An Taisce Submission to the Pre-Draft Consultation on the Dublin City Development Plan 2022-2028

February 2021

An Taisce welcomes the opportunity to make a submission to the pre-draft consultation for the new Dublin City Development Plan 2022-2028 (CDP). We request the Planning Authority take our comments into consideration in the drafting, finalisation, and adoption of the new Development Plan, including the accompanying Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA).

We would also request that the Council make An Taisce known of any further consultation periods regarding the making of the new Plan.

1. Climate Change

The global climate emergency is the defining challenge of our time, and the scale of change needed to meet Ireland's commitments under EU law and the Paris Agreement is enormous. It is therefore imperative that the new Dublin Development Plan contributes to meeting sectoral targets at the city level. An overarching objective of the new CDP must be to break Dublin's ongoing dependence on fossil fuels, stop the city's contribution greenhouse gas emissions, and prepare Dublin with the resilience to thrive in a time of climate uncertainty, all with regard to equity and Just Transition principles. All climate mitigation policies in the CDP must be targeted, timetabled and quantifiable.

As climate change both impacts and is impacted by all areas of planning and development, An Taisce recommends that each chapter of the new plan be assessed against climate objectives and targets, including those outlined in the Paris Agreement and EU policy, with regard to electricity generation, renewables share, transportation, building energy use, etc. The recent Draft Longford Development Plan provides a useful example of climate integration throughout the plan. Each chapter contains a climate context section with climate-specific objectives relating to the theme of the chapter.

Both the policies and the zoning in the new CDP should take account of up-to-date climate projections. This is of particular importance with regard to increased coastal, fluvial and pluvial flood risk. New development proposals should also be required to demonstrate consideration of this.

1.1 Re-Use of Existing Buildings

As a priority, the need for reuse, rather than redevelopment, of existing buildings of all periods must be emphasised. Existing buildings should always be kept in use and improved in thermal performance and accessibility rather than redeveloped (projected energy savings of a new building will never overcome the massive environmental footprint of demolition and

redevelopment), and having regard to the UN Sustainable Development Goals (SDGs) which oblige the reuse and repurposing of existing buildings in the aim of saving embedded energy.

2. Sustainable Land Use, Transport and Infrastructure Planning

The new CDP should ensure that planning and development encourages a shift away from car-orientated, sprawling settlement patterns towards walkable, cycleable, and transit-orientated development patterns in accordance with the sequential approach and existing infrastructural capacity.

Urban planning in the CDP should be guided by the existing essential social and physical infrastructure, including realistic prospects for addressing capacity constraints. Where services are not available, there should be a reasonable expectation of their provision in the plan period. Land should not be zoned if there is no reliable prospect of providing key physical infrastructure within the plan period or a reasonable time period thereafter, such as improved footpaths, cycle paths, drainage and lighting to serve likely future development. The Planning Authority should engage with the providers of essential physical and social infrastructure and ensure that the town-specific policies are based on realistic assessments regarding the funding and timing of such infrastructure, recognising that some levels of strategic infrastructure may take a number of cycles to provide.

Land zoned for residential development should be located in close proximity and/or be well connected by public transport corridors (rail or bus) to existing and/or proposed services (e.g. schools, retail, community/health centres, sports/amenity facilities, etc.) and employment sites. The sequential approach must be applied to the zoning of all land and the review of zoning in accordance with the Planning and Development Act 2000 (as amended) (including the phasing, de-zoning or down-zoning land).

2.1 Water Infrastructure

It is well known that Dublin City is experiencing ongoing issues with wastewater treatment capacity, particularly at the Ringsend plant. Circular Letter PD7/09 issued by the (formerly) Department of Environment, Heritage and Local Government sets out the "Combined Approach" and requires that planning permission should not be granted to development proposals where there is insufficient cumulative capacity within the relevant wastewater treatment plant. This further underlines the imperative for new development to be permitted only when and where the appropriate physical infrastructure is planned or present.

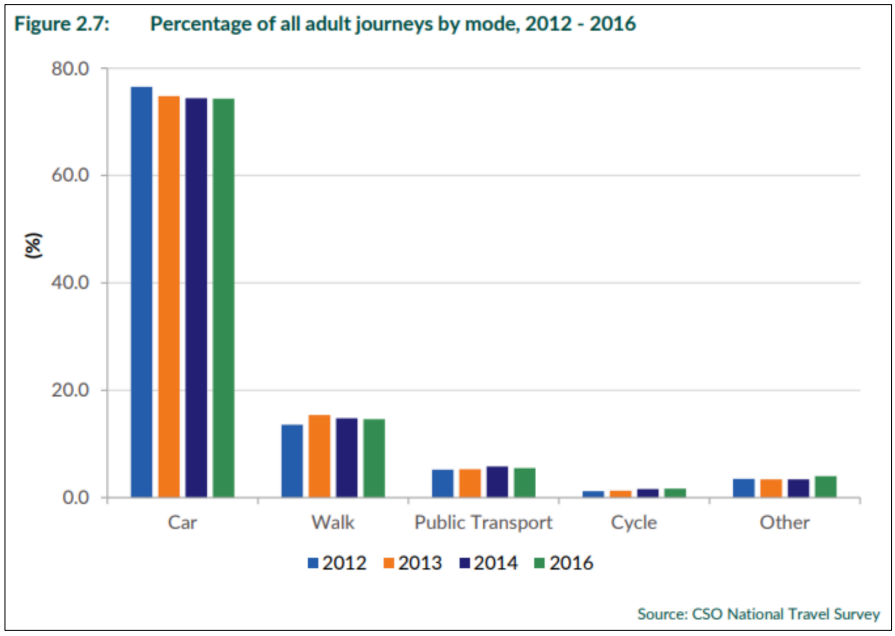
2.2 Achieving a Modal Shift in Transportation

Current and continuing levels of car use and dependence in Dublin City have multiple adverse health and cost impacts including air pollution, greenhouse gas emissions, noise pollution, congestion, wasteful land and resource use, reinforcing sedentary lifestyles and

making local areas and roads less attractive for walking and cycling. Transitioning to electric vehicles only addresses the first two of these impacts, and only incrementally.

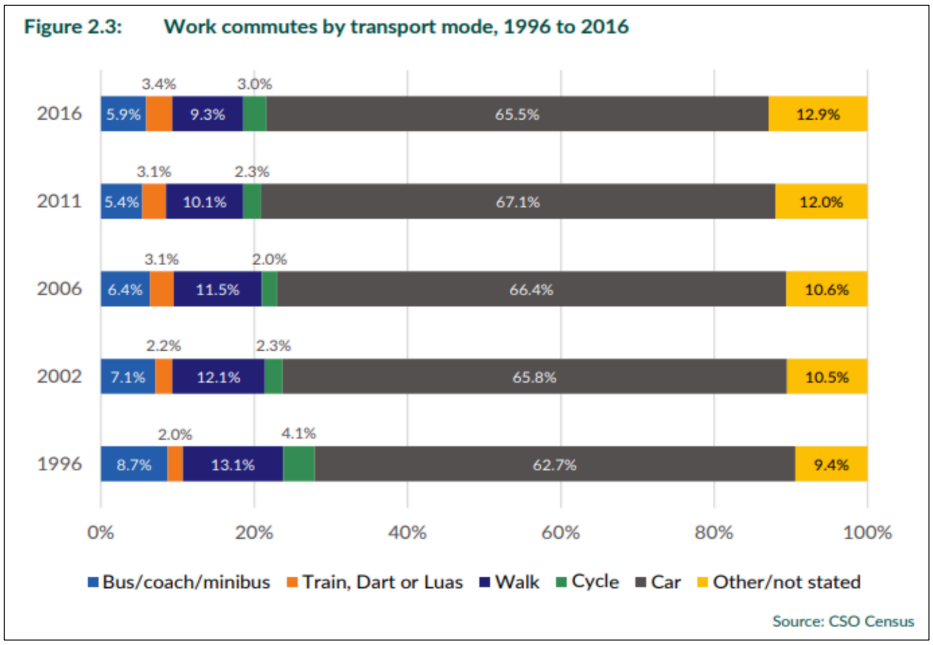
The data presented in a recent Government review of sustainable mobility policy[1] make it unequivocally clear that Ireland has failed to achieve the modal shift in transport that was envisioned in the Smarter Travel policy (2009) and a suite of other transport-related policies. Yet, as noted in the review, transport[2] accounted for over 27% of Ireland's emissions in 2017, with 52% of that generated by private cars.

CSO data show that private car dependence is extremely high - 74.3% of all journeys are made by car. 15% are made on foot while only 5.5% are by public transport and a shockingly low 2% by bicycle (see chart below). We note that the National Cycling Strategy, which ran in parallel to Smarter Travel, provided that 10% of all journeys would be made by bike by 2020.



Similarly, a cornerstone target of the Smarter Travel policy was that commuting journeys made by car should drop from 65% to 45% by 2020 while commuter journeys by walking, cycling and public transport should increase to account for 55%. As the 2016 census data below shows, we have completely failed to achieve that. In fact, the share of car journeys to work has *risen* since 1996 and actually surpassed the Smarter Travel baseline of 65%. The percentage of commutes made by cycling, walking or taking the bus has decreased and is nowhere near the 55% share stipulated by Smarter Travel.

[1] https://www.gov.ie/en/consultation/f1b503-public-consultation-on-a-review-of-sustainable-mobility-policy/
[2] This does not include aviation or maritime travel emissions.



So while there is certainly now a profusion of policies and guidelines aimed at advancing sustainable mobility, it is abundantly clear that their implementation on ground is sorely lacking. To reverse this, *all* sustainable mobility policies in CDP need to be targeted, timetabled and resourced. All objectives should have highly specific annual targets attached with detailed monitoring and enforcement programmes put in place to ensure their achievement.

An Taisce considers that the five key goals of the Smarter Travel framework are still relevant and should form the basis of key objectives and policies in the new CDP:

(i) to reduce overall travel demand,
(ii) to maximise efficiency of the transport network,
(iii) to reduce reliance on fossil fuels,
(iv) to reduce transport emissions, and
(v) to improve accessibility to transport.

The efficacy of said policies should be bolstered by preparing a local transport plan alongside the CDP setting out how the objectives of the national Smarter Travel policy will be achieved locally and translated into measurable action. Furthermore, Mobility Management Plans must be made mandatory through the development management process for planning applications requiring applicants to demonstrate how the objectives of Smarter Travel will be achieved through the development proposal.

An Taisce recommends that an explicit objective be included ensuring that sufficient public transport capacity as well as safe cycling and pedestrian infrastructure be provided prior to or in tandem with any new residential development. Increased sustainable transport

infrastructure and capacity provision needs to come before expanded residential development.

The National Cycle Policy Framework[3] also includes practical measures to help achieve the needed modal shift. Better catering for cyclists and pedestrians must follow the hierarchy of provision, which starts with cutting speed and altering traffic patterns as follows:

1. *Reduce traffic speed and enforce the law.*
2. *Reduce traffic volume, particularly HGVs.*
3. *Redesign poorly-configured junctions and better manage traffic.*
4. *Increase road space for cyclists and pedestrians (with wider inside lanes for example).*
5. *Consider dedicating hard shoulders to cyclists.*
6. *Having considered and, where feasible, undertaken all of the above, are there roads or streets that would benefit from the installation of on-road cycle lanes? Are there alignments that can be considered for off road cycle lanes?*

It should be the policy of Dublin City Council to engage with community health, sporting and other organisations in achieving a transformative shift to walking and cycling as the default or preferred mode of choice of shorter journeys. The focus would be on family-orientated cycling, and cycling for all ages and abilities for local trips of all kinds. The initiative would focus on creating community supported safe cycling route enhancement for access to workplaces, local services, schools, parks, gyms, and sports grounds.

2.2.1 2020 Programme for Government

The June 2020 Programme for Government sets out as overarching mission: *"A Better Quality of Life for All"* with *"A national clean air strategy,"* *"Better work life balance"* and *"a fundamental change in the nature of transport in Ireland"* as key objectives.

It sets out as immediate priority actions:

> *"Necessary improvements in climate impact, quality of life, air quality and physical and mental health demand that every effort is made by the Government to make active travel and public transport better and more accessible.*
>
> *Each local authority will be immediately mandated to carry out an assessment of the road network, to see what space can be allocated for pedestrians and cyclists. This should be done immediately.*"

In light of the Programme for Government mandate and the aforementioned transport data, we cannot overstate the urgency with which the Council needs to address the current unsustainability of transport in Dublin and the ongoing failure to achieve meaningful progress toward a modal shift away from private car use. We therefore recommend that

[3] National Cycle Policy Framework: http://www.smartertravel.ie/content/national-cycle-policy

provision for the immediate review called for in the Programme for Government be included in the CDP.

3. Shaping the Built Environment

3.1 Building Height Definitions

It is submitted that the building height definitions should be adjusted to reflect the characteristic and pre-existing heights in Dublin City.

The table in Section 16.7 of the current Development Plan indicates maximum permitted heights, with a "low-rise" building indicated at 28m. A "low-rise" building in Dublin's inner city would mean a building of approximate maximum height of 20m. The 28m height has been described in the media as "*double the height of a typical Georgian house, which has defined Dublin's scale for 250 years*" (Will Dublin's high-rise dreams come to pass?, The Irish Times, 6 May, 2019).

Similarly the definition of "mid-rise" needs to be adjusted to reflect relativity with pre-existing heights in the city.

The scale and character of the receiving context should be the primary influencing factor in determining appropriate heights. Very high densities can be achieved at six storeys. Having regard to the survival of a human-scale historic centre in Dublin, the height definitions and limits contained in the Draft Plan need to be amended to proportionately reflect heights of the city's built environment.

3.2 Creating Streets

An Taisce recommends the inclusion of the following objectives:

> "*Building frontages should provide appropriate enclosure to streets. They should have consistent heights relative to existing buildings and their plan form should prioritise the provision of a consistent building line, giving enclosure to the street or space. Taller buildings on the south side of east-west streets should be avoided."*

And:

> "*It is an objective of the Council to promote streets and public spaces which are human-scaled, are memorable as places which have a high standard of amenity. The relationship of Dublin's street facades to the human scale is recognised as a major attraction of the city. It is a policy of Dublin City Council that new buildings should be designed and sited with a view to maintaining this important characteristic. The height of buildings relative to the width of a space is an important consideration affecting sunlighting and also the sense of being in a traditional street. For large developments (e.g. occupying more than 20m of street frontage) the height of*

buildings and how they positively relate to the scale of other buildings along the whole length and on both sides of the street must be demonstrated."

3.3 Liffey Quays

The Liffey Quays are inadequately represented in the City Development Plan in reflecting the status and position of the river and the buildings fronting it as a central civic spine, historic townscape and defining feature of the city, and the salient need for improvement of the area as a public space. It is recommended that the provisions relating to the Liffey Quays should be significantly expanded and enhanced in this regard in the forthcoming plan.

3.4 Fencing / Additions to Rooflines

It is submitted that a provision should be included addressing the roofs of the city, the "fifth facade" of a building. An epidemic of fencing and other visually cluttering features has been erected on the city's rooflines in recent years, often without planning permission, significantly adversely impacting and visually impairing streetscapes, rooflines and building silhouettes (see example below).

Predominantly, tubular galvanised aluminium fencing is being erected around the roof perimeter of many of the city's commercial buildings, new and old. Planning Enforcement has been ineffective in tackling this thus far.

An Taisce therefore suggests the inclusion of the following:

> *"The City Council recognises the clean intersection of building parapets and the sky as an integral visual characteristic of the city's built environment, which should be protected. Additions can result in visual injury and impairment to this relationship. Fencing, telecoms equipment or other clutter to rooflines and parapets, will not be permitted without the benefit of planning permission."*

Additionally, the City Council needs to come up with guidance for how any necessary roof additions / balustrading might be accommodated - eg. setting fencing back from parapet and the providing of guidance on design and appearance with a view to avoiding visual impairment of the roofline, streetscape and architectural quality of buildings.

Extant unauthorised additions need to be pursued and resolved.



Before and After, Wellington Quay

4. Built Heritage

4.1 Architectural Heritage

The Development Plan should incorporate the Architectural Heritage Protection Guidelines for Planning Authorities 2011 - eg.: "*To continue to protect our built heritage, development proposals affecting the built heritage will be assessed in accordance with the Department document Architectural Heritage Protection Guidelines for Planning Authorities 2011*".

4.2 Recommended Additions to the Record of Protected Structures (RPS)

An Taisce wish to nominate the following structures for addition to the RPS in the new Development Plan:

- 47, 48 & 49 Kildare Street, Dublin 2 (formal nomination previously made by An Taisce)
- Grand Canal Graving Docks, Dublin 4
- Former Salvation Army premises, 13 Lower Abbey Street, Dublin 1
- 3 Trinity Street (occupied by Coffee Angel), Dublin 2
- Former Mother Redcaps / Winstanley Shirt Factory buildings, Back Lane, Dublin 8
- Former Sandwith Street Post Office, Dublin 2
- Cherrymount House, Cherrymount Park, Phibsborough, Dublin 7
- Central Bank, Dame Street, Dublin 2
- 137 Thomas Street, Dublin 8
- 141 Thomas Street, Dublin 8
- 142 Thomas Street, Dublin 8

5. Natural Environment and Biodiversity

The 2018 "Living Planet Report" from the World Wildlife Fund[4] presented a very bleak picture of the state of global biodiversity. There has been an overall 60% decline in species population size in just over 40 years (1970-2014). This decline is at 83% for freshwater species.

Ireland has a poor record when it comes to protecting the natural environment. The sprawling nature of development and settlement pattern is a driving force for habitat fragmentation, biodiversity loss, agricultural land loss and is contributing to climate change. The 2019 report on "The Status of EU Protected Habitats and Species in Ireland[5]" (prepared every six years as required by Article 17 of the EU Habitats Directive) illustrates the poor condition of Ireland's biodiversity. Out of Ireland's 59 protected habitats, 85% were assessed as being in an unfavourable conservation status and 46% suffering from ongoing declines. The report highlighted agriculture and development (housing, commercial, industrial, and recreational) as two of the primary threats facing these habitats.

The new Development Plan should lay out specific actions to ensure that the protection of European-designated sites in the Dublin area, as well as biodiversity more generally, is upheld in the planning process at all levels.

[4] Living Planet Report (2018): https://www.worldwildlife.org/pages/living-planet-report-2018
[5] Article 17 Report Summary 2019
https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2019_Vol1_Summary_Article17.pdf

5.1 EU Biodiversity Strategy

In May 2020, in furtherance of the 2019 European Green Deal, the European Commission published the "*EU Biodiversity Strategy for 2030 - Bringing nature back into our lives*"[6].

The Biodiversity Strategy sets out a 14-point EU Nature Restoration Plan, and An Taisce would highlight Points 11 and 12, which are of particular relevance to Dublin City and the formation of a new Development Plan:

11. *Cities with at least 20,000 inhabitants have an ambitious Urban Greening Plan.*
12. *No chemical pesticides are used in sensitive areas such as EU urban green areas.*

With regard to greening urban and peri-urban areas, Section 2.2.8 of the Biodiversity Strategy states:

> *"Green urban spaces, from parks and gardens to green roofs and urban farms, provide a wide range of benefits for people. They also provide opportunities for businesses and a refuge for nature. They reduce air, water and noise pollution, provide protection from flooding, droughts and heat waves, and maintain a connection between humans and nature.*
>
> *The recent lockdowns due to the COVID-19 pandemic have shown us the value of green urban spaces for our physical and mental wellbeing. While protection of some urban green spaces has increased, green spaces often lose out in the competition for land as the share of the population living in urban areas continues to rise.*
>
> *This strategy aims to reverse these trends and stop the loss of green urban ecosystems. The promotion of healthy ecosystems, green infrastructure and nature-based solutions should be systematically integrated into urban planning, including in public spaces, infrastructure, and the design of buildings and their surroundings.*
>
> *To bring nature back to cities and reward community action, the Commission calls on European cities of at least 20,000 inhabitants to develop ambitious Urban Greening Plans by the end of 2021. These should include measures to create biodiverse and accessible urban forests, parks and gardens; urban farms; green roofs and walls; treelined streets; urban meadows; and urban hedges. They should also help improve connections between green spaces, eliminate the use of pesticides, limit excessive mowing of urban green spaces and other biodiversity harmful practices. Such plans could mobilise policy, regulatory and financial tools.*
>
> *To facilitate this work, the Commission will in 2021 set up an EU Urban Greening Platform, under a new 'Green City Accord' with cities and mayors. This will be done in close coordination with the European Covenant of Mayors. The Urban Greening*

[6] EU Biodiversity Strategy 2030: https://eur-lex.europa.eu/resource.html?uri=cellar:a3c806a6-9ab3-11ea-9d2d-01aa75ed71a1.0001.02/DOC_1&format=PDF

Plans will have a central role in choosing the European Green Capital 2023 and European Green Leaf 2022.

The Commission will support Member States and local and regional authorities through technical guidance and help to mobilise funding and capacity building. It will also reflect these objectives in the European Climate Pact."

It is therefore submitted that the new Development Plan should provide for the immediate development of an Urban Greening Plan if not already accomplished by the end of 2021, as well as specific timelined and targeted policies for achieving the objectives of the Urban Greening Plan during the plan period.

6. Strategic Environmental Assessment

The preparation of a draft Development Plan requires Strategic Environmental Assessment (SEA) under the SEA Directive by Dublin City Council. An Taisce would highlight the following key articles.

Article 5 requires the preparation of an Environmental Report "*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*."

Article 8 on "Decision Making" requires that:

> "*The environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6* [public consultation] *and the results of any transboundary consultations entered into pursuant to Article 7 shall be taken into account during the preparation of the plan or programme and before its adoption or submission to the legislative procedure*."

Article 9(1)(b) on "Information on the Decision" requires that:

> "*A statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of consultations entered into pursuant to Article 7 have been taken into account in accordance with Article 8 and the reasons for choosing the plan or programme as adopted in the light of other reasonable alternative dealt with*."

Article 10 sets out the provisions for the monitoring of a programme subject to SEA and the obligation for remedial action where unforeseen adverse effects arise:

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 provisions of Article 10 are not just for monitoring but, notably, for the remediation of unforeseen adverse effects. Section 8.12 of the 2001 European 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 from change of circumstances."*

Dublin City Council has a legal obligation to ensure that the SEA process is robust, effective, and identifies all likely significant effects on the environment under the range of considerations set out in the Annexes to the SEA Directive. To ensure integration of environmental considerations into the plan, a general policy or land use zoning should not be maintained where likely significant effects on the environment are identified.

An Taisce requests your consideration of the above comments and would welcome further opportunities to engage in the preparation of the new Dublin City Development Plan.