

###### Dear Lord Mayor/Councillor

The following Notice of Motion (Number 67) from Councillor Eilis Ryan was discussed at the City Council meeting held on 4th July 2016

‘*’The Council recognises the vibrant history of O'Devaney Gardens as a public housing community, and commits to maintaining the role of O'Devaney Gardens in providing high quality, affordable housing and community facilities within Dublin's Canals.*

*The Council furthermore accepts the role of the government, council and private developers in failing to deliver regeneration at O'Devaney Gardens, including Dublin City Council failing to honour written guarantees to numerous former residents that they could return to O'Devaney Gardens.*

*In light of this history, and considering the housing crisis which those on low- and**middle-income households in Dublin, the Council supports the development of a pilot scheme of 100% public, mixed income housing on the O'Devaney Gardens site.*

*Under the scheme, all housing on the site will be built by and rented from the Council, with 50% of housing units rented at current differential rents to households currently on housing waiting lists, while 50% of housing units will be rented to households earning above the waiting list threshold, but with demonstrated housing need, and paying higher rents in line with their income.’’*

**This Motion was voted on and was adopted by the City Council.**

At the meeting Management did not have the opportunity to respond to the implications of adopting this Motion and therefore I am now setting out our observations on same.

Dublin City Council adopted the Land Initiative report at its January 2016 meeting to explore the feasibility of bringing forward Dublin City Council lands for housing development including the O’Devaney Gardens site.

The previous housing scheme at O Devaney Gardens constructed in 1954 comprised of 278 residential units, located in 13 four-storey blocks, and consisted of 100% Public housing all owned by Dublin City Council. By the 1990s a range of problems in the complex had developed and festered similar to what happened in several other large single tenure estates in Dublin and throughout the country. All this led to a decision to demolish the housing stock that was in place and to invest in the delivery of a sustainable regeneration programme. This considerable investment was replicated in other areas of the city such as Ballymun,St. Michael’s Estate and Fatima Mansions where it was acknowledged that social segregation and the provision of 100% social housing simply had not worked out very well.

The site at O’Devaney Gardens together with the adjoining St. Bricin’s Military Hospital and the land on Infirmary Road (Department of Defence) are zoned ‘Z14’ – a Strategic Development and Regeneration Area – in the Dublin City Development Plan 2011-2017, with a stated objective “To seek the social, economic and physical development and/or rejuvenation of an area with mixed use of which residential and Z6 (employment) would be predominant uses”.

The City Development Plan 2011-2017 contains a number of key guiding principles for this area:

‘’The strategic location context of this site within the city (close to the amenities of the Phoenix Park, Heuston Station, the new emerging courts complex on Infirmary Road), its potential positive contribution to the character of the city and the potential that exists for greater synergies to Stoneybatter and Grangegorman will be valued and promoted.

The development of a high quality mixed use quarter comprising of quality new homes supported by a complimentary range of mixed commercial, community and recreational facilities will be promoted for this site.

The development of attractive new streetscapes with mixed typologies of high quality accommodation, a high quality public realm and active street frontages will be promoted to compliment the architectural legacy of streetscapes adjoining this location including the special streetscapes of the North Circular Road, Infirmary Road and Oxmanstown areas.



Figure 1.4 SDRA 11

Accessible locations for commercial and community facilities to encourage interaction between the site and established communities adjoining will be promoted.

The development of a neighbourhood park will be integrated into the masterplan as a key feature of the design to provide recreational amenities, encourage community interaction and provide a focal point/meeting place for the wider local community.

The location will be bounded by high quality streetscapes accommodating commercial, community and residential uses to generate activity, encourage active use of the space and provide passive surveillance.

The established character of streets and residential amenities for adjoining residents will be respected in the urban design proposals and layout of a new development. Opportunities for new building forms to aid legibility through the scheme and create streetscapes of visual interest will incorporate appropriate height transitions from site boundaries and propose locations that avoid negative impact on adjoining residential boundaries.

Permeability through the site will be promoted to integrate the location more successfully with the adjoining community. The existing bus route will be retained and incorporated along a main boulevard route connecting the North Circular Road to Montpelier Gardens. Opportunities for connections with streets to the northeast boundary, with particular emphasis on walking and cycling routes, will be encouraged.

To have regard to the physical integration and regeneration potential of Manor Street/Stoneybatter as important streets / radial routes in the redevelopment proposals for this area’’

The Draft 2016-2022 Dublin City Development Plan which went on public display in October 2015 proposes minor amendments to the above guiding principles. While the overall principles remain relatively the same the focus of the SDRA area is proposed to be extended to incorporate Manor Street and Stoneybatter, with an objective to prepare a statutory Local Area Plan for this wider area. The 2016 Development Plan is still under consideration by members of the City Council, and it is planned to finalise it in November 2016.

It is important to note that the zoning objective for this site is not simply physical regeneration but also social and economic regeneration. A key element in delivering on the core strategy of the City Development Plan is the delivery of quality homes in a sustainable community; providing a mix not only of unit sizes and types but also a mix of tenure so that the overall housing needs of the City can be met in a long-term sustainable manner.

Any residential development proposed should comprise an appropriate mix of private and social housing units along with other social amenities with the objective of delivering a sustainable mixed tenure residential development. The City Council has agreed that 30% of housing provided on the site will be public housing and that an appropriate mix of private homes, starter homes, cost rental homes would provide the balance to be constructed on these lands.

O’Devaney Gardens benefits from an existing planning permission for phase 1A of the redevelopment, granted by An Bord Pleanala on 8th August 2011. The Phase 1A lands occupy an area of 2.47 hectares located at the north eastern and north western parts of the site. The permitted Phase 1A development includes: 110 no. residential units (50 private and 60 social units. The estimated cost for the provision of the 110 units including the 6 live work units in Phase 1A is €31.2 million

The permission for phase 1A also includes: a new 325m central boulevard that will link the North Circular Road with Montpelier Park to the south. The new route is proposed to comprise a planted area 2m wide in front of the buildings, a 4 metre wide road carriageway and a 2 metre wide footpath.

The approved layout provides for the existing vehicular access points to the North Circular Road and Thor Place to be retained. In addition vehicular access via Infirmary Road will be improved with the addition of a second access from the Montpelier Gardens/ Montpelier Park area to the south of the site.

This will include a new north south access road / boulevard that will create a better connection between the Montpelier area to the south and the North Circular Road to the north. The permitted layout is intended to accommodate a Dublin Bus route through the site.

The area to the centre of the site is proposed to be a neighbourhood park with a total area of 4,680 sq. metres. The park is proposed to be a multifunctional space with landscaping, grassed areas, children’s play area and hard landscaped civic areas. The estimated cost of providing the urban works, which includes the entrance road, boulevard, temporary road, provision for services diversions and the new public park are €6.2 million.

It is possible to implement phase 1a of the development by way of open tender and the City Council acquiring the public housing and utilising the Local Infrastructure Housing Activation Fund to facilitate the provision of the required infrastructure for the lands.

The O’Devaney Gardens site today still contains four of the 1950s flat blocks, occupied by a small number of residents who have been, and will continue to be offered suitable alternative accommodation as it becomes available. A Part 8 Planning Submission has been approved by City Council to demolish these remaining blocks once residents have moved.

**The motion approved at the July Council meeting is not compatible with the grant of Planning Permission for Phase 1a and would require a new permission for the lands which will delay development of the overall proposal of 479 residential homes including 144 Public Housing Dwellings homes (30%) The Governments new “Action Plan for Housing and Homelessness” specifically points to the need to achieve good tenure mix “to create long-term sustainable communities and avoid the mistakes of the past”.**

**A mix of 50% Public Housing and 50% cost rental will not deliver a sustainable mix of housing tenure to fulfil the vision to regenerate O`Devaney Gardens and would not be consistent with national housing policy or indeed with the City Development Plan. It would deliver a large Housing Estate with all Homes there owned by Dublin City Council.**

**While Dublin City Council is very supportive of the concept of cost rental housing in the city and it will seek to maximise opportunities for this, we do not intend to get into the ‘’business’’ of being the direct landlord of such accommodation. The provision of new Public Housing and the management of such a large stock of Public Housing is and will be a considerable challenge in itself without getting into cost rental. We will of course strive to facilitate (including on our own lands) Approved Bodies and other Companies etc to provide and manage such accommodation.**

**The Government’s Action Plan for Housing and Homelessness ‘’Rebuilding Ireland’’ does not include a facility for Local Authorities to borrow funds directly from the Housing Finance Agency. All new loans from the HFA will result in significant additional Capital Debt and loan repayments and a further burden on the City Council’s annual revenue budgets.**

**Currently Dublin City Council has a Capital Debt liability of over 600 Million Euro with the HFA and annual loan repayments of over 40 Million Euro relating to the funding of City Council Home Loans over the years.**

**It not necessary to borrow from the HFA for the redevelopment of O Devaney Gardens, government approval would be required for such borrowing and it is very unlikely that approval would be given for a development deemed contrary to national/local strategies and policies on Planning Housing and Social Exclusion.**

Section 69 Local Government Act 2001 provides, inter alia, that a LA in performing functions under the act *Shall have regard to….*

1. *(e) policies and objectives of the Government or any Minister of the Government in so far as they may affect or relate to its functions.*
2. *The need for a high standard of environmental and heritage protection and the need to promote sustainable development*
3. *The need to promote social inclusion.*

Section 132 of the same act provides that it is the duty of the Chief Executive to carry into effect all *lawful* directions of the elected council.

It is obvious from the above that the Chief Executive of Dublin City Council is not obliged to comply with the terms of the motion in question.

I am therefore recommending that Councillors should consider changing their decision on the Motion put forward by Councillor Ryan.

***Brendan Kenny***

***Chief Executive***

***24th August 2016***