

# CHERRYWOOD TOWN CENTRE & ENVIRONS REVIEW

On behalf of:

***Hines Cherrywood Development Fund ICAV***

## PRE-DRAFT ('HAVE YOUR SAY') SUBMISSION RELATING TO PLOT TC1B

January 2024



**BMA** PLANNING

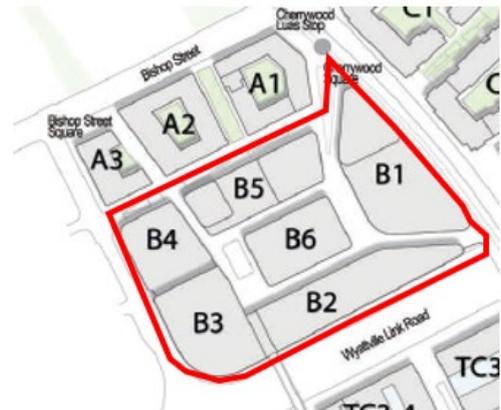
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# 1. INTRODUCTION

## 1.1 Purpose of Submission

This submission on behalf of Hines Cherrywood Development Fund ICAV (hereafter HCDF) relates to their TC1B plot which is the main retail/ civic core of the Cherrywood Town Centre.



This submission relates to TC1B only<sup>1</sup> but the proposals are conceived in the context of the overall Town Centre, as has been the case throughout the planning process since the purchase of the Cherrywood lands by HCDF in 2014.

The TC1B Blocks B1-B6 development has not commenced and HCDF has made it known for some time that the TC1B development will not proceed in its current form as per the permissions granted. HCDF has made detailed submissions and presentations to DLRCC outlining the parameters of the Cherrywood Planning Scheme 2014, as amended (hereafter **CPS**) that need to be reviewed in order to allow a revised planning application to be submitted for the TC1B development.

In the context of the Town Centre & Environs Review, therefore, the purpose of this submission is to set out the aspects of the CPS that need to change to allow a TC1B planning application to be submitted at the earliest opportunity.

Apart from minor consequential changes or changes of emphasis or detail, the main changes sought relate to:

1. Urban Form
2. Land Use Mix
3. Density and Building Height

Separate sections of this submission are presented dealing with these topics.

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<sup>1</sup> HCDF owns plots HIE4 and HIE5. A separate submission is made in respect of these plots.

## **1.2 “Have Your Say” Non Statutory Public Consultation**

The DLRC “Have Your Say Non Statutory Public Consultation – Key Issues and Emerging Spatial Concepts” Report (December 2023) is aimed at a general audience and talks to a proposed “review” of the Planning Scheme rather than the Planning Scheme Amendment per se. As HCDF has engaged with DLRC on both principles and minutiae over a long number of years, this submission focusses on the “Amendments Sought” more than on the questions posed for public consultation. For completeness, the questions outlined in the Consultation Report are tabulated and the HCDF responses are included within **Appendix A.**

## **1.3 Landowners Presentation (March 2023)**

Mindful of the significant amount of material that has been submitted by HCDF over the past number of years, this submission has focussed on the CPS parameters that need to change in the “plan” (ie. CPS) and less so on issues of “project” detail which are for planning application stage.

HCDF participated in the Masterplanning Study undertaken for the Cherrywood Town Centre Landowners which was presented to the Council in March 2023. The contents of this submission are generally based on, and are consistent with, the contents of that presentation.

For ease of reference, a copy of the Landowners Presentation (March 2023) is included with a separate submission by HCDF to the TCE Review. Except insofar as individual landowner submissions may have an updated their positions, in terms of general principles and parameters, it remains relevant to this review.

The HCDF submission also refers to a physical model which is also provided in support of their submission and which has been delivered to DLRC.

## **1.4 TC1B Concept Design 2023 (HJL Architects)**

This submission refers to and provides images and figures based on a TC1B Design Concept prepared for HCDF by HJL Architects in 2023. Appendix B of this submission contains images and floorplans of both the permitted TC1B development and the Concept Design 2023 (Illustrative only) and this Appendix should be read in conjunction with this submission.

## 1.5 DLRC Landowners Presentation (January 2024)

HCDF welcomes the Council's presentation to the landowners which took place on 24/01/2023 and where some of the issues below were discussed. The meeting helpfully indicated the Development Agency's commitment to bring forward an Amendment to the CPS and also demonstrated that there is a significant degree of consensus among the landowners in relation to the matters to be addressed in the Town Centre Amendment.

The presentations from DLRC and their consultant team indicated a willingness to favourably consider a number of the matters raised by the landowners and this is welcomed. It was particularly welcomed that the Council has recognised the need to contend with matters that go to the heart of the commercial viability of the TC development and how this is being unduly impeded by the current CPS. In this regard, HCDF supports the initiative to appoint a consultant to advise on aspects of the CPS relating to commercial viability.

While it is not considered appropriate in this forum to submit detailed analysis of development proposals, the submission does provide some commentary on viability issues and, in particular, comments on how the all important "plan-led" approach also must have regard to commercial and funding constraints if the plans are to be realised.

## **2. COMMERCIAL VIABILITY OF PERMITTED TC1B**

### **2.1 TC1-4 DEVELOPMENT COMPLETE AND UNDER CONSTRUCTION**

The Town Centre is an active construction project based on the 2018 planning permission for Cherrywood Town Centre plots TC1, TC2 and TC4 under Reg Ref: DZ17A/0862 as subsequently amended. Insofar as TC1B is concerned, the main relevant secondary planning permission was granted in 2020 to include TC1 Blocks B3/B4 (Reg Ref: DZ19A/0458) which could not be included in the original application pending Amendment 5 (50:50 Phasing of retail floorspace). The planning application (Ref: DZ19A/0458) is, therefore, the baseline permission for TC1B at the time of writing (January 2024).

Of the 17 blocks permitted, the 8no. residential blocks are complete or nearing completion and will deliver over 1200 apartments Blocks A1/ A2/ A3, C1/ C2, and F1/F2/F3). There has also been significant progress made in relation to the roads and other physical infrastructure servicing the Town Centre plots and, to a large extent, these elements of the Town Centre are already fixed.

### **2.2 ADDRESSING THE VIABILITY ISSUE AS PART OF THE TC1B AMENDMENT**

The issue of commercial viability (“viability testing”) of plans is one which has underpinned all HCDF submissions made to DL RCC and the invitation of DL RCC to introduce viability considerations into the discussion is most welcome. HCDF commends the Development Agency on putting the “viability” issue on the agenda and committing to engage a professional consultancy to advise on the Town Centre Review.

TC1B will rely on a detailed Business Plan that will need to prove to a funder’s satisfaction how such development makes commercial sense and will be regarded as a robust institutionally acceptable investment. HCDF has undertaken a detailed analysis of the permitted TC1B development as well as all possible alternative scenarios within the CPS restrictions using the relevant viability criteria. The studies show that, in each case, the land use prescribed by the Planning Scheme will deliver a substantial negative return. Therefore, HCDF concludes that it is not possible to prepare a viable Business Plan based on the form of development prescribed in the Planning Scheme and that as currently presented the TC1B plot will remain undeveloped.

An important factor within this is the large quantum of HIE, Retail and Non-retail space specified in the CPS, and the considerable risk that, even if constructed, such space might

be unlettable or unsaleable, or might become vacant over time. This is not in the long term sustainable interest of any stakeholder in the Town Centre

Within the principles of proper planning and sustainable development which all parties agreed should remain at the heart of any Planning Scheme, the basic premise of “Viability Testing” is that there is no point in setting out a plan for an area which cannot be built.

Guidelines entitled “*Viability Testing Local Plans – Advice for planning practitioners*” were published in 2012 in the UK and, in the absence of Irish Guidelines, are a useful source. These “Viability Testing” Guidelines which followed on the promise of the UK National Planning Policy Framework (NPPF) were prepared by the Local Housing Delivery Group and with inputs from the Local Government Association and the Home Builders Association. The report notes in the introduction (page 6) that :-

*“An individual development can be said to be viable if, after taking account of all costs, including central and local government policy and regulatory costs and the cost and availability of development finance, the scheme provides a competitive return to the developer to ensure that development takes place and generates a land value sufficient to persuade the land owner to sell the land for the development proposed. **If these conditions are not met, a scheme will not be delivered.**”*

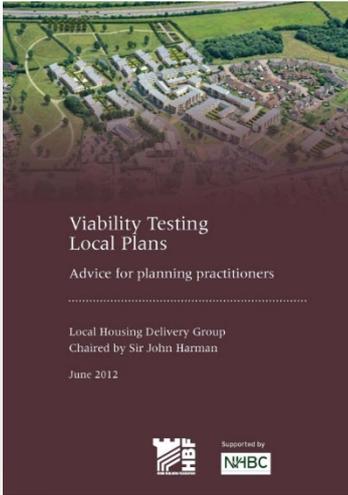
*(emphasis added)*

The report identifies that the challenge for planning authorities is ‘*to balance aspirational objectives with realistic and deliverable policies*’. (Page 12, paragraph 3).

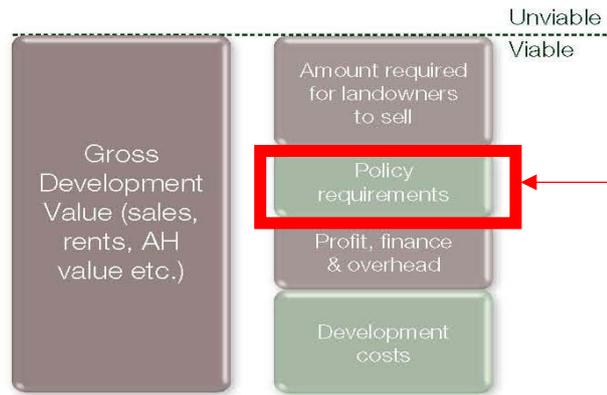
Fig 2.1 below shows extracts from the UK Guidance document and identifies the elements relevant to the Town Centre Review that need to be addressed within the context of the wider commercial viability challenge faced by the developers.

The essential point here is that the “costs” attributable to the various TC1B “policy requirements” in the current CPS contribute to unviability of the TC1B development and prevent a planning application for an alternative viable development.

It is noted that the significant increase in Development Contributions as part of the Cherrywood Development Contributions Scheme 2022 represent a further significant challenge to commercial viability as a result of a “planning policy burden” on the TC1B development.



Basic outline of elements required for a viability assessment



*The "costs" attributable to the various TC1B "policy requirements" in the current CPS contribute to unviability of the TC1B development and prevent a planning application for an alternative viable development.*

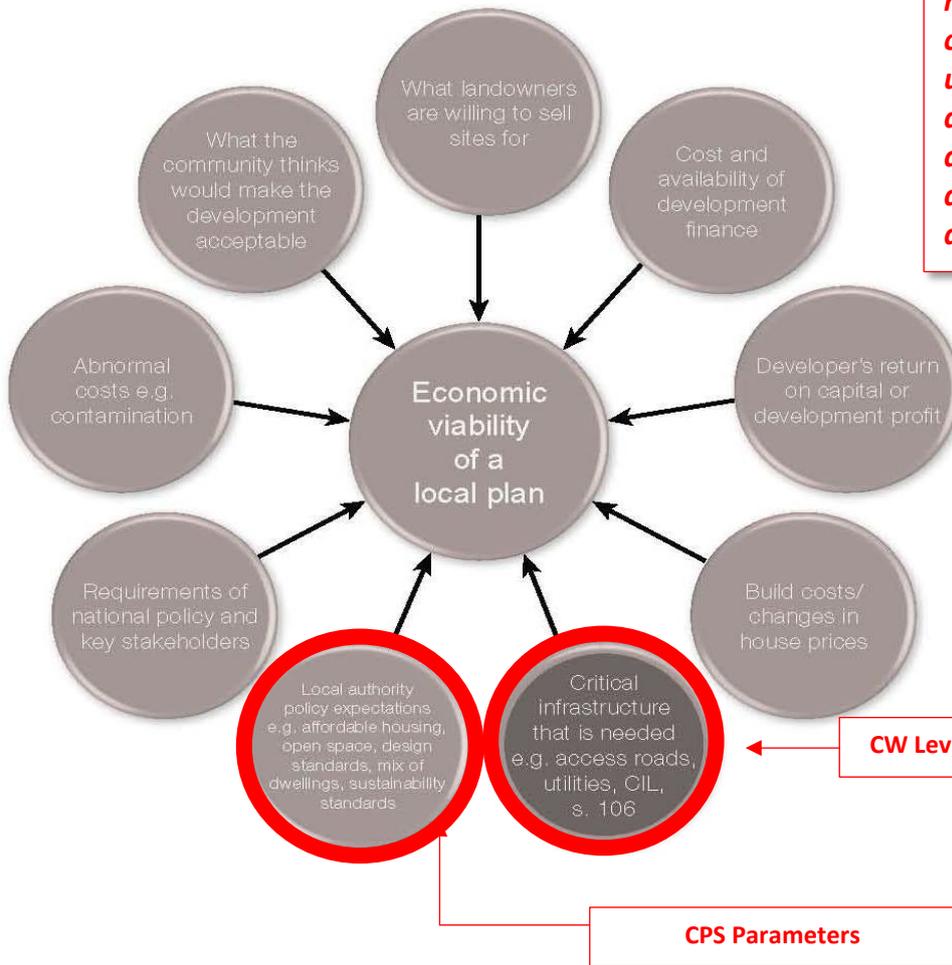


Fig 2.1: Extract from 'Viability Testing Local Plans' (UK Guidance, 2012)

Importantly, there is a strong focus on collaboration with landowners. The Guidelines recognise that a collaborative approach has dual benefits in that it :

1. allows landowners to demonstrate that their land is available for development at a competitive return and
2. it allows the local authority's assumptions to be tested against the development sector's understanding of current market conditions

In this context, HCDF feel that it is imperative that the Development Agency works closely with the Town Centre developers to gain a full consideration of material economic/commercial factors when evolving a strategy for the Town Centre lands.

HCDF accepts the challenge for the Development Agency associated with tracking market conditions that are constantly changing. For example, at the time that the Planning Scheme was prepared and adopted the scenario was almost the direct opposite of the position today. In 2013/2014, the concern was that the retail floorspace would progress but that the residential apartments would not be viable (hence the hold put on the retail floorspace). In 2013/2014, it was felt that the funding environment would not support apartment development and therefore, requests were made to actually reduce the overall residential density. As it has transpired, the opposite happened.

Since the adoption of the CPS in 2014, DLRCC has brought forward important Amendments which have addressed fundamental viability constraints. In particular, we note that DLRCC has taken moves to address viability constraints in relation to:

- **Amendments 1-4** removed onerous size restriction on individual apartment (ie. 120sqm) and the onerous unit mix provisions in the original CPS
- **Amendment 5** removed the phasing restriction on the phasing of the retail floorspace in the town centre which was to be delivered in two tranches (50:50)
- **Amendment 6** relaxed the parking restrictions based on new policy and **Amendment 9** has now further removed the restrictive parking standards (assuming it is approved by An Bord Pleanala in 2024)
- **Amendment 7** reduced length and cost of the prohibitively expensive Beckett Road underpass tunnel and replaced it with a more cost effective solution

**Amendment 8** responded to the issues of viability and included the objective for the more comprehensive Town Centre Review now in progress which, it is hoped, will result in an **Amendment 10**

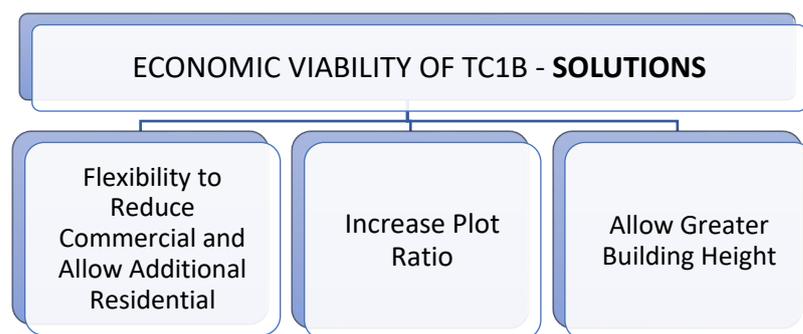
The experience to date makes the case for the **maximum flexibility** to be incorporated into the Planning Scheme as each of the above Amendments have added a significant

amount of time to the Town Centre project when compared to operating on a non-SDZ site.

Now that the above constraints have been addressed, it is HCDF contention that main “viability” issues to be contended with, in this Review are:

- (a) How to get the remaining plots completed in a timely manner and avoiding the perception of the Town Centre as a construction site for an unduly long period of time.
- (b) How to facilitate the necessary infrastructure to be delivered in a timely fashion and in the most cost effective way possible.
- (c) How to permit an urban form of development which is fundable and marketable through
  - introducing land use flexibility to respond to changing market conditions
  - increasing density and building height to introduce residential use which will in turn help cross-subsidise mix of uses in sectors that are not as attractive to funders and fund infrastructure up front

In this submission, HCDF has identified a number of key issues in the Planning Scheme which have the most significant negative impact on the ability to secure funding, as illustrated below. The remainder of this Submission outlines how “Amendments Sought” can improve the Scheme and ensure the delivery of the SDZ in accordance with the Government’s SDZ Order.



### **3. URBAN FORM, PUBLIC REALM AND CONNECTIVITY**

#### **3.1 COMMENT ON EMERGING SPATIAL CONCEPTS**

With reference to the “Emerging Spatial Concepts” section of the ‘Have Your Say’ document, it is not entirely clear what category of “change” would best apply to the HCDF proposals for TC1B. Such a judgement may depend also on whether changes are being evaluated in terms of urban design considerations or in terms of planning procedure where it will need to be determined whether the changes are “minor” or “material” (Section 170A or Section 169).

As detailed in various submissions made to date, the general approach to TC1B is that the spatial concept represented by the permissions granted (grounded in the Planning Scheme and the UDF) will be largely unchanged. However, as the HCDF submission seeks changes to the land use mix, density and building height, the only scenario which would allow these matters to be review is “Spatial Concept 3”.

#### **3.2 COMMENT ON PERMITTED TC1B DEVELOPMENT AND KEY MOVES**

As HCDF has stated on previous submissions, the permitted TC1B development is “squat” and too low to mark the new centre of the new Cherrywood Town Centre. Even if it were viable, if built as per the granted planning permission, HCDF believes that it would be a missed opportunity for Cherrywood. The aerial view below shows the permitted scheme.

A separate A3 booklet is enclosed and includes details and images of a work in progress TC1B development which are the basis of a potential future planning application. These concept sketch proposals, which is reflected in the figures and details below, has been evolved from an earlier concept scheme shared with DLRCC (July 2022) and takes into account the masterplanning studies undertaken in consultation with the other landowners under the direction of Gehl Architects which was presented to DLRCC in April 2023 and which supports the “Amendments Sought”. The concept sketch is not fixed and therefore should not be treated as such.

In conceptual terms, the revised TC1B development involves the following key moves:

1. The promotion of an urban form based on principles established in previous planning permissions

2. Commercial floorspace (ie. retail/ non-retail, community and HIE floorspace) at street level with some uses at first floor level providing podiums to accommodate multiple residential blocks on varying heights overhead
3. An overall increase in density and building height.

These moves and other relevant considerations in support of the revised approach to urban form are discussed further below.



**Fig. 3.1: Aerial View of Permitted TC1 development**

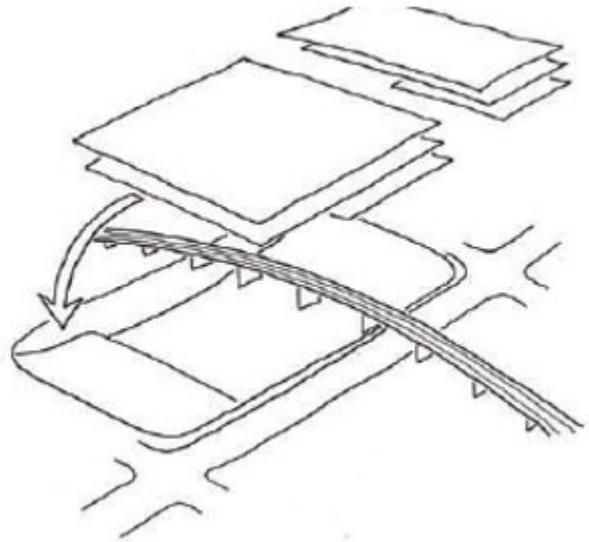
### ***Ground Levels and Basement***

The planning permissions have established an understanding of how existing and future ground levels should interact, particularly on the Grand Parade, and to a large extent the approach to levels is now set by the development constructed / under construction meaning that it should no longer be necessary to prescribe ground levels in any detail in the CPS.

Ground levels will be adjusted locally to suit the revisions to the basement but will largely remain as permitted. The significant commercial elements in basement levels will be moved to the new street level albeit that some commercial floorspace may be retained in the basement.

The defining character of the permitted Town Centre was of a car free zone where all parking, servicing and supporting infrastructure was placed below ground level within the basement areas. While these areas can now reduce in volume, this principle of the scheme will remain unchanged.

HCDF emphasises that there remains a very significant cost challenge (**c.€70M**) associated with establishing the new street formation level (see diagram right from UFDF). The opportunity to increase density and building height and to increase the residential component of the TC1B scheme is fundamental to the delivery of TC1B. In a non-SDZ location these changes could be achieved through the planning application process supported by recent policy and guidelines, however, a planning application is not possible in this instance due to the current restrictions in the CPS.



### ***Access and Servicing***

No Planning Scheme Amendment is required insofar as the overall roads strategy is concerned.

Access to TC1B is permitted from Tully Vale Road (via TC2) and from the loop ramp from Cherrywood Avenue (WLR-J). There is also an access to the hotel car park (TC2 Block D) from Grand Parade and a ramp under Civic Street. These proposals are not proposed to change in the revised TC1B project.

Given that the parking provision is likely to reduce significantly, it is likely that the overall level of traffic generated by the development will be less than the permitted development and this will be examined and demonstrated in detail at planning application stage.

The principles and details for the servicing of the plot will not change in any material sense from the permitted scheme (ie. left-in, left-out on WLR). The servicing of the plot will not change from the permitted scheme (ie. left-in, left-out on WLR). as the access / egress has already been constructed.

## ***Parking***

The overall level of parking provision for TC1B is proposed to reduce considerably if the commercial elements are reduced and residential is introduced. The lower (-2) basement level parking could be mostly removed.

The parking provision for the permitted Town Centre<sup>2</sup> was based on a Memo (September 2017) agreed with DLRCC prior to the submission of the planning application. This includes the maximum standards/ allocations for the retail elements as per Table 4.4 of the CPS. As these standards are maximums, these standards are workable in terms of the revised TC1B scheme and no changes are required. For the level of commercial floorspace proposed, a single level of basement car parking should be sufficient.

In relation to residential, Amendment No.9 to the Planning Scheme (if approved) would enable the residential parking to be reduced to minimum to 0.5 spaces per unit or lower in certain circumstances in line with national Guidelines. The residential parking requirement (and other ancillary accommodation and servicing) can be met on a single basement level (-1).

## ***Public Transport/ LUAS***

Cherrywood Square as the main point of arrival at the LUAS stop was designed following detailed and extensive consultation with DLRCC and TII. It interfaces with the Transport Interchange which was also agreed with TII. These proposals remain as per the permitted development DZ17A/0862, as amended. No Planning Scheme Amendment is required.

## ***Pedestrian Movement***

The planning application permitted on the site was carefully considered in terms of pedestrian movement within the TC1 plot but also between the TC1 plot and the wider Cherrywood SDZ lands. These principles do not need to change or insofar as the need to change it can be addressed as a detail at planning application stage. In particular, the strong links will be retained to

- Tully Park (via Bishops Square),
- TC3 (via pedestrian bridge) and
- TC3 and TC4 via Grand Parade.

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<sup>2</sup> The baseline information is set out in some detail in the *Cherrywood Town Centre Parking Masterplan* document (1<sup>st</sup> May 2020) prepared by HJL and submitted as Further Information on DZ19A/0458.

The street level and the podium level residential can be integrated vertically by a series of lifts, stairs and other innovative circulation devices and the apartments will be well connected to the parking and service areas of the development which will continue to be located at basement levels. Again, this is primarily a matter for planning application stage.

### ***Pedestrian Bridge***

The future pedestrian bridge connection from Level 1 of Block B2 over Wyattville Link Road (WLR) to Plot TC3 has secured URDF funding and was future proofed in the TC1B permission but was to be the subject of a separate future planning application by DLRCC. This link can be provided if required or it may be (as indicated at the recent presentation) that an alternative approach to crossing the WLR may be favoured. HCDF will engage with DLRCC in relation to any reasonable proposals that enhance pedestrian links between the Town Centre and the adjacent “environs plots”.

### ***Removal of Glazed Roof and Residential Over Podium***

Significantly, the glazed roof will be removed which will greatly improve the overall experience of the development which will feel less like a shopping mall and feel more like a traditional “open-air” town centre experience with increased passive surveillance of the streets and squares increased as a result of the residential at upper levels.

The introduction of an increased resident population into the retail centre will create a much more vibrant town centre environment than would have been the case without residential above and where the retail / commercial area would close down after business hours. The apartments will enliven the street, provide passive surveillance and drive a critical mass of people to support the retail, non-retail services and leisure uses within the centre.

The typology in this instance is different to other residential blocks within the Town Centre. The creation of a podium above one or two levels of commercial accommodation requires lower site coverage above podium level. This also serves to balance communal amenity space and daylight/ sunlight and overshadowing considerations. Studies currently underway show how building heights on the TC1B plot could range from 5-8 floors over commercial ground floor podium level (excluding any landmark opportunities or upward modifiers which could be 12 floors or higher)

Building height is discussed in more detail below.

### ***Grand Parade, Cherrywood Square, Civic Street and Civic Space network***

The layout plan which was agreed following extensive consultation with the DAPT in the context of the preparation of the UFDF will remain largely unchanged and the “streets and squares” concept will be maintained. Most of Grand Parade has now been delivered.

Within the site itself, the quadrangular “shopping” area is proposed to be retained with a central space retained adjacent to the supermarket(s) and another square provided on the eastern end. The overall quality of the public realm is proposed to be retained in terms of the materials/ finishes and street furniture and paving.

The treatment of Grand Parade is unchanged and Cherrywood Square and Civic Street will remain as important civic spaces around the perimeter of the TC1B site.

### ***Distribution of Commercial Uses / Ground Floor Activation / Vertical and Horizontal Circulation***

The proposed reduction in retail and non retail uses will not materially affect the ground floor activation strategy and the amount of commercial floorspace at street level is largely unchanged. With the reduction in scale of retail development there will be less focus on high fashion brands (higher order comparison goods) and greater focus on community retail, non-retail services and food and beverage uses. The reduction in commercial floorspace is mainly accounted for by the omission retail floorspace at first floor level which is very challenged from a viability perspective. The below ground (basement) retail/ commercial floorspace may also move to the street level depending on the demand but HCDF wishes to retain flexible in this regard.

The Grand Parade will continue to be activated by secondary retail and non retail uses as well as residential lobbies.

Civic Street will also be largely unchanged with the essential character being defined by the library and greater residential activity.

## **3.3 THE FUTURE ROLE OF THE URBAN FORM DEVELOPMENT FRAMEWORK (UFDF)**

The UFDF requirement was introduced by An Bord Pleanála to address conflicts between the DLRCC and the landowners at the time. It is a non-statutory document that derives its status from the references in the CPS – Section 6.2 (Page 67).

In a dynamic development environment, the UFDF document should not be a barrier to achieving the necessary increase in scale and building height in the Cherrywood Town Centre. The UFDF has, to a great extent, fulfilled its function as intended by An Bord Pleanála in relation to the majority of the Town Centre plots and the fundamental principles are being implemented in the permissions granted to date and the developments current under construction on TC1, TC2 and TC4.

The final document went beyond the basic requirements set down in the ABP Modification and was presented to a high level of detail based on the previous HCDF proposals for TC1/2 and TC4 where planning applications were prepared in tandem with the UFDF. However, the UFDF is not the Planning Scheme and there is flexibility inherent in the UFDF and the document allows for variations to ground levels, floorplates, basement layouts, block layout or building form— subject to overall compliance with the key principles .... (Section 1.4, page 6).

HCDF believes that the UFDF has fulfilled its function as intended by An Bord Pleanála in relation to the majority of the Town Centre plots. The fundamental principles are being implemented in the permissions granted to date and the developments that are complete or under construction on TC1, TC2 and TC4. HCDF has previously requested that new TC1B urban design parameters and objectives could be enshrined in the Planning Scheme Amendment (Section 6.2) removing the need for the UFDF going forward and streamlining the SDZ planning process.

HCDF notes and welcomes that, based on the recent landowner forum, DLRCC appears to share the position outlined above in relation to the role of the UFDF mechanism going forward.

### **3.4 SUMMARY OF AMENDMENTS SOUGHT - URBAN FORM**

#### **Amendment Sought - Urban Form**

- The Overall Vision and Principles in the Planning Scheme (Section 6.2) do not need to change.
- The primary urban structure, movement and infrastructure strategies associated with the Town Centre remain unchanged apart from possible localised specific design matters that can be addressed in the Amendment or deferred to the detailed planning application process.
- The UFDF should be replaced by the Town Centre Amendment and any key elements incorporated into the CPS

## 4. LAND USE

### 4.1 THE NEED FOR AN ALTERNATIVE APPROACH TO LAND USE ALLOCATIONS

Table 1 below sets down the baseline position in relation to TC1B and provides a breakdown between TC1A and TC1B

**Table 3.1 : TC1 Permitted Land Use Breakdown**

	RES Sq.m	Retail Sq.m	Non Retail Sq.m	HIE Sq.m	COMM Sq.m	TOTAL
<b>TC1 TOTAL</b>	<b>32,189</b> <b>365 units</b>	<b>33845</b>	<b>18997</b>	<b>9154</b>	<b>1491</b>	<b>95,676</b>
<b>TC1A</b>	<b>29,033</b> <b>317 units</b>	<b>467</b>	<b>603</b>	<b>0</b>	<b>0</b>	<b>30,103</b>
<b>TC1B</b>	<b>3,156</b> <b>48 units</b>	<b>33,378</b>	<b>18,394</b>	<b>9,154</b>	<b>1,491</b>	<b>65,573</b>
<b>%</b>	<b>34%</b>	<b>35%</b>	<b>19.5%</b>	<b>10%</b>	<b>1.5%</b>	<b>100%</b>

Based on HJL Schedules (October 2023) – Compliance re Cond 3 of **DZ23A/0576**

Before getting to the revised land use mix sought for TC1B, we would request that the DAPT considers the format of the Planning Scheme insofar as land use is concerned.

The current approach of land use is a very onerous constraint in the context of the SDZ and we submit that the current review is an opportunity to remedy this to make the Planning Scheme more workable and adaptable (and therefore more commercially viable) going forward.

The current Planning Scheme land use mix for TC1 is presented in Table 6.2.2 with reference to 5 land use categories (Retail Gross, High Intensity Employment, Residential, Non Retail and Community) as follows:

**Table 6.2.2:** Breakdown of Development Quantum for Sites TC1, TC2, TC3 and TC4 Cherrywood Town Centre

TC1 SITE AREA SQM	43,000				
	Use	Min Area Sq.m	Min No. Apartments Circa	Max Area Sq.m	Max No. Apartments Circa
Retail Gross	26,750			32,000	
High Intensity Employment	8,000			10,000	
Residential	24,000		255	32,400	346
Non Retail	17,000			21,000	
Community	1,100			1,500	
Total	76,850		255	96,900	346
Plot Ratio	1.8			2.3	

While it is accepted that it may be necessary to prescribe overall or Total “minimum” and “maximum” floorspace, we respectfully submit that the CPS does not need to account for every square metre of floorspace as the current Table 6.2.2 does.

In the current CPS, not only is land use directed into 5 specific categories, there is a defined range (min-max) to be followed. There are a number of problems / disadvantages with this which result in difficulties which would not apply in a non-SDZ scenario. These problems are a feature of a number of SDZ Planning Schemes, albeit that the Cherrywood tables present more challenges than most other SDZs in this respect making an already very challenging commercial viability situation more difficult.

The following examples may help to illustrate the point:

1. The Table 6.2.2 approach does not recognise that there are “common” areas which are shared and which need to be assigned to only one category based on an arbitrary split or assumption. This could include shared corridors, lobbies, service areas, plant, substations, management facilities, storage etc
2. If a land use category is aiming to achieve the “minimum” allocation, the difference between the minimum and maximum floorspace range is lost to the scheme and cannot be taken up by a different use. At present, the Non-Retail range is 17-21,000sqm and only hitting the lower end of the range could result in 4,000sqm being lost to the development.
3. Use classifications are changing and the nature of town centres is also changing and the Planning Scheme needs to be flexible to adapt to these changes as well as changes that are yet to emerge. Residential and Retail are relatively clearcut. A “house” is clearly defined in the Planning Act and in Guidelines. Retail is synonymous with the Planning Regulations definition of “shop” (Class 1) and there are definitions in the Retail Planning Guidelines which are understood and used in practice. However, when referring to Non Retail and HIE (and to a lesser extent Community) categories these are less clearly defined. Arising from the way the CPS is currently structured, there are uses that are “permitted in principle” within the Town Centre zoning matrix (Appendix A) but which may be precluded by virtue of being the “HIE” component, for example.
4. Small planning applications for changes of use may be precluded for no other reason other than contravention of the strict provisions of Table 6.2.2

5. The current “transfer” mechanism included as a footnote to Table 6.2.2 allows transfer between plots but not between categories. While this would appear to facilitate flexibility, it has limited practical application.

Cumulatively, the constraints above (which are not faced by competing schemes in non SDZ areas) are a significant disadvantage and threat to the economic viability of the TC1B development.

The alternative approach favoured by HCDF (and a number of other landowners as may be evident from their submissions) is that the Planning Scheme could:-

- (a) prescribe a min-max floorspace for the plot based on the assigned plot ratio.
- (b) prescribe an overall commercial : residential split<sup>3</sup> within the context of specific objectives aimed at achieving a vibrant mixed use town centre and any specific requirements to be adhered to. For example, specific objectives could stipulate a Minimum Retail (Gross) or Non Retail floorspace OR a maximum residential allocation within TC1 similar to the existing approach (eg. Specific Objectives DA16-18).

In summary, the HCDF submission is that the Table 6.2.2 should be amended to either remove the 5 categories or to include line items where there is flexibility on how the Total allocation is achieved.

## **4.2 HCDF LAND USE PROPOSALS FOR TC1B**

Notwithstanding the above request to change from the format of the CPS, taking the 5 categories that currently exist in Table 6.2.2, the changes to TC1/ TC1B land use allocations are summarised below and are broadly consistent with the previous HCDF submissions made since 2019.

### **Community**

Community allocation will be unchanged. The civic building / library permitted in the TC1 development to date can be retained as integral part of the development. As the image below shows the community library will have a strong and attractive presence to Civic Street.

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<sup>3</sup> This approach is similar to the approach taken within the North Lotts and Grand Canal Dock Planning Scheme.

HCDF has already liaised with DLRCC in relation to the technical specification, construction costs and management arrangements for this facility and these details will be addressed in the context of a detailed planning application once the Amendment is completed. It is also noted that a substantial community space allocation has been allowed for in TC3.



*View of Proposed Library on Civic Street*

### **High Intensity Employment**

There is no current demand for office type of development at this location, particularly given the very significant opportunities for office type buildings in Cherrywood. Therefore, the current CPS HIE allocation for TC1B is a significant impediment to the delivery of the TC1B plot. It is not possible to carry speculative large floorplate office uses in the current market and this is not likely to change in the foreseeable future. This reality will be reflected in other landowner submissions.

In the context of the more flexible approach to land use allocation on TC1 as advocated above, it is considered that the potential to accommodate some employment type uses would not need to be discounted and HCDF will be open to accommodating some flexible co-working space or other such accommodation.

In terms of the presentation of the CPS, we submit that the HIE category should be replaced in the Town Centre with a more flexible “commercial” or “mixed use - other” allocation which would adapt to the particular characteristics of the plots. For example,

the 3 TC plots with HIE allocations (TC1, TC3 and TC4) are likely to require different approaches and the HIE category is too inflexible to reflect these different contexts.

## **Retail Facilities Provision And “Non Retail” Uses**

### *Retail Gross*

The floor plans below shows the Retail and Non Retail at ground/ street level arranged in a manner that is very similar to the permitted TC1B development.

Retail uses, predominantly at street level, will deliver **c.15,000sqm** of gross retail floorspace. This is pure retail space and does not include other non-retail services, food and beverage uses and community uses that are generally integrated into a shopping centre development. These Non-retail services uses (eg. food and beverage units and non-retail services as referred to below) would generally be included in a shopping centre’s floorspace but are currently covered by the CPS “Non-Retail category.

From a retail planning perspective, the Retail Planning Guidelines definition of District Centre states there will be *‘at least one supermarket, a good range of comparison shopping, some leisure activities and a range of cafes and restaurants, financial and other services (banks and building societies)’*. The TC1B development will be consistent with this definition.

It is envisaged that the retail component will include either two medium sized supermarkets (based on specific end user negotiations commenced by HCDF) or possibly one large supermarket. The former appears more likely at present but either outcome should be facilitated and HCDF is pursuing both anchor options

The proposals for retail development at Cherrywood that were reflected in the CPS were driven by the very strong demand for middle and higher order fashion and footwear retailers in the period before 2014. The shift in the focus of the development away from retail floorspace is in response to changes in “bricks and mortar” retail brought about by various factors, mainly the migration of retail activity on-line.

The changes are positive from a planning perspective and will see Cherrywood revert to a more appropriate scale of floorspace and its more natural role as “district centre” for the New Town rather than the retail destination it would need to be at its current floorspace level. Negotiations with retailers have been taking place consistently since 2017 and will continue and, while it is not possible to disclose details for commercial reasons, HCDF is confident that it has sufficient interest to absorb the level of floorspace now proposed.

As an aside, we note that the Table 6.2.1 further breakdown of retail floorspace (Convenience/ Comparison and Retail Services) is impossible to adhere to in practice if it were to be treated as prescriptive. This issue arose at planning application stage and was the subject of a considerable amount of discussion and unnecessary complication. For this reason, we respectfully request that Table 6.2.1 retail breakdown (Convenience, Comparison and Retail Services) is omitted or, at a minimum, it should be made clear that it is illustrative of the underlying basis for the Retail Gross figures. Any planning application will adhere to the well established conventions and definitions for retail developments contained in the Retail Planning Guidelines.

From a retail policy/ retail strategy perspective, the following points are noted:

- The level of retail and associated uses now proposed by HCDF is consistent with the “Town / District Centre” designation of Cherrywood in the urban/ retail hierarchies set down in the County Dun Laoghaire Rathdown County Development Plan 2022-2028 and the relevant regional and national planning guidance documents. Indeed, the DLR Development Plan has framed new policy to reflect the reality of the retail market. Chapter 7 Towns, Villages and Retail Development (p 135) - 7.2.2 *Recent Trends Towards Multifunctional Centres* – recognises that *‘the new focus in physical retailing is on what is referred to as ‘experiential’ retail, with a resultant shift from a town centre dominated by comparison retail offer to one where more time is spent on ‘experiences’ such as leisure, culture, food, beverages and retail services’*. Section 7.5 of the new CDP refers specifically to District Centres and continues with the theme of mixed use and refers to the Cherrywood Town Centre (under construction) (Ref 7.5.3.1 *Policy Objective RET5 – District Centres and the Plan* goes on to state that District Centre should *‘... evolve into fully functioning mixed-use, higher density urban centres...’*
- The GDA Retail Strategy of 2008 noted that “district centres” would generally range in size from 10-25,000 sqm. catering for a population of 10,000-40,000. Based on a population of c.26,000 (max)<sup>4</sup>, using this measure, Cherrywood would fall in the middle to upper end of range and the TC1B development exceeds this guideline.
- Against the background of significant retail demand and development activity in the retail sector over the past 20 years, the DLR Retail Strategy allocations reflected the above size range for “District Centres” of 10,000sqm – 25,000sqm. The traditional shopping destinations - Stillorgan and Blackrock – have a wide range and mix of uses and are at the upper end of the retail floorspace limit. Nutgrove is a predominantly

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<sup>4</sup> Amendment 8 assumed 26,000. This figure may increase if Town Centre residential increases. However, it is important to note that Cherrywood SDZ will not achieve the theoretical maximum population as many of the Res1 and Res2 plots are currently developed at the minimum end of the density range.

retail shopping mall and is c15,000sqm of retail floorspace and Cornelscourt Shopping Centre is also predominantly retail and is at the lower end of the range with less than 10,000sqm. See DLR Retail / Settlement hierarchy map below. The more cautionary approach adopted by DLRC in the context of the 2010 and 2016 Development Plan has proven to be well founded and DLRC will be aware that the amount of new retail floorspace currently under construction or in the pipeline is very limited. The shift in retail sector accelerated by Covid-19 means that many permitted schemes may not proceed in their current form and will need to be reimagined to reflect the changed environment.

### *Non Retail*

Some Non-Retail uses (generally referred to in retail planning applications as “Non-retail services”) are closely related and in some cases practically interchangeable with Retail Units. For

this reason, HCDF feels that the distinction which was identified in the presentation by Tony Quinn (Branniff Associates) at the Landowners presentation is key and we agree that uses that may form part of the “Non-Retail” category come in different forms and may require different treatment.

For example, “Non Retail Services” that could be integrated into the TC1B retail development include :

- food and beverage outlets
- non-retail services (eg. hairdressers, beauticians, opticians etc.)
- public facing professional services, (eg. banks, auctioneers)

Based on an overall minimum “Non-Retail” figure of **5,000sqm**, the current HJL sketch proposals represented below could accommodate a minimum of c.1500-2000sqm of these “Non Retail Services” uses.

Other “Non Retail” Uses that might be considered to be complimentary and which might be more suitable to larger units and possibly on upper levels could include an additional 3,000sqm based on the concept scheme and this floorspace could be:

- gym / health and wellness facilities
- leisure/ entertainment uses
- Creche
- pubs/ nightclubs

The revised TC1B scheme will contain a range of uses in the above categories similar to the previously permitted development. The main difference is that there is no requirement for the large multiplex cinema which is omitted but a smaller boutique style cinema can be accommodated within the flexible leisure box if required.

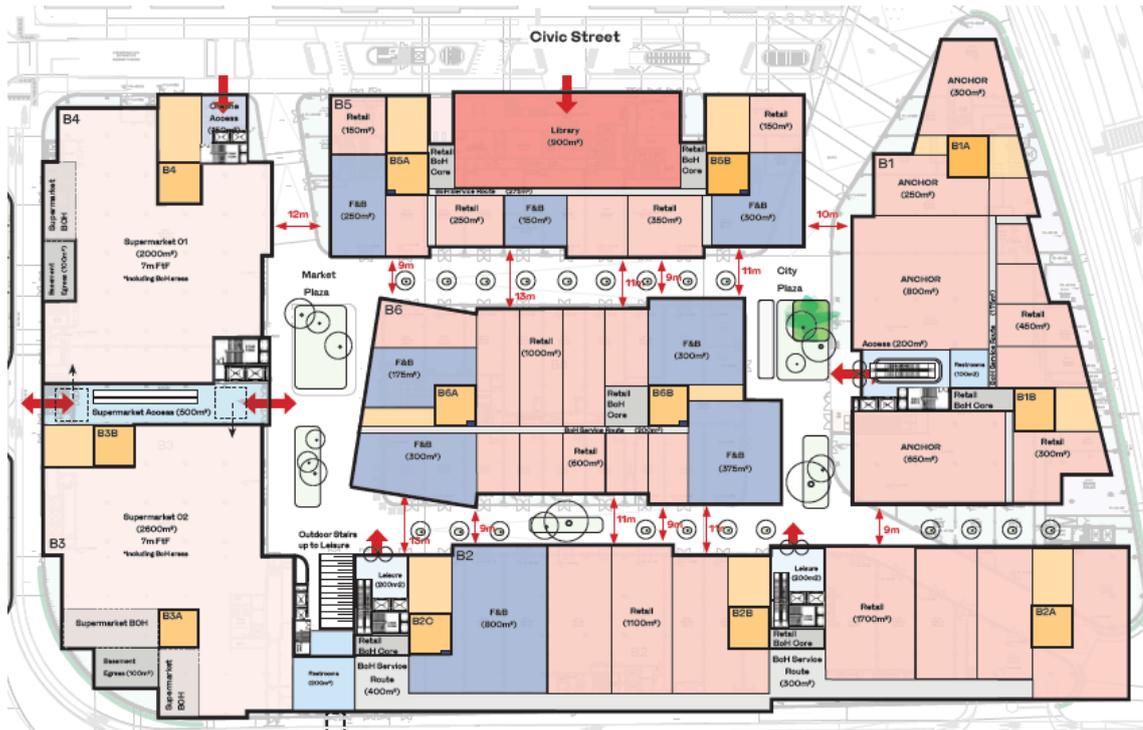
In relation to Primary Care Centre, the current CPS is very prescriptive in relation to this use being part of the use mix in TC1 (Ref: Specific Objective DA18) and this facility was subsequently assigned to TC1B in the UFDF and the planning permissions issued. It is not clear that the HSE has a need or wish to provide a Primary Care Facility within TC1B or the Town Centre and therefore, to provide greater flexibility, it is prudent to remove Specific Objective DA18 and to allow such a use to be accommodated as part of a more general "mixed use" allocation.

### **Indicative Layouts**

Floorspace allocations are a guide as to the scale and function of a Centre but it is also important to consider how this allocation presents on the ground. In this regard, based on the most recent HCDF proposals, the ground floor or street activation for the revised development will be similar to the permitted development.

The floor plans included in the Design Booklet (see copies also reproduced below) enclosed show a version of the Town Centre commercial proposals which were developed as an evolution of the GEHL concept scheme but with architects with expertise in retail developments (HJL / Ae7) and with the benefit of commercial agents inputs which reflect the current retail property environment.

The reduction in floorspace is primarily as a result of floorspace being omitted at basement level (ie. supermarkets) and at first floor level and, as stated above, the extensive street activation strategy remains. The roof is removed which is a better planning outcome and any reduction in retail footfall will be more than off-set by the additional activity from the apartments overhead which are accessed from a series of residential lobbies that are brought to the street level. The total gross footprint at ground floor level is approx 21,000 sqm.



**Retail and Non-Retail Use - Street Level**



**Retail and Non-Retail Use above Street Level**

## Residential

The increase in density and building height at Cherrywood is fully in line with planning policy and precedent in relation to density and building height and this planning policy context has moved on considerably in the last 10 years since the CPS was originally framed.

The shift to residential in TC1B is also the critical factor in the viability of the TC1B scheme and a critical mass of residential development will be required to cross subsidise other uses and to carry the considerable costs of the below podium basements and other infrastructure that needs to be delivered upfront.

All residential use on TC1B will be above street level in the form of apartments and the Apartment Guidelines (2023) will apply. However, the CPS unit mix is assumed to be as per Objective PD4<sup>5</sup> of the CPS.

Following Amendments 1 – 4, Gross Floorspace is the relevant parameter. Based on the current HJL scheme represented in the Design Booklet enclosed within this submission, a plot ratio of 3.0 could deliver **c.650-675** apartments on TC1B<sup>6</sup>. The ultimate yield is largely a factor of the height achievable and this is considered further below and will be informed by massing studies and other technical analysis, including sunlight analysis of communal and public spaces at planning application stage.

Communal Amenity Space will be provided to meet the requirements of the Apartment Guidelines in both quantitative<sup>7</sup> and qualitative terms and based on the apartment Guidelines standards, the above podium residential units will be provided with generous communal amenity space provision for a Town Centre scheme. The height variation in residential blocks over will provide opportunities for gardens/ terraces at the upper levels on each block.

The scheme represented in the A3 Booklet enclosed is an illustrative example of a layout for the podium level and a typical upper level and represents a robust concept which could form the basis of a revised planning application for TC1B. (see extract below)

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<sup>5</sup> Objective PD4 proposes the following unit mix: 10% Studio, 20% 1 bed, 55% 2 bed and 15% 3 bed units

<sup>6</sup> TC1A is substantially complete. As part of this Amendment process, HAPG has sought an additional floor on Block A1. For the purposes of this submission no allowance is made for Block A1 increase but a minor adjustment can be made to the figures presented below in the event that this request is granted to HAPG

<sup>7</sup> Studio 4sqm, 1 bed @5sqm, 2 bed (3 pers)@6sqm, 2 bed (4 pers) @7sqm, 3 bed @9sqm



*Illustrative Typical Residential Level*

#### 4.4 AMENDMENT SOUGHT – LAND USE MIX

##### Amendments Sought – Land Use Mix

The HCDF proposal is that the forthcoming Amendment does not continue with the Table 6.2.2 approach which is very inflexible and inefficient. There is a need to revise the current 5 categories and to provide flexibility insofar as possible.

From a Planning Scheme / Development Management perspective, there are a number of ways that the land use mix issue can be addressed to strike a balance between the need to be workable and flexible for the developer while also providing sufficient certainty to third parties and the general public as to the overall vision and objectives.

The overall quantum of development is set by the plot ratio and within that total envelope, the Planning Scheme could prescribe any specific mandatory requirements – minimum OR maximum - in terms of specific use categories such as Retail or Residential. For example, in terms of the important Retail Floorspace allocation, HCDF would accept a minimum “Retail Gross” floorspace of 15,000sqm

## 5. DENSITY AND BUILDING HEIGHT

This section addresses the changes sought to the CPS in terms of density and building height and assumes that the parameters will continue to be applied to the overall TC1 plot, of which TC1B is the major part.

While the economic environment has changed since the CPS was drafted in the aftermath of the property crash, so too has the planning policy context changed significantly. These changes all move in the direction of higher density and building height. HCDF submits that the existing TC1 plot ratio maximum of 2.3 and building height limit (5 storeys) are low by comparison with the scale of buildings being built in similar locations and would be a missed opportunity in the current planning context. The current CPS parameters are also contrary to policy and guidance issued by the Government since the CPS was prepared in 2010-2012 and need to be brought into line.

While the building height across TC1 does not reach the allowed 5 storeys across the majority of TC1B, it is not possible to increase the building height until the plot ratio ceiling is lifted and point which illustrates the interrelationship between the two parameters.

### 5.1 PROPOSED TC1 PLOT RATIO

TC1 plot is 43,000sqm<sup>8</sup> and using this baseline figure, this is broken into two sub-areas as follows:

- TC1A (A Blocks) 29.4% (12630sqm)
- TC1B (B Blocks) 70.6% (30370sqm)

The current CPS maximum allowable gross floor area for TC1 @2.3 is 98,900sqm. HCDF propose that the plot ratio for TC1 should be increased to **1:3**. This plot ratio which would equate to a minimum of **129,000sqm** on the overall TC1 plot.

If the committed TC1A development (ie. Blocks A1-A3 Under Construction) is deducted, this leaves c.**99,000sqm** for TC1B development.

The matter as to how this total quantum is allocated between land uses is to be determined but HCDF accepts that a minimum level of Retail / Non-Retail floorspace could be prescribed to ensure that the “district centre” objective is respected. A

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<sup>8</sup> A measure of the plot now formed following completion of the surrounding roads (ie WLR, Grand Parade, Bishops Street and Cherrywood Avenue (WLR-J)) indicates an area marginally greater than 43,000sqm.

minimum figure for Retail Floorspace of 15,000sqm (gross) is reasonable and there may be a minimum requirement for other non-retail commercial uses in addition to this which may be more flexible than the current Non Retail / HIE categories.

Residential use is the focus of the upper levels and needs to be accommodated. Based on the HJL concept scheme, if the maximum end of the other ranges was achieved then the plot would yield 67,500sqm of residential accommodation (c.650-675 apartments). That yield could increase if unused commercial space could be transferred to residential use as part of a new flexible mechanism.

### ***The Case for the Plot Ratio (1:3)***

The case for the increase in plot ratio has been set down in various submissions and HCDF has undertaken various design studies to consider the potential to increase density and building height on the TC1 plot. While these proposals have to be fully resolved, they do demonstrate the overall urban typology, scale, height and massing associated with this plot ratio.

The sketch concept included in the A3 Booklet enclosed within this submission is based on a design study by HJL Architects prepared following the GEHL Architects presentation to DLRC in March 2023.

There are many examples of development with a plot ratio of 1:3 or more albeit that most development are examined on their site specific merits and without the constraints of an SDZ where parameters are more rigid.

It is not intended to present a comprehensive review of plot ratio precedent cases as part of this submission but the following are just three examples that provide a reference point for the plot ratio now sought on TC1.

#### Cherrywood Village Centres

Building Height Amendment (No. 8) increased the allowable density for each of the Cherrywood Village Centres, which are all now proposed at densities/ building heights equal to or greater than the Town Centre. They are as follows:

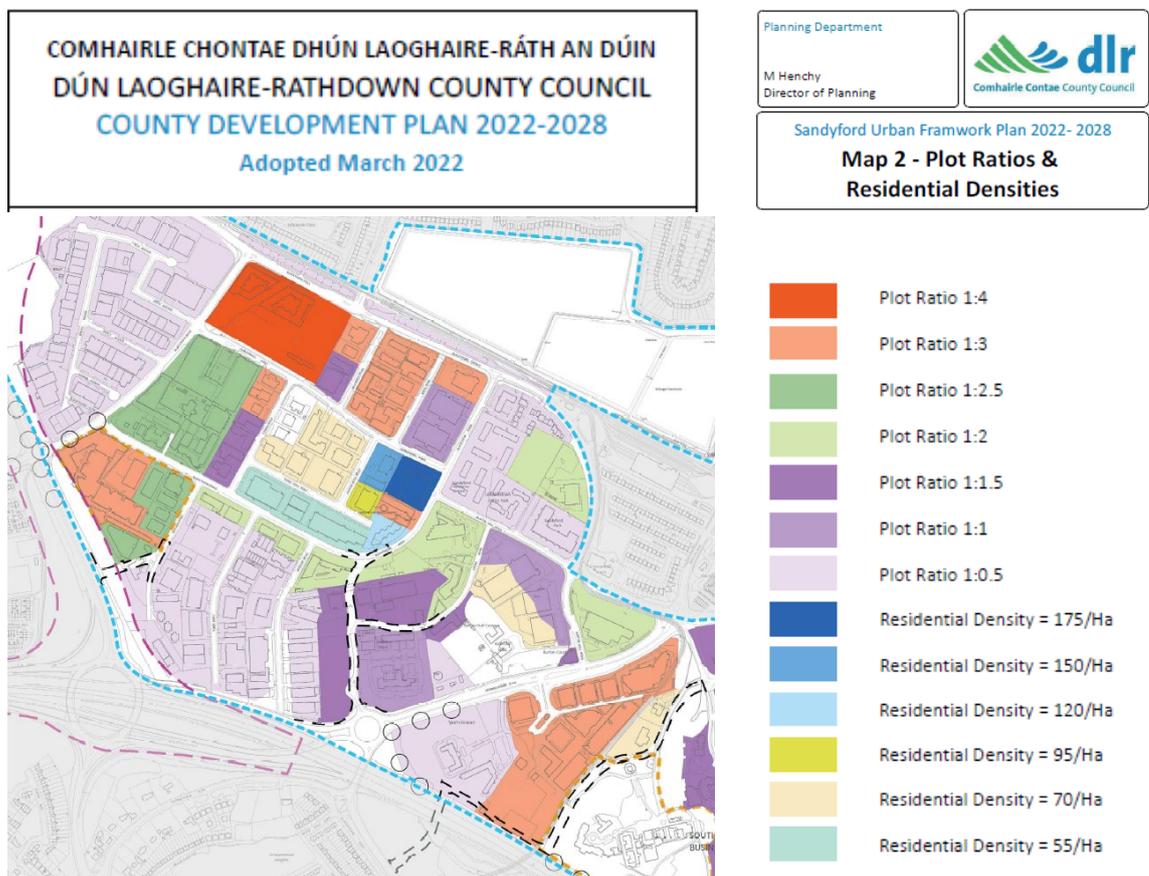
Lehaunstown Village Centre	Plot Ratio <b>1:2.3</b> max	(Building Height max - 6 storeys)
Priorsland Village Centre	Plot Ratio <b>1:2.5</b> max	(Building Height max - 6 storeys)
Tully Village Centre	Plot Ratio <b>1:2.3</b> max	(Building Height max - 6 storeys)

In normal circumstances, it would be expected that the Town Centre would be developed at greater density and height than the lower order Village Centres, particularly where

there is a large undeveloped site located on a Luas Stop and immediately adjacent to a new Transport Interchange.

### Sandyford SUFP

The HCDF request should be viewed in the context of the current proposals within the Sandyford (SUFP) area which shares many attributes with Cherrywood, including the existence of a Luas line. Noting that Sandyford is not an SDZ and therefore the plot ratios in the SUFP are not absolute or binding in the same way as Cherrywood, it is noted that the Sandyford “Mixed Use Core Area - Inner Zone” plots is 1:4 and a plot ratio of 1:3 applies across a number of site in the “Mixed Use Core Area - Outer Core” zone, as illustrated on Fig 5.2 below. This includes Central Park, Beacon Hospital and several plots on the edge of the core area.



**Figure 5.2: Sandyford Urban Framework Plan – Plot Ratios and Residential Densities**

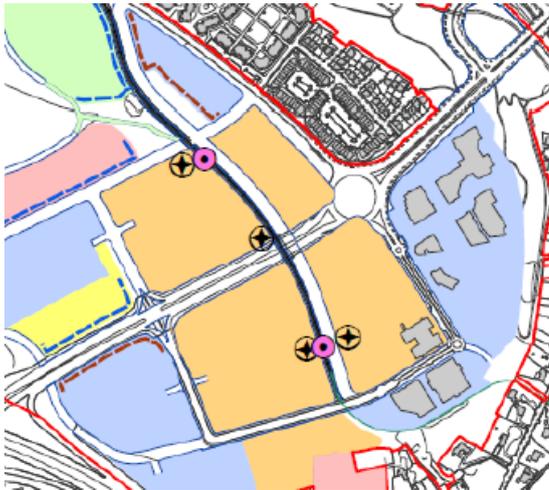
### Dublin City SDRAs

Further examples of large strategic sites are located throughout the outer suburbs in the Dublin City Council area and the current Development Plan prescribes an “Indicative Plot Ratio” of 1.5 – 3.0 to such “Regeneration Areas”. Examples comparable to Cherrywood

in terms of public transport accessibility and general location characteristics include Jamestown Village in Finglas, Clongriffin, Park West and the Naas Road Corridor.

## 5.2 HCDF BUILDING HEIGHT PROPOSALS FOR TC1B

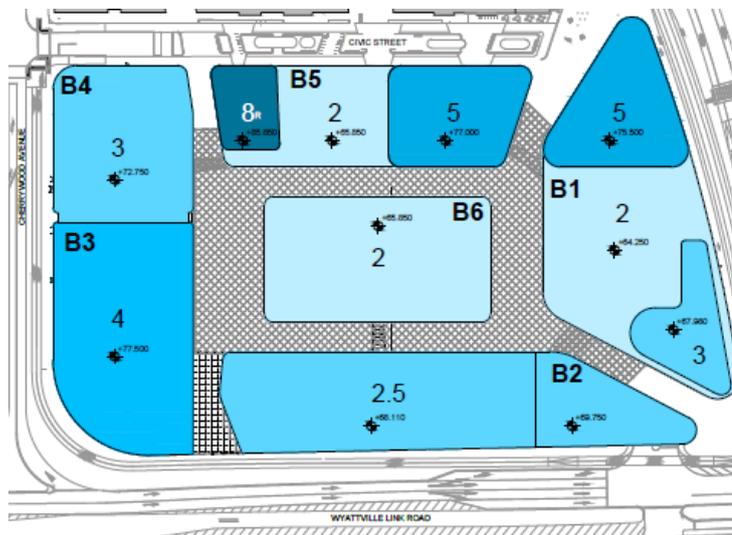
Building Height in the CPS is currently **2-5 floors** with an **8 floor upward modifier**<sup>9</sup> – see Map 2.3 extract below (Fig 5.3). The diagram from the UDF (Fig 5.2) shows how the TC1B permissions granted were expressed in diagrammatic form and Fig 5.3 shows the building heights as permitted.



**Fig 5.1: Extract from CPS Map 2.3**



**Fig 5.2: Extract from UDF Building Heights Map**



**Fig 5.3: TC1B Permitted Heights**

<sup>9</sup> DA10 allowed the upward modifier on TC4 to achieve 9 floors locally.

On visiting Cherrywood today, one is left with the impression that the 8 storey TC1A (Block A3) is more

In the revised TC1B development, the finished ground level or street level will be formed at the level of the existing Luas line as per the permitted TC1B development and will integrate with Grand Parade and Civic Street based on the same principles as heretofore.

In terms of the CPS Section 2.9/ Map 2.3/ Table 2.11 parameters, as illustrated, the HCDF TC1B building height proposal is that the commercial element of the Town Centre will be predominantly concentrated at street and first floor level creating a podium to facilitate residential use over. Apartment buildings of varying height are located on the upper levels but will be brought to residential lobbies which will have a presence on the street level integrated with the retail frontages.

The retail/ commercial uses are to be provided over one or two levels depending on the block and these floor heights vary depending on the use involved. The floor to floor heights for shops and supermarket type uses are up to 7 metres and these heights are the minimum required to provide for end user requirements in a large scale retail scheme. In this regard, it is requested that the Amendment expressly facilitates ground floor commercial heights on TC1B of up to 7 metres (ie. greater than the 4.5 metres as per Amendment No. 8). This provision could be limited to the TC1B “retail core” area with 4.5 metres applying elsewhere.

Residential Floors overhead will be typically 3 metres (floor to floor) as per the CPS. The residential blocks placed on the commercial podium level will have a much lower site coverage and the blocks will be placed to maximise the potential for communal amenity gardens on the podium.

### **Expressing Building Height Guidelines in the Planning Scheme Amendment**

The new policy environment following the Building Height Guidelines represents a move away from prescriptive building heights towards a ‘performance criteria driven approach’. The background to this move away from prescription is presented in the Guidelines as follows:-

*1.3 In determining planning policy and making planning decisions around appropriate building heights, the planning process has to strike a careful balance between on the one hand enabling long-term and strategic development of relevant areas, while ensuring the highest standards of urban design, architectural quality and place-making outcomes on the other.*

*1.4 However, in recent years, local authorities, through their statutory development and local area plan processes, have begun to set generic maximum height limits across their functional areas. Frequently, such limits have resulted from local-level concerns, like maintaining the character of an existing built-up area, for example. However, such limits, if inflexibly or unreasonably applied, can undermine wider national policy objectives to provide more compact forms of urban development as outlined in the National Planning Framework and instead continue an unsustainable pattern of development whereby many of our cities and towns continue to grow outwards rather than consolidating and strengthening the existing built up area. Such blanket limitations can also hinder innovation in urban design and architecture leading to poor planning outcomes.*

*(emphasis added)*

Accordingly, SPPR1 instructs Planning Authorities 'to support increased building height and density in locations with good public transport' in their Development Plan and provides that such plans 'shall not provide for blanket numerical limitations on building height'.

SPPR2 requires that 'in driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses'. It notes the potential for mechanisms such as block delivery sequencing and cites the North Lotts SDZ Planning Scheme as a good example of this approach.

SPPR3 is particularly relevant in a SDZ context as it provides that the Building Height Guidelines are to be given effect in any amendment to the Planning Scheme.

Therefore, in our submission, the current Town Centre Review needs to:

- (a) Move away from maximum building height parameters which have contributed to consistent parapets levels and a lack of variety in building form.
- (b) Introduce criteria based approach which allows increased density to achieve better outcomes in terms of architectural expression and which facilitate mix of uses to be achieved vertically within taller buildings

In this context, it is submitted that the building typology proposed for TC1B will create a less monolithic form which will add visual interest with set backs and less visual bulk which allows for greater light penetration and facilitates a the generous communal amenity spaces for the apartments above the commercial street level. Overall, there is more flexibility and therefore more scope for architectural expression and finer urban grain.

At the lower end of the height discussion, to reflect this particular arrangement, the proposal is to retain the current lower end description of “up to 3 storeys building or equivalent”

The upper end of the range will need to be increased to facilitate apartment buildings placed on the podium level. As illustrated on the diagram below, the number of residential levels above the commercial level generally varies from 6 to 8 storeys equivalent. This excludes the possibility of a taller landmark elements of 10-12 storeys at the Luas stop and along Grand Parade.

The scale is not dissimilar to the permitted TC1.B5 which facilitated 6 levels of apartments over commercial and so the proposed approach can be seen in this context but expanded to the overall TC1B footprint.

The 12 storey (10 residential over podium) building below will replace the offices previously approved on Blocks B1 and B5 and mark the point of arrival to Cherrywood Square. This could be presented as a “landmark building” or an upward modifier in the terminology of the current CPS.



**Fig 5.4: Proposed Site Layout Concept - Building Heights (Illustrative Only)**  
(Assumes that Ground Floor Retail/ Commercial (6-7 metres) is equivalent to 2 floors)

The heights above can be viewed in the context of Sandyford (SUIP) here building heights of up to 17 storeys are specifically accommodated with heights of 6-10 storeys indicated within the “Mixed Use Core Area - Outer Core” zone which corresponds to the Plot Ratio of 1:3 identified above.

It is also notable that Clonburris SDZ includes a building height range of 2 – 8 storeys for the Clonburris Urban Centre.

### **Daylight/ Sunlight Considerations**

HCDF has appointed Arup to advise on the implications of the TC1B development in terms of daylight/ sunlight considerations and their assessments will have regard to the PD12 Sustainability, Microclimate and Sunlight/ Daylight / Shadow Analysis introduced under Amendment No. 8. The following general points are made in relation to TC1B

- Sunlight to Public and Communal Amenity Spaces –The residential blocks will be placed to allow significant podium areas to be exploited for communal amenity spaces which achieve adequate sunlight based on current guidance.
- Sunlight to Public Spaces - With the removal of the glazed roof over the retail street consideration will need to be given to the levels of natural light at the street level within the shopping area and on the adjoining principal streets (eg. Grand Parade, Civic Street etc).
- Overshadowing Impacts – Residential blocks will be provided above the street levels in blocks of varying height positioned to respond to the orientation of the site and the relationship to the surrounding development.
- Daylight to Apartments – Daylight standards for individual apartments will be considered as part of the consideration of building height but will primarily be a matter for planning application stage. The HJL design concept will have regard to the experience and best practice in relation to daylight to apartments, particularly in relation to corner units at lower levels above podium.

The full assessment of any proposed development would be carried out at detailed design stage and in the context of a detailed planning application.

#### 4.4 AMENDMENT SOUGHT – DENSITY AND BUILDING HEIGHT

**Amendment Sought - Density / Plot Ratio**

Increase the maximum plot ratio of the overall TC1 plot (Table 6.2.2) from 2.3 to **3.0**.

**Amendment Sought - Building Height**

No blanket height restrictions should be imposed

In relation to building height parameters, the CPS Section 2.9/ Map 2.3/ Table 2.11 parameters for TC1B building height should facilitate apartment buildings of varying height over commercial ground floor. This would result in buildings of 6 to 8 floors equivalent with taller elements of 10 - 12 storeys).

Upward modifiers should be facilitated on TC1B plot and all buildings of over 8 floors equivalent could be subject to assessment at planning application stage based on the Performance Based Criteria in the Council's Building Height Strategy (Ref: DLRCDP Appendix 5: Building Height Strategy, Table 5.1: Criteria for Assessing Proposals for increased height etc.

## **6. PHYSICAL AND SOCIAL INFRASTRUCTURE**

HCDF has examined the impact of their proposed Amendments on physical infrastructure and is satisfied that there are no capacity constraints in terms of roads, water services, surface water drainage or public utilities that necessitate an Amendment.

Social infrastructure can be provided as required without necessitating changes to the Planning Scheme or with minimal change.

### **6.1 WATER SUPPLY**

HCDF has commissioned the engineers involved in the permissions granted on the Town Centre blocks to review the current proposals and to advise on the feasibility of the proposals in terms of water services.

The capacity and technical details will need to be determined and examined at planning application stage in consultation with Irish Water. However, in the context of the TC1B Amendment, HCDF is confident that the water supply for Cherrywood will be adequate to cater for the increase in the apartment numbers in TC1B

The new Roundwood/ Vartry Water Treatment Works is now operational. Developers will also need to secure final approval for a water supply connection from Irish Water prior to the commencement of any development.

### **6.2 FOUL DRAINAGE**

The Shanganagh Wastewater Treatment Plant will serve the proposed Town Centre development and the principles remain as per the permitted development. HCDF intends to engage with Irish Water in the form of a pre connection enquiry. Confirmation of feasibility will be provided as part of any future planning application.

### **6.3 SURFACE WATER**

The attenuation and surface water drainage infrastructure will follow the same principles as the permitted development and will achieve the required maximum runoff of 1 litre per second per ha as required under Specific Objective PI8. The precise

details and any measures to address SUDs (Ref: Specific Objective PI6) within the residential blocks will be demonstrated as part of the planning application

#### **6.4 GREEN INFRASTRUCTURE**

There is no scope for additional Class 1 Open Space within the TC1 Plot.

The additional residential element of the Town Centre will be served by the existing Green Infrastructure network provided for in the Planning Scheme which, according to Amendment No.8 delivers a rate of 1.25ha per 1000 population in the main Class 1 open spaces based on 26,000 population. The CPS 2014 provided Class 1 Open Space at a rate of 1.43ha/ 1000 population.

In this regard it was noted that Ticknick Park has been permitted and constructed slightly larger than originally planned and therefore this additional area of Class 1 Open Space was included in Amendment No. 8 - Table 5.1 of the Planning Scheme was updated to reflect this increase in Class 1 Open Space from 29.7ha to 32.5ha. HCDF has ongoing discussions with DLRC in relation to extending Ticknick Park and this provides the opportunity to deliver additional Open Space if required.

It was further noted that the greenways and their associated pocket parks and village squares in Lehaunstown Village and Tully Village were excluded from the calculation for the public open space provision.

In addition, each residential development on residential zoned lands in the Planning Scheme must provide quality communal open space including play areas and seating areas – Class 2.

Overall, it is considered that the additional apartments can be accommodated by the existing Green Infrastructure provision and Ticknick Park can be extended.

#### **6.5 PUBLIC UTILITIES (ESB, GAS, TELECOMS)**

Insofar as the additional apartments will give rise to additional demand for public utilities, HCDF is confident that the existing / planned infrastructure will be sufficient to cater for any demand arising.

This technical issue is not a matter that needs to be examined for the purposes of the Planning Scheme Amendment and the existing Planning Scheme provisions (Ref: Chapter 4) will remain relevant and will apply.

Further examination of implications for public utilities will be undertaken by the HCDF team and this information can be integrated into the revised proposals which will be subject to a planning application on completion of the Amendment process.

## **6.6 CHILDCARE AND SCHOOLS**

Childcare will be assessed as part of the overall Town Centre development based on the estimated needs of the residential apartments proposed.

It is HCDF submission to DL RCC that no additional school sites are required to support the additional residential units at the Cherrywood TC1 (Blocks). The provision of school facilities is the responsibility of the Department of Education and Skills (DoES). The Cherrywood Development Agency (DL RCC) will need to engage with the Department on an ongoing basis to monitor the demand for school places as the SDZ lands are developed.

The level of provision of education facilities was not reduced between the Draft Planning Scheme and the Approved Planning Scheme in line with the reduction of residential dwellings, as flexibility was already built into the size/capacity of the schools which could be accommodated on these sites.

Amendment No. 8 has provided flexibility to increase the building heights on 4 out of the 6 school sites in Cherrywood and this will allow for an increase in the capacity of these school sites if required, in line with the additional units arising from this Amendment.

## **6.7 AMENDMENT SOUGHT – PUBLIC AND SOCIAL INFRASTRUCTURE**

### **Public and Social Infrastructure**

No Amendments sought in relation to CPS Chapters 4 (Physical Infrastructure) and Chapter 5 (Green Infrastructure).

## 7. CONCLUSION

On the basis of the above, the following summarises the “Amendments Sought” to the Cherrywood Planning Scheme as an outcome of the current TCE Review and HCDF requests that the Amendment process is progressed at the earliest opportunity.

### **Commercial Viability of Permitted TC1B**

- The “costs” attributable to the various TC1B “policy requirements” in the current CPS contribute to unviability of the TC1B development and prevent a planning application for an alternative viable development.

### **Amendment Sought - Urban Form**

- The Overall Vision and Principles in the Planning Scheme (Section 6.2) do not need to change.
- The primary urban structure, movement and infrastructure strategies associated with the Town Centre remain unchanged apart from possible localised specific design matters that can be addressed in the Amendment or deferred to the detailed planning application process.
- The UFDF should be replaced by the Town Centre Amendment and any key elements incorporated into the CPS

### **Amendments Sought – Land Use Mix**

- The HCDF proposal is that the forthcoming Amendment does not continue with the Table 6.2.2 approach which is very inflexible and inefficient. There is a need to revise the current 5 categories and to provide flexibility insofar as possible.
- From a Planning Scheme / Development Management perspective, there are a number of ways that the land use mix issue can be addressed to strike a balance between the need to be workable and flexible for the developer while also providing sufficient certainty to third parties and the general public as to the overall vision and objectives.
- The overall quantum of development is set by the plot ratio and within that total envelope, the Planning Scheme could prescribe any specific mandatory requirements – minimum OR maximum - in terms of specific use categories such as Retail or Residential. For example, in terms of the important Retail Floorspace allocation, HCDF would accept a minimum “Retail Gross” floorspace of 15,000sqm

### **Amendment Sought - Density / Plot Ratio**

- Increase the maximum plot ratio of the overall TC1 plot (Table 6.2.2) from 2.3 to **3.0**.

### **Amendment Sought - Building Height**

- No blanket height restrictions should be imposed

- In relation to building height parameters, the CPS Section 2.9/ Map 2.3/ Table 2.11 parameters for TC1B building height should facilitate apartment buildings of varying height over commercial ground floor. This would result in buildings of 6 to 8 floors equivalent with taller elements of 10 - 12 storeys).
- Upward modifiers should be facilitated on TC1B plot and all buildings of over 8 floors equivalent could be subject to assessment at planning application stage based on the Performance Based Criteria in the Council's Building Height Strategy (Ref: DLRCDP Appendix 5: Building Height Strategy, Table 5.1: Criteria for Assessing Proposals for increased height etc.

#### **Public and Social Infrastructure**

No Amendments sought in relation to CPS Chapters 4 (Physical Infrastructure) and Chapter 5 (Green Infrastructure).

HCDF is committed to working with DLRC in relation to the TC1B project and is willing to meet to discuss the contents and implications of this submission at any time.

Ray Ryan  
BMA PLANNING  
January 2024

# Appendix A

## Responses to Questions in Public Consultation ‘Have your Say’ Document

MIX LAND USE BALANCE	
<i>Residential</i>	<b>HCDF Response</b>
<ul style="list-style-type: none"> <li>• Is there a requirement for more residential floor space and/or dwelling units in the Town Centre?</li> </ul>	<p>Given the ongoing unprecedented Irish Housing crisis, there is a significant requirement for additional residential floor space which can be delivered through additional height and density within the Cherrywood Town Centre quadrants, thus, creating a vibrant and sustainable town centre .</p>
<ul style="list-style-type: none"> <li>• Should the density be increased?</li> </ul>	<p>Yes – Density should be increased to make way for much needed Residential Development within the Town Centre Quadrants. Building heights should also be substantially increased to align with national policy and to give effect to SPPR3 of the Building Height Guidelines. Current permitted building heights in the Cherrywood Town Centre are currently lower than those in the SDZ Village Centres, this anomaly can be rectified by increasing the height and density in the TC. In particular the allowable height in plot TC1 (B blocks) is very low (2-5 storeys + one 8 storey upward modifier) in the context of the adjacent development blocks and given the immediate proximity to Cherrywood Luas station. In accordance with Map 5 of the UDFD , 4 of the 6 “B” blocks located in TC1 can be no more than 3 storeys high or equivalent. DLRC should explore every opportunity to maximise height and density on this site in accordance with planning and environmental policy. We would also note the low density of Cherrywood Town Centre generally in comparison with other similar locations in Dun Laoghaire Rathdown such as Sandyford</p>
<ul style="list-style-type: none"> <li>• Should there be a broader functional mix of land uses (including residential) within each of the Town Centre Quadrants rather than having defined blocks of a specific land usage focus?</li> </ul>	<p>Yes – There should be a broader mix of land uses within the Town Centre Quadrants (and indeed the ‘Environs’), primarily the addition of Residential will improve the vibrancy and viability of the Town Centre Quadrants which are currently commercially unviable to develop given the excessively large quantum of HIE, retail and non-retail space stated in the CPS and for which there is now a reduced market demand. The CPS is currently very restrictive and prescriptive in terms of land use. The need to rigidly adhere to 5 land use categories presents a very considerable disadvantage for the design of the Town Centre which is unnecessary and which produces suboptimal outcomes, allowing greater flexibility and fluidity of land uses is preferable.</p>
<ul style="list-style-type: none"> <li>• Should the massing and form of the buildings be adjusted? This possibly to provide for improved orientation, variations in built form, more unit typologies and sizes, visual interest, to assist with microclimate, etc.</li> </ul>	<p>Greater flexibility in massing and form is required. The current UDFD is too prescriptive/ constrained and is no longer fit for purpose. The UDFD has fulfilled its primary function in establishing the layout of the town centre plots, much of which has already been constructed in full or part. We would advocate that there is no longer a requirement for the UDFD, and that DLRC considered withdrawing the UDFD and incorporating any outstanding principles directly into the CPS.</p>

	In relation to massing and form, such issues are typically and most appropriately dealt with within planning applications rather than within a development plan.
<b>Retail Facilities Provision</b>	
<ul style="list-style-type: none"> <li>Do you think Cherrywood should be self-sustaining as a retail location, whereby most of your shopping needs are met here as opposed to having to travel to a range of locations?</li> </ul>	<p>Yes - Apart from higher order comparison shopping needs which are met in Tier 1 Centres, Cherrywood should provide for all day to day convenience shopping needs and lower order comparison shopping typically found in a 'District Centre'.</p> <p>Cherrywood Town Centre should remain as a District Centre as per the DLRCC County Development Plan and the level of retail / non-retail services and other uses will adequately deliver on this objective.</p>
<ul style="list-style-type: none"> <li>Do you think Cherrywood has the potential to develop a distinctive form of niche, shopping would complement retail provision elsewhere i.e. not to become a clone town?</li> </ul>	<p>The traditional Shopping Centre is no longer viable in Cherrywood and developers will need to innovate and explore new and evolving concepts in retail to differentiate Cherrywood from retail provision elsewhere. The market will dictate the specific uses and mix of retail offering as it evolves. It is neither appropriate nor possible for a Planning Scheme plan to specify or control the occupiers of retail units.</p>
<ul style="list-style-type: none"> <li>Should the amount of retail floor space in the Town Centre Quadrants be reduced? Or should the quantum be retained as is?</li> </ul>	<p>Yes, the current provision is too high given the global changes to the retail sector over the last 5 years and should be reduced while maintaining District Centre status. The quantum of retail and non-retail space currently specified in the CPS for the Town Centre, and for plot TC1 in particular, is considerably in excess of that required or appropriate for the formation of a District level town centre.</p>
<ul style="list-style-type: none"> <li>If the retail floor area is reduced, what use should it be replaced with?</li> </ul>	<p>Additional residential floor area over and above that of any reduction in retail area should be provided so as to assist combat the Irish housing crisis.</p> <p>In relation to plot TC1, DLRCC should consider the necessary quantum of retail space required to create a District Centre, assess the appropriate quantum of non-retail and other non-residential uses in the context of the size of retail centre and site, and allow the maximum quantum of residential units to be developed at upper levels</p>
<ul style="list-style-type: none"> <li>What other uses might attract one to a shopping area, that might operate in tandem with retail facilities?</li> </ul>	<p>Residential use will create a greater footfall through the Town Centre, while also supporting sustainable amount of community and non retail uses (including F&amp;B and Leisure) can operate in tandem with retail facilities</p>
<ul style="list-style-type: none"> <li>What kind of non-retail uses/services (leisure, recreational, financial, and professional services) should be provided within the Town Centre quadrants?</li> </ul>	<p>Food &amp; Beverage, Gym, Cultural uses, Professional Services, Financial Services (Bank Branch / Post office)</p> <p>The definition and scope of Non-Retail uses is very broad and wide ranging, from a small coffee shop or post office to a large hotel or conference venue. In our opinion, not all non-retail uses can or should be accommodated within the Town Centre. Notwithstanding the importance of incorporating many of the non-retail uses into Cherrywood, we would advocate for a high degree of flexibility in the quantum and location of non-retail space in the Town Centre plots.</p>
<ul style="list-style-type: none"> <li>What might make the shopping activity more of an enjoyable quality experience? What one thing could be introduced to the area to improve the attractiveness of the Town Centre as a 'retail experience'.</li> </ul>	<p>The proposed removal of the glazed roof from TC1b will create a high quality open air public realm with attractive pedestrianised streets and squares, the addition of residential use on upper floors will create a vibrancy and passive surveillance which will support a greater and safe night time economy.</p>

	The layout of the Town Centre has already been carefully and thoughtfully designed, following much prior discussion between DLRCC and landowners, and it is proposed that many of the key design features of that framework are retained.
<ul style="list-style-type: none"> <li>• What type of uses or services would you like to see alongside retail?</li> </ul>	Food & Beverage and uses which activate the town centre in the evenings, and other leisure and entertainment amenities appropriate to the size of Cherrywood's population
<b>High Intensity Employment (Office) &amp; Employment Facilities Provision</b>	
<ul style="list-style-type: none"> <li>• Cherrywood is strategically located with high levels of accessibility to quality public transport (5 Luas Stops, Quality Bus Service and Bus Connects), as well as a network of excellent walking and cycling links internally and externally, providing ready access for the local and regional workforce by active and sustainable travel modes. How can we build on this and other advantages to further develop Cherrywood as a premier business and employment centre for the County?</li> </ul>	The cycling infrastructure proposed by DLRCC in the Cherrywood SDZ is appropriate for the Cherrywood Town Centre. It is not considered that this matter should be within the scope of a Building Height and Density review.
<ul style="list-style-type: none"> <li>• The nature of workplaces in cities and urban centres is changing rapidly. What are the key features, facilities or urban character that Cherrywood should deliver to attract employees and employers alike to locate here?</li> </ul>	Cherrywood Town centre should deliver 21 <sup>st</sup> century retail, non-retail services and leisure / entertainment with a substantial residential component to create a vibrant and living town centre. Additional uses should be permitted within HIE to allow or the development of diverse and vibrant workplaces. It is proposed that flexibility be incorporated into the land use designations of the HIE plots to allow additional and complementary uses to be included as appropriate, thus allowing the 'environs' to blend into the town centre sites as apposed to them being conflicting land uses.
<ul style="list-style-type: none"> <li>• Dún Laoghaire-Rathdown County Council is committed to attracting investment into the County. What are the lessons we can incorporate to ensure support for long-term investment in Cherrywood as a high value location for commercial property and investment?</li> </ul>	Onerous section 48 development levies are a major disincentive to investment in Cherrywood. The development of office and commercial space in Cherrywood is now more expensive, hence less attractive, than all other locations in the county, including Sandyford, due to the imposition of unreasonably high section 48 development contributions.
<ul style="list-style-type: none"> <li>• Is there a role for High Intensity Employment (HIE) use in the Town Centre Quadrants?</li> </ul>	There is a very limited role for HIE within the Town Centre Quadrants, there is a significant provision of HIE use in the 'Environs' and there is a high level of undeveloped permits and vacancy of existing stock (including recently constructed buildings) HIE uses should be permitted but its inclusion should be at the discretion of developers in reaction to market demand.
<b>Community facilities and social infrastructure provision</b>	
<ul style="list-style-type: none"> <li>• Cherrywood is now home to a new and growing number of residents of all ages including families and school children, as well as workers. What community facilities do you use or would like to see in the area, and where should it be located?</li> </ul>	The community facilities proposed by DLRCC in the Cherrywood SDZ are appropriate for the Cherrywood Town Centre. It is not considered that this matter should be within the scope of a Town Centre Building Height and Density review
<ul style="list-style-type: none"> <li>• Community Infrastructure includes spaces for workshops, clubs, societies, and classes. It may provide spaces for arts, dance, theatre,</li> </ul>	It is not considered that this matter should be within the scope of a Town Centre review. There is an extensive amount of community space allocated to the TC quadrants and their

and music. It also includes childcare and training; welfare and community supports. What in your view are the most important priorities for the new communities in Cherrywood?	actual uses should be allocated by DLRCC during the planning application stages of the project lifecycle.
<ul style="list-style-type: none"> <li>• What Community Infrastructure facilities do you currently visit or travel to (and where), that you would like to see locally instead?</li> </ul>	N/A -This question is specific to Cherrywood Residents and not to the wider DLRCC county.
<ul style="list-style-type: none"> <li>• A new population is settling into Cherrywood with its own characteristics. Are there particular needs that you, your family or extended network of friends and colleagues wish to be delivered locally in Cherrywood?</li> </ul>	N/A -This question is specific to Cherrywood Residents and not to the wider DLRCC county.
<ul style="list-style-type: none"> <li>• Is there a key civic building or use you think should be located within Cherrywood?</li> </ul>	As prescribed, a Library is a suitable civic use for a Town Centre Development. The location and size has been agreed with the TC landowner - HCDF.
<b>Other supporting facilities provision</b>	
<ul style="list-style-type: none"> <li>• What other types of facilities or uses should be provided within the Town Centre and Environs Area to support the emerging resident and working population in Cherrywood?</li> </ul>	A greater flexibility of uses should be permitted provided within the Town Centre and Environs Area to support the emerging residents and working population in Cherrywood. In particular the list of permitted uses within HIE is far too narrow and should be reviewed to include other uses including residential (including Student accommodation) and other which are permitted under Town Centre.
<b>CONNECTIVITY AND PERMEABILITY</b>	
<b>Sustainable modes</b>	
<ul style="list-style-type: none"> <li>• How might more be made of the proposed/identified pedestrian routes within the Town Centre and Environs area, and/or are there any locations where linkages are poor or lacking?</li> </ul>	The proposed/identified pedestrian routes within the Town Centre and Environs area by DLRCC in the Cherrywood SDZ are appropriate for the Cherrywood Town Centre and it is not considered that there is a need so significantly review this as part of the scope of this Building Height and Density review.
<ul style="list-style-type: none"> <li>• How might more be made of the proposed/identified cycle routes within the Town Centre and Environs area, and/or are there any locations where linkages are poor or lacking?</li> </ul>	The proposed/identified cycle routes within the Town Centre and Environs area by DLRCC in the Cherrywood SDZ are appropriate for the Cherrywood Town Centre (in particular the extensive cycle network provide on Grand Parade) and it is not considered that there is a need so significantly review this as part of the scope of this Building Height and Density review.
<ul style="list-style-type: none"> <li>• As a resident and/or employee of Cherrywood, are there any issues/challenges around accessing the Town Centre by walking or cycling? And, then through and around the Town Centre itself?</li> </ul>	The walking and cycling infrastructure proposed by DLRCC in the Cherrywood SDZ is appropriate for the Cherrywood Town Centre.
<ul style="list-style-type: none"> <li>• Are there any areas within the Town Centre area currently where one feels unsafe? Or there are barriers/constraints to movement?</li> </ul>	None as the Town Centre is only partially constructed/ occupied as an extensive amount of the TC is indefinitely on hold pending the outcome of the Review.
<ul style="list-style-type: none"> <li>• How navigable is the Town Centre for residents in the Town Centre?</li> </ul>	The navigation around and through the Town Centre is excellent and a lot of time and effort have been invested by the TC landowners and DLRCC in conjunction with the various statutory bodies (NTA, TII, Luas etc) as part of the existing planning applications/ UFDF. Any fine tuning of the navigation should be implemented as part of any future planning applications.
<ul style="list-style-type: none"> <li>• Where should bicycle parking be provided? Or is needed?</li> </ul>	Extensive studies have already been carried out by DLRCC/ NTA and the TC landowners and the provision of cycle parking in public areas and basement should remain as per the Cherrywood SDZ

<ul style="list-style-type: none"> <li>• Is there a current lack of facilities for certain types of transport modes?</li> </ul>	There is an over provision of car parking in Cherrywood. It is understood this is being reduced by a separate Amendment process in conjunction with ABP.
<ul style="list-style-type: none"> <li>• What elements of public transport should be prioritised? Are there any potential opportunities to improve how the public transport network might operate more effectively?</li> </ul>	The taking in charge of roads by DLRCC.
<ul style="list-style-type: none"> <li>• Are there any additional opportunities to improve access, by way of additional linkages or otherwise, to high quality bus services and to BusConnects (Bray to City Centre Core Bus Corridor (CBC))?</li> </ul>	The access linkages currently proposed by DLRCC in the Cherrywood SDZ are appropriate for the Cherrywood Town Centre
<b>Transport and traffic movements within town centre and environs area</b>	
<ul style="list-style-type: none"> <li>• Are there any immediate traffic and vehicular transport issues that are apparent?</li> </ul>	The new Roads and Infrastructure have not been taken in Charge by DLRCC.
<ul style="list-style-type: none"> <li>• Should HGV and servicing continue to be proposed to be facilitated to TC1 and TC2 directly off Wyattville Link Road?</li> </ul>	Yes - This has been agreed with NTA/TII after many years of discussions as part of the UFDF/ planning permissions. <u>This HGV access and traffic signals has been constructed and taken in charge by DLRCC &amp; DCC.</u> This matter is resolved should not be revisited as part of this TC review.
<b>PLACEMAKING AND PUBLIC REALM</b>	
<ul style="list-style-type: none"> <li>• What would help to provide for the making of good public realm and places? That is, what is needed for good place making?</li> </ul>	The removal of the permitted glazed roof will enable the design of high quality open air public realm with attractive pedestrianised streets and squares, the addition of residential use on upper floors will create a vibrancy and passive surveillance which will support a greater and safe night time economy.
<ul style="list-style-type: none"> <li>• What shape and size should the public spaces be? And where should they be located? How many should there be?</li> </ul>	The proposed/identified public spaces within the Town Centre and Environs area by DLRCC in the Cherrywood SDZ are appropriate for the Cherrywood Town Centre and it is not considered that there is a need to significantly review this as part of the scope of this Review. Many of the spaces have indeed already been built.
<ul style="list-style-type: none"> <li>• What should they be used for?</li> </ul>	It is not considered that this matter should be within the scope of this Review. As owner of TC1B we would be happy to consider any suggestions put forward in response to this or other questions which are appropriate for consideration at the planning, development or operational stages.
<ul style="list-style-type: none"> <li>• What kinds of activities should take place within these spaces?</li> </ul>	It is not considered that this matter should be within the scope of this review.
<ul style="list-style-type: none"> <li>• What kind of features and or other mechanisms might provide character and distinctiveness for these public places? And also, to attract people to these spaces?</li> </ul>	It is not considered that this matter should be within the scope of this review.
<b>CLIMATE ACTION</b>	
<ul style="list-style-type: none"> <li>• How can the Town Centre and Environs Review additionally support the implementation of the DLR CCAP and the current County Development Plan?</li> </ul>	It is not considered that this matter should be within the scope of this review.
<ul style="list-style-type: none"> <li>• How can planning for climate change be further incorporated into the adopted Cherrywood Planning Scheme with particular reference to the area to comprise the Town Centre and Environs Review study area?</li> </ul>	It is not considered that this matter should be within the scope of this review.

- How can the design of new forthcoming development be encouraged to further support sustainable building design, energy efficiency and energy conservation?

The DLRCC County Development Plan provisions as recently adopted are sufficient. There is no requirement to address this matter further as part of the Town Centre review process.

# Appendix B

Design Booklet

[See Separate A3 Report]