

Sustainable Rural Housing

Guidelines for Planning Authorities

April 2005

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Minister's Foreward

I would like to thank sincerely the more than 100 organisations and individuals who made submissions on the draft planning guidelines on Sustainable Rural Housing published last year.



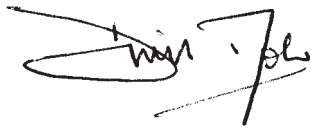
Many of your submissions were broadly supportive of the draft guidelines. Many of your suggestions have been included in the finalised guidelines. In particular, there is a renewed and strengthened emphasis in the guidelines on improving the service from planning authorities to applicants, with particular reference to improving the availability and responsiveness of pre-planning consultations. This will ensure that applicants and planning authorities can work together, on the basis of clear and objective planning criteria, to select the best available site for a house and the best design solution for that site. In this regard it is most important that people have a better understanding of planning issues and that planning officials listen and respond to the concerns of applicants.

I was also particularly anxious to ensure that the guidelines made absolutely clear that returning emigrants who were born and lived for substantial parts of their lives in rural areas and who then moved abroad, and who now wish to return to their home-places to reside near other family members, to work locally, to care for elderly family members, or to retire should have their housing requirements facilitated on their return.

The organisations who manage the development process in rural areas, such as Planning Authorities and an Bord Pleanála, also made submissions containing helpful suggestions to improve the practical implementation of the guidelines in the development plan process and in the day-to-day operation of the planning system. Many of these suggestions have also been incorporated in the final guidelines.

Planning Guidelines

I believe these guidelines usher in a new era which enables planning authorities to respond positively to the housing needs of rural communities as an integral part of the sustainable development of rural areas and which accommodates applicants wishing to build houses in rural areas in support of that vital national objective.

A handwritten signature in black ink, appearing to read 'Dick Roche', with a large, stylized flourish extending from the end of the signature.

Dick Roche T.D.
Minister for the Environment, Heritage and Local Government.

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Introduction

Policies on rural housing must be responsive to the dispersed patterns of settlement in Ireland. According to the 2002 Census, around 40% of the Irish population overall lives in rural areas, including smaller towns and villages. In some counties particularly in parts of the midlands and in the west, a much higher proportion of households – up to 70% - live in the open countryside.

The 1997 policy document ‘Sustainable Development: A Strategy for Ireland’ mapped out a strategic policy framework to deliver more sustainable development. In dealing with rural housing that Strategy referred to contrasts in development trends between rural de-population in some areas and strong pressure for development of housing in other rural areas close to cities and towns. The Sustainable Development Strategy indicated that there should be a presumption against urban-generated one-off housing in rural areas adjacent to towns.

It became clear by the time the National Spatial Strategy (NSS) was being prepared that these provisions were sometimes operated over-rigidly. The NSS accordingly set rural housing policy in a broader and more flexible context, superseding the 1997 Strategy. Expanding on the rural policy framework in the NSS these guidelines provide that:

- People who are part of the rural community should be facilitated by the planning system in all rural areas, including those under strong urban-based pressures,
- Anyone wishing to build a house in rural areas suffering persistent and substantial population decline will be accommodated,
- The development of the rural environs of major urban areas, including the gateways and hubs identified in the NSS and county and other larger towns over 5000 in population needs to be carefully managed in order to assure their orderly development and successful functioning into the future.

The principles set out in these guidelines also require that new houses in rural areas be sited and designed to integrate well with their physical surroundings and be generally compatible with:

- (1) The protection of water quality in the arrangements made for on site wastewater disposal facilities;
- (2) The provision of a safe means of access in relation to road and public safety;
- (3) The conservation of sensitive areas such as natural habitats, the environs of protected structures and other aspects of heritage.

The Guidelines make it clear that statutory designation of certain rural areas [i.e. Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and National Heritage Areas (NHAs)] is not intended in any way to operate as an inflexible obstacle as such to housing development. In considering development proposals, including the attachment of planning conditions, in such areas, planning authorities should only consider approving proposals they are satisfied will not adversely affect the integrity of the designated area.

Acknowledging the trends for development of holiday homes in some coastal, scenic and lakeside parts of the country, the guidelines emphasise the importance of clustering such tourism driven activity, as far as possible, in well designed and appropriately scaled developments in or adjoining small towns and villages. In this regard, it is vital that development trends in relation to holiday homes in rural areas be closely monitored and responded to in order to avoid negative impacts.

These guidelines set out in detail how the Government's policies on rural housing are to be implemented by planning authorities in making their development plans and in the operation of the development control system to ensure a vibrant future for all rural areas.

All planning authorities should take immediate steps to review their development plans with a view to incorporating any changes necessary to ensure that development plan policies are consistent with the policies set out in these guidelines.

Chapter 1: Background to Rural Housing Guidelines

1.1 Guidelines under the Planning and Development Act 2000

These guidelines constitute Ministerial guidelines under Section 28 of the Planning and Development Act 2000. Section 28 provides that planning authorities and An Bord Pleanála shall have regard to Ministerial guidelines in the performance of their functions.

1.2 Policy Context

Ireland has a long tradition of people living in rural areas. According to the 2002 census, around 40% of the total national population lived in rural areas, these being defined for the purposes of these guidelines as those areas outside of urban areas with a population of 1500 and over.

The 2002 census also shows widely varying trends in relation to the population levels in different types of rural areas. Rural areas close to cities and some larger towns, those close to nationally important transport corridors linked to such cities and larger towns and those in certain more scenic areas are experiencing population growth, with very substantial rates of growth in some cases. Other more remote and economically weaker areas are experiencing population decline.

New government policies on planning for housing in rural areas came into effect with the publication of the National Spatial Strategy in 2002.

The NSS recognised the long tradition of people living in rural parts of Ireland and promotes sustainable rural settlement as a key component of delivering more balanced regional development.

The NSS called for settlement policies in development plans and their implementation in the administration of planning to take into account both the differing demands for housing in rural areas

and varying rural development contexts. Different policies are needed, for example, for areas with declining populations as compared with areas in which there are overspill issues associated with proximity to large cities or towns.

The sustainable rural settlement policy framework in the NSS has four broad objectives:

- (1) To sustain and renew established rural communities and the existing stock of investment in a way that responds to the various spatial, structural and economic changes taking place, while protecting the important assets rural areas possess.
- (2) To strengthen the established structure of villages and smaller settlements both to support local economies and to accommodate additional population in a way that supports the viability of public transport and local infrastructure and services such as schools and water services.
- (3) To ensure that key assets in rural areas such as water quality and the natural and cultural heritage are protected to support quality of life and economic vitality.
- (4) To ensure that rural settlement policies take account of and are appropriate to local circumstances.

The NSS also acknowledges that demands for housing in rural areas arise in different circumstances and that, taking account of the policy framework above, it was normal in policy terms to distinguish between:

- Housing needed in rural areas within the established rural community by persons working in rural areas or in nearby urban areas (rural generated housing), and
- Housing in rural locations sought by persons living and working in urban areas, including second homes (urban generated housing).

The NSS emphasised that as a general principle, subject to satisfying good planning practice in matters of site location, positioning on sites, design and the protection of environmentally sensitive areas and areas of high landscape value, rural generated housing needs

should be accommodated where they arise. With regard to urban generated housing in the open countryside, the NSS identified four broad categories of rural area types with differing development circumstances that required tailored settlement policies in the development plan process.

In rural areas under strong urban influences, the NSS stresses that development driven by cities and larger towns should generally take place within their built up areas or in areas identified for new development through the planning process.

In stronger rural areas, the NSS suggested that the extensive village and small town structure had much potential in accommodating additional housing development catering for persons working in larger cities and towns but desiring a rural lifestyle.

In structurally weaker rural areas, the NSS emphasised the importance of accommodating any demand for permanent residential development, while acknowledging the importance of supporting the urban structure of such areas as well.

In areas where there is a tradition of highly dispersed rural settlement, particularly parts of the south west, west and north west coast, the NSS emphasised the importance of locating new housing in a way which fits in with the traditional settlement patterns and strengthens existing patterns of housing.

Implementation of the rural settlement policy framework of the NSS must be followed through in the planning process at local level.

A key objective for the local planning system is to deliver sustainable rural settlement. The widely accepted definition of sustainable development is development that meets the needs of this generation without compromising the ability of future generations to meet their needs.

The concept captures the important ideas that development:

- has economic, social and environmental dimensions which together can contribute to a better quality of life,

- must strike a balance between these three dimensions to be sustainable,
- should allow future generations to enjoy a quality of life at least as high as our own, and
- should respect our responsibilities to the wider international community.

In relation to rural housing, sustainable development is, therefore, much more than an environmental concept, although it includes that important element. It requires an acknowledgement of the role that people living in both small towns and villages and the wider countryside have to play in supporting a dynamic rural economy and social structure.

For example, rural areas experiencing substantial and persistent population decline risk losing the level of population necessary to sustain essential services such as schools, local shops and sporting clubs leading to difficulties in supporting a vibrant social structure. Reversing population decline by accommodating new development contributes to sustainability by helping to deliver strong social and economic benefits to rural areas. Such benefits can be maximised by locating new rural housing development as closely as is conveniently possible to essential local services and community facilities.

Implementing the rural settlement policy framework of the NSS in full, with its focus on economic, social and environmental issues and the inter-linkages between them, will be a step in making Ireland's development sustainable.

The 1997 policy document Sustainable Development: A Strategy for Ireland established the first overall national level policy framework addressing sustainable development. The strategy mapped out a strategic policy framework to deliver more sustainable development. The strategy referred to contrasts in development trends between rural depopulation in some areas and strong pressure for development of housing in rural areas close to urban areas.

However, the rural housing policy framework set out in the NSS, as a more recent and comprehensive expression of Government policy on housing in rural areas, should now be regarded as superseding the more limited provisions in that regard set out in the Sustainable Development Strategy.

The publication of the Government's White Paper on Rural Development¹ in 1999 represented a comprehensive expression of Government policy on various facets of rural and regional development and this policy was taken into account in preparing the NSS. The White Paper stated at Section 11 that the Government's vision for the future of rural society is based on the maintenance of dispersed, vibrant rural communities.

A key objective of the White Paper was the maintenance of rural population, not just in terms of numbers, but also in terms of achieving a balanced spatial distribution of population. The White Paper recommended that planning policy should, as far as possible, facilitate people willing to settle in rural areas, especially those willing to settle in their own areas of origin, in order to achieve a balanced rural population.

The White Paper also recognised that, while the aspirations of the rural community must be respected, planning policy must be sensitive to the conservation of the rural environment including preservation of beauty spots and natural habitats. It also acknowledged that pressures for holiday homes may be causing affordability gaps for local people and recommended the targeting of investment in water services infrastructure in small towns and villages as a means of opening up development opportunities.

The National Spatial Strategy's approach to the rural housing issue took account of detailed research and analysis into the spatial structure of the different types of rural areas in Ireland. This analysis led to the conclusion that to achieve balanced regional development, it will be necessary to accommodate the scale and type of

¹ Ensuring the Future – A Strategy for Rural Development in Ireland – a White Paper on Rural Development, Department of Agriculture Food and Rural Development 1999.

development that sustains population levels in rural communities, while also promoting development at locations ranging from the gateways to smaller rural towns and villages in the drive towards more balanced regional development.

Furthermore, the analysis in the NSS identified the need for settlement policies at development plan level to take account of local circumstances in differing types of rural areas ranging from those closest to the country's main cities and towns to those in more remote areas.

In formulating policies for rural housing that are sustainable, planning authorities, in accordance with these guidelines should:

- (1) Take account of the processes that are triggering changes in settlement patterns in rural areas, particularly those factors that are giving rise to demand for housing in rural areas.
- (2) Take account of other related dimensions in relation to rural settlement such as environmental and heritage protection and the need to maintain the integrity of economic resources.
- (3) Act as a facilitator in bringing together, within existing local structures, the main interests concerned with rural settlement such as the elected members, farming and community organisations, organisations representing rural dwellers, county development boards, environmental organisations and any other relevant organisations such as the providers of rural public transport.
- (4) Develop within the broad interests outlined at (3) above, an awareness of the facts on the ground in relation to population and economic trends in rural areas as well as environmental indicators, that will inform the policy options for the planning authority's development plan.
- (5) Work with interests such as those at (3) above to create a shared view of how the issue of rural settlement should be addressed through the development plan in the particular authority concerned.

It is vitally important that planning authorities work to bring the elected members, officials, the wider public and interest groups together in building ownership over the development plan and its implementation.

Chapter 2: Policy Aims

2.1 Introduction

In supporting housing development patterns in rural areas that are sustainable, policies and practices of planning authorities should seek to:

- (1) Ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of residential and other development in rural areas, at appropriate locations, necessary to sustain rural communities is accommodated,
- (2) Manage pressure for overspill development from urban areas in the rural areas closest to the main cities and towns such as the gateways, hubs, and other large towns.

An important task in addressing these aims is to identify the scale and distribution of the future housing needs of rural communities and to set out policies in the development plan.

Planning authorities should aim, therefore, to support the following overarching policy objectives in their policies, practices and actions:

- The importance of encouraging development needed to sustain and renew established rural communities in both smaller rural towns and villages and wider countryside areas,
- The need to ensure that the planning system guides residential and other development to the right locations in rural areas in the interest of protecting natural and man-made assets in those areas, and
- The need to analyse the different types of economic, social and physical circumstances of different types of rural areas and to tailor planning policies to respond to these differing local circumstances.

2.2 Sustaining and Renewing Established Rural Communities

Planning authorities should monitor development, population, economic and other trends in rural areas closely and ensure that the planning system is responding. For example:

- (1) Significant population decline in rural areas should trigger the need for development plan and local authority investment policies aimed at encouraging housing development at appropriate identified locations in parallel with promoting development and economic activity in smaller villages and towns.
- (2) Very significant population increases in rural areas adjoining towns and cities in contrast with population stability or decline within these urban areas suggests the need to examine the reasons why the population of the town or city is not growing, how any barriers to development might be overcome and appropriate supportive policies for rural areas adjoining urban areas.

The key message in this regard is that the planning system must take a more analytically based and plan led approach.

Further guidance on these matters is outlined in Section 3 of these draft guidelines which deals with development plan policies.

2.3 Strengthening Rural Villages and Towns

Difficulties in securing affordable and high quality housing in cities, towns and villages are frequently cited as the reason why many people seek to build houses in the open countryside.

Planning authorities need to ensure that cities, towns and villages offer attractive and affordable housing options to meet the housing needs of urban communities and persons wishing to live in urban areas. This will assist in mitigating excessive levels of pressure for urban generated development in rural areas, especially those closest to the environs of cities and towns. It will also enhance the availability and affordability of sites and housing in rural areas to meet the housing needs of the established rural community.

A range of different housing options in small towns, villages and in more rural areas is required to meet the differing needs of the people who live in those communities.

Local authorities have a variety of measures available to them to secure the ongoing development, renewal and improvement of towns and villages. These measures include the incorporation of appropriate policies in the development plan, derelict sites legislation and serviced land initiatives relating to water service and roads related infrastructure.

Development of individual serviced sites or housing schemes of appropriate scale and character, within, or in the vicinity of small rural towns and villages can be encouraged using these mechanisms.

Using the development plan and local plan processes, planning authorities should therefore make every effort to harness all of these measures to ensure that sufficient high quality, well located and affordable development can take place. Further suggestions in this regard will be contained in forthcoming Guidelines on Development Plans.

2.4 Guiding Development

The planning system seeks to encourage and support appropriate development at the most suitable locations. Objective policies and unambiguous criteria will both aid persons preparing applications for permission to carry out development and build wider public support for the planning system.

For example, looking to the area of natural and cultural heritage and natural resources, rural areas contain many features of interest and value that are key elements of that heritage and which are also a key part of a healthy economy and vibrant society.

Natural features include habitats, environmentally sensitive areas, important scenic landscapes of national and international repute, ground and surface waters, mineral and aggregate reserves. Features and assets created by human activity include aspects of

heritage such as archaeology, inland waterways and protected structures.

Siting new development in rural areas in a way that protects the integrity of these natural and man-made features is an essential part of sustainable development. The development plan has a key role to play in identifying features and providing helpful advice. Such advice could include checklists to assist applicants in choosing the most appropriate sites and positions within sites. Such advice should also indicate the measures that could be adopted to minimise the impact of the proposed development.

2.5 Tailoring Planning Policies to Local Circumstances

Sites in different rural areas or indeed different sites in the same area can differ markedly as regards suitability for development due to a range of different considerations, including access and drainage. The planning and development issues inherent in considering an application for a dwelling in a rural area close to, for example, the outskirts of Dublin, or a major county town or on the western seaboard all differ considerably. Within a county or part of a county, local development trends, road access issues or drainage matters can create varying considerations relating to proper planning and sustainable development.

Taking account of the above, the outcome of different planning applications which may seem largely similar will not always be the same. However, the planning system must aim for consistency and transparency in the application and interpretation of development plan policy criteria in the assessment of all applications.

Chapter 3: Rural Housing and the Development Plan

3.1 Development Plan Objectives

Under section 34(2) of the Planning and Development Act 2000, the provisions of the development plan are one of the key considerations that a planning authority must have regard to in deciding on individual planning applications.

It is therefore vitally important that the development plan sets out a clear policy framework relating to rural settlement and that other relevant parts of the development plan are consistent with this policy framework. As previously indicated, this framework must be grounded in national policy, other planning guidelines² made under Section 28 of the Act and must be supported by an appropriate analytical base. The framework must also be linked to other key elements of the development plan such as the housing strategy made under Section 94 of the Act and associated assumptions such as future population levels etc.

Section 10(2) of the Act sets out a number of objectives which development plans must include. Many of these mandatory objectives address issues of relevance to the consideration of housing proposals in rural areas. Section 10(3) provides that a development plan may also indicate objectives for any of the purposes referred to in the First Schedule to the Act and many of these are also relevant to the consideration of housing proposals in rural areas. Examples of the latter include:

- Promoting sustainable settlement and transportation strategies in urban and rural areas,

² A comprehensive list of guidelines is contained on the Departments website www.environ.ie

- Preserving the quality and character of urban or rural areas,
- Protecting and preserving the quality of the environment, including the prevention, limitation, elimination, abatement or reduction of environmental pollution and the protection of waters, groundwater, the seashore and the atmosphere,
- Protecting features of the landscape which are of major importance for wild fauna and flora, and
- Preserving the character of the landscape, including views and prospects, and the amenities of places and features of natural beauty or interest.

Furthermore, under Section 94 of the Act, each planning authority must prepare a housing strategy for the purpose of ensuring that the proper planning and sustainable development of the area of the development plan provides for the housing of the existing and future population.

Planning authorities should ensure that the housing strategy is harnessed in taking a more analytically based and plan led approach to identifying the level of future housing requirements in both urban and rural areas and in responding to such requirements in assessing development proposals. Working forward from the housing strategy's broad assumptions regarding future population and housing demand, ways in which to harness the housing strategy in setting development plan policies for rural housing include;

- (1) Setting out, in broad terms, how future population levels will be distributed in proportional terms between both urban and rural areas.
- (2) Making such assumptions regarding future population levels in rural areas in a way that is in general conformity with the planning authority's own forecasts of future population levels, the NSS and any Regional Planning Guidelines that are in place.
- (3) Identifying the order of magnitude of future housing requirements that would be desirable to accommodate future housing needs in both rural and urban areas.

In dealing with the issue of housing in rural areas, the development plan also needs to include:

- (1) Links to the housing strategy as the overarching policy context in relation to future housing needs.
- (2) Overall objectives and associated policies for rural settlement.
- (3) Objectives in relation to the various aspects of the natural and cultural heritage.
- (4) Objectives in relation to the identification and protection of key natural assets such as surface and ground water resources, minerals and aggregates.
- (5) Objectives in relation to the future development and safe operation of transport infrastructure.
- (6) Objectives to secure the maximum potential from wind energy resources commensurate with proper planning and sustainable development.

The following sections outline in more detail what is involved in the preparation of the development plan in the light of such objectives and the associated policies to be included in the plan.

Boxes 1-4 in Appendix 3 suggest indicative policies and objectives to be used and adapted to local conditions in setting out development plan policies that are appropriate and responsive to the circumstances in different types of rural areas.

3.2 Identifying Rural Area Types

Before planning authorities initiate the process of drafting the written statement of the development plan, as outlined in section 2.2, it is vitally important that a process of research and analysis be carried out into population and development trends in rural areas. This analysis should include the identification of the location and extent of the rural area types set out in section 5.3.2 of the NSS. These will include:

- (1) **Rural areas under strong urban influence.** These areas will exhibit characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable

pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network.

- (2) **Stronger rural areas.** In these areas population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be relatively low and confined to certain areas.
- (3) **Structurally weaker rural areas.** These areas will exhibit characteristics such as persistent and significant population decline as well as a weaker economic structure based on indices of income, employment and economic growth.
- (4) **Areas with clustered settlement patterns.** As set out in the NSS, areas exhibiting these characteristics are generally associated with the western seaboard of counties such as Donegal, Mayo, Galway, Clare and some parts of Kerry and many parts of the Gaeltacht where there are comparatively fewer village or smaller town type settlements compared with other rural areas; instead there tends in those areas to be a prevalence of housing clusters, groups of clusters and occasionally linear development.

It is to be expected that all planning authority areas which are predominantly rural will contain, to varying extents, at least three of the rural area types defined in the NSS. The three concerned are (1) areas under strong urban influence, (2) areas with a traditionally strong agricultural base, (3) structurally weak areas.

In counties where the county town and other towns are comparatively smaller in population terms³, areas exhibiting the characteristics of being under the influence of urban areas will be quite limited with the issue here being one essentially of avoiding ribbon development extending out along radial roads from the town.

³ Generally towns under 5000 in population.

A substantial body of analysis of rural areas types was conducted as part of the preparation of the National Spatial Strategy and may be obtained at www.irishspatialstrategy.ie This analysis, which is now being up-dated, is especially relevant to the preparation of development plans.

Taking into account the approach to the identification of the rural area types in the NSS and preliminary information from the 2002 census, Map 1 illustrates, in a broad brush manner, the extent of these area types from a national perspective.

However, Map 1 is only an indicative guide to the possible location and extent of the rural area types referred to above for the purposes of assisting the initial preparatory work on development plans. Further and more detailed analysis must be carried out at local level to incorporate this approach to identifying different types of rural areas in the development plan process. Planning authorities should also carry out and update as necessary a survey of development trends in rural areas that will:

- (1) Map the locations of various types of rural housing planning decisions.
- (2) Map, through the Commencement Notice system or by other means, the locations of planning permissions that are developed.
- (3) Analyse the background to trends in areas where very significant development pressure is being experienced.
- (4) Publish figures on an annual basis for rural housing applications received and a summary of the decisions made.

Consideration should be given to recording such information on a corporate Geographical Information System, (GIS) as applications are processed and decided and in a way that is linked to other databases related to landscape characterisation schemes or groundwater protect schemes.

It is also important to ensure that the results of the analysis suggested above are harnessed in developing public support for the objectives of the plan and the principles of proper planning and sustainable development.

For example, the results of the type of research referred to above might be incorporated in a brief and summary manner in any “Issues Paper” published to stimulate debate and public involvement in the preparation of a draft development plan.

3.2.1 Rural Area Types - Suggested Policies

Having defined the rural area types in the development plan, as set out in the NSS, planning authorities must then tailor policies that respond to:

- (1) The different housing requirements of urban and rural communities.
- (2) The varying characteristics of rural areas.

These distinctions are necessary to ensure that first and foremost the housing requirements of persons with roots or links in rural areas are facilitated in all such areas and that planning policies also respond to local circumstances whether these relate to areas experiencing economic and population decline or to areas under substantial pressure for development.

The distinction in the NSS between urban and rural generated housing was intended to acknowledge the fact that demands for housing in rural areas arise in different circumstances. The distinction was also made to differentiate between development needed in rural areas to sustain rural communities and development tending to take place principally in the environs of the gateways, hubs and other large towns which would be more appropriately located in cities, towns and villages or in well planned extensions to these urban areas.

Experience in the past has shown that planning policies need to be able to make the distinction described above, particularly in those rural areas closest to large urban areas, in order to avoid ribbon⁴ and haphazard development in rural areas closest to these cities and towns.

⁴ See also Appendix 4.

Piecemeal and haphazard development of rural areas close to large urban centres can cause problems as these urban centres grow in relation to:

- (1) The orderly and efficient development of newly developing areas on the edges of cities and towns.
- (2) Obstructing alignments for the future provision of infrastructure such as roads and electricity lines.
- (3) Undermining the viability of urban public transport because of very low densities.
- (4) Attendant later problems in terms of demands for higher public expenditure.

In terms of detailed development plan objectives and policies relating to rural housing, each development plan should address the issue of rural settlement within the context of an overall settlement strategy, which will normally set out an overall vision for the development of both urban and rural areas. In the settlement strategy, each development plan should start by putting forward a development vision for rural areas that:

- Aims to support the sustainable development of these areas in economic, social and environmental terms in a way that supports the rural economy and rural communities,
- Ensures that development of rural areas takes place in a way that is compatible with the protection of key economic, environmental and natural and cultural heritage assets such as the road network, water quality, important landscapes, key identified areas with wind energy potential, habitats and the built heritage, and
- Promotes the development and consolidation of key settlements in rural areas.

In a subsequent section, the development plan could set out, from the analytical base outlined in Sections 2 and 3 above, a strategic overview of the planning authority's functional area in relation to the different spatial components it contains such as:

- Areas that are under major urban influences such as those next to gateways, hubs, large towns and associated transport corridors,
- Areas where the key challenge is to maintain a reasonable balance between development activity in the extensive network of smaller towns and villages in such areas and housing proposals in wider rural areas,
- Areas where the key challenge is to arrest sustained population and economic decline with a focus on both key settlements and rural areas, and
- Areas with a tradition of more clustered or linear development over many generations.

These areas should be presented on a single map that illustrates the broad grain of how these areas occur through the planning authority's area. In preparing such a map every effort should be made to avoid an overly-detailed and prescriptive map that involves abrupt and frequent changes of area types at, for example, District Electoral Division level. Instead, attempts should be made to generalise the map, indicating broadly the location of the different types of areas in relation to which individual applications will be assessed in more detail on their merits.

After the description of the general area types within the planning authority's functional area, the development plan should make it clear that subject to satisfying good practice in relation to site location and access, drainage and design requirements, rural generated housing requirements will be accommodated in the locality in which they arise.

3.2.2 Holiday and Second Home Development

Housing completions in recent years have been reaching record levels, with almost 80,000 housing units completed in 2004. Precise information on the proportion of this total national housing output that represents second home or holiday home development is not available. It is fair to assume, taking account of increasing leisure time and disposable incomes, and the impact of development incentive schemes, that the proportion of the total housing build comprised of second home or holiday home development is growing.

For the purposes of these guidelines, it is useful to distinguish between:

- (1) Housing schemes for letting purposes usually located within or in the vicinity of smaller towns and villages.
- (2) Resort-type development⁵ of former demesnes and estates with provision of dwellings either as permanent residences or for letting.
- (3) Individual second homes.

It is important that development plans address the types of development described above in a positive and sustainable manner. Well located and appropriately scaled second home and holiday home development can act as a revitalising force, in economic terms, particularly in remoter or structurally weak areas. However, an unstructured approach in some areas to such development has led to concerns about the effects of such development on certain coastal and lakeside rural areas and on some small towns with relatively limited environmental capacity to accommodate very significant numbers of new holiday and second homes. Concerns have also been expressed that such development can in some cases have adverse effects on affordability for permanent rural dwellers.

In responding to the issues above, it is the function of the development plan to strike an appropriate balance between demand for such development and channelling such development to the locations that can best accommodate such development. In particular, development plans should make reference to the NSS and its provisions in relation to holiday homes and second homes under which planning authorities are encouraged to:

- (1) Emphasise a preference towards the clustering of appropriately scaled holiday home development in or adjoining small towns and villages.
- (2) Adopt a plan led approach in identifying the potential and preferred locations for appropriately scaled holiday home development in rural villages and towns and second home development in the countryside in general.

⁵ E.g. golf courses with associated hotel and residential development

In considering new dwelling provision in resort type development such as described above, planning authorities, in supporting high quality development predominantly intended for tourism purposes, should seek to ensure that this is of a scale compatible with the character of the surrounding area. The potential for such development to yield planning gains in terms of supporting the restoration of heritage items, including protected structures, should also be harnessed.

Development plans might also incorporate policies, based on local knowledge and any supporting analysis of past planning applications and population statistics, that distinguish between areas such as coastal, lakeside and upland areas where demand for and activity in, holiday and second home development is very high and other areas where the demand for such development is lower. The latter areas are also likely to be structurally weak in economic and other terms.

In the areas experiencing significant demand for holiday and second home development, development plans might include objectives and policies to the effect that:

- Certain sensitive scenic areas such as coasts, lakeside areas and uplands are limited in their capacity to carry very substantial levels of development and that such capacity as exists needs to be carefully managed,
- New holiday home schemes in such areas will be generally encouraged within established villages and small towns or in distinct clusters of development,
- Proposals to reinstate, conserve and or replace existing, ruinous or disused dwellings will be looked on favourably by the planning authority subject to satisfying normal planning considerations relating to the provision of safe access and the design and provision of any necessary wastewater disposal facilities, and
- Small-scale enterprises, such as the renovation of barns, outhouses or other existing structures and or the construction of one or two holiday homes for rental associated with an existing permanent residence will be encouraged.

Planning authorities should ensure that towns and villages in sensitive areas that are being identified in the development plan as capable of accommodating holiday home type development have the necessary local plans in place to strike an effective balance between conserving the character and scale of such urban centres and accommodating new development.

In other areas, as the NSS and these guidelines have made clear, appropriately sited holiday home development can be a positive and revitalising force and, subject to normal planning considerations in relation to siting and design, such proposals should be accommodated as they arise.

3.2.3 Rural Generated Housing

To implement the broad approach and policies of the NSS, a key question for planning authorities, particularly those with extensive areas under major urban influence, is how to define rural generated housing needs.

Development plans traditionally have described the types of circumstances where rural housing needs are considered to have arisen. Where planning authority areas include rural areas close to cities and towns that are under pressure for substantial urban generated development, distinguishing between urban and rural housing requirements should continue. This approach is also appropriate in the environs of the new gateways and hubs identified in the NSS in the Border, Western and Midlands regions.

Development plans in defining persons considered as constituting those with rural generated housing needs, should avoid being so prescriptive as to end up with a very rigid development control system. For example, specifying that persons engaged in full time agriculture only will be considered as constituting a rural generated housing need, could preclude other family members being accommodated on the family farm. An overly vague approach should also be avoided, as this would be of little practical use.

Instead, suggestions should be included in the development plan illustrating the broad categories of circumstances that would lead

the planning authority to conclude that a particular proposal for development is intended to meet a rural generated housing need. It would then be a matter for the development control system to assess the merits of each application on a case by case basis within this broad framework of categories. Examples of such illustrative suggestions include:

Persons who are an intrinsic part of the rural community

Such persons will normally have spent substantial periods of their lives, living in rural areas as members of the established rural community. Examples would include farmers, their sons and daughters and or any persons taking over the ownership and running of farms, as well as people who have lived most of their lives in rural areas and are building their first homes. Examples in this regard might include sons and daughters of families living in rural areas who have grown up in rural areas and are perhaps seeking to build their first home near their family place of residence. Returning emigrants who lived for substantial parts of their lives in rural areas, then moved abroad and who now wish to return to reside near other family members, to work locally, to care for elderly family members, or to retire should be also be accommodated.

Persons working full-time or part-time in rural areas

Such circumstances will normally encompass persons involved in full-time farming, forestry, inland waterway or marine related occupations, as well as part time occupations where the predominant occupation is farming/natural resource related. Such circumstances could also encompass persons whose work is intrinsically linked to rural areas such as teachers in rural schools or other persons whose work predominantly takes place within rural areas.

Each planning authority should make its assessment of the scope and extent of rural housing needs to be considered in its development plan having regard to the framework outlined above and taking into account local conditions and planning issues depending, for example, on whether they are dealing with rural

areas such as those on the edge of Dublin and other large cities or rural areas adjoining more medium-sized towns.

Having defined rural generated housing needs, the development plan should make very clear that subject to satisfying normal planning considerations relating to siting and design, such as those outlined in section 4 of these guidelines, the planning authority will look favourably upon an applicant's proposal for an individual house in a rural area where that applicant comes within the development plan definition of need.

3.3 Other Objectives and Policies

Planning authorities must ensure that all sections of the development plan that deal with or are of relevance to, rural settlement policies, are cross referenced and not in conflict. Rural housing policies will normally be linked to other sections of the plan dealing with:

- The conservation of important landscape character and the natural and cultural heritage in general,
- The protection of key natural assets such as surface and ground water resources and aggregate or mineral reserves, and
- The efficient ongoing development and safe operation of key transport arteries such as roads, particularly National Primary and National Secondary routes, and the rail network.

In all cases, the rural housing section should make clear that the consideration of individual sites will be subject to normal siting and design considerations. These would normally include provisions to the effect that:

- Any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard,
- That housing in un-serviced areas and any on site wastewater disposal systems are designed, located and maintained in a way which protects water quality,
- The siting and design of new dwellings takes account of and integrates appropriately with its physical surroundings and

- other aspects of the natural and cultural heritage, avoids damage to that heritage, and
- The proposed site otherwise accords with the objectives of the development plan in general.

3.3.1 Landscape, Natural and Cultural Features

Landscape character assessment can help to inform policies in the development plan on the location and siting of rural housing. Landscape character requires a policy response in terms of the appropriate location and siting of rural housing in a manner that will not detract from those aspects of important landscapes considered valuable.

Particular care should be taken to protect those features that contribute to local distinctiveness, including:

- The pattern of landscape features (land-cover, habitats, trees);
- Historic and archaeological areas and features,
- Water bodies (including rivers, lakes, estuaries and coasts), and
- Ridges, skylines, topographical features, geological features, and important views and prospects.

The key issue in relation to the development plan and the natural and cultural heritage is that relevant aspects of heritage, which are outlined in more detail in section 4, are identified in the plan and its accompanying maps. All areas of natural and cultural heritage importance within the functional area of the planning authority should be recorded. The identification of heritage items such as archaeology, protected structures, inland waterways etc on the development plan maps provides a valuable prompt to applicants and planning authority officials to ensure that the conservation of such items is being fully taken into account in the preparation and assessment of rural housing proposals.

The development plan should outline the planning authority's responsibilities and objectives in relation to the conservation of the natural and cultural heritage. Furthermore the planning authority should also outline the matters which it proposes to take

into account in cases where a rural housing proposal impacts on items, sites or areas of natural or cultural significance. The development plan should also make clear that all developments that have potential implications for cultural and natural heritage are referred to all relevant prescribed bodies for comment.

Early in the review of a development plan, planning authorities should liaise with the Department of Environment, Heritage and Local Government and, at their discretion, with other relevant local or national specialist heritage and conservation interests, with a view to seeking any input which could usefully update the plan's policies.

3.3.2 Natural Resources

The development plan should include or refer to information regarding the location of any particularly vulnerable water resources whether surface waters such as rivers and lakes or ground water, aquifers and the sources of public water supplies. Section 4 contains more information on this issue. The aim in providing such information should be for the development plan to offer clear guidance on the existence of such resources in the first instance and to set out the planning authority's requirements in relation to the approach to housing development in or adjoining these resources.

The foregoing approach is also relevant to other aspects of natural resources such as known locations of aggregate and mineral reserves. The assessment of the appropriateness of the location of new housing development should take the existence of such resources, their strategic long-term value and likelihood of being exploited into account. Further guidance on the matter is contained in the document "Control of Quarries: Consultation Draft of Guidelines for Planning Authorities"⁶.

⁶ Published by the Department of the Environment, Heritage and Local Government, October 2003.

3.3.3 Siting and Design

Design guidelines can be particularly useful in articulating in general terms, best practice in relation to the design and siting of houses in rural areas. At the time of writing, about one-third of rural planning authorities have or refer to design guidelines within their development plans. Where possible, planning authorities who do not have such a design guide should put one in place as soon as practicable and should refer potential applicants to such guidance at as early a stage as possible. This can be achieved through mechanisms such as making introductory information pamphlets available at all public offices in a county or the provision of an advisory service through the planning and architectural services of the local authority.

3.3.4 Transport

Key objectives and policies to be included in the development plan should focus on the efficient ongoing development and safe operation of roads, with particular emphasis on the national primary, national secondary and regional road network.

Many development plans already contain objectives regarding future road proposals and in certain circumstances, the need to protect the routes of future roads from development. This practice should continue.

In addition, in relation to the assessment of proposals on existing roads, policy in relation to development involving access to national roads and development along such roads, is set out in "Development Control Advice and Guidelines" and "Policy and Planning Framework for Roads" issued respectively in 1982 and 1985 by the Department of the Environment. The policy is given practical expression in the Department's 1982 document which stipulates that "As a general policy, the location of new means of access to the National Primary Roads, or residential, commercial, industrial or other development dependent on such means of access, should not be permitted except in areas where a speed limit of 30-40 m.p.h. applies, or in the case of infilling, in the existing built-up areas." The document points out that the same considerations also apply to National Secondary Roads.

The objectives and policies of the development plan should make it clear that direct access from future development should not be permitted to national roads outside of the speed limit zones for towns and villages. Development control policy should, in the first instance, seek to channel traffic from new development onto existing local roads and in this way use established access points to gain entry onto national roads.

The development plan should make such policies clear in relation to the designated national routes in the planning authority's functional area.

Chapter 4: Rural Housing and Planning Applications

4.1 Planning Application Information

Difficulties and delays in the processing of planning applications must be minimised, with a particular emphasis on planning authorities and applicants working together to ensure that all the necessary information and documentation is assembled to support early, comprehensive and proper consideration of all relevant facts.

The onus is on planning authorities to ensure that their requirements, in addition to being contained in the development plan, are set out in easy to read and widely-available leaflets and information sheets. Planning authorities should also make such information and the development plan available at all public offices and libraries, at planning clinics and on the internet.

Many planning authorities encourage prospective applicants submitting planning applications for houses in rural areas to also voluntarily supply additional information about the background to the application in the context of assessing whether a particular proposal constitutes rural generated development. This practice is to be encouraged. In the context of new Regulations to be made shortly, the Department is considering a standardised planning application form for use by all planning authorities. It is envisaged that a planning application form would comprise a Part A which would be standard for all planning authorities and a Part B under which a planning authority could seek additional, locally relevant, information. The type of additional information referred to above would be suitable for inclusion in Part B.

Essentially, the planning authority will need the following broad sets of information to at the time of lodging an application to enable a speedy and informed decision to be made:

For All Areas

- Information about how the provision of access with visibility and road safety requirements compliant with the planning authority's requirements can be provided,
- Site suitability assessments and site specific design of any wastewater treatment facilities that may be necessary including assessment of groundwater vulnerability,
- Site location and setting showing how the proposed dwelling is broadly consistent with any landscape and design guidelines and any landscape character assessment of the planning authority, and
- Information about the measures that have been taken to ensure that the proposed site has been chosen in such a manner as to avoid or minimise any impacts upon the natural and cultural heritage.

For Applications in Areas under Significant Urban Influence

- Applicants should outline how their proposal is consistent with the rural settlement approach in the development plan and should supply supporting information where appropriate.

4.2 Improving Services to Applicants

Success in gaining permission to develop is generally more assured where the applicant, their agent or agents and the planning authority work together from the outset to ensure that the site selected is the best available and that the planning authority's requirements are clear, easily understood and can be responded to.

A good "planning clinic" system is operated by many planning authorities and can be an invaluable communication tool in setting out the planning authority's requirements to applicants and their agents and in ensuring that planning officials listen and respond to issues raised by applicants. Where such planning clinic arrangements are in place, they should be continued and developed. Planning authorities without a planning clinic system, should, where practicable, endeavour to put one in place.

Planning authorities should seek to continue improving their levels of service to applicants. High levels of service will be supported by:

- Having an accessible planning clinic service in place backed up by information leaflets and guidelines widely available at the local authority's offices and over the web,
- Responding promptly to requests for pre-planning application consultations in accordance with Section 247 of the Planning and Development Acts, facilitating such requests and assisting applicants in accessing relevant information in preparing a planning application,
- Considering as appropriate the use of mechanisms such as site meetings between officials, applicants and their agents to tease out points of detail on sensitive sites, and
- In appropriate circumstances, offering advice to applicants where a refusal of planning permission has issued, on matters that the applicants could address to facilitate an alternative proposal.

4.3 Assessing Housing Circumstances

In its deliberations on a planning application for a housing proposal in a rural area, particularly those rural areas closest to cities and large towns experiencing substantial pressure for development, balanced assessments will need to be made regarding the circumstances and merits of the application. In this regard, it will be important to have access to all relevant information and where such information is lacking or imperfect, to assemble such information. At all times however, in making such assessments, while it will be necessary to support the spirit of the development plan policies, planning authorities must be sensitive in the treatment of applicants.

In particular, planning authorities should recognise that exceptional health circumstances – supported by relevant documentation from a registered medical practitioner and a disability organisation – may require a person to live in a particular environment or close to family support. In such cases, and in the absence of any strong environmental, access or traffic reasons for refusal, a planning

authority should consider granting permission, subject (where appropriate) to conditions regarding occupancy (see paragraph 4.6 below).

4.4 Access

National Primary and National Secondary Routes

Under Part 4, article 28 (j)(i) of the 2001 Planning and Development Regulations, notification of planning applications which involve a new access or material widening of an access to an existing or planned national road or where the development might give rise to a significant increase in the volume of traffic using a national road, must be sent to the National Roads Authority. The Authority may make submissions or observations on such planning applications in accordance with article 29 of the Regulations. National policy in relation to access to national routes has been outlined previously in section 3.3.4.

Non National Roads

It is vitally important that new housing in rural areas that is located along non national routes is located in such a manner as to avoid endangering public safety by way of a traffic hazard. In particular, individual local authorities will be aware of the regionally and locally important functions of certain regional roads that traverse their functional areas and the need to carefully consider new housing development proposals affecting such routes with a view to:

- Avoiding unnecessary new accesses, for example where access could be provided off a nearby local road,
- Ensuring that necessary new entrances are located in such a manner as to provide effective visibility for both users of the entrance and users of the public roads so that opportunities for conflicting movements are avoided, taking account of all relevant considerations such as traffic levels, typical vehicle speeds, plans for realignment,

- Avoiding the premature obsolescence of regional roads in particular, through creating excessive levels of individual entrances, and
- Securing recent investment in non-national roads such as the substantial strengthening and realignment programme underway under the National Development Plan 2000-2006 by minimising the provision of new entrances onto realigned stretches of regional roads in particular.

Planning authorities should consider in their development plans, the need to indicate any regional or county road type routes that act as particularly important transport links as well as locally specific development control requirements that will operate to safeguard the specific functions of such routes in terms of future road design and construction requirements.

Adoption of a clustered approach, where a group of new houses are set well back from the road and served by a single shared entrance, can often be an effective mechanism in avoiding excessive development with individual entrances onto heavily trafficked roads.

Roadside Boundaries

The removal of existing roadside boundaries, except to the extent that this is needed for a new entrance, should be avoided where at all possible except where required for traffic safety purposes. Roadside boundaries, whether hedgerows, sod and stone bank, stone wall or other boundaries, provide important features that are elements of both the landscape and ecology of rural areas. The retention of such boundary treatments assists in absorbing new rural housing into its surrounding and should generally be encouraged.

Occasionally, the removal of substantial lengths of roadside boundaries is proposed as part of an element of improving visibility at the junction of a new entrance onto a road. Where an alternative site is available and otherwise suitable, applicants and planning authorities should consider such alternative on a basis that avoids the necessity for widespread boundary removal.

Roads served by Unmanned Railway Crossings

In Ireland, there are a large number of unmanned “accommodation” type railway crossings originally provided to provide access to agricultural lands that would otherwise have been severed by the development of the rail network.

Under the National Development Plan, a rail investment and safety programme has yielded substantial route renewal and service upgrades that will deliver more frequent and faster rail passenger services over the rail network.

In some areas, laneways accessed through unprotected accommodation crossings are coming under pressure for development of additional housing.

In certain circumstances, the provision of substantial additional development that is completely dependent for access using unmanned and unprotected level crossings, on existing lines or lines that are closed but not abandoned, may increase the risk of a safety incident unacceptably or to the degree that alternative crossing arrangements are necessary. The provision of such arrangements needs to be carefully considered given the likely costs involved and the availability of resources.

Therefore in instances where planning authorities receive proposals for new housing development requiring access via unmanned and unprotected level crossings, they should:

- Refer the application involved to Iarnrod Eireann,
- Carefully consider the views of Iarnrod Eireann, and
- Be satisfied that due and proper consideration has been made for the safety of road users and rail safety.

4.5 Protecting Water Quality

The quality of Ireland’s water resources is a key national asset. The planning system has a major role to play in ensuring the maintenance and improvement of water quality through the location of development.

Wastewater from housing development in un-serviced areas is normally disposed of underground. Wastewater treatment facilities in rural areas should therefore be located, constructed and maintained to the highest standards to ensure minimal impacts on water quality and particularly groundwater quality.

The key to protecting water quality in the context of providing new dwellings in un-sewered rural areas is to ensure that new development is guided towards sites where acceptable wastewater treatment and disposal facilities can be provided, avoiding sites where it is inherently difficult to provide and maintain such facilities, for example sites prone to extremely high water tables and flooding or where groundwater is particularly vulnerable to contamination.

Circular Letter SP 5-03 issued to Planning Authorities in 2003 gave guidance on best practice in relation to development plan policies and development control and enforcement standards and practices to ensure protection of groundwater quality.

In summary, critical elements of the approach include:

- The need for a “Groundwater Protection Scheme” to provide the information background to the policies of the development plan in setting out the planning authority’s approach to various categories of development in areas of varying groundwater vulnerability,
- The need to design proposed on-site wastewater treatment facilities, which take account of the circumstances of the site and of the vulnerability of groundwater resources,
- The importance of proper supervised installation and commissioning of wastewater treatment facilities by competent persons, and
- The need to monitor whether those who carry out approved development have met their obligations to comply with the terms of the planning permissions which was granted, including a regular programme of testing and monitoring the performance of individual wastewater treatment and disposal systems.

Planning authorities should aim to ensure that their development plans as well as development control and enforcement practices reflect the best practice set out in more detail in the circular letter. For both new and existing housing, adhering to the highest standards in terms of both the installation and maintenance of wastewater treatment facilities is essential to the protection of water quality.

More generally in relation to flooding, care also needs to be taken in relation to selecting sites at locations where known flood risks are low and avoiding sites where flooding is known to be a significant risk, in coastal, river, lakeside and karst type areas.

4.6 Natural and Cultural Heritage

Ireland's heritage embraces a wide variety of elements that range from natural habitats, such as wildlife habitats, to elements such as archaeological remains and protected structures.

The Heritage Act 1995 (Section 6) describes the national heritage as including:

- Monuments
- Archaeological objects
- Heritage objects
- Architectural Heritage
- Flora
- Fauna
- Wildlife Habitats
- Landscapes
- Seascapes
- Wrecks
- Geology
- Heritage Gardens and Parks
- Inland Waterways

Looking at the above elements, there are four broad categories of heritage most relevant to rural housing:

- **Important Landscapes** (and also seascapes and geology),
- **Biodiversity** (which contains wildlife habitats, flora and fauna),
- **Archaeological** (which contains National Monuments, areas of archaeological potential, recorded sites and features of importance and major sites of archaeological importance in State ownership or guardianship and wrecks), and
- **Built heritage** (which contains architectural heritage such as protected structures, industrial archaeology, inland waterways and heritage parks and gardens).

Appendix 2 outlines additional information on how the conservation of the above aspects of the natural and cultural heritage can be addressed in considering development proposals.

Addressing heritage conservation in housing proposals

The best results in dealing with heritage considerations in the context of individual housing proposals in rural areas are achieved where prospective applicants and planning authorities work together to identify whether a particular site may impinge upon particular aspects of heritage, with a view to agreeing on any measures that may be needed to avoid or minimise any potential adverse impacts on that heritage.

For applicants, this means that at the stage where a potential site is being considered, making enquiries with the local planning authority to ascertain if the site is in an area containing aspects of heritage and if so, discussing means to mitigate any adverse impacts in terms of site location and layout.

For planning authorities, this means facilitating pre-planning application consultation on as broad a basis as is practicable and in a way that draws upon the expertise of relevant heritage authorities such as the built and natural heritage sections of the Department of the Environment, Heritage and Local Government. It is also vitally important that the development plan contains

easily accessible information, in the written statement and maps, giving appropriate details or reference to those aspects of heritage whose conservation the planning authority is seeking. Ideally this should be supplemented by information checklists and pamphlets made widely available through public offices such as local libraries.

Furthermore, to ensure that any implications for heritage are identified and addressed at the earliest stage, planning authorities must:

- (1) Ensure that proposals are examined by relevant officers as early as possible following the receipt of the planning application; and
- (2) Notify, in normal circumstances within five working days, certain prescribed authorities in cases where rural housing proposals might have a negative effect on an aspect of heritage or where it might obstruct any view or prospect of special amenity or special value.

4.7 Occupancy Conditions

The NSS indicates that to secure the co-ordinated and sustainable development of the country's main cities and towns, provision of new housing in the rural areas adjacent to them that are under considerable pressure for development should generally be confined to persons with roots in or links to those areas.

To enable planning authorities to take a positive approach to applications from such persons in the areas referred to, in circumstances where permission might otherwise be refused, it is reasonable to expect that where an applicant is given planning permission for a rural housing proposal on the basis of having such links, that the grant of planning permission makes it clear that, save for exceptional circumstances, the dwelling shall be occupied for a specified period by the applicant, members of the applicant's immediate family or by any other person who has similar links.

Section 39 (2) of the Act, enables a planning authority and An Bord Pleanála to attach a condition to a grant of planning permission for a structure which is to be used as a dwelling, specifying that such use may be restricted to use by persons of a particular class or description and that provision to that effect shall be embodied in an agreement under Section 47 of the Act.

Appendix 1 contains an indicative wording for an occupancy condition that reflects the above considerations.

As a mechanism to ensure that permitted development is provided in line with the provisions of the development plan and in accordance with proper planning and sustainable development principles, occupancy conditions are only appropriate in particular situations such as in the rural areas adjacent to main cities and larger towns, which are under considerable pressure for development and in certain situations as referred to in paragraph 3.2.2 where there is considerable pressure for holiday or second home development.

Section 47 of the Act, provides that a planning authority may enter into an agreement with any person for the purposes of restricting or regulating the development and use of land permanently or for a specified period.

Certain agreements under this section, known more commonly as ‘sterilisation’ agreements, have been used on occasion by planning authorities to regulate development in rural areas. In areas where very significant levels of rural housing development have taken place on the edges of cities and towns and where such areas may be tending to become overdeveloped, such agreements have provided a useful tool in enabling planning authorities to support rural generated development on the one hand while avoiding over development of an area on the other.

However, the inflexible nature of such agreements limits their usefulness except in highly exceptional circumstances. Beyond such circumstances, the planning authority should avoid the use of such agreements and should focus instead on deciding the

merits of the individual proposal in terms of the proper planning and sustainable development of the area.

4.8 Design

Planning authorities have a key role to play in ensuring that new housing development in rural areas integrates well with its physical surroundings. Key actions to support such a role will include:

- Setting and encouraging high standards in relation to the choice of sites and siting and design of housing within sites,
- Outlining advisory guidance in the form of either the planning authority's own design guidelines⁷ or such guidelines as the planning authority may wish to refer to,
- Circulating such advisory guidance as widely as possible such as through the architectural and design professionals active in the planning authority's area, over the web, at the planning offices public counter and through libraries or other public points of contact,
- Establishing ad-hoc in house assessment teams drawn from amongst planning officials and any architectural advice that may be available to the planning authority to examine proposals in particularly sensitive areas and ensure that they are of the highest standards in relation to site location and architectural quality, and
- Considering the establishment and promotion, in association with relevant design professions, of an awards scheme for development proposals that have achieved particularly high standards including the possible promotion of such examples in public information exercises generally in raising standards.

In assessing the design aspects of specific rural housing proposals, planning authorities should make well balanced and informed judgements on the merits of each proposal, taking on board the degree to which a site is sensitive in visual and other terms, the character of surrounding development and the wider area and

⁷ The Cork Rural Design Guide published in December 2003 by the Planning Department and Architects' Department, Cork County Council is an excellent example of guidelines of this type.

the need to encourage innovation in design and construction techniques, while avoiding an overly prescriptive approach, such as an outright ban on particular materials e.g. brick, across all proposals in a given area in relation to the designs and finishes chosen.

4.9 Conclusion

The policies and proposals in these guidelines are based upon and advance the framework outlined in the NSS. The guidelines present reasonable, workable and sustainable development plan policies that are responsive to the dispersed settlement patterns and tradition of living in rural areas in Ireland, as well as the objectives of carefully planning for the growth and development of larger towns and cities, while also encouraging high quality and well located rural development.

It is vitally important that these guidelines are implemented quickly and fairly to ensure that planning policies recognise the importance to rural people of family ties and ties to a local area such as a parish, townland or the catchment of local schools and sporting clubs and deliver positive benefits for rural areas and sustain rural communities by allowing people to build in their local areas on suitable sites.

These guidelines also present best practice mechanisms that planning authorities must now adopt in providing information and assistance to applicants in identifying suitable sites where they will be able to obtain planning permission.

Appendix 1: Indicative Occupancy Conditions

- (a) The proposed dwelling when completed shall be first occupied as the place of residence of the applicant, members of the applicant's immediate family or their heirs and shall remain so occupied for a period of seven years thereafter, unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant.
- (b) Before development commences, the applicant shall enter into an Agreement with the planning authority, pursuant to Section 47 of the 2000 Planning and Development Act providing for the terms of this occupancy requirement.
- (c) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority, a written statement of the confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.
- (d) This condition shall not affect the sale of the dwelling by a mortgagee in possession or by any person deriving title from such a sale.⁸

⁸ To facilitate the sale of property by lending institutions in circumstances relating to a loan foreclosure.

Appendix 2: Supplementary Information on Heritage

Referral of Planning Applications

The Planning Regulations require that planning applications that may affect the natural or built heritage be referred to certain prescribed bodies including the Department of the Environment, Heritage and Local Government. Planning authorities must ensure that all planning applications for rural housing that involve sites located in or that might affect an SAC, SPA, NHA, Nature Reserve, National Park, refuge for fauna or flora or other areas of wildlife importance are referred to the relevant regional office of the National Parks and Wildlife Service for comment.

Likewise it is vital that any development proposal with potential impact on a known or suspected archaeological site or the setting of such a site or on the built heritage be notified to the Development Applications Unit of the Department of the Environment, Heritage and Local Government. Planning authorities should ensure that procedures are in place so that all referrals occur within five working days of the receipt of the individual planning application. Planning authorities must have regard to any submissions or observations made in response to such referrals. They must also have regard to the objectives in their development plan for the protection of the natural and built heritage (including archaeology).

When a proposed new Development Applications Tracking System in the Department becomes fully operational, it is intended that all planning applications with heritage implications will be referred to the Development Applications Unit in the first instance where they will be scanned and referred electronically to the relevant sections of the Department. Revised instructions on referral of planning applications will be issued to planning authorities as these new arrangements are brought into force.

Important Landscapes

Careful siting and location are central to sensitive development in the landscape. The capacity of a particular landscape to absorb

change without significantly changing its character can be directly related to the quality of location and siting of a development within that landscape. The location and siting of rural housing should be informed by landscape character, quality and distinctiveness⁹. Proposals for housing in rural areas should be assessed having regard to the extent to which they:

- Complement the landscape and avoid unacceptable visual intrusion,
- Introduce incongruous landscape elements, and
- Help to maintain important landscape elements and features that contribute to local landscape character, quality and distinctiveness (e.g. topographical features, geological features, cultural features, or ecological resources which are characteristic of that landscape type).

Biodiversity

The natural heritage embraces various types of sites and areas that have been designated as important for nature, including designation by various authorities within Ireland as well as designation on foot of EU Directives.

It is government policy to secure the conservation of a representative range of ecosystems and to maintain and enhance the populations of flora and fauna in Ireland.

Planning authorities should take all reasonable steps to ensure that planning applications involving development that may affect aspects of biodiversity and natural heritage are referred in a timely manner to any prescribed bodies, and should also have regard to the inter relationship of these sites and the need for corridors and stepping stones between them. Planning authorities should also have regard to the National Heritage Plan and any County / City Heritage Plans and Biodiversity Plans.

⁹ The draft planning guidelines on landscape character assessment should be used by planning authorities as a framework to profile different landscape character areas and policy responses within the development plan process.

It is likely that, at a national scale, most single housing developments will be located on habitats of low biodiversity value. However a large concentration of single houses could have adverse impacts on habitats of biodiversity value. The potential impacts of rural housing on biodiversity can be broadly divided into factors operating at two scales:

- Impacts on sites of biodiversity importance (**site-scale impacts**), and
- Cumulative impacts of many developments on biodiversity in the wider countryside (**area-wide impacts**).

Site scale impacts as impacts arising from one or a number of developments that affect a localised feature of biodiversity importance, such as an important habitat, or a population of a rare species. Rural housing will only have significant negative impacts on biodiversity at the site scale if the development location happens to coincide with a site of biodiversity importance. As the majority of the Irish countryside is intensively farmed (particularly in eastern and southern Ireland), the majority of single rural housing developments are likely to be located on sites of low biodiversity value. While these sites are likely to also contain areas of field boundary habitats of somewhat greater biodiversity value, the area of field boundary habitat removed will usually be very small in relation to the total amount in the local area.

Area-wide impacts can be defined as the cumulative impact of many separate developments on biodiversity in the wider countryside. There are at least two potential mechanisms for such impacts:

- Piecemeal habitat loss where the overall habitat loss results in a significant reduction in the extent of an important habitat in the landscape, and
- Piecemeal habitat alteration resulting in a significant change in the habitat configuration of the landscape, potentially affecting the permeability of the landscape to species movement and dispersal.

Planning authorities should have full regard to biodiversity considerations in determining individual applications for rural housing. Planning authorities must ensure that a proposal which is likely to have a significant effect on an SAC or other designated area, is authorised only to the extent that the planning authority is satisfied will not adversely affect the integrity of the area. Such a proposal must be subjected to an appropriate assessment of its implications for the area, if it is clear, on the basis of a preliminary examination, that the project could have a significant effect on the area. All aspects of the proposal which could, in themselves, or in combination with other proposals, affect the area's conservation objectives should be identified.

Planning authorities should also seek to protect and preserve existing hedgerows and to encourage hedgerow formation/regeneration using native species. Such interventions can have an important role to play in maintaining linkages between natural and semi-natural habitats.

Archaeological Heritage

The document "Framework and Principles for the Protection of the Archaeological Heritage"¹⁰ sets out national policy and broad principles for the protection of the archaeological heritage. It provides guidance to planning authorities on the relevant sources of archaeological data, the overall approach to be applied to archaeological heritage in the context of development and the protection of archaeological monuments and areas. It indicated general policy principles of seeking to secure the preservation (in situ or by record) of archaeological monuments and sites and protecting and enhancing the settings of monuments.

In order to avoid unnecessary delays and difficulties in assessing a particular application, planning authorities should facilitate, as far as practicable, pre-planning consultations to identify any sites that may include or be within the vicinity of:

¹⁰ Department of Arts, Heritage, Gaeltacht and the Islands 1999

- Recorded sites and features of historical and archaeological importance included in the Record of Monuments as established under section 12 of the National Monuments (Amendment) Act, 1994,
- Major sites of archaeological importance in State Ownership or Guardianship,
- National Monuments which are the subject of preservation orders, and
- Archaeology in zones of archaeological potential.

These consultations can help to provide prospective developers with advance warning of the archaeological sensitivity of a site and to limit situations where a refusal of permission might otherwise be unavoidable. As a result individual developers may wish to commission their own archaeological assessment by a qualified archaeological consultant. This need not involve fieldwork and would generally be restricted to a desk-based evaluation of existing information. In some cases it may be possible to avoid or minimise impact through re-location on the site.

Where early discussions with local planning authorities, or the developer's own research, indicate that important archaeological remains may exist, it is reasonable for the planning authority to request the prospective developer to arrange for an evaluation to be carried out before any decision on the planning application is taken. This sort of evaluation is quite distinct from full archaeological excavation. It is normally a rapid and inexpensive operation, involving ground survey and small-scale trial trenching, but a qualified archaeological organisation or archaeologist should carry it out. Evaluations of this kind help to define the character and extent of the archaeological remains that exist in the area of a proposed development, and thus indicate the weight that ought to be attached to their preservation. They also provide information useful for identifying potential options for minimising or avoiding damage. On this basis, an informed and reasonable planning decision can be taken.

Once the planning authority has sufficient information, there is a range of options for the determination of planning applications affecting archaeological remains and their settings. Planning

authorities should seek to ensure that potential conflicts are resolved and that any agreements with developers are concluded, before planning permission is granted.

It is open to a planning authority to impose conditions designed to avoid damage to the archaeological heritage or to mitigate impact. Where appropriate, conditions may provide that reasonable access is given to an archaeologist nominated by or acceptable to the planning authority - either to hold a "watching brief" during the construction period or specifically to carry out archaeological investigation and recording in the course of the permitted operations on site. Conditions on these lines help to ensure that if remains of archaeological significance are disturbed in the course of the work, they can be recorded and, if necessary, emergency salvage undertaken.

In cases where planning authorities have decided that planning permission may be granted but wish to secure the provision of archaeological excavation and the subsequent recording of the remains, it is open to them to do so by attaching appropriate conditions. Such conditions might limit the commencement of development until such time as specified works or other action, e.g. an excavation, has been carried out by an archaeologist.

Built Heritage

Potential impacts from proposed developments on built heritage, for example in the vicinity of protected structures, inland waterways and heritage gardens and parks are best avoided or mitigated by consultation between the planning authority and prospective developers at the earliest stages of development. Therefore, planning authorities should encourage and facilitate applicants in entering into early consultation regarding such development proposals. Planning authorities should also encourage applicants and their agents to assess the likely impact of their proposals on any relevant protected structures, and to provide such written information or drawings as may be required to understand the significance of a site or structure before an application is determined.

Proposals that take account of the special character of protected structures and their attendant grounds should be considered for approval by planning authorities.

Appendix 3: Development Plan Objectives and Issues for Rural Areas

Box 1: Areas under strong Urban Influence

The key development plan objectives in these areas should be to on the one hand to facilitate the housing requirements of the rural community as identified by the planning authority in the light of local conditions while on the other hand directing urban generated development to areas zoned for new housing development in cities, towns and villages in the area of the development plan. In addition policies will also normally include references to:

- The types of situations considered as constituting rural generated housing. (See also Section 3.2.2.),
- Measures that will be put in place to facilitate the availability of an appropriate level of housing options in smaller settlements for other housing requirements,
- The criteria that will be applied by the planning authority generally in assessing rural generated housing proposals e.g. in relation to evidence of an applicant's links to the area in question, and
- The measures to be adopted to ensure that development permitted to meet the requirements of those with links to the rural community continues to meet the requirements for which it was permitted.

Box 2: Stronger Rural Areas

The key development plan objective in relation to these types of areas should be to consolidate and sustain the stability of the population and in particular to strike the appropriate balance between development activity in smaller towns and villages and wider rural areas. The development plan should aim to strike a reasonable balance between: (1) Accommodating proposals for individual houses in rural areas subject to good practice in relation to matters such as siting and design as outlined elsewhere in these guidelines, (2) Actively stimulating and facilitating new housing development in smaller towns and villages to provide for balanced urban and rural choices in the new housing market and (3) Carefully monitoring development trends to avoid areas becoming overdeveloped in terms of leading, for example, to extensive ribbon development. The overall approach in this regard in such areas is to ensure these areas maintain a stable population base in both urban and rural parts. In addition, policies should include references to:

- Selecting particular small villages and towns to pilot combined local authority and private investment to stimulate attractive high quality individual housing or private site developments to attract population growth and further investment,
- The need to monitor population and development trends in rural areas in order to identify areas at risk from population decline and trigger policies aimed at encouraging appropriate levels of new development in rural areas and selected villages and smaller towns, and
- The need to monitor population and development trends in rural areas in order to identify pockets where very significant individual housing activity is occurring leading to ribbon development, wastewater disposal difficulties, traffic or other serious planning issues.

Box 3: Structurally Weak Areas

The key development plan objective in these areas should refer to the need to accommodate any demand for permanent residential development as it arises subject to good practice in matters such as design, location and the protection of important landscapes and any environmentally sensitive areas. In addition, policies will normally include references to:

- Identifying potential development areas such as crossroad type settlements or population decline blackspots where appropriately located and designed clustered development will be both encouraged and accommodated,
- Linkage to other policies aimed at enhancing development potential and availability of indigenous employment in weaker areas, for example by identifying potential for development of local enterprise, agri-tourism, waterway related development, tourist accommodation and renewable energy as some examples, and
- Monitoring the operation of settlement policies on an ongoing basis in structurally weak areas to avoid excessive levels of or inappropriately located development.

Box 4: Areas with clustered settlement patterns

The key development plan objective in these areas should be to support the maintenance of a vibrant rural population, including the maintenance of the integrity and viability of essential rural services and facilities, while also protecting valuable assets such as important landscape quality and the natural and cultural heritage including the linguistic integrity of gaeltacht areas. Allied to this objective, the development plan should aim to:

- Define the extent of clusters and gatherings of individual houses that are considered by the planning authority as suitable for infill development and consolidation,
- Distinguish, using maps and local plans between infill development within areas that have a tradition of linear development over generations and new areas of ribbon development,
- Identify particular aspects of important landscape and items of natural and cultural heritage interest that new development should respect, and
- Give special consideration to the effects of new development in gaeltacht areas on the survival, use and development of the Irish language as a means of daily communication.

Appendix 4: Ribbon Development

These guidelines recommend against the creation of ribbon development for a variety of reasons relating to road safety, future demands for the provision of public infrastructure as well as visual impacts. Other forms of development, such as clustered development, well set back from the public road and served by an individual entrance can be used to overcome these problems in facilitating necessary development in rural areas.

In assessing individual housing proposals in rural areas planning authorities will therefore in some circumstances need to form a view as to whether that proposal would contribute to or exacerbate ribbon development. Taking account of the above and the dispersed nature of existing housing in many rural areas, areas characterised by ribbon development will in most cases be located on the edges of cities and towns and will exhibit characteristics such as a high density of almost continuous road frontage type development, for example where 5 or more houses exist on any one side of a given 250 metres of road frontage.

Whether a given proposal will exacerbate such ribbon development or could be considered will depend on:

- The type of rural area and circumstances of the applicant,
- The degree to which the proposal might be considered infill development, and
- The degree to which existing ribbon development would be extended or whether distinct areas of ribbon development would coalesce as a result of the development.

Planning authorities will need to arrive at a balanced and reasonable view in the interpretation of the above criteria taking account of local circumstances, including the planning history of the area and development pressures.

Appendix 5: List of Submissions Received on Draft Guidelines

Record No.	Brief Description – Submission in relation to the Public Consultation Draft of Guidelines for Planning Authorities on Rural Housing received from:
1	An Bord Pleanála
2	An Taisce
3	An Taisce (Kerry Association)
4	Bat Conservation Ireland, Cavan Meath Branch
5	Beara IFA
6	Bohernabreena-Glenasmole-Ballinascorney Residents Planning Group
7	Brick Development Association
8	Castle Estates
9	Clare County Council
10	Comhar
11	Cork County Council
2	Dept. Arts, Sport & Tourism
13	Donegal County Council
14	Doolough Protection Group
15	Dublin Transportation Office
16	Eastern Regional Fisheries Board
17	Eircom
18	Feasta
19	Fingal County Council
20	Forfás
21	Friends of the Irish Environment
22	Galway City Council
23	Galway County Council
24	General Council of County Councils
25	Heritage Council
26	Icomos

Record No.	Brief Description – Submission in relation to the Public Consultation Draft of Guidelines for Planning Authorities on Rural Housing received from:
27	Irish Concrete Federation
28	Irish Co-operative Organisation Society Ltd.
29	Irish Creamery Milk Suppliers Association
30	Irish Farmers Association (John Dillon)
31	Irish Farmers Association (S. Murphy)
32	Irish Georgian Society
33	Irish Landscape Institute
34	Irish Planning Institute
35	Irish Planning Institute (Cork)
36	Irish Rural Dwellers Association
37	Irish Rural Dwellers Association (Wexford)
38	Irish Rural Dwellers Association (Mayo)
39	Irish Rural Dwellers Association (J. Reynolds)
40	Irish Rural Link
41	Keep Ireland Open
42	Landscape Alliance Ireland
43	Limerick County Council
44	Longford County Council
45	Louth County Council
46	MacCabe Durney
47	Meath County Council
48	Mid-West Regional Authority
49	Monaghan County Council
50	Muintir na Tíre
51	North Donegal Community Forum
52	North Tipperary County Council
53	North West Regional Fisheries Board
54	Offaly County Council
55	R.I.A.I
56	Royal Town Planning Institute
57	Rural Dwellers Association (Ballyheigue)
58	Shaffrey Associates
59	Sligo County Council

Record No.	Brief Description – Submission in relation to the Public Consultation Draft of Guidelines for Planning Authorities on Rural Housing received from:
60	South-East Regional Authority
61	South Tipperary County Council
62	South West Regional Fisheries Board
63	Stephen Ward Town Planning Consultants Ltd. on behalf of Ormonde Brick, Co. Kilkenny
64	TMP Construction
65	Waterford County Council
66	Westmeath County Council
67	Kevin Heanue
68	Professor Fred Powell
69	Eileen Mannion-Mullen
70	Ciaran Buckley
71	Danny Crowley
72	Joe Rafferty
73	Francis Neary
74	Sean and Mary Sweeney
75	Dr. L. G. Lysaght
76	Lewis Clohessy
77	Patrick McGann
78	Paul Murphy
79	Sean Brosnan
80	Ann O'Malley
81	Siobhan McLaren
82	Frank Conroy
83	Christine Heine
84	David Humphreys
85	Deirdre Kearns
86	Kevin Duff
87	Maurice Bryan & David Rowe
88	Seamas Caulfield
89	Thomas King

Record No.	Brief Description – Submission in relation to the Public Consultation Draft of Guidelines for Planning Authorities on Rural Housing received from:
90	Anne Bannon
91	Catherine Morrow
92	Chris Hayes
93	F. Reilly
94	John Keeve
95	Patrick Blackwell
96	Ruarc Gahan
97	Simon Holohan
98	Patrick O'Donnell
99	Catherine Ansbro
100	Diana Long
101	John and Maureen Crowley
102	Eunan Bannon
103	Damian Dalton
104	Louis McGee
105	J. McEvoy

Planning Guidelines