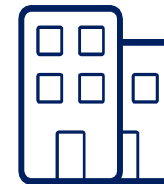




Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

Plan-Making and Development Management



Niall Cussen: Planning Regulator



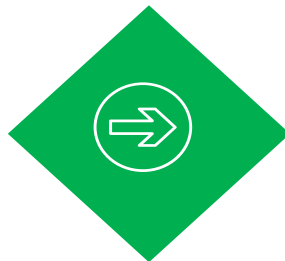
Focus of this presentation:



Thinking ahead: how *your plan* will be
interpreted and implemented
by *decision-makers*



Case Studies



Takeaways....

Recalling: The Planning Decision...



Executive function or ABP taking account of statutorily prescribed decision criteria....



S34/37 PDA: Provisions of Development Plan...

BUT!



Guidelines published by Minister (and any Specific Planning Policy Requirements – if your plan differs, these take precedence)...



Government Policy, European Sites, conditions that can be lawfully attached....

Conditions

Scope governed by S34(4) PDA: quite tightly defined



Requiring
specified
works

Protecting the
environment

Completion &
maintenance

Sequencing
/timing of
works

Works exceeding
developments needs
(PA must pay for/take
charge)

Removal of
structures/
discontinuance
of use

Preservation by
record of protected
structures
removed/altered



Case Study 1: Housing Mix

Draft Plan

- ▶ Policy on mix of tenures and affordability:
- ▶ Min 30% of dwellings for owner occupation/private sale...
- ▶ Max 60% of dwellings for Build to Rent...
- ▶ Min 10% of dwellings for social housing (Part V)...
- ▶ **Contrary to Government Guidelines on mix of apartments...likely overturn by ABP where applications for pp made**
- ▶ Vires of such rigid obligations if converted to grant of pp subject to conditions?
- ▶ Viability of delivery?

Amended Draft Plan (After OPR submission)

- ▶ To provide appropriate mix....proposals shall provide justification having regard to socio economic and demographic context of the area...
- ▶ ...encourage the provision of at least 30% owner occupied units across the LAP area...
- ▶ This...will be reviewed pending the completion of a Housing Need and Demand Assessment (HNDA) for the Dublin area.
- ▶ Enables PA to highlight the objective to the applicant & make a balanced qualitative assessment of their response



Case Study 2: Wind Energy Policy

Wind Energy Policy Objectives	
It is a policy objective of Westmeath County Council to:	
CPO 10.131	Have regard to the principles and planning guidance set out in Department of Housing, Planning and Local Government publications relating to 'Wind Energy Development' and the DCCAE Code of Practice for Wind Energy Development in Ireland and any other relevant guidance which may be issued in relation to sustainable energy provisions.
CPO 10.132	<p>Provide the following separation distances between wind turbines and residential dwellings:</p> <ul style="list-style-type: none">• 500 metres, where height of the wind turbine generator is greater than 25 metres but does not exceed 50 metres.• 1000 metres, where the height of the wind turbine generator is greater than 50 metres but does not exceed 100 metres.• 1500 metres, where the height of the wind turbine generator is greater than 100 metres but does not exceed 150 metres.• More than 2000 metres, where the height of the wind turbine generator is greater than 150 metres.
CPO 10.133	Ensure the security of energy supply by supporting the potential of the wind energy resources of the County in a manner that is consistent with proper planning and sustainable development of the area.
CPO 10.134	Encourage and support the development of small-scale wind energy development and single turbines in urban and rural areas and Industrial Parks, provided they do not negatively impact upon environmental quality, landscape, wildlife and habitats or residential amenity.
CPO 10.135	<p>Encourage large-scale energy production projects, in the form of Wind Farms, onto cutover cutaway peatlands in the County, subject to environmental, landscape, habitats and wildlife protection requirements being addressed.</p> <p>In the context of this policy, industrial scale/large-scale energy production projects are defined as follows:</p> <p>Projects that meet or exceed any of the following criteria:</p> <ul style="list-style-type: none">- Height: over 100m to blade tip, or- Scale: More than five turbines- Output: Having a total output of greater than 5MW



Case Study 2: Wind Energy Policy

CPO 10.132

Provide the following separation distances between wind turbines and residential dwellings:

- 500 metres, where height of the wind turbine generator is greater than 25 metres but does not exceed 50 metres.
- 1000 metres, where the height of the wind turbine generator is greater than 50 metres but does not exceed 100 metres.
- 1500 metres, where the height of the wind turbine generator is greater than 100 metres but does not exceed 150 metres.
- More than 2000 metres, where the height of the wind turbine generator is greater than 150 metres.

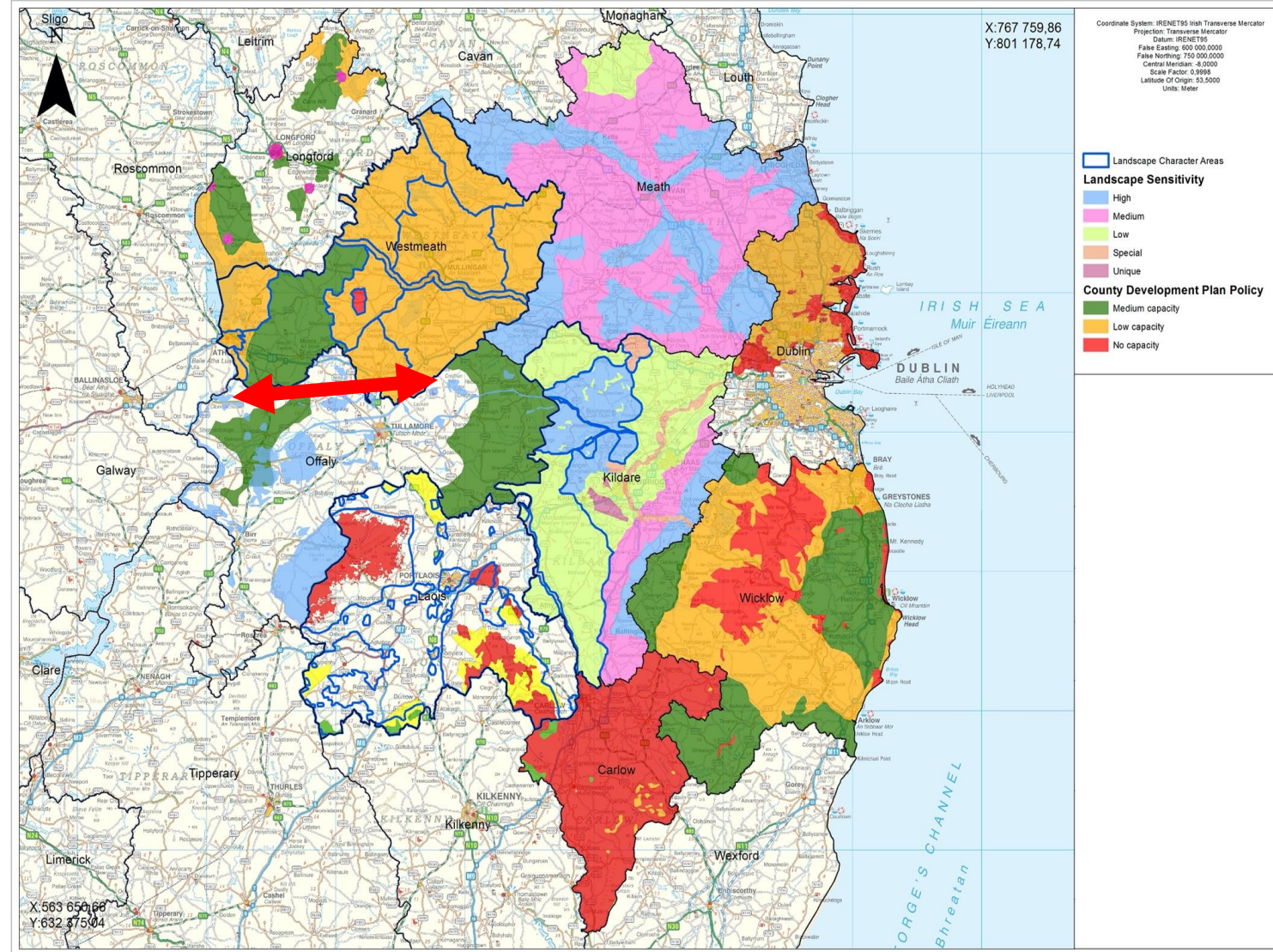


- Some Draft CDP's inserting objectives requiring large set-back distances for wind energy projects
- Contradicts wider national and local policies on climate change - severely restricting options for renewable energy delivery
- **Why:** Government target = 70% electricity from renewable sources by 2030 - not compatible with policies requiring smaller weaker turbines with low renewable electricity potential
- Westmeath: Its "share" of the 70x30 target (+4GW delivered) could mean planning for areas with potential for up to 400MW recognising that project attrition means not all areas can develop...
- Policy CPO 10.132 **is not compatible** with Government target
- ABP will likely "set aside" such policies in determining wind energy projects through strategic infrastructure consent route
- Inconsistent national & local policies are not in the interests of the integrity of the planning process...
- We must not end up with internally inconsistent plans on climate



Case Study 3: Landscape

- ▶ Landscape designations in CDP's are poorly co-ordinated
- ▶ High amenity in one LA meets low sensitivity across the LA border...(map)
- ▶ For projects that go straight to ABP under Strategic Infrastructure: confusing
- ▶ Result: ABP dealing with projects straddling LA's **must set aside local conflicting policies** in favour of national ones





Case Study 4: Density

- ▶ Urban zoned land very expensive to service: low density = extensive area of development not conducive to active travel versus concept of 10 minute town...
- ▶ Government policy seeks average of 35 homes/hectare – higher in centre, lower at edge...
- ▶ 15 dwellings per hectare over 50% of zoned area of a town? Is this appropriate?
- ▶ Current OPR submission...
- ▶ If adopted, such policy would be likely to be the subject of appeals and overturns on appeal as contrary to Government policy...

Zoned Lands within the Settlement of Ennis Municipal District

The following table provides a summary of lands zoned for the main land-uses in each of the settlements in the Municipal District area.

Table 3(a): Main Land-Use Zonings in the Ennis Municipal District

Settlement	Required Residential Lands as per Core Strategy	Residential Ha. Zoned	Low Density Residential Ha. Zoned	Total Area Zoned (given as Residential Equivalent in ha.)	Commercial Land Ha. Zoned	Enterprise Land Ha. Zoned	Light Industry Land Ha. Zoned	Industry Land Ha. Zoned	Mixed Use Land Ha. Zoned
Hub Town									
Ennis (including Clarecastle)	137.20	89.74	89.81	134.65	71.42	34.48	56.11	32.78	54.90
Large Villages									
Barefield	4.50	0.00	9.13	4.57	0.00	0.00	0.00	0.00	0.73
Kilmaley	4.60	0.00	11.24	5.62	1.05	0.00	0.00	0.00	2.49
Quin	11.50	3.68	9.06	8.21	0.26	0.00	0.00	0.00	2.31
Small Villages (all figures are LDR)									
Clooney	4.50	N/A	5.22	5.22	0.20	0.00	0.00	0.00	0.00
Kilnamona	4.30	N/A	4.73	4.73	0.00	0.00	0.00	0.00	0.00
Toonagh	4.60	N/A	3.02	3.02	0.16	0.00	0.00	0.00	0.00
Total in M.D.	171.20			166.02	73.09	34.48	56.11	32.78	60.43

*1 This calculation has been arrived at based on the following assumptions:

a) A density of 30 to the hectare for residentially zoned land and 15 to the hectare for low density residentially zoned land for Ennis and Shannon. A density of 20 to the hectare and 10 to the hectare respectively for service towns and small towns and also Clarecastle, Parteen and Athlunkard. A density of 10 to the hectare for residentially zoned land and 5 to the hectare for low density residentially zoned land for large villages. A density of 5 to the hectare for small villages. These are average figures for calculating supplies of zoned land. Individual planning applications on low density/residentially zoned land will be considered on their own merits;

b) A household size of 2.57 persons per household in Ennis and Clarecastle and 2.75 persons per household on all other areas;

c) A headroom of an additional 30% in Ennis and Clarecastle and 50% in all other areas to allow for choice and in anticipation of not all lands being made available.

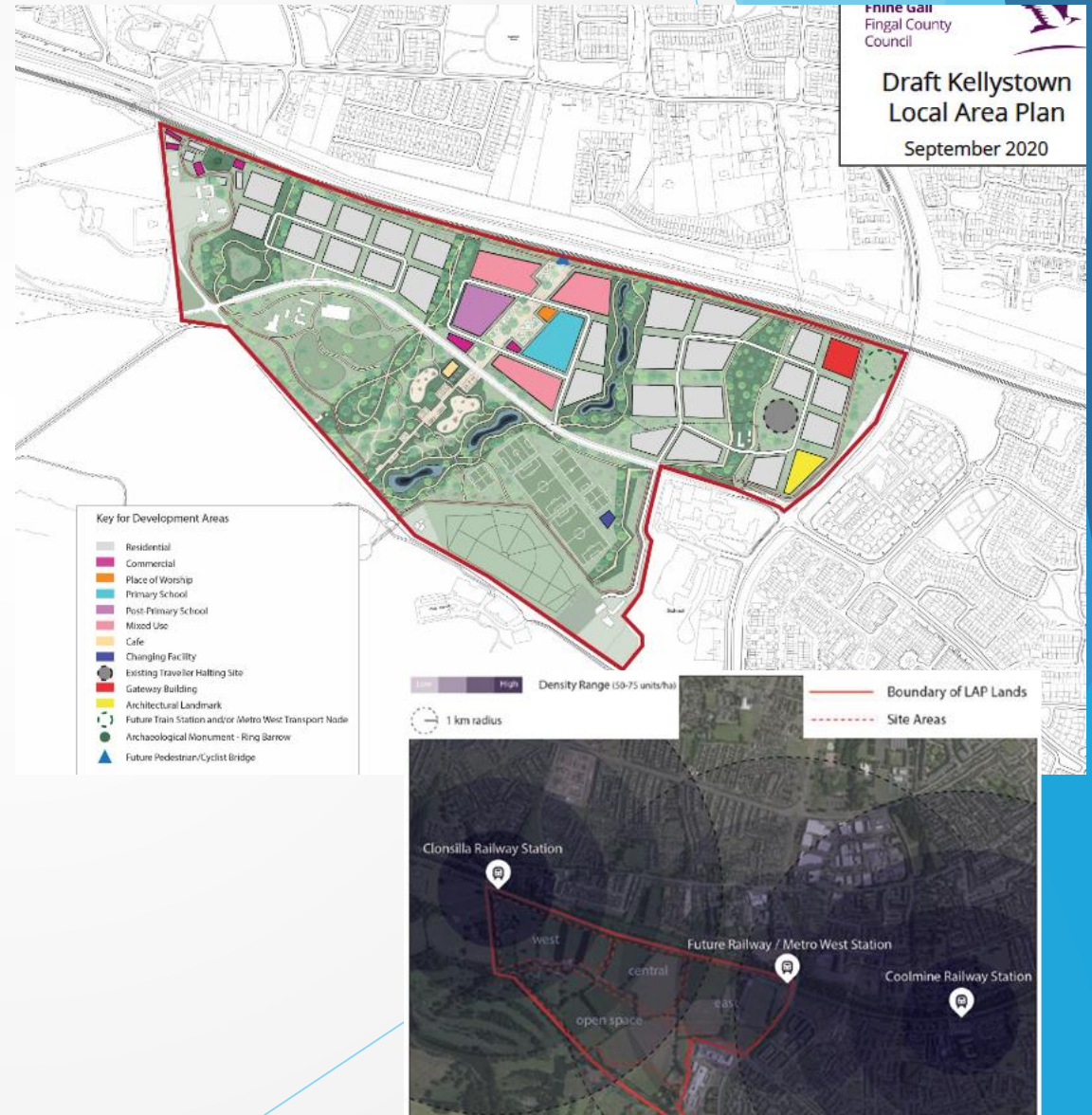
Please note that these figures include both residential and low density residential zoned land and that 1 hectare of residentially zoned land equates to 2 hectares of low density residential except for small villages.

*2 In recognition of its Gateway status the population target for Shannon includes 1,000 extra persons. This has been added to the initial Mid-West Regional Planning Guidelines target for Shannon from the population target available to Zone 1 as a whole.



Case Study 5: Accessibility

- ▶ Promoting active travel is critical to sustainable communities, climate, tackling congestion...
- ▶ Major planned spend in public transport/greenways...
- ▶ We need to maximise opportunities to make public transport as attractive as possible...
- ▶ Focus development around public transport interchanges as in this example near planned DART upgrade...



General Observations



In making plans, there must be a focus on implementation



More streamlined plans needed with clear implementation actions



No need to quote large amounts of national and regional policy in the CDP



New plan: Opportunity to start afresh and prepare a new vision



Weak on vision/too much focus on rule-book = risk of appeals & disputes



Sticking within broad framework of S28 guidelines = clarity - consistency



Need to strike a better balance strategy versus detail

As you make your plan – Remember!



Stay within the scope for plan-making – setting a framework not a labyrinth within which the objectives of the plan will be secured...



Plan making & Development management - work together – objectives must be compatible with wider context for decisions



Avoid inserting overly rigid or internally inconsistent requirements – these undermine plan – lead to overturns of your plan on appeal because of the decision-making context for ABP and confuse public

**Remember: Development Plans
are *Frameworks* not *Blueprints*...**



Takeaways...



Do: take into account local circumstances in finalising your plan: but...



Don't: ignore/take insufficient account of decision-making context for CE & ABP making decisions on proposals that go beyond the plan...



Do: consider the practical and legal implications of the policies set out in the plan and whether/how they can be implemented...





**Oifig an
Rialaitheora Pleanála**
Office of the
Planning Regulator

Thank You