



Section 3: Chief Executive's Summary, Response and Recommendation on Submissions – Rural Policy

DRAFT LOUTH COUNTY DEVELOPMENT PLAN 2021-2027

Response Approach to Rural Submissions

A substantial quantum of submissions was received by the Planning Authority referencing rural policy and other related and miscellaneous issues. Having considered each submission individually it was apparent that there was a commonality in terms of themes raised therein, which if addressed individually would result in an extremely lengthy, voluminous and repetitive document. In the interests of clarity, brevity, ease of access and completeness it was considered appropriate to amalgamate the submissions under specific topics and provide a corresponding CE response to each topic thereafter. Similar to the approach adopted elsewhere throughout the CE Report, the resultant CE Recommendations are provided separately.

Rural Policy General – Composite Response

Theme

Rural

Summary of Submissions and Chief Executive's Response:

1. Object to Plan/Timeframe

Numerous submissions received objected to the rural housing provisions within the development plan. Some submissions requested that the implementation of the rural housing section of the Draft Plan be postponed as the voice of those residing in the rural area has not been heard. Other submissions indicated instigating legal action should the plan proceed.

Response 1:

In accordance with Part 2, Section 9 (1) of the Planning and Development Act 2000 (as amended) the planning authority is legislatively required to make a development plan every 6 years. The content of development plans is set out in Part 2, Section 10 of the Act whilst various stages and associated statutory timeframes in the development plan making process are set out in Part 2, Sections 11 and 12 of the Act. Legislation is clear in designating the content of the development plan and the plan making process and it is not within the gift of the local authority to postpone or omit certain aspects of the development plan as suggested in the submissions.

2. Consultation/Covid 19

Concern was expressed in relation to the consultation process regarding insufficient advertising and promotion of the Plan. Furthermore, due to Covid 19 restrictions, public meetings were not held and thus detrimental consequences of the Plan have not been discussed in their entirety. Consequently, those affected have not been able to fully consider the Plan's impacts nor suggest alternatives, which is deemed to be undemocratic. Additionally, schools have not been consulted on major changes. Concern was also expressed that not everyone had access to broadband/online facilities/computer facilities. It is suggested that the process be put on hold until such time as proper consultation can be carried out.

Response 2:

It is acknowledged that the preparation of the Development Plan is taking place during unprecedented times, with the Level 5 restrictions impacting on the public consultation stage of the process. Notwithstanding this and as outlined above, there are statutory timelines to which there must be adherence as provided for in Sections 11 and 12 of the Planning and Development Act 2000 (as amended).

Following the introduction of the Level 5 restrictions on 22nd October 2020, the Department of Housing, Local Government and Heritage released a document, titled 'Frequently Asked Questions - Effect of National Level 5 Covid-19 Restrictions on the Planning System' This document clarified that statutory planning timelines, including those for development plans, would remain unaffected by the Level 5 restrictions. Consequently, it was not possible for or within the remit of the local authority to suspend or delay the consultation process as requested as it, similar to all other local authorities is bound by the provisions of the Planning and Development Act 2000 (as amended).

The benefits of public meetings are fully acknowledged. Notwithstanding this, due to the exceptional circumstances associated with Covid- 19, such public meetings were not possible as the Health Regulations (SI 448 of 2020) did not permit events involving indoor gatherings of members of the public save in exceptional circumstances.

In recognition of the absence of public meetings, the Council endeavoured to engage with local communities through other avenues of communication including; a narrated overview of the Draft Plan online and a series of 'Virtual Zoom Planning Clinics' whereby the public had opportunities to discuss the Plan and its potential impacts with the Forward Planning team. In conjunction with this, the Forward Planning Team was also available to discuss the Draft Plan by both telephone and email. Furthermore, advertisements were placed in local newspapers and radio stations along with social media and website updates to inform the people of Louth, that the Draft Plan was on display and submissions were invited.

In total, 833 submissions were received during the public consultation period, (2no. were subsequently withdrawn). This large volume of submissions highlights the significant level of public interest in the plan-making process and is an indication of the far reaching extent of the public consultation process. Full details of the extensive consultation process are available in Part 1 of the Chief Executives Report on Submissions received to the Draft Louth County Development Plan 2021-2027.

3. Objection to Rural Housing Policy

A large number of objections to the rural housing policy have been received including those from Gaelic clubs and schools. Whilst some submissions acknowledge the importance of protecting the environment, there has been strong opposition to the rural housing policy. The following has been requested:

- That the rural housing policy is amended in its entirety,
- That rural policy zone 2 be applicable throughout the county,
- A reversion to the previous rural planning policy,
- The former development control 6 is omitted/amended.

It has been raised that the Draft Plan places greater emphasis on conservation, heritage, and tourism than the welfare of the rural community. There is an acknowledgement that rural communities are an integral element of our heritage/culture with a long tradition of one off houses in the county, generations having been born and reared in the rural area and wanting to continue living there. It has been stated that stress and worry of the rural housing policies in the Plan has adversely impacted upon mental health. Concerns have been raised over the impact of the proposed policies on family lineage.

It is also requested that further restrictions are not imposed on the rural area in advance of the review of the Sustainable Rural Housing Guidelines.

Comparisons have been made between the impact of the Draft plan and that of the famine and 'Gregory Clause'. It is requested that the Plan does not sterilise the rural area and force people, in particular the next generation, to live in urban areas which in many cases are overcrowded, lack facilities/infrastructure and have high levels of anti-social behaviour. Concern was raised that people will have to travel further to visit family and friends and resultant implications on the environment. Fear was expressed that the qualifying criteria of the Draft Plan could benefit large developers and that such qualifying criteria and persons who qualify in both rural policy zones be significantly broadened. It was stated that the Plan does not have regard to remote working brought about by Covid-19 and is overly restrictive in this regard.

It is also requested that residents of Level 3, 4 and 5 settlements should qualify to live in rural policy zone 1 or 2 provided that the site is within 5km of their home or that a son or daughter of someone residing in a Level 5 settlement is permitted to live in the rural area.

Response 3:

The National Planning Framework, Eastern and Midland Regional Spatial and Economic Strategy and the current Sustainable Rural Housing Guidelines for Planning Authorities provide a framework for Local Authorities to sustainably manage future rural housing development. The Draft Plan seeks to achieve a balance in facilitating housing in the open countryside whilst also preserving the valuable and scenic landscape and countryside in the County.

The rural housing policy in the Draft Plan was updated to align with national and regional policy, including NPO 19, which requires a distinction to be made between areas under urban influence and elsewhere.

The strategic location of Louth along the Dublin-Belfast Economic Corridor means the County can benefit from high levels of connectivity to major urban centres of employment in the Dublin Metropolitan Area in addition to having the two Regional Growth Centres of Drogheda and Dundalk located within the County. These high levels of accessibility and connectivity have placed the rural areas of the County under pressure for commuter driven development and has resulted in the rural areas being identified as 'under strong urban influence'.

The updated rural housing policy has reduced the number of rural policy zones from 6 to 2. This reduction in policy zones aims to make the rural housing policy more streamlined in addition to aligning it with national and regional policy.

Both rural policy zones 1 and 2 include provision for applications for housing in the open countryside. Rural policy zone 2 includes more extensive qualifying criteria. Rural policy zone 1 includes the most important culturally and environmentally sensitive and scenic landscapes in the County and therefore has resulted in a more limited qualifying criteria for rural housing. In preserving these sensitive landscapes it is important to retain these different rural policy zones.

Given the importance of the former development control 6 to the cultural and scenic value of the County it should be retained within Rural Policy Zone 1.

It should also be highlighted that in addition to the qualifying criteria in Rural Policy Zones 1 and 2, applications can be made for replacement dwellings or for the re-use of vernacular buildings.

It is considered that the rural housing policy in the Draft Plan has achieved a balance in facilitating people with a strong economic or social link to their local rural area and at the same time providing protection to the open countryside particularly those parts which are of landscape, cultural, or environmental significance.

Any policy that would facilitate residents of Levels 3, 4 and 5 settlements to qualify to build in the open countryside would be inconsistent with national and regional policy, which is to support the rejuvenation and revitalisation of small towns and villages and improve the level of services available, which will enable these settlements to play a pivotal role in the sustainable growth and development of rural communities.

The Sustainable Rural Housing Guidelines constitute Ministerial guidelines under Section 28 of the Planning and Development Act 2000 (as amended). Section 28 provides that planning authorities and An Bord Pleanála shall have regard to Ministerial guidelines in the performance of their functions.

The comments in the submissions regarding the overcrowding of urban areas and lack of facilities/infrastructure are noted. The Draft Plan is seeking to create attractive and sustainable settlements where people want to live and where they can enjoy a healthy and balanced lifestyle, where there are employment opportunities, and social and community facilities available. This includes both large urban settlements and small towns and villages. Indeed the Draft Plan recognises the need to support the rejuvenation of small towns and villages and includes a policy objective for the establishment of a 'New Homes in Small Towns and Villages' initiative. It is anticipated that such initiatives will assist in revitalising these settlements and creating socially balanced, vibrant rural communities with the economic basis to sustain services and amenities. The Draft Plan also promotes the concept of remote working and co-working as detailed in Section 5.9 and Policy Objective EE23.

4. Qualifying Criteria in Rural Policy Zone 1

A significant number of submissions were concerned with and raised objections to the overly restrictive nature of qualifying criteria in rural policy zone 1, particularly in the north Louth/ Cooley area. It was stated that the qualifying criteria in Rural Policy Zone 1 is unethical, unfair, inequitable, discriminatory, overly harsh and restrictive. It was expressed that Rural Policy Zone 1 is discriminatory towards those with exceptional health circumstances, those (elderly/ person with a disability) who need a carer, and furthermore fails to provide an opportunity for people who may have a demonstrable economic need to live in this policy zone. It was therefore argued that those residing in Rural Policy Zone 2 will receive preferential treatment to those living in Rural Policy Zone 1. Several submissions requested that lands are re-zoned from rural policy zone 1. In some submissions it was also stated that the landholdings in the Cooley Peninsula are generally small thus the Qualifying Criteria shall prejudice those involved in farming on a part-time basis and that the 10 year ownership criteria was too restrictive particularly toward farmers, while other submissions raised the point that the 3 hectare requirement was discriminatory against non-landowners.

Response 4:

One of the requirements of a development plan is to preserve the character of the landscape. Rural policy zone 1 pertains to the most important and sensitive landscapes in the County and includes the most scenic, environmental and culturally significant areas of Louth. In order to preserve these landscapes there is a more restricted policy criteria for rural housing within this policy zone.

Different qualifying criteria between rural policy zones is not a new approach for managing rural housing in the open countryside. In the current Development Plan the qualifying criteria differs between policy zones, with the most stringent criteria in the most sensitive landscapes.

It is acknowledged that land holdings on the Cooley Peninsula are generally small thus may not lend themselves to farming full time. However an applicant may qualify to reside in rural policy zone 1 under other criteria.

Within rural policy zone 1 there is an opportunity to provide care for an elderly person (s) or a person (s) with a disability through the provision of a family flat/ independent living unit.

There were particular concerns highlighted in the submissions regarding the limited criteria for persons with an 'economic' need to qualify for a rural house in rural policy zone 1, with full time or significant involvement in agriculture being the only means by which persons can qualify. Having regard to the provisions of chapter 5 and 7 of the Draft Plan which supports rural entrepreneurship, rural enterprise development and tourism related developments at appropriate scale and at suitable locations in the County, it was considered that where a person could demonstrate that they have an established business that is intrinsically reliant on being located in Policy Zone 1 and consequently requires them to reside in Policy Zone 1 of the rural area and where they also can demonstrate a rural housing need, that this scenario should be acceptable under one of the qualifying criteria for the area. Details are provided in the CE Recommendations.

Concerns raised in submissions suggesting discrimination towards those with exceptional health circumstances in Rural Policy Zone 1 are acknowledged. Having regard to the observations raised in the submissions received, there may be a scenario where a person can meet this criteria and also be from the Rural Policy Zone 1 and they should not be precluded from consideration in this area given that they may have social ties that may act as a support network in that area. Therefore, it is proposed to include such a policy in this rural policy zone. Details are provided in the CE Recommendations.

5. Qualifying Criteria in Rural Policy Zone 2

- Numerous submissions raised concerns and objections to the overly restrictive nature of qualifying criteria in Rural Policy Zone 2
- Some submissions requested the removal of the reference to 'resided in the rural area' and applicants not having 'owned/sold a dwelling in the county in the last ten years', is either omitted or reduced to 5 years.
- Other submissions requested that the 18 year qualifying criteria be reduced to 10 years with clarification that the 18 years are cumulative.

Response 5:

The reference to 'resided in the rural area' has been carried through from the current Louth County Development Plan and it is considered to be both reasonable and equitable. The proposed increase for someone who has resided in the rural area of Louth for at least 18 years as opposed to 10 years prior to any application for planning permission and the amendment of the criteria to exclude persons who have owned or sold a residential property in the County for a minimum of 10 years prior to making an application, is in recognition of the pressure the open countryside is under from urban generated housing. The wording 'having resided in the rural area for 18 years prior to making an application', is considered clear in so far that it pertains to the total number of years. There are 8 different criteria under which persons in rural policy zone 2 can qualify for permission to build a new rural dwelling. This criteria is not considered to be overly restrictive. This is confirmed in the submission from the Office of the Planning Regulator, which indicated that a "relatively relaxed" rural qualifying criteria applies in policy zone 2.

6. Objection to Definition to 'qualifying landowner'

Qualifying Criteria in relation to landholding is considered restrictive, unfair and results in disadvantage. Objections were raised regarding the definition of a 'qualifying landowner', in particular the requirement that the landholding be at least 3 hectares and owned for a minimum of 10 years. As a consequence it was suggested that either and/or both the hectares and years be reduced.

Response 6:

The definition of a 'qualifying landowner' is considered to be fair and equitable, and it does not differ from the criteria set out in the current Louth County Development Plan.

7. Discriminatory Nature of Rural Policy

- a. The rural policy in the draft Plan is considered discriminatory to the non-farming/non landowning community. Concern was expressed that the rural policy favours those involved in agriculture which could lead to further degradation of the environment and is contrary to the provision of Chapter 12 of the Draft Plan.
- b. Concern that the qualifying criteria in both Rural Policy Zones 1 and 2 benefit those who reside in the rural area, and as such this would be in breach of Article 43 of the EU Treaty on free movement of people. Additionally, it is stated that the rural policy has not had regard to the 'The Flemish Decree'.
- c. Majority of farms/land holdings are passed onto sons thus the Draft Plan is biased in favour of men.
- d. Rural Policy Zone 1 is discriminatory against those with exceptional health circumstances.
- e. Plan is unjust and goes against the spirit of Bunreacht na hEireann Art 40.1 which holds that all Irish citizens are equal.
- f. Discriminatory for those with larger land holdings.

Response 7:

- a. As previously indicated the rural housing policy in the Draft Plan seeks to manage the future growth and development of the countryside in a way that will preserve the rural landscape whilst also supporting the creation of sustainable rural communities. Whilst there is specific qualifying criteria for persons engaged in full time agriculture, landowners, non-landowners in both rural policy zones have the opportunity to purchase or build in the open countryside through the renovation of vernacular buildings or the replacement of existing habitable dwellings. In addition non-landowners who are from Rural Policy Zone 1 will be deemed to qualify for a rural dwelling in rural policy zone 2.

Furthermore, there will also be opportunities for persons who meet the qualifying criteria to build in the Level 5 Rural Nodes. (The term rural node was introduced on foot of the submission (No. 817) received from the Office of the Planning Regulator). Please refer to Response 22.

- b. The Draft Plan does not restrict the movement of people and thus is not in breach of Article 43 of the EU Treaty on free movement of people. Further, the Draft Plan has had regard to the Flemish Decree. For a detailed response please refer to the OPR's Submission 817. Details are provided in the CE Recommendations below
- c. The intergenerational transfer of land/landholdings falls outside the remit of the Development Plan.
- d. As detailed in Response 4 above, it is recommended that an additional qualifying criteria pertaining to exceptional health circumstances is added to Table 3.4. Details are provided in the CE Recommendations below.
- e. The Draft Plan is neither considered to be unjust nor go against the spirit of Bunreacht na hEireann Art 40.1.
- f. See Response in 6 above to 'Qualifying landowner'.

8. Impact of Rural Policy

Submissions from rural residents in relation to both policy zones but particularly in north County Louth raised concerns about population decline and its impact on the following:

a. Community Spirit

Rural communities are healthier, more peaceful environments resulting in better mental and physical health. Implementation of rural policy will increase isolation particularly for the elderly and will furthermore result in a loss of informal childcare arrangements thereby putting additional strain on already stretched resources. The rural policy proposed will result in the closure of churches and community buildings, and will impact upon the functioning of community / voluntary groups. It will have a detrimental impact on community spirit, whereby unique and vibrant communities will be lost. No impact assessment report of the long term impact of the rural planning policy has been undertaken.

b. Future Generations/Segregation

The Draft Plan removes the right to live build on family land. The next generation will be displaced and not able to live/work in the area/communities where they grew up and some people may have to migrate. In instances, where there are more than two children in a family it is unfair that only two can be provided with sites and this will result in family feuds. People will have to travel further to visit family and friends.

c. Schools

A decrease in school enrolments will result in the loss of teaching posts as well as adversely impacting upon education and will ultimately lead to the closure of schools and a 'brain drain' from the rural area.

d. Sporting Organisations.

The Draft Plan will negatively impact on recreation and sporting organisations including soccer and Gaelic clubs. Gaelic clubs are seen as a central hub for the community. An ageing population will reduce the number enrolled which will have implications for their viability with a resultant knock on effect on communities.

e. Rural Economy

The plan will result in a decline in the rural population. In turn this will have a detrimental effect on local services such as public transport, amenities and the rural village economy. Local businesses, tradesmen, shops, medical services, credit unions, Garda stations post offices, restaurants, and pubs will be adversely affected and opportunities in the tourism and hospitality sector will be limited. It is noted that Cooley is already considered to be a low income/DEIS area.

f. House Prices

As a result of less housing being available in Rural Policy Zone 1 housing prices, particularly in Rural Policy Zone 2 will rise. People from the rural area cannot afford to purchase houses in urban areas/village settings. Building costs are already high and the only way that many can afford to settle and start their own families in these areas is if they are able to build on family land. There is already a housing shortage/lack of land available for development within numerous settlements and further demand will increase house prices, exacerbate the housing crisis and force more people to rent and/ or onto the housing waiting list.

Response 8a-e:

Issues raised in relation to the perceived negative impact of the rural housing policy must be initially considered in the context of the population allocation as per the Draft Plan. Herein, Chapter 2, Table 2.14: Core Strategy Table, Column D, illustrates that the projected population increase to 2027 for the Rural Area of County Louth is 1, 753 persons, which equates to 8.3% of the projected population growth in the County up to 2027. The projected population increase for the 5no. Self -Sustaining Towns is 980 persons whilst the projected population increase for the 8no. Level 4 settlements is 450 persons and the 24no. Level 5 rural nodes is 300 persons. It is therefore apparent that in terms of rural population allocation, that the population projection for the rural area of County exceeds the total for the Level 3 settlements and the aggregate total for Level 4 and 5 settlements.

The concerns raised in submissions regarding the decline of rural communities in the variety of topics identified in the submissions are noted. The Draft Plan recognises that there are challenges facing rural communities across a range of issues including employment, connectivity, isolation and availability of services. In this regard there is an opportunity to reverse this decline by supporting and facilitating the regeneration and rejuvenation of rural towns and villages. This can be achieved by facilitating high quality development in an attractive setting close to existing services and facilities which will enable them to become a viable alternative to housing in the open countryside, particularly in areas under significant development pressure from one-off housing or in areas of scenic, cultural, or environmental quality. It is envisioned that this twin-tracked approach will provide the stimulus for the revitalisation of rural communities in the County, and provide a strong platform for the continued growth and development of sustainable rural communities.

Response 8f:

The quantum of residential land identified for development is aligned with the housing demand for each settlement as set out in the Core Strategy. Furthermore, to assist with the creation of sustainable rural communities the Draft Plan has identified lands within the Rural Nodes that are suitable to meet rural generated housing needs.

There are a range of factors that can influence house prices. The Housing Strategy in Appendix 3 of Volume 2 identifies the social and affordable housing requirement for the County based on the projected population and household increase. Whilst it is acknowledged that the development of housing on family owned lands in the open countryside can provide affordable housing for family members, it must also be considered in a wider policy context that includes creating sustainable communities, supporting the transition to a low carbon society, and rejuvenating towns and villages. In this regard it is considered that the Draft Plan has achieved a balanced policy approach.

Specific Queries in Relation to Chapter 3**9. Strong Urban Influence/National Regional Restrictions**

A query arose as to whether the entire county, including all its rural environs, is under strong urban influence and clarity as to whether this complies with NPO 19. A separate submission stated that national and regional plans do not call for heavy restrictions.

Response 9:

In accordance with the NPF and as part of the information gathering and evidence base on which this Draft Plan was prepared, an analysis of the level of development in rural areas in the County was undertaken. From this, it was evident that there is a strong relationship between large urban centres and the rural areas. This analysis was consistent with the approach of the NPF and RSES and from this it was concluded that the entire county is under 'strong urban influence'. Further, the policy objectives and qualifying criteria of the Draft Plan are compliant with NPO 19 of the NPF.

10. Section 3.17.2

Section 3.17.2 of the Plan misrepresents Page 74 of the NPF (Rural Housing) as it does not state 'in all of rural Ireland' but 'in many parts of rural Ireland'.

Response 10:

The narrative in section 3.17.2 relating to rural policy is considered to be consistent with and fully aligned with the principles of the NPF as they relate to housing development in the rural area.

11. Housing Output

Is the significant majority of housing output in County Louth in the countryside and not in urban areas in the last development plan period? If so, please provide those statistics in the development plan for reference.

Response 11:

The Core Strategy in Chapter 2 provides details of housing output in the County over the past decade. During the last current development plan period of 2015-2021 housing in the open countryside accounted for between c.19-44% of total annual housing output in the County. As economic conditions improved the volume of output in urban areas increased, resulting the proportion of one off housing in the total housing output decreasing. The data and information in this regard is provided for and detailed in Chapter 2 of the Draft Plan.

12. Sustainability of rural areas

- Section 3.17 - 3.17 *"This is presenting challenges for the long term sustainability of rural areas as the landscape is being gradually eroded and farmland is slowly being depleted"* - Does Louth County Council have statistics of percentages of farmland that has been depleted and in what zones/areas?

Response 12:

As part of the preparation of the Draft Plan the areas under most pressure for development for single housing in the countryside were identified. Further, the development of one-off housing on individual sites, cumulatively impacts on both the landscape and incrementally will lead to a reduction in farmland in order to accommodate such development.

13. Septic Tanks

The proliferation of individual septic tanks and waste water treatment systems is also impacting on soil and water quality, - this is a very broad statement and needs to be backed up with statistics and sources.

Response 13:

There is a potential impact for the pollution of ground water and surface water from septic tanks. This is dependent on a number of variables including effluent loading, and the permeability and depth of the subsoil. Under the requirements of the Water Framework Directive an integrated approach is required to water management, which among other issues can take into account the number of septic tanks and waste water treatments systems in a catchment area.

14. Identification of Rural Communities

Sustainable Rural Housing, Guidelines for Planning Authorities (2005): “They require the needs of rural communities to be identified in the development plan process and that residential development is accommodated at appropriate locations necessary to sustain rural communities” - How were the needs of rural communities identified for this plan?

Response 14:

The preparation of the Draft Plan involved engagement and consultations with various government agencies and stakeholders, in the identification of the future needs of communities throughout the County. The public consultation stages of the development plan provide opportunities for public engagement at both pre-draft and draft Plan stages. Whilst each settlement and community in the County may have different priorities and issues, the Draft Plan seeks to provide a policy platform on which sustainable communities can be developed and people can enjoy a balanced and healthy lifestyle.

15. Section 3.17.4

- Section 3.17.4 - What happens if there is no site owned by the landowner in Rural Policy Zone 2? This section goes directly against the statement on the same page that this plan – *“recognises the importance of facilitating people with a strong economic or social link to their local rural area, in strengthening the rural community”*.

Response 15:

As detailed in previous responses, there is a need to be cognisant of and find a balance between protecting the most sensitive landscapes and rural housing provision. If there is no site owned by the landowner, the Draft Plan makes provision that a site can be purchased in Rural Policy Zone 2, subject to qualifying criteria. There are also opportunities for children of landowners to live in rural nodes and small towns and villages in the locality or avail of a replacement house option.

16. Table 3.4

- Table 3.4: What happens if a landowner has 3+ children? Are the younger children not to be given the same opportunity to live in the area in which they grew up because of their date of birth?

Response 16:

The Draft Plan is seeking to support the creation of sustainable communities whilst achieving a balance in protecting the open countryside for future generations. There are opportunities for children of landowners to live in rural nodes and small towns and villages in the locality or avail of a replacement house option.

17. Full-time Agriculture Qualifying Criteria

Query; do you have to be a registered landowner or a farmer in Rural Policy Zone 1, could someone renting land for the purpose of farming qualify to build there.

Response 17:

In accordance with Table 3.4 persons engaged in full time agriculture within rural policy zone 1 may qualify to build there.

18. Definition of 'Local Rural Area'

Request to reduce catchment area to 3km rather than 6km.

Response 18:

The definition of the 'local rural area' is considered to be fair and equitable, and it does not differ from the criteria set in the current County Development Plan.

19. Evidence to be Submitted with a Planning Application

Numerous queries received regarding the evidence required to be submitted in conjunction with a planning application for one off housing in the rural area.

Response 19:

The Development Plan deals with Policy. Issues raised relating to evidence to be submitted with a planning application lies outside the remit of the Development Plan. Notwithstanding this, Planning packs will be updated as soon as possible after adoption of the Plan.

20. Home Ownership/ Rental Property

Query has arisen regarding someone who has jointly purchased a rental investment property in an urban area but has never resided there and how this will be considered in terms of having never owning or having sold a residential property in the County.

Response 20:

The Planning Authority is aware that exceptional circumstances can arise and as such these will be dealt with on a case by case basis.

21. Speculative Development

Concern expressed regarding transfer and the quantity of sites being sold off within the rural area. In particular, it is stated that farmers could get permission in rural policy zone 1 in the name of their son/ daughter and subsequently sell sites to someone else. It has been requested that a 10 year occupancy condition be implemented except in circumstances where someone is selling to a family member. Conversely some submissions also objected to qualifying criteria on the basis that it will limit the number of sites which can be sold from a landholding.

Response 21:

A 7 year occupancy condition is placed on any permission granted for one off housing in the rural area (HOU43). The 7 year occupancy condition is considered reasonable. Furthermore HOU 45 restricts residential development on a land holding, where there is a history of development through the speculative sale or development of sites, notwithstanding the applicant's compliance with the local need criteria. HOU 43 and HOU 45 are considered necessary to prevent speculative development.

22. Housing in Level 5 Settlements

Housing in Level 5 settlements was previously bought by people who are not local and concern is expressed that there is not enough land available. It was also requested that people born and reared in these centres should qualify for permission in any Level 5 centre.

Response 22:

The provision of land within rural nodes has been closely aligned to the settlement strategy and there is considered to be sufficient lands available to assist with meeting rural generated housing need.

The rural nodes throughout the County provide for effective land management in rural areas. Such rural nodes will ensure reasonable alternatives for non-landowners to continue to live in rural areas, ensure that future projected population growth can be managed in a sustainable manner and ensure the integrity of the County's settlement hierarchy is not compromised. They will also ensure that future provision of community supports and services are provided in areas where there is population concentration thus allowing for a better quality of life and promoting healthy and active living such as walking and cycling to school.

The importance of Level 5 rural nodes in meeting local generated housing needs is acknowledged. To this effect, applicants of new dwellings will be subject to compliance with Local Needs Qualifying Criteria (HOU 42) as set out in revised Table 3.5. Further, it is accepted that a person living in a Level 5 rural node and considered to qualify under Table 3.5 is considered eligible to build a dwelling in any Level 5 Rural node. Please refer to Chief Executives Recommendation.

23. Location of Land Holding

Anyone who owns land in zone 1 and zone 2 should have to use the land in zone 1.

Response 23:

There is a presumption against the granting planning permission for a rural one off dwelling in rural policy zone 1 where there is an alternative site available on family lands in rural policy zone 2 (HOU 44).

24. Local needs Criteria

Support for Local needs qualifying criteria.

Response 24:

Noted

25. Agriculture

The Draft Plan promotes agriculture which is of low ecological value and produces a significant level of pollution, this is contrary to the provision of Chapter 12.

Response 25:

The agriculture industry is an important employer in the rural areas of the County whereby the nature of activities results in a high level of direct and indirect employment. The Draft Plan supports and promotes any changes to farming practices that will adapt to climate change and result in more sustainable levels of production.

Specific Queries in Relation to Chapter 13

26. Backland Development:

- Addition of Section 13.9.43 'Backland Development' is welcomed.
- Some submissions express concern that backland development is not supported in the Draft Plan whilst, other submissions request that it is more clearly defined.

Response 26:

Paragraph two, Section 13.9.43 Backland Development was inserted by way of Motion at the Council Meeting of the 1st October 2020 against the advice of the Officials. Please refer to OPR Submission No. 817 for details.

It is acknowledged that in the rural area the Council will not generally favour proposals which involve development located to the rear of established buildings. The planning authority is satisfied that backland is adequately described in Section 13.9.43.

27. Ribbon Development:

Four houses in a row is not adequate, there should be at least five, six or more. It is suggested that it will not result in sprawl in the countryside. Some submissions also request that Policy SS 54 is removed.

Response 27:

A definition of ribbon development is provided in Chapter 13, Section 13.9.42 of the Draft Plan, which is in accordance with national planning policy, The Sustainable Rural Housing Guidelines which define ribbon development as five or more houses on any one side of a given 250 metres of road frontage.

Policy SS54 pertains to the Louth County Development Plan 2015-2021, this policy has not been carried through to the Draft Plan.

28. Infill Development

There will be no opportunity for infill developments. Lanes which already have housing in both rural policy zones 1 and 2 should be considered suitable for infill development.

Response 28:

It is anticipated that there will be opportunities for infill development over the lifetime of the Plan. Applications for same shall be assessed in accordance with Chapter 13, Section 13.9.38 'Housing in the Open Countryside'. Notwithstanding this, all applications in the rural area will be subject to qualifying criteria in the relevant policy zones.

29. Visibility of Dwellings

Zonings: Map zoning colour on a (flat) map does not take into account the topographical impediments to visibility. This was also raised with reference to the former development control zone 6.

Response 29:

It is acknowledged that the visibility of a dwelling cannot be assessed using a map. The visual impact of any dwelling shall be assessed through an on-site inspection at application stage on a case by case basis in accordance with the policy objectives of the plan as a whole and with Chapter 13, Section 13.9.44, and with regard to rural policy zone 1, sections 13.17.9 or 13.17.10.

30. Density and Clachan Type Developments

Consider a density exemption to the Qualifying Criteria in Rural Policy Zones 1 & 2. Provision of clachan type developments should be permitted.

Response 30:

Chapter 3, Section 3.17.1 pertains the capacity of areas to absorb future development. Chapter 13, Section 13.9.41 of the Draft Plan provides specific criteria in relation to same. This criteria is applicable in both rural policy zones and is considered vital to prevent further erosion of the rural character. It is considered that increasing the density of rural housing and clachan type developments would have an adverse impact on the character of the rural area.

31. Serviced Sites

Serviced site should be permitted in Zones 1 and 2 as well as Level 3, 4 and 5 settlements.

Response 31:

On foot of Submission 817 from the OPR, policy objective HOU 39 has been amended to preclude multi unit developments from within Level 5 settlements. As per revised HOU 39 the planning authority is supportive of serviced sites within small towns and villages.

32. House Site Restrictions

House size restrictions should be reviewed to allow people to work from home. Conversely other submissions request that it is re- introduced to restrict the size of dwellings and their impact on the landscape.

Response 32:

The house/plot size criteria in the current Plan has not been carried forward into the Draft Plan. Instead Chapter 13, Section 13.9.41 of the Draft Plan deals with 'Site Selection' and Section 13.9.46 addresses among other aspects, the scale and form of one off rural housing. This approach is considered more appropriate as it will enable applications for one off rural housing to be dealt with on a case by case basis, having regard to their particular visual impact upon the landscape in which they are located.

33. Holistic Approach

A review of rural policy should be undertaken and a holistic approach is required which focuses on the provision of sustainable housing and materials.

Response 33:

See Response to 3 above in relation to rural housing policy and sustainable development in the countryside. The importance of using appropriate materials in the design and construction of one off dwellings is noted and this matter is dealt with in Chapter 13, Section 13.9.46 of the Draft Plan.

34. Landscaping

Require native hedgerow and planting around new dwellings and within the site.

Response 34:

The importance of indigenous landscaping and boundary treatments is noted and this is acknowledged in Chapter 13, Sections 13.9.52 and 13.9.53 of the Draft Plan.

Other Issues**35. RFI Local link**

The submitter is not familiar with the RFI Local link referenced (Chapter 7 Movement section of the Draft plan). It does not cover the Ravensdale, Bellurgan, Feede Mountpleasant area.

Response 35:

The NTA has responsibility for the provision of rural transport services across the County which is delivered through the 'Local Link Programme'. It is community based, with services developed on a partnership approach between community organisations, Local authority and agencies responsible for accessible transport provision. The Council will continue to

work with and support the local link and encourage operations to improve services to meet social and economic needs of rural communities.

36. Use of Diesel Buses

The draft Plan acknowledges sustainability and the importance of reducing carbon emissions, however concern was raised regarding use of diesel buses in rural area.

Response 36

Policy Objective MOV 6 is to facilitate the switch to Electric vehicles through the roll out of additional electrical charging points at appropriate locations within the County in association with relevant agencies and stakeholders.

37. Pre Planning

Query if the ability of the landscape to absorb further one off housing and the visual impact of a dwelling will be communicated to future applicants prior to getting expensive plans drawn, and if the council intends to do this in a fair and transparent manner.

Response 37:

Pre planning does not fall within the remit of the Development Plan. Notwithstanding this, under Section 247 (2) of the Planning and Development Act 2000 (as amended) the Planning Authority shall, as far as possible indicate the relevant objectives of the development plan which may have a bearing on the decision of the planning authority. Section 247 (5) requires the planning authority to keep a record in writing of any consultations. Collectively, this will ensure equity and transparency.

38. Port Access Northern Cross Route

Provision of the Port Access Northern Cross Route will result in a much quieter rural area.

Response 38:

Policy Objective MOV 23 supports the progression of the Drogheda Port Access Northern Cross Route.

39. Short Terms Lets/ Second Homes

Concern regarding impact of Airbnb's/ second homes/holiday homes on housing stock particularly in the Carlingford and Cooley area.

Response 39:

The impact of short term lets on the housing market is acknowledged. The new planning legislative reforms provided for in the Residential Tenancies (Amendment) Act 2019 and supplementary regulations made by the Minister for Housing, Planning and Local Government are focused on short-term tourism related letting.

As short term letting has become more popular as a form of tourism letting to supplement accommodation provided by hotels, B&Bs etc., it has resulted in some professional landlords withdrawing houses and apartments that would normally be rented on a long-term basis to instead rent them out as short-term lets. In the context of the current housing supply situation, the aim of the new legislative reforms is to influence the bringing back of such houses and apartments to the traditional long-term rental market and thereby help

ease the accommodation shortage pressures currently being experienced in this area. A team within the planning enforcement section of Louth County Council has been specifically set up to deal with the issue of Short Term Letting

40. Provision of Housing for Elderly/Age Friendly Strategy/Specialist Housing

Plan for housing elderly similar to Rath Abbey in Grange

Response 40:

The Draft Plan in both narrative (Section 4.12.1) fully recognises and supports the delivery of retirement homes, homes for the elderly etc. Policy Objective SC 40 requires that residential care, retirement, nursing homes, retirement villages and sheltered accommodation be included within Level 1, 2, 3 and 4 settlements for reasons of sustainability, accessibility, social inclusion and proximity to services. Furthermore, Louth County Council pioneered the Age Friendly County Programme informing both national strategies and plans. Local Community Development Communities embedded the Age Friendly County Programme as a priority in the Louth Economic Community Plan and from this developed the Louth Age Friendly County Plan 2017-2022, which is supported by Policy Objective SC 5 of the Draft Plan.

41. Grants

Provide grants to renovate existing dwellings.

Response 41:

The provision of grants does not fall within the remit of the Development Plan. Notwithstanding this there are numerous policy objectives within the Draft Plan which encourage and facilitate the restoration and refurbishment of existing dwellings as well as vernacular dwellings and buildings. The important contribution of such buildings to Louth's housing stock is acknowledged.

42. Farm Diversification

The draft Plan does not make provisions for glamping/ camping facilities or the potential for off shore wind as a means to generate income.

Response 42:

Policy Objective EE 59 facilitates the diversification of the agricultural sector by supporting alternative farm enterprises subject to the nature and use of any enterprise being compatible with the environment it is located. The importance of renewable energy is acknowledged in narrative and policy objectives as identified in Chapter 10 of the Draft Plan.

43. Cooley Brand

Cooley brand and history has not been exploited to its full potential

Response 43:

The Draft Plan places significant importance on the Cooley Region and the attractiveness of its landscape is emphasised throughout Chapter 8. Simultaneously Chapter 6 makes numerous references to the Cooley Region in relation to both tourism attractions and the Mourne- Cooley- Gullion Geotourism Project.

44. Flood Maps

Flood maps are not accurate

Response 44:

The Flood Maps were provided by the OPW and include PFRA maps which are only indicative of areas that may be prone to flooding, with further investigations required. The CFRAM flood mapping is based on more detailed modelling. Further details are set out in the Strategic Flood Risk Assessment in Volume 5 of the Draft Plan.

45. Political Donations

Concern is expressed regarding role of developers and political donations

Response 45:

This lies outside the remit of the Development Plan. Notwithstanding this, under the Local Government Act 2001, provision has been made for an ethical framework to operate within local government, this includes a publicly accessible register.

46. Refusal of Planning Applications

Some submissions provide details with regard to applications which have been refused under the Louth County Development Plan 2015-2021.

Response 46:

This lies outside the scope of the Development Plan. Notwithstanding this, all applications received under the Louth County Development Plan 2015-2021 were assessed having regard to the policies and objectives therein. In the event that a planning application was refused the applicant has/ had the opportunity to appeal to An Bord Pleanála under Section 37 of the Planning and Development Act 2000 (as amended).

47. Broadband

Need for broadband provision in rural area.

Response 47:

As per Section 10.4.2 and policy objectives IU32, 33 and 34 the Draft Plan supports the roll out of high quality broadband.

48. Downsize

Options to downsize have been omitted.

Response 48:

The rural housing policy does not preclude the option to downsize, those residing in the rural area have the option of buying an existing property in the rural area or within a rural node furthermore, they could purchase a property in the Level 1, 2, 3 or 4 settlements.

Chief Executive's Recommendation:

It is proposed to amend the qualifying criteria for Rural Policy Zone 1 and Rural Policy Zone 2 in Tables 3.4 and 3.5 of Chapter 3 as follows:

Qualifying Criteria Rural Policy Zone 1

1. Persons engaged in full time agriculture. This includes livestock, poultry, dairy, and tillage farming, bloodstock and equine related activities, forestry, and horticulture. The nature of the agriculture activity shall, by reference to the landholding, livestock numbers, or intensity of the use of the land, be sufficient to support full time or significant part time occupation. Depending on the activity the documentation available will vary however the onus will be on the applicant to demonstrate the viability of the enterprise. Information to be provided shall include:
 - The size of the landholding;
 - The nature of the operations;
 - Buildings and storage associated with the operations;
 - Number of persons employed;
 - Livestock numbers (if applicable);
 - Participation in government schemes/ programmes e.g. Bord Bia Quality Assurance, Basic Payment Scheme (BPS), GLAS, or any similar/updated programmes or schemes;
 - Any other information that would support the application.

Or

~~2. Permission will be considered for 2 no. dwellings in addition to the family home, for a son or daughter of a landowner who are native residents of the area to build a first home for permanent occupation. A qualifying landowner is defined as a person who owns a landholding of at least 3 hectares and has owned the land for a minimum of 10 years. Any applicant under this category must demonstrate a rural housing need and shall not have previously owned a dwelling. Any application will be subject to the appropriate siting and consideration of proper planning and sustainable development.~~

Or

2. A son or daughter of a landowner who are seeking to build a first home for permanent occupation. A qualifying landowner is defined as a person who owns a landholding of at least 3 hectares and has owned the land for a minimum of 10 years. Any applicant under this category must demonstrate a rural housing need and have demonstrable social or an economic need to live in the area and shall not have previously owned a dwelling. No more than three houses in total shall be permitted on the landholding (inclusive of the family home). Any application will be subject to the appropriate siting and consideration of proper planning and sustainable development.

Or

3. A person who has an established business which is intrinsically reliant on being located in Policy zone 1 and consequently requires them to reside in Policy Zone 1 of the rural area. The nature of the operations of the business shall be specific to this rural area being cognisant of the need to protect the high amenity value of the landscape. Any application shall demonstrate the viability of the business and clearly set out the nature of activities associated with the business and why it requires the owner to reside in the vicinity

Or

4. Persons who are required to live in the rural area of Zone 1, for exceptional health reasons. The person will be required to have demonstrable economic or social ties to the area in the first instance to be considered under this category. Any application shall be accompanied by a medical consultant's report and recommendation outlining the reasons why it is necessary for the applicant to live in a rural area. The application shall also demonstrate why the existing home of the family member cannot be adapted to meet the needs of the applicant.

Qualifying Criteria Rural Policy Zone 2

1. Persons engaged in full time agriculture. This includes livestock, poultry, dairy, and tillage farming, bloodstock and equine related activities, forestry, and horticulture. The nature of the agriculture activity shall, by reference to the landholding, livestock numbers, or intensity of the use of the land, be sufficient to support full time or significant part time occupation. Depending on the activity the documentation available will vary however the onus will be on the applicant to demonstrate the viability of the enterprise. Information to be provided shall include:
 - The size of the landholding
 - The nature of the operations
 - Buildings and storage associated with the operations
 - Number of persons employed
 - Livestock numbers (if applicable)
 - i. Participation in government schemes/ programmes e.g. Bord Bia Quality Assurance, Basic Payment Scheme (BPS), GLAS, or any similar or replacement programmes or schemes.
 - ii. Any other information that would support the application.

Or

2. A person whose business requires them to reside in the rural area. The nature of the operations of the business shall be specific to the rural area. Any application shall demonstrate the viability of the business and clearly set out the nature of activities associated with the business and why it requires the owner to reside in the vicinity.

Or

3. ~~Landowners including their sons and daughters who are native residents of the area. A Native resident is someone who has resided in the rural area of Louth for at least 18 years prior to any application for planning permission. Any applicant under this category must demonstrate a rural housing need and shall not own or have sold a residential property in the County for a minimum of 10 years prior to making an application.~~

3. Landowners including their sons and daughters who have demonstrable social or economic ties to the area where they are seeking to build their home. Demonstrable social or economic ties will normally be someone who has resided in the rural area of Louth for at least 18 years prior to any application for planning permission. Any applicant under this category must demonstrate a rural housing need and shall not have owned or have sold a residential property in the County for a minimum of 10 years prior to making an application.

Or

~~4. A native resident who is seeking to build a house in the area. A native resident is someone who has resided in the rural area of Louth for at least 18 years prior to any application for planning permission. Any applicant under this category must demonstrate a rural housing need and shall not own or have sold a residential property in the County for a minimum of 10 years prior to making an application.~~

4. A person who is seeking to build their first house in the area and has a demonstrable economic or social requirement to live in that area. Social requirements will be someone who has resided in the rural area of Louth for at least 18 years prior to any application for planning permission. Any applicant under this category must demonstrate a rural housing need and shall not own or have sold a residential property in the County prior to making an application.

Or

5. An emigrant who was ~~native~~ resident of the area (~~previously~~ resided in the area for at least 18 years ~~in total~~) and wishes to return to the area to live. The applicant shall not own or have sold a residential property in the County for a minimum of 10 years prior to making an application.

Or

~~6. Native~~ Residents who have demonstrable social ties to the area and are providing care for an elderly person(s) or a person(s) with a disability who lives in an isolated rural area and who does not have any able bodied person residing with them. Any application shall demonstrate why the existing property cannot be extended or modified to provide residential accommodation for the carer. One house only will be allowed on this basis and the site must be adjacent to the dwelling in which the elderly person(s) or person(s) with the disability resides.

Or

7. Persons who are required to live in a rural area, for exceptional health reasons. Any application shall be accompanied by a medical consultant's report and recommendation outlining the reasons why it is necessary for the applicant to live in a rural area. The application shall also demonstrate why the existing home of the family member cannot be adapted to meet the needs of the applicant.

Or

8. A person who has been a ~~native~~ resident for at least 10 years that previously owned a home and is no longer in possession of that home due to the home having been disposed of following legal separation / divorce / repossession and can demonstrate a social or economic need for a new home in the rural area.

Section 3.17.6 Development in Level 5 Settlements – Rural Nodes

Insert the following additional text:

A person living in a Level 5 Rural Node and considered to qualify under Table 3.5 is considered eligible to build a dwelling in any Level 5 Rural Node.

Chapter 2 - Core Strategy

Re-title Small Towns and Villages as Small Towns, Villages and Rural Nodes. Amend references to rural villages to rural nodes.

Insert/Amend **New** Policy Objective

CS 16 To direct rural generated housing demand to rural villages **and rural nodes** in the first instance and ensure that one off housing in the open countryside is only permitted where there is demonstrable compliance with the criteria for rural housing as provided for in the Development Plan.

CS 17 To facilitate rural generated housing demand in identified Rural Nodes commensurate with the prevailing scale, pattern of development and services available.

SS54 To support and facilitate balanced and proportionate population and economic growth in the Self-Sustaining Growth Towns, Small Towns and Villages, and **Rural Nodes** that will meet the needs of the residents of the settlements identified **in** each of the settlement categories.

SS62 To encourage the re-use and rejuvenation of vacant and under-utilised lands in rural towns, villages **and rural nodes** for appropriate uses.

See the OPR (Submission no.817) and EMRA (Submission no.99) for further details on responses and recommendations relating to development in the rural area.