

Joint submission on draft ‘Urban Development and Building Heights Guidelines for Planning Authorities’

For the attention of Forward Planning, Department of Housing, Planning & Local Government

24th September 2018

1. Introduction

The Association of Consulting Engineers of Ireland (ACEI), Engineers Ireland (IEI) and the Society of Chartered Surveyors Ireland (SCSI) welcome the publication of the draft Urban Development and Building Heights Guidelines for Planning Authorities. Our three professional bodies have collaborated in the preparation of the following observations.

Firstly, we strongly agree with the need to increase density in our cities, towns and rural centres. Achieving this objective through increased building heights in urban environments is appropriate, in order to avoid continued urban sprawl with the overall objective of developing more sustainable living spaces.

Secondly, it is important to appreciate that Ireland is considering a significant, if necessary change, through the general increase in height. In this submission, we’ve jointly identified the following areas to focus on the following:

- Utility and transport infrastructure capacity
- Fire and public safety
- Cost and affordability
- Building healthy and attractive communities
- Maintenance and funding
- Planning hierarchy

Thirdly, the uniformity offered through a national policy is to be welcomed, but care needs to be taken such that a ‘one size fits all’ approach is only applied to suitable areas.

2. Utility and transport infrastructure capacity

The draft Guidelines reference the ability to promote higher buildings in areas where there is infrastructure already in place; however, the capacity of this infrastructure will require careful consideration (for example, services such as water, electricity, gas, lighting, etc.). Developers of existing accommodation will have sized services in accordance with the original configuration of the development.

In terms of public transport, the attraction of developing and providing more accommodation in urban centres must be matched with an appropriate provision of public transport. Consideration should be given to current proposals to rationalise the bus service within Dublin.

Key observations:

- In reviewing proposals, careful consideration must be given to the capacity of supporting infrastructure and services.
- Proposals must be reviewed in the current and future context of transport plans (e.g. NTA's Dublin Area Bus Network Redesign).

3. Fire and public safety

Any proposals to promote construction to the heights envisaged in the draft Guidelines should consider the regulatory regime to address fire safety. The recommendations of the Hackitt Report, which followed the 24-storey Grenfell Tower fire in London, should be considered integral to this discussion. The Hackitt Report recommends major changes to Building Regulations and Building Control Regulations, together with fundamental changes to the regulatory oversight, for High Rise Residential Buildings (HRRBs) in the UK. It defines HRRBs as residential buildings of 10 storeys high or more in the first instance. The 10-storey definition would apply to mixed-use buildings if they were partially residential. It envisages the definition being widened in due course to include a wider set of residential buildings below 10 storeys.

The pressure to build up rather than out is increasing due to previous planning policy surrounding urban sprawl. Other infrastructure (i.e. fire-fighting equipment) has evolved and been designed for use on lower buildings (i.e. 6 storeys). Therefore, if the agreed strategy is to deliver buildings at greater heights, a comprehensive review should be considered to ensure other infrastructure (and associated training) that allows for the safe management of buildings is available.

In relation to point 3.3, we acknowledge that Fire Safety is a separate regulatory requirement from these National Guidelines; however, it is important that all TGDs are reviewed so that they are valid for the use within taller buildings. While the Building Control Amendment Regulations (BC(A)R) have vastly improved the oversight of building construction in Ireland, new regulatory challenges, as are currently being examined in the UK post Grenfell, will need to be addressed in the context of the delivery of higher buildings to the market. The poor workmanship of relatively new apartment complexes being uncovered, in buildings constructed prior to the introduction of BC(A)R in 2014, illustrates the need for increased oversight to ensure that buildings are being delivered in

accordance with the building regulations, particularly with regard to withstanding emergency situations.

Key observations:

- Incorporate the recommendations of the Hackitt Report.
- Review fire and safety infrastructure for the safe management of these buildings.
- Increase oversight to ensure that buildings are being delivered in accordance with the building regulations.

4. Cost and affordability

While the development of policy and the provision of legislation are in the domain of the Government and Local Authorities, the investment in these initiatives is, as admitted by the authors, a joint public and private responsibility. This introduces the prospect that there must be a commercial incentive for the private investors to engage with the provision of housing/accommodation. Commercial incentives revolve around money and recovery of investment embraces the need for appropriate cost.

There is often a gap between what local planning authorities consider affordable to provide, and what development proposals are capable of supporting financially, in terms of planning obligations, while seeking to meet policy requirements. Land cost is a significant issue for new house/apartment delivery in Ireland, particularly in Dublin. The SCSi 'Real Cost of New Apartment Delivery' report highlighted that land costs accounts for approximately 16% of the total delivery cost of new apartment delivery and the cumulative impact of land costs with finance costs can result in a higher proportion of the overall costs.

The principal objective of providing housing should be that it is affordable and available where demand is high. Development land has experienced double digit capital appreciation in the past 12 months (see SCSi's 'Annual Commercial Property Review and Outlook Report 2018') and this is unsustainable. The lack of suitable development land to the market has had an inflationary impact on the market and this is being borne by those trying to access suitable accommodation close to their location of employment.

In the context of the draft Guidelines, if buildings are permitted to increase in height, this does not necessarily equate to a more economically efficient delivery of buildings/ apartments to the market. Research from the SCSi's 'Real Costs on New Apartment Delivery' Report shows that as buildings are built higher, construction 'hard' costs increase substantially leaving them often in an unviable position. Therefore, whilst there is a positive response to the move towards higher density and building heights, more needs to be done to make land costs more affordable.

From a planning perspective, it is important that there is a strong link between, law, practice policy and the implementation of each. It is important that planning, guides and manages growth and supports economic investment conditions in a way that renews existing urban fabric. It is also important that before new policy decisions are made, a holistic view is taken regarding all policy interventions to evidence that development will be viable in the marketplace.

The objective of testing affordability is to ensure that all the inputs as identified in the SCSi 'Real Costs of New Apartment Delivery' report do not exceed the capacity of the development to be profitable.

The planning system should also have regard to a depressed market, and the fact that the value of development in some cases could be marginal. In this context, it is vital that the planning system does not place an undue burden on investment and development, making the realisation of important goals unachievable.

Therefore, in light of the above, three issues need to be addressed. Firstly, planners need to be cognisant of affordability during the zoning and planning application stages. Secondly, financial viability in planning is important so that planning requirements are joined to public procurement policies and market reality. Finally, the release of State lands needs to be carefully managed so that the ultimate objective of releasing affordable homes to the market is achieved.

Key observation:

- Appreciate that economic benefit of greater height might be realised not in lower unit costs, but in external cost reductions realised through the reduced cost of infrastructure.
- The release of State lands needs to be carefully managed to enable the construction of affordable homes. The new Land Development Agency could be a key contributor to the effective use of land in the context of these guidelines.

5. Building healthy and attractive communities

The guidance that workplace, residential and community infrastructure be linked in mixed use neighbourhoods is welcome. It is important that residential accommodation be well designed and family friendly with adequate storage facilities.

One concern, however, would be around access to daylight and sunlight and how the standards in the BRE document 'Site Layout Planning for Daylight and Sunlight' could be achieved. There are some newer techniques to assess daylighting such as climate-based daylight modelling. This runs a full year daylight simulation for the building and calculates the number of hours that a space achieves a particular lux level. The BRE method uses single point in time analysis i.e. 21st March etc. These newer methods are referenced in LEED, BREEAM & WELL.

The increase in building height needs to be accompanied by sufficient open public space in the immediate vicinity of tall buildings. This, together with a broader set of urban development sustainability objectives are addressed in green building standards such as [WELL for Communities](#).

In terms of possible development in waterfront or marine locations, the sensitivity assessment should not just be about height, but an appropriate assessment of height with visibility of the water or marine feature. Thus, there is little attraction in having buildings at maximum height closest to the water feature which blocks the view for other building set behind the first one. A proportionate setting of building heights is necessary to maximise the attraction of the development.

Key observation:

- Proposals should include appropriate modelling analysis to demonstrate impact on daylight / sunlight and visual impact for existing residents.

6. Maintenance and funding

Ireland's lack of familiarity with the management of high-rise buildings is important to consider, for example, a lift not working in a 6 storey building can limit access to some degree, but in a 20 storey building is a significant problem. Consequently, the maintenance budget in high rise buildings is significantly greater to ensure constant access.

The Multi-Unit Development (MUD) Act regulates the management of apartment schemes and within this legislation, a minimum contribution of €200 is proposed for the building investment (sinking) fund for common areas and services. In October, the SCSi will publish a report on the inadequate funding of many apartment schemes in Ireland. This is partly due to the challenge of recouping service charges from unit owners, which can prove to be very difficult. Accordingly, many MUDs are inadequately funded and in many instances, Building Investment Funds are also inadequately funded. This will result in many larger maintenance issues arising in the years to come. There is a concern, given the inadequacies of the current MUD system, that if the long-term strategy is to build higher, there should be a heightened intensity to review the MUD act to make the accounting and collection of Service charges more efficient.

Key observation:

- Review the MUD Act to ensure sufficient service charge collection and building investment fund in place.

7. Planning hierarchy

The impact of these proposals on the planning hierarchy should be clarified. For example, the following text in Paragraph 3.1 of the Consultation Draft appears to be contradictory:

- Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?
- Where the relevant development plan, local area plan or planning scheme pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme **does not align with and support** the objectives and policies of the National Planning Framework?

Should the above text in red should be re-phrased to: "does align with and does support" or "aligns with and supports"?

SPPR 3 indicates that local authorities/An Bord Pleanála can approve applications even where the proposals are not consistent with the objectives of the Development Plan. From our reading, this does not seem to be an interim measure, pending the introduction of SPPR 1. This appears to provide a welcome level of flexibility on the whole question of building height. However, the assessment criteria that the SPPR sets out and which needs to be met are ones that can be applied

across a wide portion of a town or city; “locations with good public transport accessibility, particularly town/city cores” extends to a very significant part of Dublin City, for example. It may be the case that once local authorities adopt new Plans following the approach set out in these Guidelines, in principle it would be open to the Planning Authority to subsequently grant permission for something that was not consistent with that initial Plan.

The Guidance document also refers to urban height as 6 storeys. Para 1.10 refers to the ‘default objective’ for such areas as inside the canal ring of Dublin. It is recommended that an SPPR should be identified that specifies that the default height in the canal ring in Dublin and the analogous areas of Cork, Limerick, Galway and Waterford is 6 storeys, unless otherwise specified in the Development Plan. In that way, the onus is on the local authorities to justify the reduction in height from the baseline, as opposed to having to argue an increase in height to 6 storeys.

Key observation:

- Clarify the relationship between the Guidelines and local authority development plans.

The Association of Consulting Engineers of Ireland, Engineers Ireland and the Society of Chartered Surveyors Ireland appreciates the work completed by the Department of Housing, Planning and Local Government on these important issues and we look forward to continuing our engagement.

ENDS

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Engineers Ireland

With over 25,000 members, Engineers Ireland is the voice of the engineering profession in Ireland. Engineers Ireland was established in 1835 making us one of the oldest and largest professional bodies in the country. Members come from every discipline of engineering, and range from engineering students to fellows of the profession.

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Society of Chartered Surveyors Ireland

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