

## **IPI SUBMISSION TO DRAFT DEVELOPMENT PLAN GUIDELINES**

The preparation of draft development plan guidelines by the Department is welcomed by the IPI. The development plan is at the heart of the Irish planning process and the guidelines will assist in setting standards and ensuring best practice. The development plan provides the framework for future decision making and its positive and proactive role should be stressed and reinforced whenever possible. We wish to take this opportunity to comment on the document from our experience as practitioners. Our detailed comments follow the chapter structure of the draft guidelines.

As a preamble we wish to state that the implementation of the development plan, through the development management system, is the real test of the success of the plan. This interaction is often not given enough attention during the drafting process. This may arise due to the separation of development plan preparation and development management systems within planning authorities. The result can be that the best intentions of policies are undermined by over emphasis on interpretation of development management standards, or that overly numerous and conflicting policies sow confusion and make the development management process unpredictable. If through these new guidelines we can achieve development plans that are practical, understandable and consistent with enough flexibility to allow for good development in the right location, then the planning system will be significantly strengthened.

Naturally, resourcing of the Forward Planning section is crucial and the setting up a permanent department, staffed by experienced planners and technicians with appropriate budget and tools is essential.

### **Overview**

#### Codes of Conduct

It is suggested to make the planning system more accountable and transparent is for members to “only make written motions on amendments” to the plan (as against verbal motions). This happens in some planning authorities but not all and written motions would help rationalise decisions, thus encouraging best practice as well as encouraging decisions based on proper planning and sustainable development.

### **Chapter 1: Introduction**

The development plan is the primary tool for implementing policies at national and regional levels and as such it is imperative that the spirit of the policies in such plans are embraced by all citizens. All zonings in the County Development Plan as set out in the Guidelines should be justifiable 'by reference to reasonable needs'. The zoning of lands should be directly linked to the population estimates for an area and members at all times should recommend the zoning of lands based on the proper planning and sustainable development of the area.

### 1.8 Duty to Secure Objectives

One of the biggest problems facing planning authorities is the statutory requirement to zone land on a regular basis (every six years) without any statutory equivalent timeframe on the provision of services. Proactive policy guidance should be given for those areas within the functional area of the Planning Authority which are experiencing a high level of development pressure combined with a poor level of infrastructural provision. For example, the planning policies for the area should be consistent with the internal policies of the water services section / environment section within the Council. Target areas for the provision of infrastructure should be identified and specific objectives to rectify the problems should be written into the Plan.

The provision of some schemes can be, and especially major infrastructure schemes can take 10 to 15 years to realise. A longer horizon is needed if we are to ensure the services fit the zonings. Given the chronic deficit in services (water, sewers etc.) there may be a case to be made for joint public and private partnerships in their delivery. Best practice in this regard could be outlined in the document. On reading the document it is implied that the responsibility for delivering ALL the services rests with the planning authority. If this is in fact the intended view then "a massive shake up" of the delivery system is required. There are many examples of zoned lands in the country being refused permission because of infrastructure prematurity, for example in Kildare. The resultant catch-up of infrastructure significantly adds to the level of financial contribution needed, which is often met with resistance from the developers and the general public. Use of phased indications of land or areas of "future zoning" through long term development boundaries would help frame a longer strategic plan for the future of towns and villages, assisting the planning of infrastructure so that current and future zoning needs have clear time frames. In cases where lands are zoned in areas not serviceable within the initial years, tools such as 'long term housing/industrial' zonings could be used to give a clearer reflection of reality and not place the local authority under pressure to deliver the impossible, and the landowner an expectation of delivery immediately.

## **Chapter 2: Role of the Development Plan**

### Section 2.2 on the need for consolidation and sustainable development

Where high density development is to be permitted along quality public transport corridors or close to city and town centres, this has to be supported by flexibility to reduce car parking requirements in the development plan, where appropriate and there is adequate parking in the vicinity.

### Section 2.16 – 2.17 on the role of adjoining authorities

The absence of co-ordination of policies, objective and development standards between different authorities can result in a completely different quantum of development being permitted within the same city. Co-ordination/co-operation with adjoining authorities is essential in order to implement policies and objectives contained in a development plan. There are numerous examples of instances where lack of co-operation/co-ordination has led to significant and serious delays in implementing development plan policies and objectives. In this regard, and as part of the development plan process, a programme for implementation should be agreed between the relevant authorities as part of the development plan preparation process in order to ensure a smooth implementation. In relation to the duty to secure objectives, and the 2 year 'Progress Report', development plans should be formulated in a manner which allows for monitoring/review objectively as possible. While this is referred to in Section 3.22, the need for clarity and measurability in this regard could be further stressed.

In addition, rural planning authorities adjoining major urban centres should be strongly advised to prepare their development plans in co-operation with these neighbouring urban authorities. This is in the interest of an integrated planning approach, appropriate planning of the urban/rural fringe and strategic retail planning to ensure that the sequential approach for major retail out of a town or city is not compromised by the policies of a neighbouring planning authority.

## **Chapter 3: Development Plan Format**

Box 3 – *“Suggested Structure & Content of Development Plan”* of the guidelines.

It is suggested that plans should be structured into the following sections, entitled; Strategy, Objectives + Policies and Supporting Information, following on from 3.4.

Part B outlining Policies & Objectives to implement the plan strategy should make specific reference to the Settlement Strategy in particular which now forms one of the most important aspects of County Development Plans in particular. While it was acknowledged that land use zoning objectives form part of the implementation of a Settlement Strategy, it is suggested that a more comprehensive subsection dealing with this issue could be included under Part B.

The suggested structure for development plans does not refer to development standards. This is one of the most widely used sections of development plans and should be located after the policy and objectives section. In this context, the requirements and standards for new development should be a separate part (i.e. Part C), as this is a distinct part of a development plan that does not sit comfortably within the policies and objectives section.

As aforementioned, the content of development standards can serve to undermine the proactive policies and objectives contained earlier in the plan. For instance, it may be the policy of the planning authority to promote higher densities in accordance with the Residential Density Guidelines. However, the development standards may request high car parking requirements and significant separation distances from boundaries. An inflexible implementation of car parking standards or not allowing pathways/ playground areas be included as part of open space provisions, can seriously reduce the development potential of appropriate sites to achieve higher density. Furthermore, it can make it virtually impossible to move away from conventional housing layouts. The main objective should be the delivery of quality development in appropriate locations and flexible standards could be applied where it is demonstrated that the proposed development would not affect the development potential of other sites nor compromise the existing amenities of the area.

A suggested "flexibility" clause should be included into the development control standards section. This type of flexibility within the Plan could serve to assist the planning officer in promoting high quality design proposals at appropriate locations, rather than being restricted to standards which are not relevant to a particular development or location.

### Section 3.7 Population Estimates

Many development plans do not state target populations. This statement is essential to clarify the amount of housing needed, infrastructure, zoned land etc. This should be a mandatory

element in development plans, as most other elements within the plan flows from it. The Settlement Strategy in 3.10 should also give clear population indicators as to the extent to which settlements are to be allowed to grow over the plan's time period. It is vital that population targets are consistent with national and regional guidelines.

### Section 3.8 Housing Strategy

Planning Authorities should work in conjunction with the housing section in the delivery of social and affordable housing and specifically in relation to agreement with developers in respect of same. This is not the practise in all local authorities and very often housing section in isolation negotiates agreements.

### Section 3.12 Inter-relationship between land-use planning and transportation

Again, a statement adding that car parking space provision standards should be relaxed in higher density development locations should be included in this paragraph, where public transportation is available or is planned for within a reasonable period of time.

### Section 3.13 Retail Planning

Likewise a statement facilitating the relaxation of parking standards in relation to city and town centre locations would complement town centre revitalisation policies and the national aim to keep large retail developments in the urban areas.

All retail strategies should be up to date in order to allow for sufficient growth in this sector during the lifetime of the plan in line with settlement strategy projections. This sector is experiencing rapid transition, therefore it is essential that a new retail strategy be prepared in tandem with the preparation of the development plan for the functional area.

### Section 3.18 Development Management

Consistent standards are required between development plans and local area plans. For example, a development plan may require 20square metres of private open space per one or two bedroom apartments. A local area plan may require 10square metres of private open space per bedspace, resulting in a requirement of 30-40square metres of private open space for the same two bedroom apartment, depending on the size of the second bedroom. The definition of a double bedroom may also vary, thus what is classified as a single bedroom in one plan is a double bedroom in another plan. Because of the tie-in with open space

provision, this can become a serious issue for establishing the amount of development allowable under the development plan for a site.

It is reasonable that objectives in relation to design issues should be somewhat flexible. For example while it is notionally appropriate to recommend minimum separation distances this may not always be possible. Therefore policies which ensure the delivery of a high quality structure/environment which will not unduly impact upon the existing amenities of the area should be considered even where such distances cannot be achieved. This is better land use planning, resulting in a more sustainable form of development.

#### **Section 4: Development Plan Objectives**

The Guidelines refer comprehensively to land use zoning, in particular in Section 4.4 – 4.9. While the designation of areas for specific uses should not be abandoned, it is suggested that there should be a move away from the conventional land use zoning approach, which is overly rigid and is a product of an era when it was necessary to segregate incompatible land uses. The conventional approach to land use zoning has led to the creation of vast single use, sterile environments which are unsustainable, particularly arising from the trip generation resulting from segregated land uses. Nowadays many land uses are far more compatible. Furthermore traditional urban areas, which we admire, tend to be mixed use areas. Some European Countries also appear to have a much more flexible approach in this regard whereby Enterprise/Employment Developments are often located within areas which are primarily residential. A future concern in relation to the conventional approach to land use zoning is that, while lands zoned for Residential/Commercial & Industrial may be developed over the plan period, Recreation & Amenity and Community facilities rarely follow in tandem and more often than not lag behind development. An alternative approach in this regard is inclusion of specific objectives in a Development Plan, which would identify areas or blocks of lands which would be the subject of masterplans to be agreed with the planning authority. These objectives could spell out type of uses/facilities which were envisaged within these areas and go so far as to require a specific percentage of a land to be developed for particular purposes. This approach has the potential to be more effective in delivering community and recreational facilities than that currently pursued.

#### **4.7 Zoning Objectives**

The Development Plan guidelines should reinforce the importance and role of higher densities in urban environments and introduce a 'plan-led' approach in this regard. It is acknowledged

that all development plans should aim to protect the residential amenity and privacy of existing residential areas. However, more and more, the character and layout of existing areas which have little or no character value are being protected to such an extent as to inhibit the achievement of higher densities on neighbouring Greenfield/brownfield sites. In this context, and in the interest of sustainable development, the development plan guidelines should emphasises the fundamental importance of promoting higher densities in urban areas and specifically those areas identified at the upper tier of the settlement strategy. It is suggested that, in urban areas, a character assessment of particular urban areas should be carried out as part of the plan making process. This exercise would help evaluate the potential for new development to be accommodated or for significant redevelopment of an area to take place. Following on from this, specific areas where higher density would be considered appropriate, should be specifically identified as part of the plan.

Once land is zoned in relation to smaller settlements in the county development plan, it becomes very difficult to refuse permission for a development which is in accordance with the zoning, but may be considered premature, due to size and scale because a local area plan has not been adopted. Ideally the two processes of development plan and local area plan should run in parralell. Otherwise, a hiatus can exist that serves no party. However, adequate resources are essential to ensure delivery of this process. Our members in the planning authorities consider that the demands of county development plans are so great that concurrent local area planning is not feasible.

It is recognised that Local Area Plans for larger urban centres will have to be prepared after County Development Plans are adopted. However, it is also acknowledged that the Plan preparation process and review processes are cumbersome exercises. Local plans would engage the public interest more in the process, and give a more complete picture of the overall intention for the county if mini-plans to be prepared for towns and villages as part of the publication of the draft county plan. The need for significant, permanent resources for forward planning has been consistently raised by planners in the local authorities.

Considerable emphasis should also be placed on achieving objectives within the lifetime of the plan. While it is acknowledged that achieving objectives is sometimes beyond the remit of the Planning Authority, nevertheless measures, which are in within the control of planning authorities, are very often not pursued following the adoption of the plan. A regular example in this regard is the zoning of lands within the designated settlements where the only means of access is onto roads where extensions of speed limits are required in order to bring new entrances within speed limit zones. Planning Authorities regularly zone lands in such

circumstances then do not follow through in terms of having the speed limit moved. This is just one example and there are many others of a similar nature.

#### Section 4.24 Environment

Reference should be made to groundwater protection policies and this should be linked with in with rural housing policy. Maps showing areas of vulnerable groundwater and aquifers should be included in the development plan.

#### Sections 4.25 – 4.29 Heritage

The policies and objectives with respect to heritage should be clear and unambiguous. Vague objectives cause frustration and discredit the overall objective of protecting Heritage. There is very often arbitrary and inconsistent application of Heritage Protection in many respects, an example of which is the buffer zones surrounding Protected Structures/National Monuments, which are often arbitrary and lack consistency. Clear policies in regard to archaeological monitoring should apply in zones of archaeological protection. The over use of Architectural Conservation Areas should be avoided. Section 4.46-51 might be usefully relocated to these sections.

#### Section 4.37 Development in or near Heritage Areas

Similarly, the up to date boundaries of NHA's, SAC's etc should be clearly defined where possible. Again, the use of buffer zones around these areas is often arbitrary and inconsistent. Guidance should be provided in this regard.

#### Section 4.41 Landscape Characterisation

More conclusive direction should be given to Planning Authorities on this issue as part of these Development Guidelines, as Landscape Assessment forms such a fundamental basis for the formulation of County wide policies, especially in rural areas.

#### Section 4.68 Community Services

The term 'community uses' should be expanded further as set out in the Guidelines. It is imperative that elected members and local residents have a direct input into the design of such facilities so as to ensure that they meet the needs of the local community.

In relation to reserving sites for educational purposes, the Department of Education should inform local authorities as soon as possible as to the need for such sites and a flexible approach should be taken to the development of such sites. A mechanism should be put in place where such lands revert back to a wider zoning for re-development if school sites are no longer required.

#### Section 4.70 Gaeltacht Areas

It is recommended that the guidelines should encourage policies to be reflective of the degree in which Irish is the spoken language of the area. Therefore, categories of Gaeltacht should be identified and policies should be proportionate to the strength of the existing language in these areas.

### **Section 5: Process & Presentation**

Development Plans should be clear, comprehensive and user friendly. It should be possible for the general public to establish the Planning Authorities policy on a particular issue and in this regard, ambiguity and vagueness should be avoided.

#### Section 5.1 Role of the Members

The guidelines refer to 'constant interaction' with the Council members in the preparation of the plan. However, the guidelines should stipulate that the members interaction with those responsible for preparing the plan should be in a pre-agreed and transparent forum. This would be helpful to members, as many come under significant pressures during this time period. A transparent process that members have to undertake would help reduce this pressure.

The guidelines should give more specific advice on whether submissions which did not form part of the public display period can be taken into consideration as part of the plan preparation process. For instance, a difficulty can arise if a member decides to raise a new issue at a council meeting, such as a new area of land to be rezoned or a new policy to be

contained within the plan. Often these new issues do not form part of the public submissions to the plan. It is respected that the members have the power to raise and adopt these issues, however this type of situation raises difficulties as there is not adequate time to confer and assess the proposal. If it was required the submission of motions had to be made a set numbers of days prior to Council meetings it would allow the Executive time to adequately respond to often complex issues raised by proposed changes to the plan. A similar situation can arise once the material alteration display period elapses, this is potentially more serious as the public would not have an opportunity to make a submission following final publication. Therefore, the guidelines should set out recommendations for consideration of these types of submissions as the legislation is open to broad interpretation in this regard.

### Section 5.3 Consultation with the public

In terms of plan preparation, the guidelines should outline recommendations for the level and type of consultations with the public which should take place. For instance, a planner workshop or roadshow in various locations through the functional area, could be organised by the Local Authority in the run up to the preparation of the pre-draft plan. This is the most effective way, especially for bigger groups and community groups. Workshops and exhibitions while requiring more resources results in better feed back (more voices are heard) and more acceptance by members of the public. It should be promoted as best practice. There should also be a specific process where groups which are considered socially excluded are explicitly included in the consultations.

### Internal consultations

Development plans are prepared and driven by the planning department within local authorities and regularly other departments merely have a token input, often under duress. The development plan is the Local Authorities corporate documentation, drawing together, not just physical but social and economic strands. All departments within the local authority should therefore sign up to the development plan and have a meaningful input and must understand that their objectives, programmes and standards/requirements should be included in the Development Plan and should be adhered to during the life of the plan.

The Heritage and Conservation Officers often play a significant role in the development plan preparation, but no mention is made of these within the document.

### Section 5.6 Issues and Options

The use of 'Issues Papers' is to be encouraged and strongly recommended as done in Fingal and recently by Meath County Council. Such papers raise initial questions which very often prompt people to think about the issues on the ground and which affect the different areas. There should be a logical progression from the Issues Paper to the overall policies for the County and specific policies in each of the areas. Providers of infrastructure should be asked to participate, so as infrastructure provision can be time scaled into the development plan.

#### Section 5.7 Making the Development Plan, the Manager's Report

The Manager's Report involves a huge amount of work and time and have a significant bearing on the development plan at all stages. The Guidelines should offer some practical advice, together with concrete examples. Questions sometimes arise in relation to the scope of these reports. For example, in the first Manager's Report, in recommending the policies to be included in the draft development plan, is the Manager confined to issues raised in the pre-draft submissions (which may be limited in scope) or should the Report set out the full range of policies required, having regard to the provisions of the 2000 Act?

#### Section 5.11 Data Collection and Review

The Guidelines acknowledge the 'level of data collection and analysis throughout the 6-year process requires the presence of a permanent forward planning function within planning authorities...' It is critical that the existing staff resources within planning authorities are reviewed and augmented so as to ensure the delivery of quality service from the planning authority. This issue has been raised consistently by the IPI and most recently in the submission to the 'Development Management Guidelines'.

While it is acknowledged that there are specialist fields and consultants are required to carry out such functions, planning authorities should not be over-reliant on consultants. All works including data collection should be carried out 'in-house' as far as possible. Furthermore where consultants are required, they should be given a detailed brief by the senior planner/project manager who should be informed at all stages of progress to date.

#### Section 5.17 Maps

Some plans have use radii to define zones e.g. 250 metres from a town centre. This is not helpful in development management, as the same parcel of land can have two completely different levels of density of development with no physical demarcation on sites. Circles on maps should be avoided and real boundaries should serve as zoning limits.

It may be unhelpful to specify a particular scale in the maps, as often graphic scale is more user friendly.

#### Section 5.23 Use of the Internet

The internet is now the main way which large numbers of the public access information about their planning authority. Internet access should be built into the public participation exercise and not regarded as an option.

### **Chapter 6: Monitoring & Evaluation**

Development Plans now have a 6-year life under the 2000 Act and 6 years is a long time in a rapidly changing society. Consequently Development Plans should not be set in stone and need to reflect and be capable of being adjusted/varied to meet changing requirements. It is acknowledged that these provisions are referred to in Section 3.23 and Section 6.0. However, these provisions could possibly be strengthened/reinforced.

The guidelines should clarify the scope of the Managers 'Progress Report' which is to be prepared 2 years after the adoption of the development plan. Different planning authorities have different views on what changes, variations, amendments does this process allow for. For example, is this part of a review process or a simple 2 year summary report on the performance of the policies and objectives?

The Progress Report after two years of adoption of a development plan has become established however the suggestion that yearly monitoring reports be prepared is both unrealistic and impracticable. It would absorb a lot of resources that could be diverted elsewhere. If it had to be submitted to the members (or they might insist on getting it) it could lead to a yearly outcry for, more residentially zoned land, for example. Notwithstanding the advances in IT referred to in the document that data in relation to planning matters is as difficult as ever to come by.

Development Plans should provide for more flexible zonings thus reducing the need for variations/material contraventions within the lifetime of the plan. As we strive to a more sustainable land use pattern the issue of permitting a variety of land-uses in close proximity is critical so as to sustain critical mass and reduce commuting. Therefore the main issue re permitting various land-uses should be compatibility. Furthermore the zoning of lands should also be commensurate with the availability of water/waste water services within the time-frame of the development plan.

## **Conclusion**

The Draft Development Plan Guidelines will be an aid to planning authorities. Our focus in this submission is to draw attention to the practicalities of plan preparation and its following implementation. The key themes are the need for flexibility in zoning and supporting standards to enable the delivery of sustainable development and the ability to provide the necessary infrastructure in a timely way. The development plan must be the driving force for the entire local authority for it to be truly effective.