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Planning and Property Development Department,  
Block 4,  
Floor 3, Civic Offices,  
Wood Quay,  
Dublin 8,  
D08 RF3F

1<sup>st</sup> September 2022

Dear Sir/Madam,

**RE: IHBA SUBMISSION ON THE PROPOSED MATERIAL ALTERATIONS TO THE DRAFT DUBLIN CITY DEVELOPMENT PLAN 2022-2028**

**Introduction**

We, the Irish Home Builders Association (IHBA), a constituent association of the Construction Industry Federation (CIF), wish to make a submission in respect of the Proposed Material Alterations to the Draft Dublin City Development Plan 2022-2028.

***The IHBA are extremely concerned that the proposed alterations will unnecessarily prevent or delay the delivery of housing and are considered contrary to Government policy and guidelines. The proposed changes mean that apartment developments will become extremely difficult if not impossible to finance as they impose restrictions and standards in excess of national policy. Apartment delivery for the Build to Rent sector is already significantly challenged by the increase in borrowing costs and the increase in the costs of construction materials. These proposals will further increase costs and it is simply not sustainable to continue to increase the cost of residential delivery. The Build to Rent sector provides much needed rental accommodation to cater for the large population increase and the growing employment base in the city centre. A reduction in apartment development is inevitable if these proposed alterations are introduced and any reduction in supply will increase costs at a time of high demand for rental accommodation. A reduction in the supply of apartments in Dublin City Centre will impact on price and future inward investment as our economy grapples with a cost-of-living crisis. We cannot stress enough the negative consequences of these proposals on the supply of new rental accommodation and the consequent economic and societal impact of a reduction in the supply of new apartments for rent in Dublin***

The IHBA note that only submissions/ observations in relation to the Proposed Material Alterations to the Draft Dublin City Development Plan can be taken into consideration at this stage of the plan-making process. The Planning Authority will be aware that the IHBA and a significant number of our members made submissions on the Draft Plan and there is a worry that the proposed alterations introduce further onerous standards / requirements in respect to new residential development in the City, all of which will ultimately negatively impact people seeking to purchase and rent homes in the City, by increasing the cost of delivery and by extension house prices. This at a time when construction costs are already under huge inflationary pressure and affordability is a major issue for most home buyers.

As set out below, a key concern of the home building sector in respect to the new Plan is a lack of consistency with national planning guidelines / standards, which may be considered to be contrary to recent Government policy which has sought to bring a greater extent of standardisation to national planning standards as required under NPF Objective 13, and reflected in the Apartment Guidelines 2020, which updated the 2015 and 2018 version of the Guidelines. In this respect, the IHBA note that there is an obligation on the planning authority under Section 12(18) of the Act to ensure the development plan is consistent with SPPRs specified in Section 28 Guidelines and, under section 28(1C), to comply with the SPPRs in the carrying out of its functions.

#### **IHBA Overview**

A priority for Home Builders has always been to deliver much needed homes for those struggling to access the market and find more suitable accommodation for their families. The past number of years have been particularly difficult for these aspiring home buyers who have struggled with the challenges of a lack of supply, affordability, and limited purchaser finance. The IHBA submission requests a number of the proposed material alterations be given further consideration.

#### **Proposed Material Alterations and Submission Requests**

The IHBA have reviewed the proposed material alterations to the Draft Plan and wish to highlight a number of concerns and suggested revisions to ensure that the new City Development Plan does not adversely impact on the supply of housing in the City over the six year period of the new Plan.

In summary, the key concerns relate to the locational restrictions and mix ratio requirement for Build to Rent (BTR) Schemes, Objective CUO22 requiring 5% of floorspace for cultural/artist and community use on all schemes above 10,000 sq.m, Objective QHSNO10 – Universal Design requirements for new residential developments, and more onerous Part V requirements in relation to social housing, all of which will adversely impact on the viability, delivery and affordability of housing in the City.

Note, where the proposed material alterations are set out below, the proposed additional text to the Draft Plan is shown by way of bold green and underlined text, proposals to delete text are shown in bold red text with strikethrough as per the proposed material alterations published by the Planning Authority.

The IHBA requested amendments to the Proposed Material Alterations are demonstrated by illustrating the text to be removed in bold red text with strikethrough and the proposed additional text is shown in bold green and underlined.

**1. Proposed Material Alteration Ref.: 5.23, 5.24 and 15.8- Build to Rent Accommodation**

The proposed material alterations of relevance to this section of the submission are listed as follows:

- Material Alteration Reference Number 5.23- Chapter 5 - Section: 5.5.7, Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation;
- Material Alteration Reference Number 5.24- Chapter 5 - Section: 5.5.7, Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation, Page: 186, Policy QHSN38 Build to Rent Accommodation;
- Material Alteration Reference Number 15.8- Chapter 15 - Section: 15.10 Build to Rent Residential Developments (BTR).

The key aspects of the proposed material alterations are summarised below, followed by our members concerns in respect to same and the suggested amendments.

***BTR Housing Typology***

The material alterations to Policy QHSN38 proposes, *inter alia*, the following changes:

*Policy QHSN38 - Build to Rent Accommodation:*

*“There will be a general presumption against large scale residential developments (in excess of 100 units) which comprise of 100% BTR typology. To ensure **there are opportunities for** a sustainable mix of tenure and long term sustainable communities, a minimum of ~~**40%**~~ **60%** of ~~**standard build to sell apartments**~~ **units within a development must be designed as standard apartments in accordance with the requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, December 2020** ~~**(will be required in such instances)**~~.”*

The IHBA respectfully submit that the proposed alterations above are contrary to SPPR8 of the Apartment Guidelines and will place significant additional costs on the delivery of BTR developments. This concern of the IHBA is consistent with the OPR’s submission on the Draft Plan which requested the City Council to:

*‘Amend policy QHSN38 to omit the following text which is inconsistent with SPPR 8 of the Sustainable Urban Housing:*

*Design Standards for New Apartments Guidelines for Planning Authorities (DHLGH, 2020): ‘There will be a general presumption against large scale residential developments (in excess of 100 units) which comprise of 100% BTR typology. To ensure a sustainable mix of tenure and long term sustainable communities, a minimum of 40% of standard build to sell apartments will be required in such instances.’*

**Requested Amendment No. 1**

Having regard to the above, the IHBA is seeking that **Proposed Material Alteration Reference Number 5.24** as set out above (Chapter 5 - Section: 5.5.7 Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation, Page: 186, Policy QHSN38) be omitted from the Plan.

As explained, the inclusion of Proposed Material Alteration Reference Number 5.24 would be contrary to the National Planning Framework and the Apartment Guidelines 2020.

Notwithstanding the above request, the Planning Authority must remove the requirement for 40% or 60% of BTR apartments to be designed in accordance with standard design apartments for sale. In most cases BTR is the only viable form of apartment development in many areas of the City at present due to high construction costs which results in costs exceeding values on completion of developments. We are not aware of any financial investment model available to the industry for constructing apartments in the manner envisioned in these proposed alterations.

The IHBA respectfully submit that rather than impose restrictions on BTR development, the delivery of standard designed apartments would be increased by the inclusion of appropriate policies and objectives to incentivise delivery, which was the precursor to the 2018 Apartment Guidelines. The restrictions set out in the Proposed Material Alterations will negatively impact supply of housing in the city and should be removed to ensure that the current situation where there is a shortage of available properties and undesirable rent increases is not exasperated throughout the City.

The IHBA note that the Apartment Guidelines state that planning policy can accelerate housing construction and *'make a significant contribution to the required increase in housing supply nationally, identified by Rebuilding Ireland, and the scale of increased urban housing provision envisaged by the National Planning Framework'*. The placing of significant restrictions on BTR development as an important element of the overall residential housing stock in Dublin City is not considered conducive to sustainable planning and development of the local authority area.

It is respectfully submitted that the proposed amendments to the draft Plan on BTR, if adopted, will therefore further exacerbate the City's housing crisis. Recently published figures by the property sales website daft.ie indicate, at the time of writing, demonstrate that the current stock of rental properties available in Dublin is less than a quarter of the typical average over the past twenty years, at a period when population has continued to increase in the capital as noted in the preliminary results of the 2021 Census. Given the clear demand for rental properties in the capital and the well-publicised difficulties in obtaining suitable rental properties, it is submitted that adding restrictions to BTR units which provide properties guaranteed for rental would be a regressive step and would further allow the current shortfalls in rental properties to continue.

The proposal for a higher proportion of standard designed apartments in BTR schemes will likely reduce delivery of new residential apartments for rent and overall in the City and is of clear detriment to the significant and growing proportion of the population who wish to rent residential accommodation, as recognised in the Housing Needs and Demand Study undertaken by the City Council.

In addition, it is unclear how this policy will be interpreted from a Development Management perspective and some clarity in this respect would be helpful, particularly the inclusion of text confirming that applications can still be made for 100% BTR typology schemes, provided such

schemes demonstrate that 40% or 60%, whichever is adopted, have been designed as standard apartments.

This degree of clarity is required, particularly given the increasing risk of legal challenges of planning permissions, as the alternative where a minimum of 40% or 60% of units to be standard designed apartments and the remaining to be provided as Build to Rent would cause significant technical difficulties from an application and operation perspective. If this was required it would be extremely challenging in terms of management and maintenance and may not be a workable model on many sites due to the possible need for two typologies of apartments to be entirely physically divided in terms of layout, access, cores, communal open space and residents' amenity. This request also relates to associated text in Section 5.5.7 (Material Alteration Ref.: 5.23) and Section 15.10 (Material Alteration Ref.: 15.8) relating to Build to Rent Developments.

A greater proportion of BTR accommodation across the City, which the requested amendments below will help encourage, will significantly enhance the quality of rental accommodation in Dublin City with its important advantages for tenants such as central management and the provision of ancillary residential support facilities and amenities which contribute to an overall high standard of residential living and consistent with the draft Plan's promotion of a 15-minute city concept.

### **BTR Locations**

It is also proposed to alter Policy QHSN38, which relates to Build to Rent (BTR) Accommodation, to remove the Inner City as a location it is specifically supported within, as per the text below:

#### Material Alteration 5.24- Policy QHSN38 Build to Rent Accommodation:

*To facilitate the provision of Build to Rent (BTR) Accommodation in the following specific locations:*

- ~~(Within the Inner City (i.e. within the canal ring)).~~
- Within 500 metre walking distance of a high employment area i.e. more than 500 employees per hectare.
- Within 500 metres of major public transport interchanges (e.g. Connolly Station, Tara Street Station and Heuston Station), and
- Within identified Strategic Development Regenerations Areas.

There will be a general presumption against large scale residential developments (in excess of 100 units) which comprise of 100% BTR typology. To ensure {there are opportunities for} a sustainable mix of tenure and long term sustainable communities, a minimum of ~~{40%}~~ {60%} of ~~(standard build to sell apartments)~~ {units within a development must be designed as standard apartments in accordance with the requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, December 2020} ~~(will be required in such instances)~~. There will be a presumption against the proliferation and over concentration of BTR development in any one area. In this regard, applications for BTR developments should be accompanied by an assessment of other permitted {and proposed} BTR developments {within a} ~~(in the vicinity)~~ {1km}~~{(3km)}~~{radius} of the site to demonstrate:

- that the development would not result in the overconcentration of one housing tenure in a particular area and take into {account} ~~(regard)~~ the ~~(geographical area)~~ {location} of the {proposed} BTR.

- *{how the development supports housing need, particularly with regard to tenure, unit size and accessibility with particular reference to the Dublin City Council Housing Need and Demand Assessment.*

This material alteration and locational restriction for BTR schemes is also reflected in other sections of the Draft Plan relating to Build to Rent Accommodation, including Section 5.5.7 (Material Alteration Ref.: 5.23) and Section 15.10 (Material Alteration Ref.: 15.8).

Whilst we understand that it will be up to applicants to demonstrate BTR developments are appropriate for other parts of the City, our members are very concerned with the proposed additional restrictions on where BTR developments are specifically supported as set out in the proposed material alteration. It will generate another obstacle for developers and have implications on the delivery of units to meet housing demand at a time of acute and established need. In the context of the Apartment Guidelines 2020, suitable locations for BTR development is considered to be appropriate in 'Central and/or Accessible Urban Locations' and in proximity to major employment nodes, and we note that SPPR8(iii) of the Apartment Guidelines specifically states that BTR development is 'more suitable for central locations and/or proximity to public transport services'. It is therefore submitted that Policy QHSN38 which refers to 'Within 500 metres of major public transport interchanges (e.g. Connolly Station, Tara Street Station and Heuston Station)' will put the onus on the applicant to justify BTR developments in significant parts of the City and is contrary to Section 28 Ministerial Guidelines.

Notwithstanding the reduction of the area to be assessed from 3km to a 1km radius, the IHBA respectfully submit that the assessment required under this policy is still excessively onerous and counter intuitive given the City Council's objective is to deliver additional housing to meet demand. No detail in terms of the type of assessment required nor the meaning of 'over concentration' of BTR development in any one area is provided.

Related to Policy QHSN38 above, the proposed material alteration 5.23 to Section 5.5.7, is proposed to be amended as follows:

Section: 5.5.7 Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation, Page: 184-185

"BTR should be concentrated ~~(in prime inner city areas and also)~~ in areas of high intensity employment use, ~~(such as within 500 metres walking distance of a high employment area i.e. more than 500 employees per hectare,)~~ within 500m of major public transport interchanges ~~((e.g. Connolly Station, Tara Street Station and Heuston Station))~~ and within identified Strategic Development Regeneration ~~(s-Zones)~~ **{Areas}**. Furthermore, applications for BTR schemes should be required to demonstrate *{how the development supports housing need, particularly with regard to tenure, unit size and accessibility with particular reference to the Dublin City Council Housing Need and Demand Assessment and}* that there is not an over-concentration of Build to Rent Accommodation within an area, including a map showing all such facilities within *{a 1km radius}* ~~((3km))~~ of a proposal. Such housing will be controlled in the interest of providing a mix of tenure and unit types. In assessing the matter of overconcentration, the Planning Authority will have regard to factors such as..."

In addition, it is submitted that 'within 500 metres walking distance of a high employment area i.e. more than 500 employees per hectare' will prove problematic in practice and be difficult to ascertain during the Development Management process, as the IHBA are not aware of any evidence base to demonstrate which areas of the City have more than 500 employees per hectare and therefore constitute "high employment areas".

The current Plan includes Figure W in Appendix 2A relating to the number of persons working with DCC Electoral Divisions. However, this information is now out of date and in any instance does not provide the required data to ascertain the number of employees per hectare. It is respectfully submitted that mapping from publicly available data from the Census 2016 has proven ineffective in determining the concentration of jobs per hectare.

The Census does record details on place of work, school, or college and collect these as anonymised data (referred to as POWSCAR), however, this information is only available to statistical researchers and not the general public. Publicly available data relates to commuting patterns by ED and cannot be relied on to give an accurate figure for the number of jobs per hectare as required under the locational requirements for BTR. There is available data from the AIRO All-Island Census Atlas, which provide POWSCAR data on the number of jobs by small area. However, this mapping was done after the 2011 Census and therefore is not the most up to date information available and would not reflect the growth in jobs in Dublin since the financial crash. Furthermore, this information still does not provide data as to the number of available jobs per hectare.

It is therefore considered that there is no practicable way to definitively quantify the employment areas referred to in the Draft Plan and proposed material alterations. While recent office completions provide circumstantial evidence as to the number of jobs in any area, it is not possible to determine this for a fact. In addition, it can be seen that the areas where there are more than 500 jobs in the 2011 data, and the areas of highest commuting in the 2016 data already correspond to the inner city (i.e. within the canal ring). It is therefore considered appropriate that the text of Policy QHSN38 revert to the Draft Plan text as suggested below and align more closely with the Apartment Guidelines 2020.

Therefore, and as demonstrated in the requested amendment below, it would be appropriate to update Policy QHSN38, and associated sections of the new City Development Plan, to more closely reflect the central and/or accessible location criteria and SPPR8(iii) of the Apartment Guidelines 2020 which specifically state that BTR development is '*more suitable for **central locations and/or proximity to public transport services***', which includes the following:

- Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.

The suggestions made above and below, will provide greater certainty for applicants / landowners, the local community, and most importantly ensure that much needed housing continues to be delivered across the City in a timely manner. At present, it is considered that the wording of the BTR sections of the Draft Plan / Proposed Material Amendments is somewhat ambiguous and therefore would benefit from greater clarity prior to adoption.

### **Requested Amendment No. 2**

Having regard to the above, the IHBA is seeking that **Proposed Material Alteration Reference Number 5.24** (Chapter 5 - Section: 5.5.7 Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation, Page: 186, Policy QHSN38) as set out above be modified as follows<sup>1</sup>:

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<sup>1</sup> Requested amendments use the text provided in the Proposed Material Alterations to the Draft Plan (i.e. accepting the proposed material alteration from the Draft Plan), but with the requested text to be removed outlined in ~~red~~ and proposed additional text shown in green.



### **Build to Rent Accommodation**

To facilitate the provision of Build to Rent (BTR) Accommodation including but not limited to central and/or accessible locations (as defined in the Apartment Guidelines 2020), to be assessed on a case-by-case basis, in and including the following specific locations:

- Within the Inner City;
- Sites within a reasonable walking distance from high frequency public transport routes (up to 1,000m from high capacity urban public transport stops and 500m to urban bus services);
- Within 500m of significant employment locations, that may include hospitals and third-level institutions; and
- ~~Within 500 metre walking distance of a high employment area i.e. more than 500 employees per hectare.~~
- ~~Within 500 metres of major public transport interchanges (e.g. Connolly Station, Tara Street Station and Heuston Station), and~~
- Within identified Strategic Development Regenerations Areas.

There will be a general presumption against large scale residential developments (in excess of 100 units) which comprise of 100% BTR typology. To ensure there are opportunities for a sustainable mix of tenure and long term sustainable communities, a minimum of (40%) ~~{60%}~~ of units within a BTR development must be designed as standard apartments in accordance with the requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, December 2020. There will be a presumption against the proliferation and over concentration of BTR development in any one area. ~~In this regard, applications for BTR developments should be accompanied by an assessment of other permitted and proposed BTR developments within a 1km radius of the site to demonstrate:~~

- ~~that the development would not result in the overconcentration of one housing tenure in a particular area and take into account the location of the proposed BTR.~~
- ~~how the development supports housing need, particularly with regard to tenure, unit size and accessibility with particular reference to the Dublin City Council Housing Need and Demand Assessment.~~

### **Requested Amendment No. 3**

Having regard to the above, the IHBA is seeking that **Proposed Material Alteration Reference Number 5.23** (Chapter 5 - Section: 5.5.7 Specific Housing Typologies, subheading Build to Rent (BTR) and Shared Accommodation, Page: 186, Policy QHSN38) be modified as follows<sup>2</sup>:

It is recognised that Build to Rent (BTR) serves an important role in meeting housing demand and can fill a gap in tenure mix in established areas of owner-occupier housing. ~~Recent emerging trends however, would indicate that the dominance of BTR in large schemes can be to the detriment of standard designed apartment units.~~ Whilst such development has its place in the hierarchy of provision of homes across the city, the Planning Authority will seek to avoid over proliferation of such use in certain areas and encourage such development as part of a healthy mix of tenure in order to create sustainable communities and neighbourhoods.

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<sup>2</sup> See footnote 1 above.



~~BTR will be facilitated in appropriate locations, including but not limited to: should be concentrated in areas of high intensity employment use, within 500m of major public transport interchanges and within identified Strategic Development Regeneration Areas.~~

- Within the Inner City;
- Sites within a reasonable walking distance from high frequency public Sites within a reasonable walking distance from high frequency public transport routes (up to 1,000m from high capacity urban public transport stops and 500m to urban bus services);
- Within 500m of significant employment locations, that may include hospitals and third-level institutions; and
- Within identified Strategic Development Regenerations Areas.

Furthermore, applications for BTR schemes should be required to demonstrate how the development supports housing need, particularly with regard to tenure, unit size and accessibility with particular reference to the Dublin City Council Housing Need and Demand Assessment. ~~and that there is not an over-concentration of Build to Rent Accommodation within an area, including a map showing all such facilities within a 1km radius of a proposal. Such housing will be controlled in the interest of providing a mix of tenure and unit types. In assessing the matter of overconcentration, the Planning Authority will have regard to factors such as:~~

- ~~• the number and scale of other permitted BTR development in the vicinity (within a 1km radius) of the site,~~
- ~~• the household tenure and housing type of existing housing stock in the approximate vicinity (within a 1km radius) of the site,~~
- ~~• and the proximity of the proposal to high capacity urban public transport stops and interchange (such as DART, Luas and BusConnects).~~

There will be a general presumption against large scale residential developments (in excess of 100 units) which comprise of 100% BTR typology. To ensure there are opportunities for a sustainable mix of tenure and long term sustainable communities, a minimum of (40%) ~~{60%}~~ of units within a BTR development must be designed as standard apartments in accordance with the requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, December 2020.

BTR schemes of less than 100 units will generally not be supported. The concept of Built to Rent requires a critical mass of accommodation to provide a meaningful provision of communal facilities and services. Smaller BTR schemes with less than 100 units will only be considered where it can be demonstrated that there is a strong need for the development and a detailed justification is provided.

#### **Requested Amendment No. 4**

Having regard to the above, the IHBA is seeking that **Proposed Material Alteration Reference Number 15.8** (Chapter 15 - Section: 15.10 Build to Rent Residential Developments (BTR), Page: 706) be modified as follows<sup>3</sup>:

<sup>3</sup> Requested amendments use the text provided in the Proposed Material Alterations to the Draft Plan (i.e. accepting the proposed material alteration from the Draft Plan), but with the requested text to be removed outlined in ~~red~~ and proposed additional text shown in green.

Build to Rent” (BTR) refers to purpose built residential accommodation and associated amenities built specifically for long term rental that is managed and serviced in an institutional manner by an institutional landlord. Recent emerging trends would indicate that the dominance of BTR in large schemes can be to the detriment of standard designed apartment units. Dublin City Council will ~~consider~~ **facilitate** “Built to Rent” **within appropriate locations including, but not limited to, central / accessible locations (as defined in the Apartment Guidelines 2020), to be assessed on a case-by-case basis, in and including specific locations as follows:**

- **Within the Inner City;**
- **Sites within a reasonable walking distance from high frequency public transport routes (up to 1,000m from high capacity urban public transport stops and 500m to urban bus services);**
- **Within 500m of significant employment locations, that may include hospitals and third-level institutions and**
- ~~Within 500 metre walking distance of a high employment area i.e. more than 500 employees per hectare.~~
- ~~Within 500 metres of major public transport interchanges (e.g. Connolly Station, Tara Street Station and Heuston Station);~~
- Within identified Strategic Development Regenerations Areas,

There will be a general presumption against large scale residential developments (in excess of 100 units) which comprise of 100% BTR typology. To ensure there are opportunities for a sustainable mix of tenure and long term sustainable communities, a minimum of **(40%)** ~~{60%}~~ of units within a **BTR** development must be designed as standard apartments in accordance with the requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments, December 2020.

In considering the requested amendments above, the IHBA note that there is an obligation on the planning authority under Section 12(18) of the Act to ensure the development plan is consistent with Section 28 guidelines, particularly SPPR’s, and, under section 28(1C), to comply with the SPPRs in the carrying out of its functions.

## **2. Proposed Material Alteration 12.19 and 13.5- Objective CUO22 - 5% of floorspace for cultural/artist and community use**

The Draft Plan includes Objective CUO22 relating to SDRAs and large scale developments which states that “SDRAs and large Scale Developments - All new regeneration areas (SDRAs) and large scale developments above 10,000 sq.m. in total area must provide for 5% community, arts and culture and artist workspaces internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.”

The proposed material alterations to Section 12.19 includes a footnote:

**“{\*Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector.\*}”**

The CU022 Objective requirement is also proposed to be included in Chapter 13 SDRAs under Section 13.2 (material alteration reference number 13.5), as follows:

**“Cultural Infrastructure: All new regeneration areas (SDRAs) and large-scale developments above 10,000 sq. m. in total area must provide at a minimum 5% community, arts and culture internal floorspace as part of their development. See policy CU021, Chapter 12 for further detail.”**

Our members have significant concerns in respect to the above aspects of the Draft Plan and Proposed Material Alterations, as this new highly onerous requirement for community, cultural / artists floorspace to be provided for each development within an SDRAs area or above 10,000 sq.m will significantly impact on the viability of wide range of developments in the City.

A requirement of 5% of floorspace for community, arts and culture and artist workspace equates to 500 sq.m for every 10,000 sq.m of floorspace constructed, which is substantial in terms of construction costs and overall viability.

Unlike the requirement for Part V, whereby contributions costs are met by Planning Authority through public funding, construction costs for cultural and community floorspace are to be borne entirely by the developer. This will consequently push up the cost of housing provision in the city and significantly affect the viability of apartment schemes. The significant additional cost of developments arising out of this policy (adding at least 5% to construction costs to every apartment) would come at a time of significant construction cost inflation which is already threatening viability and delivery of apartments throughout the city. The Development Plan should seek to avoid exacerbating difficulties for new housing delivery in the city. Such requirements in the Development Plan will result in reduced housing provision especially outside of high value residential areas. It is submitted that the loss of housing provision as a result of this objective outweighs any major benefit for cultural and community facilities in the city.

In addition to the commercial implications of such a requirement, it would also have significant practical implications on completion of such developments in terms of finding tenants, e.g. would a community group be able to fund the fit out/rent of such area? And, if not, the cost of providing this floorspace will fall back onto the renter/first time buyer, as someone has to bear this extra cost. There is no reference to a requirement encourage this policy in national planning policies.

The IHBA respectfully submits that if the Council see a need for new community, culture and arts floorspace across the City that this is more appropriately provided in larger scale developments, for example 1% for every 10,000 sq.m of floorspace, or through a financial contribution in lieu, where the cultural/community floorspace could be provided in suitable locations, rather than piecemeal in locations throughout the city. It will be difficult to find viable users for this space that can pay for fit out cost and service charges and therefore if this objective is included in the new Plan it is likely that this objective will result in vacant floorspace in all areas of the City. A financial contribution in lieu would be a much more efficient and effective way to enhance cultural and community provision in the City, as there is a risk that much of this space as required by this policy will remain empty and vacant in many schemes due to the lack of an end user with the financial capabilities to occupy such space (fit out, service charges etc).

Having regard to above, the IHBA therefore request that the Planning Authority include additional text in relevant sections of the Plan to reduce this requirement to 1% for every 10,000 sq.m, provide flexibility on the application of this requirement, and for it to be considered on a case-by-case basis

for sites based on existing facilities and need in an area and that a financial contribution may be provided in lieu.

It is also submitted that the proposed material alteration to Objective CUO22 to provide ‘evidence to justify the 5% going to one sector’ will be significantly onerous for a developer to determine and demonstrate to the Planning Authority, especially as in most cases it will be very difficult to identify at application stage any specific user of the required cultural and community space.

#### **Requested Amendment No. 5**

Having regard to the above, the IHBA is seeking that **Proposed Material Alteration Reference Number 12.19** (Chapter 12 - Section 12.5.3 Supporting Cultural Vibrancy in the City, Page: 448, Objective CUO22 SDRAs and large Scale Developments) be modified as follows<sup>4</sup>:

*All new regeneration areas (SDRAs) and large scale developments above 10,000 sq.m. in total area must provide for ~~15~~% community, arts and culture and artist workspaces internal floorspace as part of their development at the design stage.*

*The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.*

~~*Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector.*~~

*Community, arts and culture and artist workspaces will normally be located on-site, however, in instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity. This would include cases where it is not feasible, due to site constraints or other factors, e.g. where it would be better to locate the spaces elsewhere in the wider area. In these cases, financial contributions may be proposed towards the provision and enhancement of existing community halls and cultural and artist workspace areas in the locality, in fulfilment of this objective.*

#### **Requested Amendment No. 6**

Having regard to the above, the IHBA is seeking that **Proposed Material Alteration Reference Number 13.5** (Chapter 13, Section 13.2) be modified as follows<sup>5</sup>:

*All new regeneration areas (SDRAs) and large scale developments above 10,000 sq.m. in total area must provide for ~~15~~% community, arts and culture and artist workspaces internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a*

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<sup>4</sup> Requested amendments use the text provided in the Proposed Material Alterations to the Draft Plan (i.e. accepting the proposed material alteration from the Draft Plan), but with the requested text to be removed outlined in ~~red~~ and proposed additional text shown in green.

<sup>5</sup> See footnote 4 above.

contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.

Community, arts and culture and artist workspaces will normally be located on-site, however, in instances it may be more appropriate to seek a financial contribution towards its provision elsewhere in the vicinity. This would include cases where it is not feasible, due to site constraints or other factors, e.g. where it would be better to locate the spaces elsewhere in the wider area. In these cases, financial contributions may be proposed towards the provision and enhancement of existing community halls and cultural and artist workspace areas in the locality, in fulfilment of this objective.

### **3. Proposed Material Alteration 5.16, 15.7 and Appendix 1.10- Universal Design**

The proposed material alteration No. 5.16 seeks to amend Objective QHSNO10 relating to Universal Design as follows:

~~“(It is an Objective of Dublin City Council: To require that a minimum of 10% of dwellings in all schemes over 100 units are designed to accommodate people with disabilities and older people in accordance with the Universal Design Guidelines for Homes in Ireland 2015.)~~  
{It is an Objective of Dublin City Council: To ensure that 50% of apartments in any development that are required to be in excess of minimum sizes should be designed to be suitable for older people/mobility impaired people, people living with dementia and people with disabilities in accordance with the guidelines set out in the Universal Design Guidelines for Homes in Ireland 2015, the DHLG&H’s Design Manual for Quality Housing 2022 and the DHP&LG & DH’s Housing Options for Our Ageing Population Policy Statement 2019.}”

This proposed material alteration relating to Universal Design is also reflected in other sections of the Draft Plan relating to Universal Design - Section 15.9.2 (Material Alteration Ref.: 15.7) and Section 7.2.3 of Appendix 1 (Material Alteration Ref.: App 1.10).

Our members wish to raise significant concerns with this proposed material alteration given the significant implications on the viability of residential developments. Discussions with architectural practices and developers on various projects that are currently being progressed towards application stage, indicate that there is significant uncertainty about how to comply with this new requirement, given the reference to three different standards, and that it would have significant cost implications for new residential development and goes significantly beyond the requirements of current building regulations. Our members also question why items such as Universal Design, which is a building regulations matter, is being addressed in the Development Plan, and therefore firstly request that this objective be removed as it will only lead to further complications in the planning application process.

The Development Plan Guidelines 2022 note that objectives included within Development Plans should not duplicate let alone override other statutory or legislative codes. The Guidelines state:

*“The objective should not address matters that are the subject of other legislative provisions. Objectives dealing with specific issues that are governed by other legislative codes, including for example, the Building Regulations or the Building Control Acts, should not be included as mandatory objectives in development plans. While objectives may be provided to encourage particular formats or technical methods as appropriate, these should not be framed as mandatory or statutory requirements.”*

The proposed material alteration to Objective QHSN10 goes substantially beyond legislation requirements in Building Regulations and is contrary to the Apartment Guidelines and Development Plan Guidelines. This proposed policy is therefore contrary to National policy and is ultra vires.

It is also submitted that there is a lack of clarity as to what exactly is required for new developments under this specific objective, which will create uncertainty for applicants, designers and the Planning Authority in assessing new applications. The objective refers to three separate and conflicting guidelines. If the original guideline (Universal Design Guidelines for Homes in Ireland 2015) was retained on its own, clarification would be required as to which standards within it would be required for new apartment developments. For example, is it TGD B, UD Home, UD Home + or UD Home ++. The 2015 Guidelines only shows one sample fit out for the 4 layout options – TGD B, UD, UD+ and UD++. It only refers to a 3 person 2-Bed apt with a single bathroom and no other apartment size. Clarification would be required from the Planning Authority as to what is required and is acceptable for alternative unit mixes including 1-Bed, 3 person 2-Bed, 4 person 2-Bed and 3-Bed. This lack of precision and clarity as to what is exactly required will inevitably lead to these matters being raised in Judicial Reviews, which will result in further delays of housing delivery in the city, and is therefore more appropriately addressed at Government level before being incorporated into Development Plans, or at least a less onerous requirement should apply.

In addition, if this objective is being carried forward, the Planning Authority should clarify how will it be expected to be complied with as part of the planning application process. For example, is it necessary to apply for and construct units which fully comply with Universal Design standards or if it is sufficient to demonstrate how units are future proofed so that they can be adapted with minimal alterations in the future should the tenant / owner require same, which would appear more logical.

If the objective is not being removed, it is suggested that a definitive percentage of 5% of proposed apartments to be designed in accordance with the universal design guidelines be included in **Objective QHSNO10 Universal Design** and **Section: 15.9.2 Unit Size / Layout** as a more realistic target for applicants. This will remove any ambiguity around the requirements and introduce a simple standard which is more acceptable to all. It is noted that other Planning Authorities in the Eastern & Midlands Region have adopted a standardised approach in this regard for example:

- Meath County Development Plan 2021-2027 includes Objective SH OBJ 23 which seeks that *'all new residential developments on zoned lands in excess of 20 residential units provide for a minimum of 5% universally designed units in accordance with the requirements of the 'Building for Everyone: A Universal Design' developed by the Centre for Excellence in Universal Design (National Disability Authority).'*
- Draft Wicklow County Development Plan 2023-2029 includes Objective CPO 6.8 which requires that *'all new residential developments in excess of 20 residential units to provide a minimum 5% universally designed homes in accordance with the requirements of 'Building for Everyone: A Universal Design Approach and the Universal Design Guidelines for Homes in Ireland (2015).'*

It is suggested that Dublin City Council consider the approach taken by other local authorities in the region and seek to implement a standardised approach to this requirement, if considered necessary. The implications of implementing the **Objective QHSNO10 Universal Design** and **Section: 15.9.2 Unit Size / Layout** as per the material alterations will have significant implications to the design and potential delivery of apartment developments within Dublin City.

**Requested Amendment No. 7**



Having regard to the above, the IHBA is firstly seeking that **Proposed Material Alteration Reference Number 13.5** (Chapter 13, Section 13.2) be omitted from the Plan.

Should the Planning Authority not consider the first request to be appropriate, then for the reasons set out above, we request that **Proposed Material Alteration Reference Number 13.5 (Chapter 13, Section 13.2)** be modified as follows<sup>6</sup>:

*It is an Objective of Dublin City Council: To require that a minimum of 5% of the apartments in schemes over 100 units are designed to accommodate people with disabilities and older people in accordance with the relevant universal design guidelines of most relevance to the scheme in question, which the project architects will need to demonstrate in the application documentation.*

~~*{It is an Objective of Dublin City Council: To ensure that 50% of apartments in any development that are required to be in excess of minimum sizes should be designed to be suitable for older people/mobility impaired people, people living with dementia and people with disabilities in accordance with the guidelines set out in the Universal Design Guidelines for Homes in Ireland 2015, the DHLG&H's Design Manual for Quality Housing 2022 and the DHP&LG & DH's Housing Options for Our Ageing Population Policy Statement 2019.}*~~

**4. Proposed Material Alteration 2.6 – Part V Social and Affordable Housing provision**

The proposed material alteration No. 2.6 amends Section 2.3.3, Housing Strategy relating to Part V by adding an additional paragraph at the end of the Housing Strategy subsection as follows:

*“The conclusion of the HNDA and Housing Strategy is that there is a requirement for the full 20% complement of social housing to be provided under the provisions of Part V. The HNDA modelling indicates that over the six-year plan period of 2023-2028, there is an estimated need for 10,247 social homes in Dublin City as well as 7,887 affordable homes; 4,997 households are estimated to be able to access private ownership in Dublin City, while 4,088 households are estimated to be able to meet their needs in the private rental market.”*

Our members wish to raise significant concerns with this proposed material alteration given the significant implications on tenure mix and the viability of residential developments.

The IHBA notes the following in respect to the Affordable Housing Act 2021 as set out in Section 7.2 of the Draft Plan:

*“The Affordable Housing Act 2021 provides for a requirement that any new planning permission granted for housing subject to the Act will have a 20 percent Part V requirement on that land where;*

- At least half of the land or equivalent net monetary value obtained under Part V must be used for social housing support.*
- The remainder can be used for affordable purchase housing, cost rental housing or both.*
- If there is no requirement for affordable housing, the remainder can be used as an additional discount on construction costs, or for more social housing.*

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<sup>6</sup> Requested amendments use the text provided in the Proposed Material Alterations to the Draft Plan (i.e. accepting the proposed material alteration from the Draft Plan), but with the requested text to be removed outlined in ~~red~~ and proposed additional text shown in green.



*The Planning Authority will review the Part V of the requirements contained in this Plan if the legislation underpinning this requirement is amended."*

The IHBA members question why it is now proposed to restrict the delivery of housing provided for under Part V to social housing only when the Affordable Housing Act 2021 clearly includes measures to provide for flexibility / options for developers where there is no requirement for affordable housing. Such options include discount on construction costs which may be necessary to ensure delivery of housing units particularly at a time when construction costs are rising exponentially within the City.

Furthermore, the IHBA respectfully submits that the requirement for the full 20% complement of social housing to be provided under the provisions of Part V is unnecessary as the Affordable Housing Act 2021 already provides for 20% Part V social housing if there is no requirement for affordable housing.

In addition, the proposed material amendment requiring the Part V provision to be 20% social housing will serve to negatively impact the provision of affordable homes in the City. As estimated in the HNDA, there is a need for provision of the 7,887 affordable homes in the City over the six-year plan period of 2023-2028 and it is unclear how this need is to be met.

As outlined above, the Development Plan Guidelines 2022 note that planning policy included within Development Plans should not duplicate let alone override other statutory or legislative codes. A 20% requirement for social housing would be seeking to override the legislative provisions, as some sites / developments are exempt from the additional 10% arising under the 2021 Act.

#### **Requested Amendment No. 8**

Having regard to the above, the IHBA is seeking that **Proposed Material Alteration Reference Number 2.6** (Chapter 2 Section: 2.3.3 Housing Strategy and HNDA – subheading Housing Strategy Page: 68, add additional paragraph at end of subsection) be omitted from the Plan.

As explained, the inclusion of Proposed Material Alteration Reference Number 2.6 is unnecessary as the Affordable Housing Act 2021 already provides for 20% Part V social housing provision where it is established there is no requirement for affordable housing. The IHBA submit that the Planning Authority provide flexibility on the application of the requirement of Part V provision in respect to social and affordable housing and for the allocation percentages to be considered on a case-by-case basis.

Alternatively, and if the omission is not considered acceptable, the text should be updated to reflect that the 20% Part V requirement can be for a mix of social or affordable housing and this would have regard to the specific needs in different areas of the City, where it may be more desirable to provide a greater percentage of affordable units. The proposed material alteration No. 2.6 amends Section 2.3.3, Housing Strategy relating to Part V could be amended as follows:

*"{The conclusion of the HNDA and Housing Strategy is that there is a requirement for the ~~full~~ 20% ~~complement of~~ social and affordable housing to be provided under the provisions of Part V. The HNDA modelling indicates that over the six-year plan period of 2023-2028, there is an estimated need for 10,247 social homes in Dublin City as well as 7,887 affordable homes; 4,997 households are estimated to be able to access private ownership in Dublin City, while 4,088 households are estimated to be able to meet their needs in the private rental market.}"*

## **Summary & Conclusion**

The IHBA, as the representative body for home builders, believes that the new Dublin City Development Plan 2022-2028 will place considerable additional burdens and restrictions in respect to the delivery of affordable homes as it places additional costs and an undue burden on home builders, and ultimately these costs are borne by young families trying to purchase or rent their homes. This is of significant concern to the IHBA and our members, as in our opinion some of the above proposals will reduce if not completely erode new private residential supply in the Dublin City Council area. It will be extremely difficult if not impossible to comply with these additional standards and requirements. Finance will be difficult to secure and will damage the reputation of Dublin and Ireland as a place to invest. Even if finance could be secured it would negatively impact on those people seeking to purchase homes in the City, by increasing the cost of delivery and by extension house prices.

In particular, this submission requests that a number of proposed material alterations be altered / omitted as they are inconsistent with the Sustainable Urban Housing: Design Standards for New Apartments (December 2020), which are Ministerial Guidelines under Section 28 of the Act and therefore policy of the Government.

The IHBA note that Section 12(10) of the Act provides the members of the planning authority with scope to make a further modification to an alteration subject to the limitations set out in subsection 10(c) parts (i) and (ii) and that there is an obligation on the planning authority under Section 12(18) of the Act to ensure the development plan is consistent with SPPRs specified in Section 28 guidelines and, under section 28(1C), to comply with the SPPRs in the carrying out of its functions.

The issues raised are of significant concern to our members as the proposed material alterations in respect to BTR Accommodation, cultural/artists/community floorspace, Universal Design and Part V have the potential to impact on the supply of new homes to serve the rental market on key sites across the City.

We trust that the Planning Authority will consider the contents of this submission when finalising the City Development Plan 2022-2028 and we look forward to reviewing the contents when published.

Yours faithfully,

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**IHBA**