

The Planning Department  
County Buildings  
Wicklow County Council  
Wicklow Town  
Co. Wicklow

25<sup>th</sup> May 2022

### **Submission to Proposed Amendments to the Wicklow County development Plan 2022-2028**

Ballymore welcomes the opportunity to comment on the proposed Amendments to the Draft Wicklow County Development Plan and wishes the following comments to be taken into consideration before the adoption of the final County Development Plan.

Ballymore recently acquired the former Bray Golf Club site, immediately to the north of the Dargle River and straddling the Dun Laoghaire Rathdown county boundary, and is committed to developing an exciting mixed use, residentially led scheme that will form an extension to Bray Town Centre and help revitalise that town. The scheme will deliver over 1,000 much needed homes and a large public park, amongst other amenities to the town of Bray.

We make the comments below as we are concerned that the proposed amendments identified have been poorly thought through and will fundamentally undermine the viability of the proposed development.

#### **Proposed Amendment V1-6**

The proposed amendment states;

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 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.**

### **Ballymore's view**

This amendment will create huge uncertainty as to the zoning status of zoned land in every LAP area in the County, including Bray. A large planning application generally takes at least a year to prepare and may take up to another year to work its way through the planning system. Certainty of the planning policy environment is therefore of critical importance both for an applicant and for the general public.

Land is only zoned in a Development Plan or Local Area Plan if it is serviced and capable of being developed and if its development is in accordance with the proper planning and sustainable development of the area. Developers buy zoned land in the expectation that the land continues to be developable for the life of the plan.

The effect of the proposed amendment will be to massively increase the uncertainty around the planning process. An applicant (or third party) will have no way of knowing whether the housing target has been hit at the time the application is being assessed and therefore whether the permission will be granted or not.

Furthermore, it is widely understood that the grant of a planning permission does not guarantee that a scheme will be built. Indeed, the perceived 'hoarding' of planning permissions in recent years has been widely criticised and is perceived to be contributing to the housing crisis. The Croí Cónaithe scheme (cited below) has identified the fact that 70,000 'uncommenced planning permissions' exist in the five cities. The effect of this proposed amendment will be to exacerbate this problem. It will increase the risk of planning applications being made simply to 'bank' a quota of the housing target for a particular town.

While Ballymore agrees with the concept of compact growth, the idea that a planning application that is otherwise entirely consistent with the proper planning and sustainable development of a town, and will go towards addressing the housing crisis, might be refused planning permission only because it might breach a notional 'housing target' is extraordinary and very hard to understand.

If implemented, it would undermine confidence in the entire planning system. If there is no intention of implementing it, it should not be included in the Plan.

## AMENDMENT V1 - 16

### 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 6.2** To implement the following housing occupancy control for multi-house developments of 10 units or more in all settlements in Levels 1 – 6 of the settlement hierarchy:~~

- ~~▪ 75% no restriction;~~
- ~~▪ 25% applicant / purchaser of any new home must have lived for at least 3 years duration in County Wicklow, within 15km of the proposed development site, prior to purchasing a home. This does not include units delivered in accordance with Part V.~~

We welcome proposed Amendment V1-16. Restrictions on occupancy of a proportion of new homes to residents of Co. Wicklow, which we believe could have been interpreted as being discriminatory. Its deletion is welcomed.

## AMENDMENT V1 - 17

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#### 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.~~

#### Ballymore's view

Ballymore strongly objects to Proposed Amendment V1-17 Objective CPO 6.X and requests that it is not included in the Development Plan. This proposed objective is clearly intended to ban all Build to Rent (BTR) developments in the County and thus contradicts Government Policy.

Specifically, this proposed objective is contrary to the *Sustainable Urban Housing; Design Standards for New Apartments (December 2020)*, 'Section 28' Guidelines published by the Minister as recently as December 2020, which strongly promote BTR developments.

Pars 5.7 - 5.9 of the Guidelines state;

**Residential Delivery**

5.7 A key aspect of the BTR is its potential to accelerate the delivery of new housing at a significantly greater scale than at present. For traditional housing, the pace of development is largely determined by the rate at which individual homes, including apartments, can be sold. With BTR, once constructed, the overall scheme is available to the rental sector over a much shorter timescale on completion and the investment model is therefore capable of delivering a much higher volume of housing than traditional models.

5.8 This potential for accelerated housing construction through BTR can make a significant contribution to the required increase in housing supply nationally, identified by *Rebuilding Ireland*, and the scale of increased urban housing provision envisaged by the *National Planning Framework*. The potential to augment existing housing delivery models by attracting new investment into the sector will assist in achieving additional housing output.

**Specific BTR Developments**

5.9 The promotion of BTR development by planning authorities is therefore strongly merited through specific BTR planning and design policies and standards, which the Department will give consideration to further bolstering by establishing build-to-rent projects as a specific use class under the Planning and Development Regulations 2001 (as amended).

Government policy is to consolidate new residential development within the existing urban footprint and especially in close proximity to high-capacity public transport systems and encourage the development of high-density apartment developments on brownfield sites.

However, as worded, the proposed objective CPO6.X goes further than prohibiting BTR as it proposes to prohibit the sale of **all residential units**, whether developed to BTR standards or not, to 'commercial institutional investment bodies'.

Ballymore recently acquired the former Bray Golf Club lands in Bray, within 200m of Bray Town Centre and 500m of Bray DART Station. The site is bounded by the Dun Laoghaire Rathdown (DLR) boundary, with a portion of the site within the DLR administrative area.

There is a specific local objective in the *Bray Municipal District Local Area Plan 2018-2024* for these lands to deliver more than 1,000 dwellings, and Ballymore is fully committed to achieving this target.

This can only be achieved by developing a significant proportion of these units as apartments. The proposed objective will prohibit the sale of these apartments (or any other housing typology) to 'commercial institutional investment bodies'.

However the attractiveness of apartments in Bray to 'owner occupier' will also be severely negatively impacted by the Croí Cónaithe scheme, recently announce by the Government, as Bray falls outside the qualifying areas. Thus, any new apartment scheme on the Bray Golf Course site will be competing with rival schemes in the Dun Laoghaire Rathdown area, which will be eligible for very significant government subsidies.

Par 1.2 and 1.3 of the Croí Cónaithe scheme clearly acknowledge the construction of apartments for sale to owner occupiers is not currently commercially viable without the scheme.

### 1.2. What is a Viability Gap?

A viability gap is where the cost of building an apartment or a house is higher than its market sale price. The “gap” is the difference between the delivery cost and the sale price. The development of apartments is expensive, particularly in urban areas. Apartments have larger structural elements such as lifts or underground car parking which make construction more expensive than for houses. Apartments can only be sold or rented once the entire complex is finished, unlike houses in housing estates which can be built in phases. These factors make it difficult to build apartments at a cost below the market sale price and result in a viability gap.

### 1.3. Why is Croí Cónaithe (Cities) needed?

Under the proposed scheme, a major initiative in Housing for All, the Government’s housing plan to 2030, a viability fund will help kick-start construction of apartment schemes, activating some of the estimated 70,000 un-commenced planning permissions in the five cities of Dublin, Cork, Limerick, Galway, and Waterford. The

One of the key advantages of the sale of an apartment scheme to an institutional investor is that the investor will forward fund the scheme. This hugely de-risks the entire project for the developer.

If this option isn’t available to a development in Bray, and if Bray is also discriminated against by the Croí Cónaithe scheme, it is very hard to see how any residential development could compete against developments in neighbouring Dun Laoghaire Rathdown.

### AMENDMENT V1 – 62

## Section 12.8 Sustainable Transportation Objectives

### Strategic Sites in Bray Objectives

**CPO 12.66** To continue to work with Dún Laoghaire-Rathdown County Council, and the transport agencies to facilitate the delivery of key enabling infrastructure required to develop the two strategic sites, especially for the westward extension of the town to Fassaroe, including Bray-Fassaroe public transport links and road improvements; and the development of an amenity and active travel walking and cycling route between the Bray Harbour area northwards to the Dun Laoghaire Rathdown administrative area to provide for future connection to the proposed Woodbrook DART station.

Ballymore welcomes and supports this amendment.

**AMENDMENT V3 – 126**

**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.

A requirement for own door duplexes to have private open space of 10 sq m per bedroom will effectively kill duplex type development as a typology.

Typically, the duplex typology has evolved so that the larger own door duplex unit sits over a smaller ground floor own door apartment, with the private open space of the duplex unit being provided at 1<sup>st</sup> floor level in the form of a terrace. If the ground floor unit is a 2 bedroom unit with a footprint of say 80 sq m and the duplex unit above is a three bedroom unit with a footprint of say 60 sq m per floor, this only allows 20 sq m as a terrace, restricting the upper unit to a two bedroom unit.

The duplex typology is an attractive affordable alternative to traditional houses, which has been especially appealing to owner occupiers. Construction costs are on a par with house construction costs and maintenance costs are minimal. It's a useful way of achieving the higher densities nowadays required in housing schemes without having to build apartments, and offers a broader range of options to the house buyer.

While some homeowners want a garden and therefore continue to opt for houses, not everyone does. For homeowners who want an 'own door' home, but have no interest in a garden, the own door apartment/duplex is an attractive offer.

I trust the above comments will be taken into consideration by the Council in the adoption of the County Development Plan

I remain,

Yours sincerely.

Kieran Rush

**Ballymore**

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