



## **Leitrim County Council**

**Report prepared pursuant to Sections 4(fa) and 179A(2) of the Planning and Development Act 2000 (as amended) and Article 81A of the Planning and Development (Section 179A) Regulations 2023 - to formally inform the Elected Members, prior to the publication of a site and newspaper notice, of the intention to progress a proposed housing development as an exemption from the Part 8 approval process.**

**Housing Report on Construction of 18 No. 1 & 2 Bedroom Units at  
Kilboderry Td., Carrick-on-Shannon, Co. Leitrim.**

**AUGUST 2023**

## 1.0 Introduction

The Planning and Development and Foreshore (Amendment) Act 2022 makes a number of amendments to the provisions of Sections 4 and 179 of the Planning and Development Act 2000, as amended (the Act) and inserts a new section 179A providing an exemption for Local Authorities of the requirement to undertake a Part 8 Local Authority “*own development*” approval process for housing developments and confers exempted development status for the provision of specified forms of housing developments on designated State and Local Authority owned lands.

The temporary measure to exempt housing developments from having to undertake a formal Part 8 public consultation process (as provided for under Section 179 of the Act) is a measure which will allow for the accelerated delivery of social, affordable and cost-rental housing by Local Authorities in strictly defined circumstances.

The Planning and Development and Foreshore (Amendment) Act 2022 (Commencement) (No. 2) Order 2023 [S.I. 107/2023] has been signed, providing for the commencement of Section 179A of the Planning and Development and Foreshore (Amendment) Act 2022 and the supporting Planning and Development (Section 179A) Regulations 2023 [S.I. 101/2023] with effect from 08 March 2023.

The amendments to the Act and Regulations seek to balance the need to provide for the accelerated delivery of social and affordable housing while also ensuring the proper planning and sustainable development of the area. Where a development meets all of the criteria set out in Section 179A of the Act, the housing development is classed as exempted development and is not required to undertake the Part 8 process. Where such criteria are satisfied, the Part 8 process cannot be used. This is the case with the proposed housing development at Kilboderry Td. Carrick-on-Shannon.

Any social and affordable housing developments which do not meet the criteria set out within Section 179A of the Act or are not commenced by the end of 2024 will be subject to the ‘Part 8’ (or ‘Part 10’) process in the normal manner.

## 2.0 Project Overview

Leitrim County Council is proposing to develop a residential development of 18 no. housing units at Kilboderry, Carrick-on-Shannon, Co Leitrim. This development is part of a national policy of increased social housing provision to meet the growing demand. The proposed lands are in Leitrim County Council ownership and offer an excellent opportunity to provide high quality housing in close proximity to the centre of Carrick-on-Shannon.

The proposed site is located to the north east of Carrick-on-Shannon town centre. The site is a green field site situated within the boundaries of the Carrick-on-Shannon Local Area Plan 2010-2019. The site is identified with a ‘*Primarily Residential*’ land use zoning objective in which dwellings are indicated in the Zoning Matrix as being acceptable in principle.

The proposed site measures approximately 0.57 hectares (1.41 acres) and will be accessed off the service road serving the existing Kilboderry housing scheme. The general topography of the site includes a significant crossfall slope from a high point on the eastern portion of the site to the lowest point at the western end of the site. The site itself is currently in agricultural use.



**Figure 1.** Location of the site in the context of Carrick on Shannon

The site has not been the subject of any previous planning application. The proposed development site measures 0.57 hectares and the aim is to achieve a rate of over 30 no. units per hectare. This is in line with government guidelines in this respect and it would be difficult to achieve a higher density without compromising the residential amenity of the proposed residents. As such the proposed density will satisfy national policy by providing a high-quality residential development with a density of 31.6 units per hectare.

### 3.0 Scheme Layout

The proposed development consists of 18 no. fully serviced residential units consisting of 12 no. 2 bedroom dwellings (in 2 no. terraced blocks) and 6 no. 1 bedroom apartments (in 2 no. blocks), with the ability to cater for a wide spectrum of housing needs. Due to the sloped nature of the site, the design and layout positions the dwellings towards the eastern boundary to make best use of the sloping ground. There is one large open green space which maximise views and prospects for the proposed residents. The design of the houses and overall layout have taken account the site topography whereby the levels have been reduced to the east of the site to prevent a large build-up of the ground levels to the west. The design takes account of all national and local policies and meets all the standards set to provide a high quality, sustainable residential development.

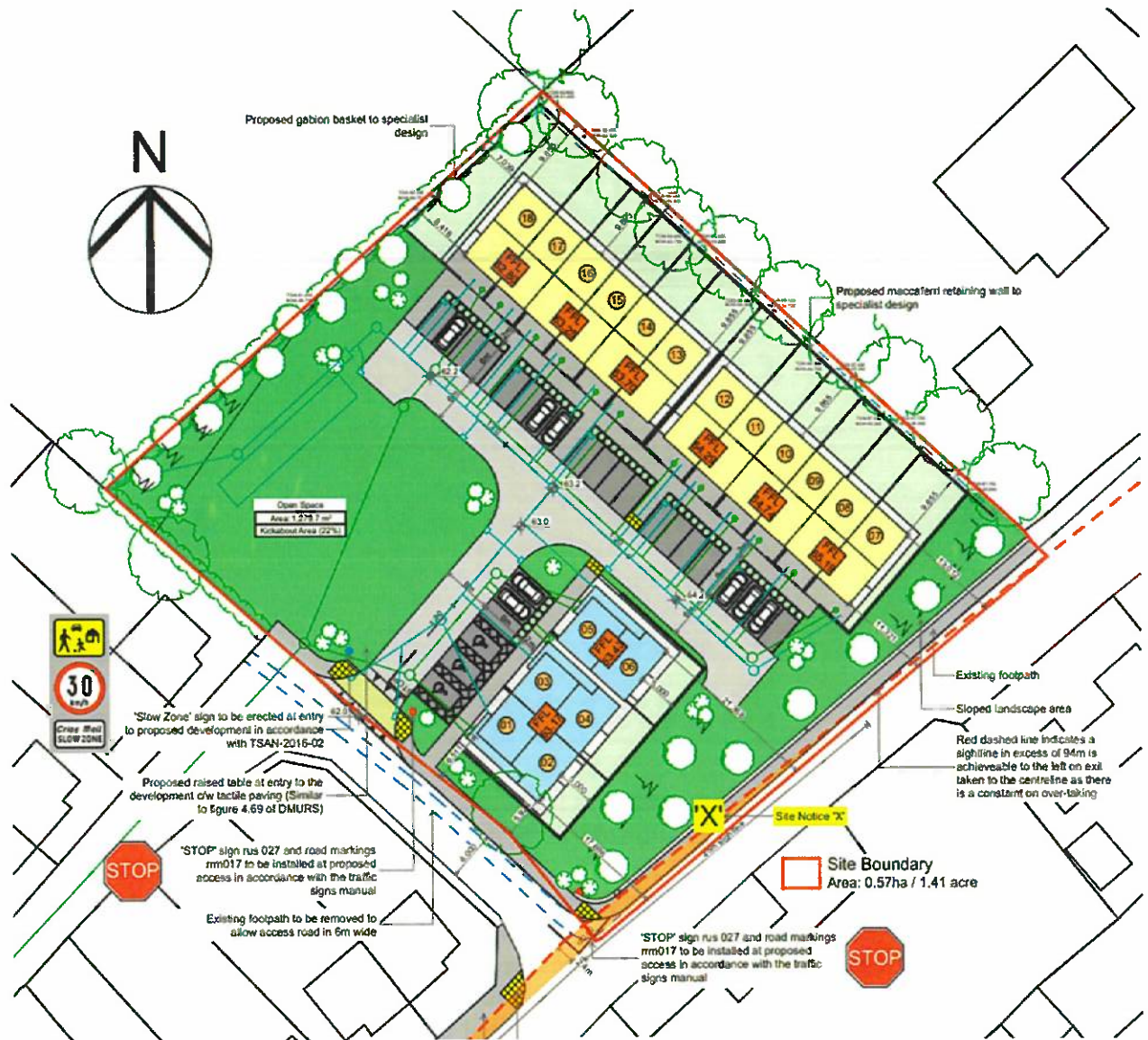


Figure 2: Site Layout

#### 4.0 Housing Need Response

This housing scheme is a response to the local need which is set out in the Leitrim County Council’s Housing Delivery Action Plan 2021-2026 document which highlights the significant demand that currently exists within the county - *“The ‘waiting list’ for those on the housing list for social housing has levelled out at approximately 516 households”*.

The current position regarding housing need for the South 2 Area of Preference (Leitrim Village / Carrick-on-Shannon / Jamestown / Drumsna / Annaduff) is that there are 156 no. approved applicants on the housing list. The demand is almost exclusively for Carrick-on-Shannon. In terms of the accommodation requirements, there are a total of 106 no. households requiring 1 or 2 bed accommodation and a further 51 no. households requiring family type accommodation (46 no. three beds and 4 no. four beds) This development will therefore meet the need of 18 no. applicants from the waiting list. In addition, this project will achieve one of the Five Pillars as set out in the Government Action Plan for Housing and Homelessness which is to accelerate the supply of social housing.

## **5.0 Informing Elected Members**

It is a requirement that the Chief Executive of the Local Authority must inform the Elected Members of the Local Authority of the housing development prior to the site notice or newspaper notice being issued in accordance with Article 81A(1) of the Regulations. Leitrim County Council Housing staff met with the Elected Members from the Carrick-on-Shannon Municipal District on the 12<sup>th</sup> June 2023 to ensure they are fully informed before a final decision to undertake the development is made and prior to issuing the site notice or newspaper notice. Minutes of this meeting have been prepared showing that the Elected Members were informed prior to any Chief Executive decision and the erection of the site notice and publication of the newspaper notice.

Subject to the decision to proceed being taken by the Chief Executive, the Housing Authority will formally notify the Elected Members of the Council of the housing development in advance of the publication of the newspaper notice and the erection of the site notice. This notification will be retained as a record of formal notification satisfying the requirements of Article 81A(1) of the Regulations.

## **6.0 Informing the Public**

The provisions under Section 179A of the Act and the supplementary Regulations provide an exemption from having to undertake the 'Part 8' public consultation process and, where a development is classed as exempted development, there is no public participation process. The notification process by means of site and newspaper notices will notify interested parties of the intention of the Local Authority to undertake the proposed development.

The site notice and newspaper notice will make the public aware of the decision of Leitrim County Council to build a housing development on the specified site as it meets the criteria under Section 179A of the Act. It informs the public that the works will commence on the site and that, within the period of 8 weeks of the date of the site notice/ newspaper notice, the decision may be subject to an application for judicial review through the High Court.

## **7.0 Notifying Certain Bodies**

Leitrim County Council will also send notice of the proposal to construct the housing development under Section 179A of the Act to any relevant body or bodies specified in Article 82(3) of the Regulations. The notice will indicate the location, townland or postal address of the housing development and also indicate the nature and extent of the housing development. It will be accompanied by a copy of the plans and particulars of the housing development specified in Article 83A.

## **8.0 Project Assessment**

### **Planning Considerations**

Leitrim County Council through the Housing Strategy as set out and contained in the County Development Plan 2023-2029 states that the core objective in relation to the provision of housing is to ensure that every household has accommodation suitable to their needs, located in a suitable environment, at a price or rent it can afford. The Council's role with regard to housing is to formulate a planning policy in the County Development Plan, to consider planning applications for private housing against this policy framework, to ensure that sufficient lands are zoned to meet the projected housing demand and to provide houses or facilitate the provision of social housing for those requiring assistance to provide homes for themselves. The achievement of the strategic aim and the stated principles are supported by a series of policies and objectives which the Local Authority are obliged to realise. These include:

**HOUS OBJ 2** aims to secure the delivery of social housing in our county in accordance with the Council's Social Housing Delivery Programme and Government Policy as set out in Rebuilding Ireland: Action Plan for Housing and Homelessness

**HOUS OBJ 3** seeks to ensure that sufficient lands are identified through land use zoning objectives at appropriate locations and made available to realise the housing projections and residential development needs identified in the Core Strategy, as informed by the Housing Needs Demand Assessment.

**HOUS OBJ 7** seeks to increase the stock of social housing within the county in order to meet the social housing needs identified in this Housing Strategy as well as the long-term housing needs of existing households on the Local Authority housing waiting list.

**HOUS OBJ 9** wishes to deliver high quality housing of an appropriate scale, mix, tenure, location and density, aligned with adequate physical and social infrastructure and the household allocations contained in the Core Strategy.

The proposed development also complies with:

**HOUS POL 5** by promoting the principles of Universal Design for housing development to provide age friendly standards.

**HOUS POL 10** by promoting a mixture of house types, tenures and sizes in residential developments and within communities to reasonably match the requirements of different categories of households in keeping with the Development Management standards.

**HOUS POL 11** by promoting residential densities appropriate to the development's location and surrounding context, having due regard to Government policy relating to sustainable development, which aims to reduce the demand for travel within existing settlements, and the need to respect and reflect the established character of rural areas.

**HOUS POL 12** is achieved by ensuring high standards of energy efficiency in existing and new residential developments in line with good architectural practice and promotion of energy efficiency and conservation in the design and development of new residential units, encouraging improved environmental performance of building stock (measures to reduce carbon emissions, improve resource use efficiency and minimise pollution and waste).

**HOUS POL 13** which requires residential development proposals to be of high quality and make a positive contribute to the built environment and local streetscape facilitating and encouraging innovation.

**HOUS POL 14** by ensuring that proposals for apartment developments adhere to the requirements contained within 'Sustainable Urban Housing: Design Standards for New Apartments' (DoHLGH, 2020) or as updated during the life of this Plan. All applications for apartments are required to demonstrate at a minimum compliance with these Guidelines and the Specific Planning Policy Requirements contained therein.

The proposed development is fully compliant with all aspects of the policy framework contained in the County Development Plan 2023-2029 including the Development Management standards contained in Chapter 13 of same. A more detailed consideration of all design elements is provided in the *Development Briefing Report* prepared by Wynne Gormely Gilsean Architects & Quantity Surveyors.

The lands are identified in the Carrick-on-Shannon Local Area Plan 2010-2019 with a 'Primarily Residential' land use zoning objective. Dwellings are indicated in the Zoning Matrix as being acceptable in principle. The Local Area Plan acknowledges the need to increase the supply of social housing and sets this out in:

**Policy 3.1a** which seeks a balance and mix in the provision of social, affordable and private housing in order to promote social and demographic balance within the town.

**Policy 3.1b** which seeks to accommodate social and affordable housing needs through the range of measures available, including purchase, the long term leasing scheme, the rental accommodation scheme and construction where appropriate, subject to available funding.

**Policy 3.1g** which seeks to ensure all housing is designed to the highest standards, in accordance with guidance in Section 3 of this plan and provide it with adequate social and recreational facilities.

**Policy 3.1h** which seeks to ensure that all housing is designed and built as Lifetime Accessible housing and in accordance with current Building Regulations and Quality Housing for Sustainable Communities document (DoEHLG, 2007).

The proposed development is fully compliant with all aspects of the policy framework contained in the Carrick-on-Shannon Local Area Plan 2010-2019.

#### **9.0 Environmental Assessment & Screening**

All housing development projects seeking to utilise the exemption under Section 179A of the Act must have regard to the criteria specifying that the proposed development is not subject to the requirement, in accordance with the Environmental Impact Assessment Directive, for an assessment with regard to its effects on the environment or that the proposed development is not subject to a requirement, in accordance with the Habitats Directive, for an Appropriate Assessment. Developments must therefore be screened for the need to undertake both an Environmental Impact Assessment and Appropriate Assessment in accordance with the precautionary principle.

The Local Authority has determined that the proposed development of 18 no. dwellings on lands at Kilboderry, Carrick-on-Shannon, Co. Leitrim can be screened out for the need to prepare a Natura Impact Assessment under the Habitats Directive or to prepare an Environmental Impact Assessment Report under the Environmental Impact Assessment Directive. These determinations along with the recommendation from the Senior Planner, Bernard Greene and respective screening reports will be made available with the documentation for the proposed development.

#### **Other Environmental Considerations**

No invasive species were recorded on the site; however, it has been recommended that precautions be undertaken during all stages of site preparation, construction and landscaping. This will include ensuring thorough cleaning and power washing of machinery brought onto the site, all topsoil must be free from invasive species vector material and only native Irish species be used in the landscaping with consideration given to pollinators.

A number of mitigation measures / best practice measures with respect to Waste Management, Noise and Vibration have been outlined in the Environmental Impact Assessment Screening Report.

Other than general maintenance of site drainage and ensuring that surface water drainage is in accordance with the requirements of Leitrim County Council Water Services section, no flood risk mitigation measures have been outlined in the Flood Risk Assessment carried out as the proposal was not

found to be at risk of flooding nor will it cause any direct increased risk to adjacent properties or land holdings.

Archaeological mitigation in the form of test trenching (at a pre-construction phase) has been recommended in the Archaeological Report submitted. This should be carried out by an eligible archaeologist working under licence from the Department of Housing, Local Government and Heritage in consultation with the National Museum of Ireland.

**10.0 Recommendation**

The Government is committed to accelerating the delivery of social and affordable housing to support the many households seeking a home to buy or rent at an affordable price. In this regard a number of measures being taken to accelerate the delivery of public housing projects, and this includes amendments to the planning legislation governing Local Authority own housing developments. These amendments are for a temporary period, applying to developments which can commence construction before the end of 2024 and which meet all of the criteria set out in the Act.

**Table 1: Criteria to be satisfied as set out in Section 179(1) of Planning & Development Act 2000, as amended**

Criteria to be satisfied as set out in Section 179(1) of Planning & Development Act 2000, as amended	Response of Housing Authority
<b>(a) that is carried out by, on behalf of, or jointly or in partnership with, a local authority pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity,</b>	The proposed housing development is being carried out by Leitrim County Council
<b>(b) that does not materially contravene the development plan or local area plan for the area,</b>	The proposal adheres to the policy framework of the Carrick-on-Shannon Local Area Plan 2010-2019 and the Leitrim County Development Plan 2023-2029
<b>(c) that is in accordance with the strategy included in the development plan for the area in accordance with section 94(1),</b>	The proposal adheres to the Housing Strategy which forms part of and informs the Leitrim County Development Plan 2023-2029
<b>(d) that is not subject to a requirement, in accordance with the Environmental Impact Assessment Directive, for an assessment with regard to its effects on the environment,</b>	The proposed development has been screened out by the Local Authority of the need to undertake Environmental Impact Assessment.
<b>(e) that is not subject to a requirement, in accordance with the Habitats Directive, for an appropriate assessment,</b>	The proposed development has been screened out by the Local Authority of the need to undertake a Stage II Appropriate Assessment.
<b>(f) that is on land—</b>	



i) <b>that is owned by a local authority or a State Authority,</b>	The proposed housing development is on land owned by Leitrim County Council.
ii) <b>that is zoned for residential use, and</b>	The site is identified with a 'Primarily Residential' land use zoning objective in the Carrick-on-Shannon Local Area Plan 2010-2019
iii) <b>that has access, or can be connected, to public infrastructure and facilities, including roads and footpaths, public lighting, foul sewer drainage, surface water drainage and water supply, necessary for dwellings to be developed and with sufficient service capacity available for such development,</b>	The site has access to and can be connected to all listed public infrastructure and facilities.
(g) <b>that is commenced on or before 31 December 2024.</b>	The proposed housing development will commence before 31 December 2024

On the basis of the supporting reports which have been prepared and form part of the Section 179A process, the Housing and Planning Authorities are satisfied that the proposed development adheres to and is consistent with the Leitrim County Development Plan 2023-2029, the Carrick-on-Shannon Local Area Plan 2010-2019 and the Leitrim Housing Delivery Action Plan 2021-2026. The proposed development at Kilboderry will deliver 18 no. housing units in the high need one and two no. bedroom category with all units being universally designed and three no. units being wheelchair liveable. The Housing Authority is equally satisfied that the proposed works will not adversely impact upon the local receiving environment and that the development would accord with the proper planning and sustainable development of the area.

The Local Authority is satisfied that the proposed development on lands within the ownership and control of Leitrim County Council satisfies the requirements to avail of the provisions of Section 179A of the Planning and Development Act 2000, as amended. It is appropriate therefore for a determination to be made by Leitrim County Council in this regard.

Based on the above, it is recommended that the residential development be proceeded with as proposed.



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