

County Development Plan Review

25 May 2022

Planning Department

Wicklow County Council

Station Road

Wicklow Town

Re: Proposed Amendments to the Draft Wicklow County Development Plan 2022-2028:

Dear Sir or Madam,

McCUTCHEON HALLEY has prepared this submission on behalf of Glenveagh Properties Limited in response to public notices inviting submissions from third parties and interested parties in relation to the proposed material alterations to the Draft Development Plan.

This submission refers specifically to the following material alternations to Volumes 1 and 3 of the Draft Wicklow County Development Plan 2022-2028:

- Amendment V1 – 6, Section 3.5 Zoning
- Amendment V1 – 8, Core Strategy Table
- Amendment V1 – 17, Housing Objectives
- Amendment V3 – 126, Open Space

Glenveagh has actively engaged in the public consultation process in relation to the review of the Wicklow County Development Plan and welcomes the opportunity to continue to provide input into the new Development Plan that will guide the future development of County

Our client is seeking non-material changes to Proposed Material Amendments to the Draft Wicklow County Development Plan 2022-2028 (CDP).

Amendment V1 – 6, Section 3.5 Zoning

Glenveagh's submission to the Draft Plan sought greater clarity on how discrepancies between the new County Development Plan and the existing Local Area Plans would be addressed where there were conflicts between the policies and objectives in the Local Area Plan and new CDP.

Amendment V1 – 6 has included minor modifications to the text in the draft CDP but it is not considered that the proposed amendment is sufficient to provide confidence on how applications will be assess until the new Local Area Plans are prepared and adopted by the County.

Clarity on the priority and timeframe for the new Local Area Plans is welcomed however, it is considered that the 2022-2024 given that the it is the second quarter of 2022 and the review process has not yet

commenced for any of these LAP's, the timeframe for delivery should be updated to reflect the statutory timeframes for the preparation of a new LAP for each of these settlements.

We submit that the following changes be made to Proposed Amendment V1 – 6 so as to provide greater clarity on the delivery of the new LAP's and to allow sufficient flexibility for new development in these settlements to progress in the interim period. Furthermore, we note that the total housing growth found in Table 3.5 of the Draft CDP has been updated and has increased the total number of units required during the lifetime of the Plan.

We propose that the following non-material changes in green below are included in the Wicklow County Development Plan 2022-2028.

Section 3.5 Zoning

Local Area Plans (LAPs)

New Local Area Plans will be made for the following settlements in the period **2022-2028** in the following order of priority:

1. Wicklow Town – Rathnew
 2. Greystones - Delgany - Kilcoole
 3. Blessington
 4. Arklow and Environs
 5. Bray Municipal District (including Enniskerry and Kilmacanogue)
- ~~Bray Municipal District (including Enniskerry and Kilmacanogue)~~
- ~~Wicklow Town – Rathnew~~
- ~~Greystones – Delgany – Kilcoole~~
- ~~Arklow and Environs~~
- ~~Blessington~~

While each LAP will cover a period of 6 years, zoning will be provided on the basis of the land needed to meet the 2031 population target, with clear objectives to ensure 2026 targets can be reached.

Core Strategy Table ~~3.7~~ **3.5** to follow shows the housing unit requirements for the LAP towns, up to the year 2031 ~~and the housing unit capacity of lands zoned in current LAPs.~~

~~This table shows that the majority of current LAPs have a surplus of zoned land having regard to the revised 2031 targets set out in the NPF Roadmap and the RSES for the EMRA.~~ Prior to the adoption of new LAPs reflecting the targets set out in this plan, in the assessment of applications for new housing development (or mixed use development of which housing forms a significant component) ~~shall be assessed against the population and housing targets set out~~

~~in the Core Strategy of this County Development Plan and~~ the Council will strictly adhere to the compact growth, sequential development and phasing principles set out in this plan.

~~Until such a time as new LAPs are adopted, the current plans for these towns are herewith subsumed into this County Development Plan.~~

Amendment V1 – 8, Core Strategy Table

We note that Tables 3.9 and 3.10 in Draft CDP appears to have been replaced with Core Strategy A in the proposed amendments to the Plan.

In reviewing proposed Table A we note that the uplift in housing targets detailed in Table 3.5 of the proposed amendments (Amendment V1-5) have not been reflect in Table A. Column C 'Housing Target 2016-2031' should be updated to reflect the updated housing targets and all other figures should be assessed to determine if there are further errors in the housing targets.

We would also question the density assumption of 40 units/ha associated with Bray. We consider that assuming a density of 40 units/ha will be achieved on all sites of Bray is giving a false impression of the quantum of lands that will be required to facilitate the population growth envisioned for the Town. The Core Strategy allocates 42% of the population growth the Bray. Ensuring adequate lands are zoned to cater for this growth is imperative to providing affordable homes.

We submit that the density assumption for Bray we amended to 35/ha.

Amendment V1 – 17, Housing Objectives

Amendments V1-16 and V-17 propose changes the 'General' Housing Objectives in the Draft Development with V1-16 proposed the removal of CPO 6.2 of the Draft Plan and V1-17 proposing revised wording which still relates to the control over the prospective purchasers of new housing units.

We consider that this approach to restricting the sale of residential units goes beyond the remit of a development plan and that the inclusion of Objective CPO 6.X will likely result in a condition being attached to future permissions which excludes the sale of these units indefinitely.

Furthermore, we submit that the 2021 Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities have already provided clear guidance on the sale of units to investment bodies with the Guidelines stating that:

Section 39(2) of the Planning and Development Act 2000 (as amended) states that a grant of planning permission for a structure to be used a dwelling "...may also be granted subject to a condition specifying that the use as a dwelling shall be restricted to use by persons of a particular class or description and that provision to that effect shall be embodied in an agreement under section 47" of the Planning Act.

As the proposed objective relates to 'all developments of residential units' it direct conflicts with the 2018 Design Standards for New Apartments when Built-To-Rent where the guidelines clearly indicate that conditions be attached to the permission that require that, 'the development remains owned and operated by an institutional entity'. It is considered that the proposed amendment will result in a lack of managed rental accommodation being developed in Wicklow as PRS will be essentially be banned in the County.

We propose that the proposed objective of CPO 6.X be omitted from the Wicklow County Development Plan 2022-2028 as outlined in green below:

Section 6.4 Housing Objectives

General

CPO 6.1 New housing development shall be required to locate on suitably zoned or designated land in settlements and will only be considered in the open countryside when it is for the provision of a rural dwelling for those with a demonstrable housing social or economic need to live in the open countryside.

~~CPO 6.X The sale of all developments of residential units, whether houses, duplexes or apartments, to commercial institutional investment bodies shall be prohibited.~~

Amendment V3 – 126, Open Space

Changes proposed to private open space in the proposed amendments to the Draft CDP are inconsistent with the Design Standards for New Apartments 2018 which outline the following requirements for private amenity space in Appendix 1:

Minimum floor areas for private amenity space

Studio	4 sq m
One bedroom	5 sq m
Two bedrooms (3 person)	6 sq m
Two bedrooms (4 person)	7 sq m
Three bedrooms	9 sq m

Duplex units are a type of apartment unit and therefore minimum requirements associated with this type of residential accommodation must be consistent with the Apartment Design Guidelines. Private open space in these Guidelines is based on unit size but does not link the quantum of open space on a per bedroom basis.

We submit that the specific open space provision in relation to own door duplex units is inconsistent with the Design Standards for New Apartments 2018 and should be omitted. There is also a requirement for the minimum standards to only apply to *'only be acceptable for up to 50% of the units in any development'*. This requirement is not consistent with National Guidelines and should also be omitted from the Draft Plan.

We propose that the following non-material changes in green below are included in the Wicklow County Development Plan 2022-2028.

Section 3.1.4 Open space

- Within apartment developments, private and communal amenity space shall be provided in accordance Design Standards for new Apartments (DSFNA) (2018) **as amended and as may be amended in the future**. Care should be taken to ensure that such places receive adequate sunlight and meet the highest safety standards. The front wall of balconies should be made from opaque material and be at least 1m in height.
- Dwellings ~~(including own-door duplexes)~~ shall generally be provided with private open space at the following **minimum** rates:

House size	Minimum private open space
1-2 bedrooms	50sqm
3+ bedrooms	60-75sqm

~~Own-door duplexes shall generally be provided with private open space at a minimum rate of 10sqm per bedroom.~~

~~It will be expected that private open space provided will exceed these standards whenever possible and such minimum standards will only be acceptable for up to 50% of the units in any development.~~

Summary

This submission refers specifically to the following material alternations to Volumes 1 and 3 of the Draft Wicklow County Development Plan 2022-2028 which can be summarised as follows:

- **Amendment V1 – 6, Section 3.5 Zoning**
That the Draft Plan be amended to provide greater clarity on the delivery of the new LAP's and to allow sufficient flexibility for new development in these settlements to progress in the interim period.
- **Amendment V1 – 8, Core Strategy Table**
The Core Strategy Table be updated to be consistent with the revised housing target figures and that density assumptions for Bray be amended to 35/ha
- **Amendment V1 – 17, Housing Objectives**

That the CDP be consistent with the 2021 Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities.

- **Amendment V3 – 126, Open Space**

That requirements for private amenity space for apartment and duplex units be consistent with the 2018 Apartment Design Guidelines.

We respectfully request that the planning authority give consideration to the issues raised in this submission and we trust that our submission will be taken into account as part of the consultation process for the review of the upcoming Development Plan.

Yours sincerely



Susan R. Cullen
McCutcheon Halley