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NPF Submissions,
Forward Planning Section,
Department of Housing, Planning,
Community and Local Government,
Custom House,
Dublin D01 W6X0

10/10/2017

BY EMAIL

RE: Ireland 2040 – Our Plan – National Planning Framework

Dear Sir / Madam,

This submission has been prepared by Marlet Property Group Ltd., in response to the notice by the Department of Housing Planning and Local Government to invite submissions regarding the draft National Planning Framework, Ireland 2040 - Our Plan (hereinafter Draft NPF).

Marlet Property Group Ltd. is a leading residential home builder and commercial developer operating in the wider Dublin area. We welcome this opportunity to comment on the Draft NPF, particularly with regard to measures which are likely to impact on the delivery of homes during the lifetime of the Plan.

1. Housing Delivery

1.1 Relationship of NPF to Development Plans

A key objective of the Draft NPF is move away from a formula based approach to development management particularly in terms of car parking provision and building height. It is stated that restrictive standards *“should be replaced by performance based criteria appropriate to general location e.g. city/town centre, public transport hub, inner suburban, public transport corridor, outer suburban, town, village etc”*. The NPF is the correct mechanism in order to guide this change which should then be implemented at a Development Plan / Local Area Plan level.

Notwithstanding this, it is stated that the NPF will be regularly reviewed and updated to reflect changing circumstances and in line with city and county development plan review cycles. Although regular review and updating is appropriate, this should be in response to changing needs and best

practice as the NPF should serve a guiding regulator for development plans which should always be compliant with its intent rather than vice versa.

1.2 Promotion of Infill Development

The Draft NPF states *“There will be a major new policy emphasis on renewing and developing existing built-up areas rather than continual expansion and sprawl of cities and towns out into the countryside, with a target of at least 40% of new housing to be delivered within the existing built-up areas of cities, towns and villages on infill and/or brownfield sites”*. The targeting of new housing to existing built up areas is appropriate as use can be made of existing services and infrastructure. We note, however that many existing built up areas such as within the administrative area of Dublin City Council are zoned Z1 – To protect, provide and improve residential amenities.

As a result, proposed developments which seek to provide high quality infill developments are often rejected on the basis of minor reductions in the existing amenity of adjacent residential dwellings. Although significant interference in existing residential amenity should be avoided, there should be an acknowledgment that within built-up, urban areas, new development and changes are to be expected and the NPF should emphasise the need to balance the protection of existing residential amenities with the newer requirement to ensure sustainable use of zoned and serviced urban land where a diminution in existing residential amenities will result.

1.3 Prioritisation of Development Lands

Appendix 2 of the NPF sets out a methodology for providing a categorised approach to prioritising development lands. It states that one third of zoned lands should be identified as tier 1 ‘ready to go’ sites not dependent on any other landholding. We note that many of these sites might be within Local Area Plan (LAP) or Masterplan areas. The greatest difficulty in bringing such lands forward for development is the citing of ‘prematurity’ pending the adoption of the respective plan for the area in question. LAPs and Masterplans are often significantly delayed for reasons unrelated to the site in question or its ability to accommodate development.

It is submitted that the NPF should ensure the delivery of these Priority 1 lands by specifically stating that where a designation of a Priority 1 landholding is identified, proposals for development should not be held up by reasons relating to the need to deliver a LAP or Masterplan for the area provided that proposals will not jeopardise the later development of adjacent lands or the wider proposed LAP or Masterplan area.

2. Urban Development

2.1 Regeneration of Brownfield Sites

In many respects, brownfield sites represent the most valuable resource to meet the objectives of sustainable urban development and proposer planning. By their nature, they are located in existing built up areas and are well serviced by physical and social infrastructure. However, they are not always appropriately zoned. In such cases, the NPF could propose that material contravention processes be utilised to allow development in these circumstances. Notwithstanding this, they are costly to develop due to pre-existing often industrial land uses which may result in contaminated soil and are often constrained by proximate residential or other sensitive development. In particular, any requirement to provide basement parking on brownfield sites can render proposed project unviable due to the cost of digging out significant levels of soil and made ground. Furthermore, construction costs are generally higher due to the constrained nature of sites and demolition and removal of existing site structures.

The re-use of redundant brownfield sites can act as a catalyst for regeneration of a local area and can provide a mix of dwelling types that may not be available within established older areas with a lack of new development. It is therefore considered that the NPF should go further to encourage the redevelopment of these sites by a flexible approach will be taken to meeting qualitative and quantitative development management standards on brownfield sites. A financial incentive should also be proposed in order to encourage developers to consider brownfield sites such as a reduction in development contributions similar to that provided for the re-use of protected structures.

2.2 Securing a more Compact Form of Development

The Draft NPF targets a population growth of 50% for Dublin, Cork, Limerick, Galway and Waterford. This is a departure from the 'new town' approach which can be significantly delayed by physical and social infrastructural requirements. Marlet welcomes this approach and reiterates the benefits of directing development to existing built up and urban areas. National Policy Objective 11 and 37 both refer to building height stating that performance criteria will enable well designed outcomes and that denser residential development will be facilitated by increased building height. It is submitted that increased height is the critical factor in securing a more compact form of residential development and that the NPF needs to be more explicit in supporting higher buildings which are well designed and provide a high standard of accommodation.

Regard must be had to best practice in the international arena in which high rise developments reside alongside lower or historical buildings without determinant to their character or nature. Cities are defined by a mix of urban forms and a sea-change in attitude is needed to ensure that our principle cities can compete and be seen as dynamic and viable places to live and work. As such it is recommended that all quantitative limitations regarding heights are removed from development plan policy and replaced by a case by case consideration of proposals on their merits, providing there are minimum height requirements set (see above re: diminution of existing residential amenity).

2.3 Type and Mix of Future Residential Development

The Draft NPF provides a number of core principles to provide for the future delivery of housing which includes the objective to “*Allow for choice in housing location, type, tenure and accommodation in responding to need*”. A considerable factor in the current housing crisis is the accommodation of people in the wrong type of residential setting. A lack of student accommodation forces students to live in overcrowded family homes, homeless families reside in hotel accommodation, tourists stay in short term private residential homes and key workers and professionals are forced into long commuting patterns as a result of the lack of supply of accommodation in proximity to their workplace. This demonstrates that the supply and type of residential accommodation is clearly not suited to purpose. Innovative ideas to meet particular housing demands are often rejected due to non-compliance with policies.

In this regard, the concept of shared living and key worker accommodation which provides for a mix of shared accommodation and studio living with a high proportion of shared amenities and facilities should be encouraged and facilitated by Local Authorities. In addition, with regard to the Country’s rapidly aging older population, innovation solutions to older person’s accommodation also needs to be explored and supported. The NPF should enable this by requiring development plans to include a policy whereby proposed accommodation types which do not fall within specific existing housing categories will be considered on their merits and where a clear demand for the accommodation type can be demonstrated.

2.4 Relocation of Uses to More Appropriate Locations

A key message of the Draft NPF is the sustainable use of existing urban land and the need to accommodate denser development. It is submitted that a significant obstacle of this is the continuance of inappropriate land uses within city centre locations. This is often supported by land use zoning which reflects existing uses rather than the most desirable use for the land in question. A key example of this is the Z6 land zoning in Dublin City Centre which provides for enterprise / employment uses.

Although a range of other uses such as residential development are open for consideration on these lands, they must remain subservient to the employment use of the land. It is acknowledged that a mix of uses including employment related uses is of benefit to urban development, however difficulties in satisfying this requirement can often lead to the non-development of low value and low employment sites which may already be vacant or derelict.

The NPF should support the removal of low employment, land hungry industrial, manufacturing or technological based industries to outside of prime urban areas. Without this, it is difficult to envision the projected increase in population of 50% can be accommodated within our existing cities.

3. Implementation

3.1 Active Land Management

Pro-active land management is frequently referred to throughout the NPF as a mechanism to deliver development. National Policy Objective 12 refers to the opportunity to establish special purpose vehicles such as a national land development agency and seek to broaden the applicability of compulsory purchase legislation. The Vacant Sites Levy has been cited as a further measure of active land measurement by identifying underutilised sites and acting as an impetus for landowner to develop, sell up or pay the required levy. These measures, including the vacant sites levy and increasing powers of CPO could be considered to be reactionary rather than pro-active measures as they are only invoked once a problem is evident.

The most appropriate measure of pro-active land management would be to ensure that all barriers to development are removed and that development is enabled with undue delay or financial burden. Viable sites which can accommodate development which is in demand will be developed. Reasons for delayed development can often relate to difficulties securing agreement with key infrastructural providers or a lack of communication between various authorities or transport providers. It is respectfully submitted that a significant barrier to the timely delivery of development could be achieved by a requirement for semi-state bodies such as Irish Water, the NTA, the ESB etc to response to queries within a reasonable time period.

3.2 Planning Regulator

It is unclear how the objectives of the NPF will be implemented in practice. It is stated that full legislative support will be given and that this legislative support will also underpin the creation of a new independent Office of the Planning Regulator (OPR). It is unclear what the relationship between the OPR and the NPF will be and what power the OPR will have to ensure that the NPF is followed. It is stated that the OPR will *“be responsible for monitoring implementation of Ireland 2040”*. It is respectfully submitted that ‘monitoring implementation’ of the NPF is not sufficient and that the OPR needs to both monitor the implementation and *ensure* the implementation of the NPR. A monitoring function alone will not go far enough to ensure that the objectives and policies set out therein are translated and achieved in practice.



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Conclusion

Marlet Property Group Ltd. welcome the publication of the draft National Planning Framework and are hopeful that it will facilitate the required improvements and advancements needed to ensure the sustainable planning and development of the Country over its lifetime.

The NPF expresses a willingness to support and encourage sustainable and compact development which responds to the modern demand. However, the critical factor for the success of any Plan is its implementation in practice and as such, we respectfully submit that additional clarity is required regarding how the policies and Objectives of the NPF will be translated in practice and at a local level.

We trust the above contents will be taken into consideration and we are available for clarification or elaboration on any issue raised.

Yours Sincerely,

Patrick Crean

For and On Behalf of Marlet Property Group Ltd.

Chief Executive Officer

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