil
Department of Housing,
Planning and Local Government

Rebuilding Ireland
Action Plan for Housing and Homelessness

Diagram A



NESC 2004 p. 129 figure

The cost modelling undertaken in connection with this current study identifies heights of up to 6 storeys as being the optimal height from a viability perspective for affordable apartment buildings.

Consequently, to avoid the tendency towards urban sprawl, while achieving a relatively economic delivery cost objective, there is a strong case that base heights in Dublin and regional cities of at least 6 storeys should be set in locations, which can accommodate this volume. Furthermore, appropriate areas should be targeted for 7 to10 storeys (30m height level) and above as part of larger strategic landmark development sites, while allowing for a graded approach in density of delivery across the site.

Acknowledging that permissible heights are set in Development Plans and Local Areas Plans, which are a reserved function of the local authority, the relevant statutory guidelines should be updated to provide for setting a base height allowance. This should provide, where context is appropriate, for at least 6 storeys.

6.6.4 Density

The issue of net density provision within suburban type schemes was considered, highlighting differences in interpretation of density guidelines on what constitutes the gross and net site area and consequently on what the actual density of a site is. This can lead to a design typology (say "own–door" housing to a net density of 35 dwelling per hectare) being judged by a planning authority as not achieving a sufficient density, notwithstanding compliance with national policy in this area. This is sometimes caused by a dispute over the attributable role of public open space and major access roads within a scheme design and the consequent calculation of the net site area that is higher than what it should be for the purposes of calculating density.

For example, Guidance distinguishes between *'incidental open space'* and what is judged to be *'open space serving the wider area'* which often causes confusion when making decisions based on net: gross figures. It is recommended that this be clarified by the Department.

6.6.5 Housing Typology

The ratio of unit type within apartment schemes is a function of planning authorities. The judgement will generally relate to the scale of the proposed development and the specific demographic profile of the area in question.

It is well acknowledged that Ireland's population is not only growing but experiencing much change in terms of reducing household sizes, due to a variety of factors including an ageing population and diversity of nationality origin, all of which impact on the need for a different mix and unit typology into the future. This changing landscape needs to be taken into account now in planning and designing of residential developments.

A clear outcome of our changing society is the need for increased housing numbers with a higher percentage requirement for smaller unit sizes. In this context, it is recommended that guidance on the ratio of 1- and 2–beds and studio apartment sizes should be reviewed.