



Minister Darragh O'Brien
Housing Minister
Department of Housing, Local Government and Heritage
Government Buildings
Upper Merion Street
Dublin 2
D02 R583

27th April 2023

Dear Minister O'Brien,

**RE: RESPONSE TO THE PROPOSED POLICY APPROACH CONSULTATION PAPER
"SUSTAINABLE AND COMPACT SETTLEMENTS GUIDELINES FOR PLANNING
AUTHORITIES"**

The Irish Home Builders Association (IHBA), a constituent association of the Construction Industry Federation (CIF), are writing to provide a submission to the Department of Housing, Local Government and Heritage 'Sustainable and Compact Settlements Guidelines for Planning Authorities' proposed policy approach which was published in March 2023.

The IHBA welcomes the opportunity to submit a response to the draft policy document. The guidelines must be robust given the impact that they could have on housing delivery over the next twenty years.

However, the draft policy paper as it stands requires further detail and clarity in various areas. These concerns are outlined in our submission, but broadly centre around the ambiguity of the document's language as it stands, proposed density standards, housing standards (incl. separation distances, private and public open space provisions and car parking) and integration with existing legislation and policy. Our submission details these concerns as well as providing a series of recommendations to address industry queries.

Our submission is enclosed, along with a summary of recommendations. We would also like to take this opportunity to request a follow up meeting with the Department to discuss our submission in further detail. We look forward to hearing from you further.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Conor O'Connell', is written over a light blue horizontal line.

Conor O'Connell
Director – Housing, Planning and Development Services



IHBA Submission – Sustainable and Compact Settlement Guidelines for Planning Authorities

Proposed Policy Approach

Introduction

The proposed 'Sustainable and Compact Settlement Guidelines for Planning Authorities' policy offers an opportunity to modernise existing density and planning standards to deliver more homes for more people. At a time when apartment delivery faces major viability concerns, reviewing density is the only way to bridge the gap between delivering high numbers of housing units which are required to meet the population needs. Indeed, recent statistics for 2022 released by the CSO highlight this, with a 34% decline in commencements of apartments/duplexes in the second half of 2022. Similarly, there was a 36% decline in the number of apartments granted planning permission for 2022. It is vital that the issues with apartment viability are considered when reviewing the proposed changes and the proposed policy wording should reference this. Housing supply and affordability issues can only be fully addressed through these guidelines making specific provisions throughout plan making policies to medium-density, own-door concepts. This will address viability and sustainability issues within current housing supply issues.

This proposed policy paper has been issued at a time of great uncertainty and concern for the industry. The document references a range of initiatives that the government have put forward which our members have concern about. These include the Residential Zoned Land Tax (RZLT) and Land Value Sharing (LVS) measures announced. These measures will likely have a negative impact on supply, particularly from a financial investment perspective. Inevitably this will only increase the cost of building houses which will eventually be passed on to the home-buyer.

Our submission focuses on a range of themes which represent our members' concerns and recommendations in response to this consultation.

Uncertainty & Timing

Further clarity is needed regarding the implementation of these guidelines and how the consultation process will work. It is unclear if the next stage in the process is the publication of a draft set of Guidelines for further public consultation, or if the guidelines are to be published as a *fait accompli*, following the current consultation process. This is evident under Section 1.1 (pg. 3), where an approximate process is outlined; further detail is required. It is imperative that ample opportunity is provided to respond to the draft guidelines when they are published. Consideration should also be given as to the provision of adequate resourcing for Local Authorities to make amendments to



development plans to account for the changes to these guidelines. This will ensure the final policy is suitable and fit for purpose.

It should be noted that the draft policy paper consistently references the NPF, which is due to be reviewed in the next 12 months. Whilst we appreciate the need for planning policies to interlink (this is covered in our submission), the proposed review of the NPF will have a knock-on impact in delaying these guidelines if they are inextricably linked. If the proposed guidelines are to have a meaningful impact, the amendments must be made quickly to ensure these are approved and incorporated into local authorities' development plans within a set period, rather than them being reviewed indefinitely. Otherwise, the desired effect to deliver additional housing of these proposals will not be realised.

There is a degree of ambiguity in the wording of the document; again, further detail and clarity are needed. For example, S.3.2 (pg.14), states: *"This approach will not preclude traditional forms of housing or apartment development, as the standards set out are minimum, rather than maximum standards. The proposed policy approach will include performance-based standards..."*.

This statement does not consider practical implications (i.e., is this statement that traditional housing will have different standards, such as no minimum standards?). We appreciate that the guidance is likely looking to accommodate individuality and different local context, but the wording as it stands leaves this open to interpretation. Deviation will prevent a streamlined and standardised approach to the planning system, and instead will likely result in objections to schemes. Certainty is absolutely necessary if housing targets are to be met. If this statement is to remain within the guidelines, reference to "performance-based standards" must include very specific wording and guidance so that there is no room for alternative interpretation.

Section 3.3 (pg.14) refers to *"indicators of quality design and placemaking that should be applied in the preparation and consideration of individual planning applications"*.

This implies that the preparation and consideration of individual planning applications will refer to new guidelines which will potentially need additional assessments at the planning stage. The lack of detail here is concerning and consideration must be given to affordability and viability; these changes will have an impact on both.

Recommendation: Further clarity and details on the proposed timelines and consultation process are needed. Further assurance is required as to how stakeholders will be consulted if/when draft guidelines are published. Additional clarity on the detail and the wording of these guidelines is also necessary as well as ensuring they are not dependent on the NPF review before they can be implemented.

Density Standards

It is acknowledged that improved density standards can help address housing needs, however, the guidelines in their current form do not consider the wider picture, particularly in terms of population



needs. Section 2.1 references increased population figures which we believe need to be reviewed based on the most recent Census. The increased populations' housing needs can be addressed in revised design standards, for example, through smaller gardens, improved public spaces and alternative housing typologies. This document should acknowledge this.

Further detail is required regarding the role of density standards and their implementation. The existing language does not specify how this should be introduced by local authorities. This is outlined under Section 3.1 (pg. 10) *"...density standards acting as a tool to guide the appropriate scale of development rather than as a prescriptive methodology"*.

Whilst we appreciate that the guidelines here may be seeking to offer a flexible approach to planning and having regard to local context, the ambiguous language means a local authority could require densities in excess of what is viable. This again poses issues from a delivery perspective (cost challenges), but this ambiguous language is likely to trigger objections (as evidenced by the current system). This is counter-productive to developing a robust planning system seeking to minimise risks to housing delivery.

The expansion of density ranges is a concern, most notably in suburban city areas (40-80dph), metropolitan towns (35-80dph) and large towns (30-80dph). Section 3.1 (pg.11) states: *"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 is a useful example of where the design standards are open interpretation by local authorities or An Bord Pleanála. For example, if the default position becomes the mid-point of the density range, this will result in densities of c.55dph in suburban/outer edge locations, where currently 35dph maybe the default scenario. This has the potential to undermine the benefits of the compact growth typologies outlined under Section 3.2, relating to reduced separation distances and open space provisions.

Similarly, the guidelines at present call for very high density in city centre areas. Securing such high densities will require increased storeys to accommodate these numbers (say 6+), whereas the policy paper as it stands recommends that low-rise medium density is needed, which it defines as 2-4 storeys. This contradicts the aim of the draft policy.

It is our recommendation that maximum density standards in suburban areas should be approximately 50dph to ensure a standardised and realistic approach to density standards. Urban areas should be considered as having increased densities, depending on the nature of the area. Similarly, density must account for rural settings and context for local areas. We therefore suggest that maximum densities for rural areas of approximately 25dph.

Recommendation: Clear wording detailing density requirements is needed. A one size fits all approach is not necessarily suitable for large towns/metropolitan and suburban city areas. Bespoke



density is ideal, but we need clear language on this to be used to ensure local authorities have a standardised approach to follow.

Recommendation: Further clarity is needed as to how high density can be achieved whilst still aligning with existing Height Guidelines or height limitations imposed via Development Plan standards.

Recommendation: Maximum density standards of 50dph generally in suburban areas and 25dph in rural areas should be implemented. Consideration should be given to higher densities in more urban settings.

Housing Standards

Separation

The introduction of a reduced separation distance from 22m to 16m is welcome. This will deliver improved density and modernise existing standards, ultimately providing more housing. Clarity on further reductions that will be considered where there are no opposing windows serving habitable rooms at first floor level or above (and in other circumstances) that are referenced in the draft policy paper is required.

It should, however, be noted that the benefits of reducing the separation distances will only be realised if there is a corresponding reduction in the requirements for private open space (see below).

Recommendation: Further clarity/detail on additional reductions is needed (appropriate language should be introduced as part of this to ensure consistency).

Private Open Space

We welcome the introduction of more sustainable spacing as set out within the proposed policy, however, the wording is vague. The standards currently require a ratio of private open space at 10sqm per 'bed space'. This would result in a typical three-bedroom semi-detached home needing a 50sqm garden (based on the assumption that this building would hold five bed spaces). This directly contradicts the objective of the proposed policy which is seeking to reduce separation distances. We do not believe that this is the intention of the proposed policy, but as it stands, this is the implication of the draft policy. This must be reviewed.

Further consideration must also be given as to how these changes will impact existing building regulations, for example, minimum daylight and sunlight requirements. Not referencing these existing guidelines creates further uncertainty.

Recommendation: The provision of private open spaces should align with a set of minimum standards, not bed spaces.

Recommendation: Further clarity must be provided regarding existing building regulations and standards and how the proposed changes interact with these.



Public Open Space

The reduction in public open space to a minimum of 10% is welcomed and will ensure an efficient and innovative approach to providing public space going forward. However, further detail is required as to what is admissible as public open space. Anecdotally, certain local authorities prevent areas allocated for underground attenuation to contribute to public open space at present, unless they are completely nature-based SUDs. There is no reasonable justification for this approach. As such, a streamlined overarching policy should be implemented to ensure local authorities have a standardised approach to the provision of open spaces (with reference to the above) as well as Taking in Charge. This will offer consistency without disregarding the individual context of open spaces. As part of this, a standardised method for local authorities measuring net areas for Public Open Space must be agreed. Presently, there is a divergence between how these areas are measured, which creates confusion and wastes time.

Recommendation: Guidelines need to provide adequate detail on how public open space is to be provided, with a standardisation of these requirements and the Taking in Charge guidelines for local authorities.

Car Parking

We appreciate that the policy paper is seeking to provide a long-term sustainable approach to car parking provision. However, the draft as it stands doesn't consider existing infrastructure and how people in more isolated areas will be able to travel and access services if they are limited to one car parking space. In highly accessible areas, reduced parking can offer a sustainable approach to modern living, but as mentioned, this won't be an option everywhere until improved infrastructure and services are provided.

There is again a lack of detail on car parking and we would suggest that in the interim, the existing approach to parking standards (where it is feasible to reduce or omit parking) should remain available, but not set as a specific target. The correlation that reducing parking standards leads to increased public transport usage is not necessarily established, particularly in suburban areas, where families invariably rely on cars for multiple trips as public transport is not an option. Where there are adequate alternative modes of travel e.g., train/bus/cycling available, these will be utilised irrespective of car ownership, so the initial focus must be on improving public transport provision.

Recommendation: A detailed, pragmatic approach to car parking is required with consideration being given to retaining the existing guidelines. Alternatively, a sustainable car parking strategy could be issued where a second car is located onsite within a landscaped parking court or barn. When appropriate infrastructure is then implemented in the future, this land can be reclaimed for use as part of the scheme in the form of new units, open spaces etc.



Housing Standards - General

The document on page 12 refers to the *“creation of attractive streets and open spaces, which is important in creating a strong sense of place and community”*. These comments are welcome and will make for a robust society/place to live, however, the document is somewhat lacking in examples of design standards relating to ranges of materials that can be used to create a sense of place.

Guidance on this will ensure local authorities are able to follow this and have reference to the Public Realm. As part of this, policy should consider how a mix of materials and finishes are used and can be Taken in Charge by local authorities when completed. At present, these additional costs are hidden, and passed on to the end user.

Recommendation: Review and prepare draft guidance for stakeholder comment on materials and design standards that can be used to create sustainable communities. As part of this, issue guidance on Taking in Charge of materials and finishes being passed to local authorities.

Integrating with Existing Legislation and Plan Making Policies

For a fully functioning and streamlined planning process to be in place, legislative changes must have regard to existing planning policies and avoid scenarios where policies contradict one another. This has already been referenced above with regards to minimum daylight and sunlight requirements.

There are multiple references within the draft policy paper to Development Plans being updated to reflect the new guidelines and revised Development Management Standards. This has the potential to cause confusion as well as being open to interpretation where local authorities have already issued their Development Plans and may not accommodate the proposed changes that these Guidelines are seeking to implement. A situation could then arise where these standards are not being utilised for several years until after the Development Plans are reviewed, which will mean they do not achieve their objectives.

For example, Section 3.2 refers to development plans and states: *“it will be necessary to review and update standards for houses and duplex units in local development plans”*. This also feeds into the language set out within the policy paper. Section 1.1 (pg. 3) states: *“Section 28 provides that planning authorities and An Bord Pleanála shall have regard to Ministerial guidelines in the performance of their functions under the Planning and Development Act”*.

The use of the phrase “shall have” creates ambiguity and will likely result in different interpretation of these guidelines by local authorities, resulting in challenges and objections to them in the planning process. Again, this will result in delays which is the opposite of what these guidelines are seeking to achieve. It is therefore vital that the guidelines are implemented as specific planning policy requirements (SPPRs) and the use of “shall have regard” is replaced with “must have regard”. The timing of when these SPPRs come into force should also be confirmed. Issuing SPPRs would ensure Planning Authorities have to comply with these.



To ensure the Guidelines are underpinned with appropriate legislative power, these must be issued as part of Section 28 guidelines. This will ensure they are consistently complied with as part of the Planning Act, but also in preparation of new development, SDZ's, local area plans, planning applications, compliance submissions and taking in charge requests.

Recommendation: Further clarity is required as to how these regulations will interlink with existing planning legislation. As part of this, the use of these guidelines must be made mandatory with appropriate language used ("must have" rather than "shall have"). New guidelines must be issued under S.28; this will ensure they are given appropriate legal status across the country. Consultation with stakeholders on the SPPR is required as part of this.

The policy as worded refers to focusing development, approximately 50%, around five major cities and towns across Ireland. Whilst we appreciate the need for focused development to create sustainable cities throughout the country, this is too restrictive and narrows the development potential across the rest of Ireland. Similarly, the document refers to 50% of development being delivered through brownfield sites and a further 30% through infill sites. The nature of these sites mean that they are slow and costly to assemble, which will not exacerbate the delivery of more homes. Further consideration is therefore needed with regards to these points.

Recommendation: Consider housing delivery on a wider, national scale and remove specific reference to those five cities only. Engage with stakeholders to discuss realistic development methods for brownfield and infill sites and refer to alternatives within the policy wording.

Additional Recommendations

Minimum Internal Standards

Most Development Plans refer to the minimum internal standards for houses as outlined in Table 5.1 of *Quality Housing for Sustainable Communities* which was published in 2007. These standards are not Section 28 guidelines, and it is recommended that they are formally established in the new Section 28 guidance to provide clarity and standardisation of requirements. External storage space, for example 3sqm, should be allowable (including bin storage, bike storage etc) within a single secure external structure.

Road Widths

The draft policy needs to provide clarity on the implementation of reduced road widths and shared surfaces/home zones with permeable paving to be taken in charge by local authorities.

Typology Terminology

The policy wording as it stands separates traditional housing to other models described as 'innovative' and 'diverse'. Caution should be taken in using language in this regard, as it may compromise the role of traditional housing in achieving compact growth through the delivery of medium density own-door housing.



This is highlighted on pg. 12: *“the proposed policy approach is to support and facilitate medium density housing models in Ireland, alongside traditional housing an apartment developments”*.

The wording as it stands implies the draft policy may not apply to traditional housing types and that this may be subject to different criteria entirely.

Recommendation: Review the proposed wording relating to traditional and other housing types to avoid this being treated differently.

Quality Design and Place Making

Section 3.3 (pg. 14) references the *“layout, position and composition of building, the interface with streets and open spaces...”*.

Again, further detail is necessary here to define “streets” through using varied materials to create individual homes and places. Using materials such as concrete and tarmac does not help to create these places and these guidelines would be a suitable way to provide examples and demonstrate how different materials can be used to create suitable environments for people to live in.

Recommendation: Design standards/guidance on materials should be issued.

Conclusion

The IHBA is pleased to set out the above recommendations which have been summarised through engagement with our members.

The recommendations should be considered as part of the Department’s review, with this informing the draft guidelines that will follow this initial consultation (this is our understanding of the policy paper wording which sets out the process for the consultation). We would welcome the opportunity to prepare a subsequent submission once the draft guidelines have been published. This will ensure that the final policy is robust and fit for purpose. We would also like to request a follow up meeting with the Department to discuss this submission in further detail.

The guidelines offer the opportunity to deliver increased density at a time when viability concerns over apartment delivery have increased. Ensuring the proposed legislation delivers increased supply hinges on further detail being released with regards to these guidelines.



IHBA Submission Summary of Recommendations – Sustainable and Compact Settlement Guidelines for Planning Authorities Proposed Policy Approach

Theme	Recommendation
Uncertainty & Timing	Further clarity and details on the proposed timelines and consultation process are needed.
	Further assurance is required as to how stakeholders will be consulted if/when draft guidelines are published.
	Additional clarity on the detail and the wording of these policies is also necessary.
Density Standards	Clear wording detailing density requirements is needed. A one size fits all approach is not necessarily suitable for large towns/metropolitan and suburban city areas. Bespoke density is ideal, but we need clear language on this to be used to ensure local authorities have a standardised approach to follow.
	Further clarity is needed as to how high density can be achieved whilst still aligning with existing Height Guidelines or height limitations imposed via Development Plan standards.
	Maximum density standards of 50dph generally in suburban areas and 25dph in rural areas should be implemented. Consideration should be given to higher densities in more urban settings.
Housing Standards – Separation	Further clarity/detail on additional reductions is needed (appropriate language should be introduced as part of this to ensure consistency).
Housing Standards – Private Open Space	The provision of private open spaces should align with a set of minimum standards, not bed spaces.
	Further clarity must be provided regarding existing building regulations and standards and how the proposed changes interact with these.
Housing Standards – Public Open Space	Guidelines need to provide adequate detail on how public open space is to be provided, with a standardisation of these requirements and the Taking In Charge guidelines for local authorities.
Housing Standards – Car Parking	A detailed, pragmatic approach to car parking is required with consideration being given to retaining the existing guidelines. Alternatively, a sustainable car parking strategy could be issued where a second car is located onsite within a landscaped parking court or barn. When appropriate infrastructure is then implemented in the future, this land can be reclaimed for use as part of the scheme in the form of new units, open spaces etc.

Housing Standards – General	Review and prepare draft guidance for stakeholder comment on materials and design standards that can be used to create sustainable communities. As part of this, issue guidance on Taking in Charge of materials and finishes being passed to local authorities.
Integrating with Existing Legislation	Further clarity is required as to how these regulations will interlink with existing planning legislation. The use of these guidelines must be made mandatory with appropriate language used (“must have” rather than “shall have”). New guidelines must be issued under S.28; this will ensure they are given appropriate legal status across the country. Consultation with stakeholders on the SPPR is required as part of this.
	Consider housing delivery on a wider, national scale and remove specific reference to those five cities only. Engage with stakeholders to discuss realistic development methods for brownfield and infill sites and refer to alternatives within the policy wording.
Minimum Internal Standards	Consider formally establishing Table 5.1 in <i>Quality Housing for Sustainable Communities (2007)</i> as part of the new Section 28 guidelines.
Road Widths	Provide clarity on the implementation of reduced road widths and shared surfaces/home zones.
Typology Terminology	Review the proposed wording relating to traditional and other housing types to avoid this being treated differently.
Quality Design and Place Making	Design standards/guidance on materials should be issued.