

**Property
Industry Ireland**

ibec

**PII Submission to Public
Consultation on the
Approach to Replacement of
‘Sustainable Residential
Development Guidelines’
(2009)**

April 2023

Introduction

Property Industry Ireland (PII) welcome the opportunity to respond to the Consultation paper on *Sustainable and Compact Settlements for Planning Authorities – Proposed Policy Approach, (March 2023)*.

Viability is key to delivering affordable housing. Before a home can be constructed the cost to deliver it to market must be less than the purchase price. Housing design has a big impact on the viability of housing construction. In August 2022 PII published Recommendations for New Housing Design Standards and welcome many of the proposed changes to housing design standards. These will provide for greater urban density while providing for own-door housing.

In preparing our comments we recognise that *“The preparation of the draft guidelines is progressing and environmental assessments are ongoing...When the environmental assessments are completed, finalised Draft Sustainable and Compact Settlements Guidelines for Planning Authorities and the associated environmental reports will be published for consultation.”* PII look forward to contributing in greater detail to that consultation when it is published.

However, while this consultation on the proposed policy approach is welcome, it does lead to some uncertainty. Firstly, there is some uncertainty as to when the new Guidelines will come into force. There are several references throughout the Paper to the requirement for Development Plans to be updated to reflect the new Guidelines and revised Development Management Standards. This has the potential to cause delay/confusion. **The new Guidelines must be mandatory and Local Authorities must be required to urgently revise Development Plans to take them into account.** It is essential that the new Guidelines are given the legal status that will ensure that they are consistently implemented by planning authorities throughout Ireland.

There will also be a potential resources constraint on Local Authorities who have just recently adopted Development Plans to initiate Variations of their respective Plans and appropriate transitional arrangements and resourcing needs to be provided to facilitate this.

In addition, it is essential that clarity is provided as to how the Guidelines will be incorporated into the implementation of Strategic Development Zones (SDZ's). SDZ's represent the type of location and context where the application of the new housing standards for housing development in these Guidelines would be highly appropriate. However, a difficulty arises in implementation in respect of a number of planning schemes which include specific housing standards in relation to, for example, separation distance and private open space, which will prevent the granting of permission for housing schemes which comply with the proposed new compact settlement guidelines and standards.

Therefore, it is considered essential that the Guidelines firstly set out the key metrics of the new standards as SPPR's so that they can be applied without delay in implementation in the ongoing roll out of housing developments in the planning scheme areas and secondly that planning authorities are required, within 1 month of their adoption, to commence the formal process for amending planning schemes in SDZ areas to provide for the incorporation of the provisions of the Guidelines.

PII Submission to Public Consultation on the Approach to Replacement of 'Sustainable Residential Development Guidelines' (2009)

Given that a number of SDZ's are at a critical stage of development, it is essential to ensure that the provisions of the Guidelines are incorporated into the relevant planning schemes without any delay.

Secondly, there is a lot of detail still to be worked through in relation to the Guidance. We believe it is imperative that there is constructive engagement with industry in relation to this detail and meaningful consultation on the detail of the draft Guidelines prior to adoption.

A. Existing Policy Framework

The NPF set out a spatial strategy for Ireland to 2040. In setting out the strategy it is important to remember that the targets (for example, 50% of projected population growth into the five cities) is a target for the period of the Plan and so may vary in any individual year.

While the preferred approach is to focus on the greater use of brownfield and infill lands the Plan needs to recognise the key role of viability in the decision to develop any site. It also needs to be recognised that targeted growth towns will include significant greenfield development, and policies need to acknowledge the need for appropriate development within these areas.

The aim of this action is to improve residential quality and to support objectives of the NPF for compact, sustainable, and liveable settlements.

PII strongly urge the Department to immediately revise the National Planning Framework (NPF) demographic forecasts in advance of the planned NPF statutory review. There is uncertainty as to when the new Guidelines will come into force. How the new Guidelines and revised demographic forecasts interact with development Plans that have already been finalised will need to be addressed.

In addition, PII note that no reference has been made to the DMURS (Design Manual for Urban Roads and Streets) which should be the companion model to these proposed new guidelines. This design manual should be reviewed alongside the review of the Sustainable and Compact Settlements Guidelines for Planning Authorities. The design manual should include illustrated examples, and layouts.

B. Density

The consultation paper sets out the following proposals in respect of densities within the cities:
“Cities: Densities of 100-300 dph in central areas, densities of 40-200 dph in urban areas and densities of 40-80 dph in suburban and edge areas.”

The Guidelines will, for the first time, set out density ranges and maximum densities as opposed to just minimum densities as in existing Guidelines. Therefore, great care needs to be taken in setting these ranges to ensure they reflect densities which are in accordance particularly with the National Planning Framework, the Apartment Guidelines and the Urban Development and Building Height Guidelines, as well as the principles set out in the March 2023 consultation paper itself. These advocate a more compact urban development in cities. However, there is a real danger that if the Guidelines are adopted with these ranges, that they will result in a less compact urban form in the suburban areas of cities.

In the implementation of existing policy guidance densities in excess of these ranges, have generally been promoted and permitted in our cities. The greatest concern relates to the reference to 40-80 dph in suburban and edge areas. However even the upper limits for ‘urban’ areas of 200 dph and for central areas of 300 dph are below the density currently considered appropriate in some situations.

The greater part of the built-up areas in our cities would most likely be considered “suburban”, i.e, all those areas outside of the central areas or major town centres. It seems that the term “suburban” will be applied for the majority of locations in cities where housing development is currently or may be proposed.

The application of current national guidelines it is bringing about more compact urban forms and densification in existing urban areas, making appropriate use of investment in public transport and existing facilities and services, such as community and social facilities.

The application of a range of 40-80 dph in suburban areas of Dublin would result in a reversal of direction from the current pattern of achieving more compact urban forms in these locations. PII submit that this range of 40-80 dph is inconsistent with National Planning Framework which encourages greater densities, particularly in locations well served by public transport, including suburban areas well served by public transport.

It is noted that the NPF states:

“In particular, general restrictions on building height on universal standards for car parking or garden size may not be applicable in all circumstances in urban areas and should be replaced by performance based criteria appropriate to general location, e.g., cities/town centre, public transport hub, inner suburban, public transport corridor, outer suburban, town, village etc”

It is therefore suggested that two key steps need to be incorporated into the final Guidelines.

Firstly, it is essential to clearly define terminology such as “central areas”, “urban areas” and “suburban areas”.

Secondly the density range should be amended to incorporate minimum densities only with no upper limits. If upper limits are nonetheless retained, they should be clearly stated as ‘indicative’ only and that higher densities can be permitted where relevant performance-based criteria are met, especially in locations of high accessibility by public transport.

It is noted that the consultation document states on Page 11

*“The density ranges for ‘Cities’, ‘Metropolitan Towns’ and ‘Large Towns’ are broad and may need to be further refined at neighbourhood or site level, in the preparation of development plans or in the consideration of individual planning applications, based on considerations of **proximity and accessibility to urban services** and the need to protect the character (including historic character) and amenities of the local area. The general approach would be that **densities at the upper end of the specified range are applied at the most central and most accessible urban locations**, with densities at the mid-point and lower end of the range as proximity and accessibility reduce.”*

This would appear to imply that even in the most accessible locations, that densities would be restricted by the upper end of the ranges specified, for example, 80 units per hectare in all suburban areas. Densities in the range of 100 to 250 units per hectare have been permitted in many schemes in suburban areas under current policies in the NPF.

Introducing new policy guidance, which in effect applies a much more restrictive approach in accessible suburban areas than current Guidelines, will cause confusion and will lead to difficulty of interpretation of Guidelines, given the inherent conflict between the approach in the consultation document quoted above and the existing Guidelines.

PII recommend that the upper density limit should be omitted and replaced by references to performance-based criteria, to be consistent with National Policy and to help ensure that key objectives in relation to achieving compact growth in locations well served by public transport, can be achieved. It is also important that there is consistency of policy between the proposed Sustainable and Compact Settlement Guidelines and the existing National Planning Framework and related Guidelines currently in place.

Property Industry Ireland does not believe that a range of housing densities should be provided in the Guidance and that minimum densities alone are sufficient to ensure compact urban growth, particularly with the increase in the number of specified areas. Some of the maximum densities are lower than the densities currently being delivered and citing a maximum density may restrict sustainable compact development.

The achievement of a balance between the protection of the receiving context and the need to protect the character and amenities of an area and the increasing of densities requires careful wording. It is important that policy documents accept that any significant increase in height or density generally will mean that the development is of a different character than that of the receiving area. The fact is that much of the Metropolitan area is covered by low density 2 storey housing and these areas need to redevelop at higher densities over time. This will not be possible if the existing character is given paramount importance.

It is important that policies make it very clear that this in itself is not a basis for refusing planning permission. In considering development there should be a presumption in favour of developments which achieve high densities where the local infrastructure including amenities has sufficient capacity to absorb the development and where the contrast with the density in the receiving area is addressed with appropriate design and sensitivity. Otherwise, high density infill development would be difficult to achieve in areas characterised by low density development.

Policies which promote high density developments in the context of smaller towns and villages which are targeted growth areas need to consider how the social and amenity infrastructure as well as the transport and services infrastructure are going to be delivered and funded.

C. Standards

Property Industry Ireland welcome many of the proposed changes to housing design standards. These will provide for greater urban density while providing for own-door housing.

However, a number of the proposals appear contradictory and will make the ambition to provide for low-rise medium-density challenging.

The proposed policy creates ambiguity that the guidelines may not in fact apply to ‘traditional housing’ and could be interpreted that this housing is subject to a different set of design criteria. **It is critical that any new residential development standards should have consistent application across all own-door housing designs (including traditional typologies).**

The proposed policy approach includes the following recommended standards:

Separation: A minimum separation distance of 16 metres between opposing upper floor windows that serve habitable rooms at the rear of houses and duplex units. Provision for further reductions where there are no opposing windows serving habitable rooms (living rooms, kitchen / dining rooms and bedrooms), and where suitable privacy measures are designed into the scheme to prevent overlooking of habitable rooms and private amenity spaces.

As noted above, PII welcome this change. The decrease to 16m separation distances will allow a mix of own-door units that do not require the inclusion of apartments. This will aid viability and delivery, particularly in suburban locations.

Private Open Space: A minimum private open space provision of 10 sq. metres per bedspace, with provision for further reduction where an equivalent amount of semi-private open space is provided in lieu of private open space, subject to an absolute minimum provision of 5 sq. metres private open space per bedspace. The recommended standard also includes greater flexibility in relation to the design and location of private open space, to allow for terraces, patios and balconies at ground or upper levels.

Whilst welcoming the principle of reduced private open space standards, such an approach must be aligned with the proposed reduction in separation distances. The proposed reduction in private open space to 10sqm per 'bed space' appears inconsistent, for example, a typical 3 bed semi could generate a 50sqm rear garden (assuming 5 bed spaces). Provision of rear gardens at this scale would conflict with the proposed reduced separation distances. The modified standards would make more sense if it referenced 'bedroom' rather than 'bed space', but in any event these provisions need further clarity. A minimum of 40sqm per dwelling unit for own door schemes.

Public Open Space: A minimum public open space requirement of 10% of the total site area (net) for new residential development in statutory development plans.

Whilst welcoming the proposed reduction of public open space to 10%, the draft Guidelines should expand upon the delivery of open space and ensure there is greater clarity on what is admissible as public open space. The Guidelines should allow for further derogations on public open space within residential areas, where there are extensive areas of public open space/parkland provided adjoining or in close proximity to the residential area.

Property Industry Ireland caution against setting the 10% public open space as a "minimum" in the guidance as this may be misconstrued by planning authorities. Setting greater targets, while on the face of it would appear to benefit communities, could seriously impact viability, offset gains made in separation distances, and does not take account of existing open space provided for adjacent to proposed developments. Public Open space within a new residential scheme should be functional all year round, be readily accessible to residents of a scheme and be favourably distributed across a scheme. Therefore, clarity is required in regard to:

(a) how the public open space provision is calculated.

(b) how the open space may be distributed across the scheme within the overall target of 10% and;

(c) how the public open space will be taken in charge and maintained by the planning authority.

Car Parking: In order to meet the targets set out in the National Sustainable Mobility Policy 2022 and in CAP23 for reduced private car travel it will be necessary to apply a graduated approach to the management of car parking within new residential development. In ‘Cities’, ‘Metropolitan Towns’ and ‘Large Towns (10,000+ population)’ car parking should be graduated based on location and access to services by public transport, walking and cycling. In areas of high accessibility, car-parking provision should be minimised, substantially reduced or wholly eliminated, while in areas of medium accessibility, car-parking provision should be substantially reduced.

Any reduction in car parking standards should be achieved in a pragmatic and graduated way and new developments should not be penalised to compensate for the lack of restrictions in adjacent areas of older housing stock. Whilst the draft Paper does not provide detail on revised parking standards, there is an inference that reduced standards are being considered. We would suggest the new Guidelines retain the existing approach to parking standards, i.e. that where it is feasible to reduce or omit parking, that this option remains available, but should not be set as a target. There needs to be an onus on providing public transport prior to car parking limits being increased. Furthermore, Local Authorities should not be able to set a minimum requirement for car parking which prevents the implementation of low and no car developments.

There is a need for a clearer and more consistent definition of “areas of high public transport accessibility” which should be confined to areas which have already achieved a particular frequency of service and a high degree of connectivity to the wider public transport network.

D.Transitional Arrangements

Similar to the approach taken in updating the Apartment Guidelines 2020 and 2022, the new Guidelines (and depending on the approach to the inclusion of SPPR’s in the new Guidelines) should include a clear statement on transitional arrangements for applications already in the system. Noting that on the date of publication of the new Guidelines, a valid planning application or LRD application to a planning authority, appeal to An Bord Pleanála, or LRD S. 32B pre-application request may be in progress to a planning authority, in which case the application or appeal may be determined on its merits against the planning policy framework in place at the time of making the application / S. 32B LRD pre-application request.

In the absence of a clear statement on transitional arrangements, there is a real risk that numerous applications currently in the planning system with local authorities and/or the Board, will be refused permission upon the introduction of the new Guidelines, as their densities will exceed the ranges set out in the new Guidelines, unless of course the Guidelines are amended as set out above, to provide for greater flexibility for higher densities in cities consistent with existing National Policy.

About Property Industry Ireland

Property Industry Ireland (PII) is the trade association within Ibec which represents the property and construction sector, including contractors, developers and builders; property professional service providers including, architects, surveyors, engineers and planners; as well as banks, financial institutions, asset and property managers.

Our vision:

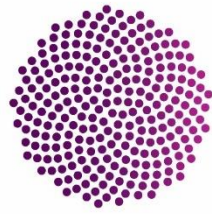
A sustainable Irish Property Industry which is creative, responsive, competitive and well integrated in meeting the socio-economic needs of all the stakeholders in the built environment

Our mission:

To be the trusted partner and provider of “evidence based” information, policies and strategies for the property industry at National level, to the Oireachtas, Government, Local Authorities and Agencies, and for the benefit of the people of Ireland.

Our objectives are to:

1. Be the Leadership Forum in the Industry for the discussion on National Property Issues
2. Develop, propose and support a National Property Strategy, policies and solutions to issues for the benefit of the nation as a whole
3. Be a research led organisation, which collates and commissions relevant and innovative research on Ireland's construction sector in order to promote & sustain a competitive economy
4. Be the go-to organisation for Government and the Oireachtas on all aspects of property
5. Work with all stakeholders in the industry to restore it to a sustainable position in the economy
6. Increase membership through demonstrating the achievements and outcomes in relation to national strategy and policy



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