

Mr Garrett Hughes, Case Officer
Planning Department
Dublin City Council
Civic Offices, Wood Quay
Dublin 8

Grand Canal Dock Residents Association
(GCDRA)

Dublin 2

30 July 2018

Re: Observations regarding Planning Application (DCC Reference DSDZ3370/18) by Golden Brook Ltd & MHEC Ltd for Demolition and replacement of a 2 storey building at No. 15 - 18, Hanover Quay, Dublin 2

Dear Mr. Hughes,

Grand Canal Dock Residents Association (GCDRA) is devoted to enhancing the quality of life for its members and all the residents of the Grand Canal Dock area. As people who are living in the area, we are working to create the community in this designated high-density population zone. Established in 2015, GCDRA was appointed to the Docklands Oversight and Consultative Forum in 2017.

The above planning application seeks to establish a major new tourism venture in this densely populated area. It seeks to expand the existing physical footprint of the building and to attract paying tourists onto its location on the campshires, which have been specifically designated as recreational public amenities. But such public amenities are critical to promoting quality living conditions for existing and future residents and we must work to protect and safeguard their use.

We believe that the application is outside current SDZ planning guidelines, and an exception to those guidelines would be required to grant permission. If this were to happen, it would mean that the objectives of the SDZ would shift in focus to a greater importance placed on tourism and commercial footfall over residential and community interests.

A cultural benefit is mooted *inter alia* in the form of a "public exhibition hall". It is important to be clear that the proposal is primarily a commercial enterprise driven by visitors (who will presumably pay an entry fee), sales of merchandise in the shop, and food and beverages in the cafe. In our view, in essence residents are being asked to give away a public amenity to a commercial interest while enduring the negative impact of its activity, and paying for the pleasure of the cultural benefit, should we wish to avail of it.

In addition, we have concerns about use of the SDZ process for a development of this scale, and arrangements such as the ownership history of the site and the timing of the application.

We query if the SDZ planning process, that predominantly gives direction on office & residential buildings, is the appropriate mechanism for a major venue that styles itself among Europe's top tourist attractions with millions of visitors each year. We believe the planning process should be closer to that of a large public venue or stadium with recourse to An Bord Pleanála and an open

public consultation process. It is particularly worrying that the projected numbers of visitors, a key metric to understanding the size and impact of the development, are not included in the application.

We also have concerns about a number of surrounding issues including the ownership history of the site, that is now the foundation for the planning application. In 2015, the Dáil Committee of Public Accounts expressed its concern around the 'secretive fashion' of the sale of no. 16 Hanover Quay to U2, in particular how the market valuation of €450,000 was arrived at and why the sale was not advertised on the open market. Further, the status of previously issued Compulsory Purchase Orders for the site is unclear.

We have concerns about the timing of the application (coming immediately after the Cairn residential property was sold to Carysfort Capital), the recent adjoining hotel application¹ to which GCDRA has submitted an objection, as well as delays in the handing over of Grand Canal Harbour Management Company to its members. We call for details of pre-application meetings held with officers of the City Council Planning Department, the Docklands Division of Dublin City Council and the public realm Division of Dublin City Council, as mentioned in the application, to be made public.

The SDZ Compliance Report on 'Quality of Living' states "As a result of the small scale of the building proposed *relative* [our emphasis] to the surrounding existing and emerging development, the proposed development will not negatively impact the quality of living of the residents nor the residential amenity in the area, in particular in the new developments under construction".

The argument that quality of living for residents will not be impacted because the proposed new building is physically smaller than other nearby buildings is frankly absurd. It leads one to wonder if any meaningful attempt was made to assess the issues, or if the outcome is seen as a foregone conclusion.

As an association seeking to build a better quality of life for residents, GCDRA has an onus to defend and promote community interests. Our comments are informed by our experience of the reality of day-to-day living in Grand Canal Dock as we have seen the area grow, and population and visitor numbers increase. Planners must learn from past mistakes and problems caused by lack of foresight or simply not taking the needs of residents into account (currently estimated at 26,000).

It is with these objectives in mind that GCDRA Committee wishes to lodge an objection on behalf of its members to the above development at 15 - 18 Hanover Quay, Dublin 2.

Our comments are in two parts. Part One focuses on planning compliance issues and Part Two deals with important practical issues arising from the proposal.

At the outset, we wish to make clear that GCDRA supports the development of public amenities and high quality buildings that respect planning objectives, in particular concerning the development of residential neighbourhoods for those who have committed to living and building a community in the area.

¹ DCC Planning Reference DSDZ3342/18

PART ONE

PLANNING COMPLIANCE ISSUES

Development contrary to zoning objectives

The subject site is located within Zoning Objective Z9 of the Dublin City Development Plan 2016-2022. The objective of Zone Objective 9 – Residential Neighbourhoods (Conservation Area) is “To preserve, provide and improve recreational amenity and open space and green networks.”

A new private commercial tourism venture on this site is the direct opposite to providing greater recreational amenity and open space, and is not within the best interests of local residents. In fact, the original Grand Canal Docks Planning Scheme (2000) was to clear the campshires for public amenity, and compulsory purchase orders (CPOs) were issued for this purpose. For reasons we are unaware of, this plan appears to have changed and the above mentioned Dublin City Development Plan outlines current objectives for the campshires. Therefore allowing development of the site for a major commercial enterprise would be a 180-degree u-turn from an original position of clearing the campshires for public use (by CPOs).

In addition if permission was granted, it would hand over views of Grand Canal Basin - the ultimate public amenity in the area - from residents to private actors setting a precedent for the handing over of public amenities to commercial development. It would send a message that residents who have committed to building lives and a community in the area are not valued or supported.

Failure to comply with SDZ Planning Scheme and SDZ Quality of Living Vision

Chapter 5 of the Planning Scheme sets out the Development Code for the Docklands and the type, mix of uses and building parameters for these across the various city blocks. It includes Specific Development Objectives for the campshires as follows:

a. Specific Objectives

- *To maximise public pedestrian access to all water body frontages.*
- *Within 18 months of the publication of this Planning Scheme, to produce a public realm and landscape framework for the campshires as an action of the City Council’s Public Realm Strategy, which shall include a programme for implementation and funding.*
- *To prepare a water animation framework in partnership with the Port Company and Waterways Ireland.*
- *To provide for the sensitive redevelopment and re-use of existing structures and buildings of historical interest and allow for limited pavilion style/kiosk development on the campshires. Such development must provide for the animation of the campshires, be of high design quality and must not compromise the integrity of the campshires nor impede pedestrian and cycling access.*

The SDZ Planning Scheme Quality of Living vision states:

3.3.3 High-level Theme (iii) - Quality of Living

It is a strong theme of the SDZ Planning Scheme that it must be a model of contemporary living, providing a quality lifestyle for both existing and future residents with good access to employment.

In order to build sustainable communities and neighbourhoods, the Docklands SDZ Planning Scheme will provide for a variety of housing typologies to cater for residents at all stages of their life-cycle. A good quality of living also requires a safe, supportive, external environment, incorporating recreational facilities, public spaces, life-affirming social infrastructure, including any necessary educational facilities.

A quality living environment also includes integration with green infrastructure and, as such, it is a key principle to promote a green/ blue network providing public access recreational and bio-diversity opportunities, particularly along all the water bodies.

The proposed plan is not a limited pavilion style/kiosk, it cannot be described as a sensitive development, and it does not promote pedestrian and cycling access. Instead it is a four storey concrete slab structure (described in the Planning Report for the Development as “expressing a hard-industrial language”) that protrudes out from the campshires to extend well beyond its current form factor.

The area around the current building is already hemmed in with pedestrian/campshire users having to cross the road twice to continue along the campshire on Hanover Quay. This problem will not be solved with the proposed new footpath (subject to Dublin City Council permission) as the adjoining hotel proposal² does not appear to include a footpath in its plans.

A development with a minimal form factor that relieves these issues and proper usage, as outlined by the Dublin City Development plan (perhaps akin to recent developments on Sir John Rogerson’s Quay) would be more appropriate.

Further, justification in the SDZ Compliance Report for use of the site as a private tourist attraction simply because it alleviates domination of the area by office uses is cold comfort to residents.

The above mentioned “public realm and landscape framework for the campshires” has not to our knowledge been completed and no planning should be considered until such a plan is in place.

² DCC Planning Reference DSDZ3342/18

SDZ Planning Scheme planning submission requirements not met

The application does not meet zoning and SDZ planning Scheme requirements. Further, we believe that the proposal does not comply with SDZ planning submission requirements as follows:

6.1.3 Assessing SDZ Planning

In order to assess planning applications under the SDZ and determine whether planning permission should be refused or granted, a Compliance Matrix will be prepared. This Compliance Matrix will include the core high level objectives for the SDZ, the core objectives applying at City Block level, while also focusing on the individual building design to ensure the delivery of building quality. Applicants for planning permission will be required to complete the Compliance Matrix to show how their development matches the strategic and specific design intent of the SDZ Planning Scheme.

Assuming the SDZ Compliance report is an attempt to provide the “Compliance Matrix”, it fails to provide all the elements required. It has omitted several high level themes with their corresponding objectives e.g.

4.2 Making Quality Residential Neighbourhoods

Objective RN3 to seek a successful interaction between the residential scheme, streets and public realm to foster a true sense of neighbourhood and encourage interaction between residents. Opportunities for animated ground floors, homes with own door access, private landscaped terraces and a successful integration with communal and public open space shall be encouraged

4.3 Community Development

Objective CD1 To promote community, cultural and recreational development on the peninsula site of the graving docks in the Grand Canal Basin, including the provision of generous landscaped amenity areas and public realm, optimising the unique setting and heritage value of the site and providing a neighbourhood-wide community and recreational resource as a unique attraction in the SDZ area.

In addition, the SDZ Compliance Report fails to highlight important requirements in the Planning Scheme for certain High Level Themes. For example, it omits to cite requirements for the High Level Theme ‘Quality of Living’, in contrast to other High Level Themes such as ‘Sustainability’, ‘Economic Renewal & Employment’, ‘Infrastructure’, and ‘Movement & Connectivity’.

It appears that the planning application is therefore not complete and it appears to selectively omit theme-related content that does not support its validity.

PART TWO

PRACTICAL ISSUES

- **A social audit must be carried out**

The proposal aims to create a world-class tourist attraction that will “make Dublin's Docklands and Grand Canal Dock a destination experience for the millions of U2 fans around the world”³. The location is a small site with acknowledged “specific restraints” and limited opportunities on all three available sides for development⁴. It is situated on a narrow road in a densely populated area.

Given the scale and ambition of the project, the tight site and the fact that thousands of people who live and work in the immediate area are likely to be affected by its presence, it is essential that a social impact assessment is carried out (regardless of the fact that a requirement for such an audit may not be strictly applicable to a tourist development). Indeed, the very fact that it is to be a major tourist attraction makes such an audit imperative.

The claim that social infrastructure for the community will be provided by way of employment opportunities during construction and operation stages is vague, unsubstantiated, and not a substitute for undertaking an audit. Indeed it is disappointing that none of the planning documents appear to have given consideration to the needs of people living in the area at all, much less sought to consult with residents.

- **The projected number of visitors must be revealed**

A significant omission from planning application documents is any estimate of visitor numbers. Yet such information is crucial to a proper determination of the real impact on the area, and the actual infrastructure required to service the exhibition centre. The projected number of visitors in the business plan for the enterprise must be revealed.

In the meantime, we are left to guess at projected numbers.

Where the application documents do mention figures, there is a worrying mismatch.

On the one hand, the planning documents hint at ‘considerable’ numbers of visitors⁵. The Planning Report states, “The proposed exhibition space will provide a constant flow of day-time visitors to provide a counter balance to the largely event and evening focussed attraction offered by the [Bord Gais Energy Theatre]”⁶.

On the other hand, the technical reports appear to downplay the impact and the numbers.

For example, the report on traffic assessment, servicing and refuse collection likens the proposed use of the new building to the local convenience shop (in terms of service requirements).⁷

³ p. 3 Planning Report for a development at 15-18 Hanover Quay, Dublin 2.

⁴ Ibid p.19

⁵ p.7 Development proposed at 15-18 Hanover Quay, Dublin 2, SDZ Compliance Report.

⁶ p. 17 Planning Report for a development at 15-18 Hanover Quay, Dublin 2.

⁷ p. 8 Traffic/Transport Assessment & Accessibility Study

The Drainage Report appears to cater for just 184 visitors per day (210 persons less 26 staff) in its estimation of proposed peak effluent flows (based on recommended EPA wastewater loading rates for Small Communities, Business, Leisure Centres and Hotels)⁸.

It is essential to get clarity on realistic expected visitor numbers.

For example, EPIC, a new concept Irish Emigration Museum that opened in 2016 on nearby Custom House Quay already anticipates 150,000 visitors in 2018. With its global brand, the U2 exhibition centre can be expected to quickly become one of Ireland's top tourist attractions. In this case, visitor numbers could be in the region of 501,601 (Powerscourt Gardens & Waterfall) and 1,711,281 (Guinness Storehouse) according to Fáilte Ireland top ten visitor statistics for fee-charging attractions in 2017.

- **Out-of-scale for the location**

The scale of ambition of the project is illustrated in three diverse examples of 'unique and place-defining visitor attractions' in Amsterdam, Berlin and Barcelona to which, according to the applicant, the U2 exhibition space could be to Dublin. However, the examples serve to highlight the gap between the project's ambition and the reality of the proposed site.

For example the Rijksmuseum in Amsterdam, the Dutch national museum, received 2.16 million visitors in 2017. The second example, the Berghain in Berlin dubbed 'Europe's most notorious nightclub', is housed in a large disused power station in the east of the city recording 5.3 million visitors in 2015. The third example is Park Güell, a 15 hectare public park in Barcelona where visitor numbers have recently reduced from 9 million to 2.3 million following measures introduced by Barcelona City Council to regulate the number of tourists dominating the area.

It is honestly hard to see how the proposed site for the U2 exhibition can match the stated ambition for the exhibition centre. Instead it might become a 'place defining institution' for all the wrong reasons – traffic chaos with pedestrians, tour buses and cyclists vying for the same narrow space, late night noise and nuisance from U2 'pilgrims', and irate residents. Please let's have a realistic discussion about what is planned, and learn from the experience of other European tourist destinations.

- **A recipe for traffic chaos**

GCDRA rejects the conclusion in the Traffic/Transport Assessment & Accessibility Study that the traffic impact of the development will be 'absolutely negligible'. The absence of a traffic management plan is a recipe for chaos.

We are astounded at the assertion that the Bord Gáis Energy Theatre operates without traffic and transportation issues. The narrow streets around the theatre are frequently in chaos after a show has finished as taxis swarm the area and a crescendo of car horns can be heard, especially as drivers seek to exit onto Macken St. During these times, traffic jams severely restrict access and exit for residents and other visitors.

⁸ Drainage Report Planning Submission No. 18 Hanover Quay.

In addition to public transport options, the study fails to mention hop-on-hop-off sightseeing buses that already come into Grand Canal Dock. (Two companies currently include the Docklands on their routes, temporarily re-routed from Hanover Quay to Macken St due to building works in the area). When the buses were running down Blood Stoney Road, residents complained about noise from loud commentary on microphones especially at weekends.

As well as more sightseeing buses, there will be private coach tours. At the moment, coaches serving the Marker Hotel or bringing groups to the Bord Gáis Energy Theatre park on the double-yellow lines on Hanover Quay. Where would the extra coaches for the exhibition centre park?

The Planning Report states that "... most patrons will arrive by taxi or public transport" (p19). For those arriving or leaving by taxi, a set-down area must be provided if the taxis are not to block the road or park illegally. This is what happened on Hanover Quay until a taxi rank was belatedly provided.

We also believe that some provision should be made for car-parking as it is unrealistic to expect that no visitors will arrive by car.

In addition, a dedicated loading bay for deliveries is needed. The traffic report states that if the proposed loading bay is not acceptable to DCC, deliveries will be made using nearby on-street parking and/or loading bays similar to other commercial premises in the area. But paid on-street parking spots are at a premium and rarely available. Deliveries for other commercial premises on Hanover Quay are usually made by parking on the double-yellow lines. Sometimes Hanover Quay resembles a car park with delivery vans and miscellaneous cars parked on the double-yellow lines on the street-side, while the water-side contains taxis on the rank, and coaches and the Dublin Bikes truck on the double-yellow lines.

- **Increased anti-social behaviour**

Unfortunately the Grand Canal Dock area suffers from anti-social behaviour & crime. We have experienced considerable problems created by youths who gather in area (sometimes organised through social media) that leads to assault, vandalism and a general intimidating atmosphere at times. We work closely with the Gardaí who can provide exact statistics on the issues.

For example, the 5 Cube Energy Pavilion for Dublin City Council that was installed immediately east of the site in Hanover Quay in 2015 was totally vandalised and has since been removed. There are issues with graffiti at the iconic Samuel Beckett Bridge, Grand Canal Bridge and the Bord Gáis 'Pig Trap' building on Sir John Rogerson's Quay.

There are also problems with dirt and litter including large quantities of cigarette butts outside office blocks where staff congregate, and in the bases of trees that are commonly used as ashtrays.

Our residents have also experienced anti-social behaviour from construction workers in the area with illegal parking (where clamps are angle grinded off), smoking marijuana outside homes, and abuse when their behaviour is challenged.

We believe that the proposed development, that will attract large numbers of U2 fans to the area, will exacerbate existing problems. Fans will likely arrive, and hang-out, in the area outside official exhibition opening hours. The original Windmill Lane studios, and the current Hanover Quay studios are associated with graffiti that has become part of the 'U2 experience'. In fact, it

appears from the application that fans are to be invited to leave messages on a graffiti wall. How will it be ensured that fans will limit themselves to the designated graffiti areas? What plans are there to cater for groups congregating in the area in terms of security and public toilets?

Residents, already at breaking point, will have to cope with more anti-social behaviour on the campshires that are supposed to be for the recreation of everyone.

- **Lack of enforcement**

Linked to all of the above issues is a lack of enforcement. Agencies such as the Gardaí, litter wardens, planning authorities report that they don't have the resources to enforce the rules.

For example, delivery vans at the Facebook building (the main entry and exit point to the area at Macken St) are consistently blocking road use by double-parking. Despite regular reporting and attempts by the Gardaí to solve the issue, the problem persists.

Building construction works in the area, such as pile driving, includes regular out-of-working hours permissions granted by DCC. However work is frequently carried on long outside the hours granted, and there is simply no effective enforcement. In 2017, the problem became so acute following multiple complaints (including from GCDRA) that DCC issued a Construction and Demolition Protocol for Docklands sites, in consultation with GCDRA.

We believe that there will simply be no resources to enforce regulations and to deal with additional issues that will arise as a result of the development, leaving residents to fend for themselves.

- **Balancing transient and resident populations**

Finally, we would add that despite laudable aspirations to establish a sustainable community, residents are becoming outnumbered by workers (estimated at 25,000), tourists, and short-stay visitors.

For example, the Docklands Residential Report (2018) reports a significant mismatch between the capacity of new office space and residential accommodation, with new office space set to accommodate approx. 26,000 workers while new residential units will accommodate only about 6,500 residents⁹.

In addition, change of use of 100's of apartments from residential to short-let accommodation, facilitated by online platforms such as Airbnb, adds pressure to the number of units available for permanent residents, and on affordability of rents for non-corporate lets (rental values were up 10.8% in 2017¹⁰).

These issues make it significantly harder to create a cohesive sense of community. For example, not only do we not recognise our neighbours, we have no idea if they actually are our neighbours.

If aspirations, set out in the Docklands SDZ Planning Scheme, to build sustainable communities and neighbourhoods are serious, planners and policy makers must nurture and support

⁹ Owen Reilly. Docklands Residential Report (2018)

¹⁰ For rental properties not subject to rent caps. Owen Reilly. Docklands Residential Report (2018)

communities. They must invest in existing infrastructures and the public realm – unfortunately it is noticeable that the area is becoming increasingly shabby and dilapidated with minimal maintenance carried out. The addition of a major tourist attraction, without due regard to residents and the neighbourhood, will add to existing pressures and undermine a nascent community.

We hope that our comments provide a useful insight to assist in good planning decisions that will help deliver on the vision of the Docklands as a model of contemporary living for all. Please do not hesitate to contact me if you have any questions or if you require further information.

Yours sincerely

Marcus Reid
Chairperson
On behalf of Grand Canal Dock Residents Association