Cavan Town & Environs Development Plan 2014-2020

Variation Number 1

7/12/2018

 

**1.0 Introduction**

**1.1 General Introduction**

Proposed Variation Number 1 of the Cavan Town and Environs Development Plan proposes 2 variations to the plan in question.

1. Seeks in accordance with the Urban Regeneration and Housing Act 2015 to integrate specific objectives which will identify and encourage the development and renewal of identified areas in need of regeneration or residential development and to specify the areas identified in need of regeneration or residential development
2. To extend the areas permitting residential development in the Cavan Town and Environs Development Plan to include Phase 2 and Phase 3 lands as per currently zoned to ensure there is adequate zoning provision for housing development of the town and thus enable the town to meet the objectives of the Core Strategy of the Cavan Town and Environs Development Plan 2014-2020.

The proposed variation has been prepared in accordance with the provisions of Section 13(2) of the Planning and Development Act 2000 (as amended)

**1.2 Background to Proposed Variation**

The Urban Regeneration and Housing Act 2015 which was signed into law in July 2015 is premised on addressing matters nationally in terms of regeneration and housing supply. The Act aims to encourage urban regeneration with an emphasis placed on facilitating increased activity in the residential sector. The Vacant Site Levy was introduced under the legislation, as a site activation measure which is required to be integrated as part of the planning process, in seeking to ensure that vacant or underutilised land in urban areas is brought into beneficial use, in order to prevent

1. Adverse effects on existing amenities in such areas, in particular as a result of ruinous or neglected condition of any land
2. Urban blight and decay
3. Anti social behaviour, or
4. A shortage of habitable houses or of land suitable for residential use or a mixture of residential or other uses.

In making provision for the Vacant Site Levy in development plans, the Urban Regeneration and Housing Act 2015 requires Planning Authorities in the first instance to incorporate mandatory objective(s) to support Urban Regeneration and also to indicate areas within the County to which the equitable application of the levy can occur.

During the background works carried out for the implementation of the Urban Regeneration and Housing Act 2015, it became apparent that there was an issue in relation to the suitability of Phase 1 lands for development. These lands having regard to their gradients, could not meet the targets population growth as set out in the Cord Strategy of the Cavan Town and Environs Development Plan 2014-2020. A detailed analysis on all Phase 1, 2 and 3 lands has been carried out and in order to resolve this issue this variation also proposed to permit development in Phase 2 and Phase 3 lands during the lifetime of this development plan. The numbers of dwellings permitted, however will be controlled in the Development Management Process so that the Core Strategy of the Cavan Town and Environs Development Plan 2014-2020 is complied with in full.

Following in-depth analysis as part of preparatory work for the Vacant Site Levy a comprehensive study of zoned residential lands in Cavan Town and Environs Development Plan 2014-2020 was carried out. Currently as part of this plan 65 hectares of zoned residential lands are designated as Phase 1.None of these lands have been approved permission in the current development plan period. As part of background works undertaken for the Urban Regeneration and Housing Act 2015, each of the sites in Phase 1, 2 and 3 have been examined under the criteria –location, plot size, description, owner, planning permission history, services and issues. Phase 1 lands of the plan are located closest to the town centre of Cavan Town; however this study has concluded that there are serious issues in relation to the viability of developing the sites in question. This is due in most part to the topography of the sites in question which would result in the development of these lands uneconomically viable for development. This report has concluded that there are approximately 25 hectares of the 65hectares of Phase 1 lands suitable for development. The study extended the examination of sites to phase 2 and 3 lands and a detailed analysis of same has been carried out. This concludes that the issue of topography is prevalent in the residential lands around Cavan Town and thus there is a need to address this.

This proposed variation intends to increase the offer of lands available for development within the plan period to lands zoned in Phase 2 and 3. This will result in residential development being permitted in principle in Phases 1, 2 and 3 of the current plan. However, in order to achieve planned and sustainable growth of the town, the current regime of monitoring of all approvals on residential lands will seek to ensure that the Core Strategy of the Cavan Town and Environs Development Plan 2014-2020 is adhered to in full.

**1.3 Rationale to Proposed Variation**

The purpose of this Variation is to incorporate the provisions of the Urban Regeneration and Housing Act 2015 regarding the Vacant Site Levy and urban renewal and regeneration into the Cavan Town and Environs Development Plan 2014-2020. As the review of the Cavan Town and Environs Development Plan 2014-2020 is not due to commence until June 2018, the suggested mechanism to adhere to the new provisions of the legislation is through the variation process

* 1. **Proposed Variation**
  2. **Application of the new objective on existing land use zonings for ‘Residential Lands’**

Residential lands **-** Section 3 of the 2015 Act defines ‘residential land’ as

‘...land included by a planning authority in its development plan or local area plan.....with the objective of zoning solely or primarily for residential purposes, and includes any structures on such land.’

Having regard to the existing land use zonings contained in the Cavan Town and Environs Development Plan 2014-2020, therefore, ‘Residential Lands applies to the following

**Town Centre/Core** – Objective to protect and enhance the special physical and social character of Cavan Town Centre while providing and/or improving town centre facilities. Residential is permitted in principle in the land use zoning.

**Existing Residential** –Objective to protect and improve existing residential amenity. Residential is permitted in principle in this land use zoning.

**Residential Phase 1** -Objective is to provide for sustainable residential development and to protect and improve residential amenity. Residential is permitted in principle in this land use zoning.

**Residential Phase 2, 3 and 4** – Objective is to identify lands that are not suitable for residential development within the current plan period.

It is noted that residential is not currently permitted in this land use zoning but that this variation includes proposals to permit residential development, subject to the Core Strategy, on Residential Phase 2 and 3 zoned lands.

**2.2 Determination of need for housing under Section 6(4) of the Urban Regeneration and Housing Act 2015**

The local authority’s need for housing shall be determines having regard to

1. The housing strategy and core strategy of the planning authority
2. House prices and the cost of renting houses in the area
3. The number of households qualified for social housing support in accordance with section 20 of the Housing Miscellaneous Provisions Act 2009 that have specified the area of choice for the receipt of such support and any changes to that number since the adoption of the planning authority’s development plan, an
4. Whether the number of habitable houses for purchase or rent was less than 5% if the total number of houses in the area
   1. **Cavan Town and Environs Development Plan Core Strategy**

The Cavan Town and Environs Development Plan’s Core Strategy sets out the required housing need to meet the target population for the duration of the development plan period up until 2020.

The following table details the number of residential units required to meet the target population of Cavan Town up until 2020.

**Table 1: Core Strategy Table**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  | *Target Population growth from 2011 – 2020* | *Housing Land Requirement (ha) for Target Population Growth* | *Proposed Residential Land Zoning /Designation (Ha) with 50%*  *over zoning* | *Housing Yield (units) form Proposed Residential Land Zoning* | *Housing Yield (units) from other lands* |
| *County* | | *8,143* |  |  |  | *There is minimum capacity within the existing residentially zoned land to cater for one off dwellings* |
| *Tier one* | *Cavan Town & Environs* | *2,195* | *43.6* | *65* | *1170* |

The Core Strategy above shows that the Cavan Town and Environs Development Plan has displayed a targeted growth in the County of 2,195 persons in the period 2014-2020. This results in an expected requirement for 1,170 houses in the plan period.

**2.4 Planning Permissions and Commencement Notices**

One relevant planning permission has been approved on Phase 1 lands since the adoption of the current development plan in June 2014. Same was for the approval of 1 house (reg. No. 15/53). This lack of commencement of residential developments show that the housing development carried out to date falls far short of the identified requirement in the Core Strategy.

**2.5 Social Housing**

The number of persons of the social housing waiting list for a dwelling in Cavan Town is **403**. This figure clearly indicates that there is a demand for social housing in the town.

**2.6 House and Rental Prices**

The table below shows the average asking prices for residential units for sale and monthly rents in the County comparing the first quarter of 2017 with the first quarter of 2018.

**Table 2: Average Asking Price and Monthly Rents in County Cavan**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Period | 1 bed Apt | % annual change | 2 bed terrace | % annual change | 3 bed semi d | % annual change | 4 bed bungalow | % annual change | 5 bed detached | % annual change |
| Average asking price (Sale) | | | |  |  |  |  |  |  |  |
| Q1  2018 | €48 | 7.0% | €63 | 6.4% | €91 | 4.8% | €174 | 3.8% | €188 | -4.2% |
| Q1  2017 | €45 | -1.2% | €59 | 16.2% | €87 | 12.4% | €168 | 4.8% | €197 | 9.1% |
| Average Monthly Rents (Rental) | | | |  |  |  |  |  |  |  |
| Q4  2017 | €478 | 9.5% | €541 | 9.0% | €645 | 8.3% | €703 | 8.4% | €725 | -0.9% |
| Q4  2016 | €436 | 9.1% | €496 | 11.2% | €595 | 7.9% | €648 | 9.9% | €732 | 15.0% |
|  |  |  |  |  |  |  |  |  |  |  |

**Source Daft.ie**

The increases in asking and rental prices over the past 2 years are an indication of increasing demands for residential units and a shortage of supply.

**2.7 Percentage of Residential Units for Sale or Rent**

**Table 3 Percentage of Residential Units for Sale or Rent**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Settlement | Housing Stock | Number of Units for Sale  May 2018 | Number of Units for Rent May 2018 | Total Numbers of Units for sale or rent  March 2017 | % units for sale/rent of total housing stock |
| County | **33,585** | **258** | **26** | **284** | **0.8%** |
| Cavan Town | **4813** | **53** | **4** | **57** | **1.18%** |

The number of residential units for rent or sale expressed as a percentage of the housing stock is set out in Table 3. This shows the number of dwellings for sale or rent in Cavan Town and in the remainder of the county as a percentage of the housing stock in Cavan Town and in the County. This percentage of residential units for sale or rent for both the town and the county falls well below the 5% figure as per Section 6(4) of the Urban Regeneration and Housing Act 2015.

**2.8 Conclusion**

It is clear from the above analysis detailing expected growth in the town and environs area and the number of houses needed to cater for this growth, increasing rent and sale price and the lack of number of houses for sale or rent in the town that there is a housing need in Cavan Town and Environs, however the inactivity in commencement of dwellings since the adoption of the development plan would raise concerns that there is a viability issue in relation to house construction. The proposed variation has noted the issue with the physical condition of the land that is currently zoned as Residential Phase 1 and how this would affect the development of housing.

**2.9 Application of the new objective on existing land use zonings for ‘Regeneration Lands’**

‘Regeneration Lands’ **-** Section 3 of the 2015 Act defines ‘regeneration land’ as

‘....land identified by a planning authority in its development plan or local area plan......with the objective of development and renewal of areas in need of regeneration, and includes any structures on such land.’

It is proposed to include a new regeneration objective as part of the Core Strategy in Chapter 2 of the plan. This will also include categorisation of land use zonings as ‘regeneration’ land. This will allow vacant sites in these areas to be considered for inclusion on the register.

**‘Regeneration Land’ can apply to the following land use zonings:**

9.1.1

* Zoning Objective **Town Centre/Core**

To protect and enhance the special physical and social character of Cavan Town Centre while providing and/or improving town centre facilities.

* Zoning Objective **Enterprise and Employment**

To facilitate opportunities for general employment and enterprise and related activities.

* Zoning Objective **Industry/Enterprise/Employment**

To facilitate opportunities for general industrial, employment, enterprise and related activities**.**

* Zoning Objective **Commercial and Associated Services**

To protect and provide for and/or improve retail centre facilities.

* Zoning Objective **Retail and Retail Warehousing**

To acknowledge existing retail and retailing warehousing located outside town core zoning

**3.0 Environmental Considerations**

**3.1 Strategic Environmental Appraisal**

The Planning Authority determined using screening criteria set out in Schedule 2A Planning and Development Regulations 2001-2018, the Department of Housing, Planning and Local Government SEA Guidelines ad Annex 2 of Directive 2001/42/EC, that a Strategic Environmental Assessment is not required for the proposed draft variation to the Cavan Town and Environs Development Plan 2014-2020.

**3.2 Appropriate Assessment Screening**

An Appropriate Assessment Screening was undertaken of the proposed draft variation to the Cavan Town and Environs Development Plan 2014-2020, in accordance with Article 6(3) of the EU Habitats Directive (92/43/EEC). The drat variation is not predicted to have a likely impact on the key features or the qualifying interests of any Natura 2000 sites in or adjoining Cavan Town and Environs area.

**4.0 Format of Proposed Variation**

The existing text of the Cavan Town and Environs Development Plan 2014-2020 is shown in normal text.

* Deletions are shown as a strikethrough text e.g. ~~deleted text is shown like this~~
* Amendments/Additions are shown in red text e.g. new text in shown in red

**4.1 Text of Proposed Variation**

The proposed variation consists of the following material amendments to the Cavan Town and Environs Development Plan 2014-2020

**Section 1.1.Content of the Development Plan**

The renewal and development of areas in need of regeneration **identified having regard to the core strategy, that are in need of regeneration, in order to prevent –**

1. **Adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land,**
2. **Urban blight or decay**
3. **Anti-social behaviour, or**
4. **A shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses**

**Chapter 1 - Section 1.2 Aim of Development Plan**

The aims of the plan are

6.To strengthen the urban structure in the County through the planned and orderly development of the County Town. The Council will implement the provisions of the Urban Regeneration and Housing Act 2015 which includes where appropriate the Vacant Site Levy in facilitating and encouraging the development and renewal designated vacant sites as provided for in the 2015 Act.

**Chapter 2**

**2.4 Development Areas in Cavan Town and Environs**

**Brownfield/Infill Sites**

Redevelopment of these sites, close to the town core area is strongly encouraged.The Council will implement the provisions of the Urban Regeneration and Housing Act 2015 which includes where appropriate the Vacant Site Levy in facilitating and encouraging the development and renewal designated vacant sites as provided for in the 2015 Act.

**Section 2.5 Phasing**

**~~Town Core, Infill Sites, Backlands and Brownfield sites~~**

**Policy CSP1:**

Toencourage and promote residential development of existing Brownfield and infill sites located in Town Core and Phase 1, 2 and 3 zoned lands of the Phasing Map. ~~The phased management and release of existing residential units, over that of Greenfield sites will take place within the life-time of the Plan.~~ The Council will implement the provisions of the Urban Regeneration and Housing Act 2015 which includes where appropriate the Vacant Site Levy in facilitating and encouraging the development and renewal designated vacant sites as provided for in the 2015 Act.

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There are also a number of backland, infill and brownfield sites and many of these have been identified in the Urban Design Framework. The development of infill, brownfield and backland lands will be strongly encouraged in this zoning. The Council will utilise all available tools and mechanisms, including the Vacant Site Levy in facilitating and encouraging the renewal of vacant and/or underutilised sites.

**Phase 2 and 3 ~~–circa 800m -1km of the town core~~**

Phase 2 and 3 lands are located a further distance from the town core and thus not as easily accessible to the town core services and sustainable transport modes. Further investment in some Phase 2 and 3 sites is required to fully integrate these sites into the town. ~~The sites are located at Drumelis, Lisdarn, Swellan, Drumalee, Cullies, Drumlark and Killynebber.~~ Some of these sites require infrastructure upgrade ~~and thus are not immediately suitable for development,~~ however many are suitable for development or extension to already developed housing. These lands will be considered on a case by case basis.

**~~Phase 3 –Undeveloped Residential Lands~~**

~~These lands are considered suitable for development in a period of time outside the development plan, due to their distance to services, amenities and town core. These lands would require service investment and are not immediately suitable for development~~.

**2.5.5 Phase 4 – Previous Housing Consolidation Area**

This is fringe urban housing located on the periphery of the town. The existing plan recognised the established residential groups or clusters. Many of these sites are unserviced in terms of public sewer and the existing plan sought to acknowledge them with this class of use.

~~Essentially Phase 2, 3 and 4 lands are not suitable for residential development within the lifetime of this current plan i.e. 2014 to 2020.~~

**~~Sequential Test~~**

~~Applications for development on lands zoned for ‘Phase 2, 3 and 4’ will only be considered with the submission of a Sequential Approach included in the Justification Test.  The Sequential approach, as set out in the Departments’ Development Plan Guidelines (DoEHLG,2007) specifies that zoning shall extend outwards from the centre of an urban area, with undeveloped lands closest to the core and public transport routes being given preference, encouraging infill opportunities, and that areas zoned shall be contiguous to existing zoned development lands and that any exception must be clearly justified in the written statement in accordance with the principles of this Core Strategy.~~

**Policy CSP2:**

To permit residential development on Town Core and Phase 1, 2 and 3 lands only during the plan period, subject to compliance with the Cavan Town and Environs Development Plan Core Strategy. Grants of permission on Phase 1, 2 and 3 lands shall be closely monitoring by the Planning Authority to ensure compliance with the Core Strategy ~~Only on completion\* of 70% of lands included in Phase 1 and accompanied with a Justification Test and a Sequential Test shall subsequent phasing be considered for additional development.~~

~~\*Completion of a development is where all dwellings are constructed and permission is in full compliance with planning conditions.~~

**Policy CSP5A**

To facilitate in the implementation of the Urban Regeneration and Housing Act 2015, in particular, by way of utilising site activation measures, including the provision of the Vacant Site Levy, as appropriate to assist in bringing forward vacant and/or underutilised ‘residential’ and ‘regeneration’ lands into beneficial use within lands identified in the Cavan Town and Environs Development Plan 2014-2020. For the purposes of clarity, ‘residential’ and ‘regeneration lands’ as identified in the Urban Regeneration and Housing Act 2015 to be interpreted within the Cavan Town and Environs Development Plan 2014-2020 as follows

Residential :includes all lands zoned Town Centre/Core, Existing Residential, Phase 1, 2 and 3 residential lands.

Regeneration: includes all lands zoned town centre, Enterprise and Employment, Industry/Enterprise/Employment, Commercial and Associated Services, Retail and Retail Warehousing.

**CSP5B**

To undertake site activation measures (including the utilisation of the Vacant Site Levy) set out under the Urban Regeneration and Housing Act 2015 to ensure that vacant or underutilised land/residential lands within the plan boundary area for Cavan Town and Environs are brought into beneficial use, while also ensuring more efficient return on investment in enabling infrastructure and to counter unsustainable urban sprawl.

**Existing Planning Permissions**

The phasing of lands in the Cavan Town and Environs Development Plan does not affect the rights of any planning permission granted under Section 34 of the Planning and Development Act 2000. The principles of the Core Strategy, ~~including a Justification Test and a Sequential Test, s~~hall be considered for any application under Section 42 of the Planning and Development Act (as amended) 2010.

**Chapter 5**

**Section 5.3 Provision of Housing**

It is a recommendation of the Housing Strategy that;

* ~~20%~~ 10% of land, that is zoned for residential use or a mix of residential and other uses shall be reserved for the purpose of ;

1. Housing for persons referred to in section 9(2) of the Housing Act 1988.
2. ~~Affordable housing, as defined in section 93 of the Planning and Development Act 2000.~~

HO11 Require, as provided for under Section 95 of the Act, as amended, that ~~20%~~ 10% of land zoned for residential use or for a mixture of residential and other uses shall be reserved for

~~for the purposes of (either or both):~~

~~- Housing for persons referred to in Section 9 (2) of the Housing Act, 1988,~~

~~- Affordable housing (as defined at Section 93 of the Planning and Development Act, 2000).~~

the provision of housing, in order to comply with the Planning and Development Act 2000, as amended and the Urban Regeneration and Housing Act 2015.

~~This objective will apply to all applications for the development of more than~~ 4 ~~residential units or residential development on land of more than 0.1 hectares on lands zoned for residential use or for a mixture of residential and other uses. This objective will be implemented following consultation with the applicant/developer and having regard to their proposals for meeting the requirements of the Strategy and by the attachment of conditions to planning permissions for residential developments on lands zoned for residential use or a mixture of residential development and other uses.~~

**~~HO12~~** ~~Ensure the development of social and affordable housing units is carried out in consultation with the applicant/developer. The Planning and Development (Amendment) Act, 2002 has provided for a number of alternative options to satisfy the requirements to reserve lands under section 94 (4) (A) of the Planning and Development Act for social and affordable housing. In considering these options it will be the preference of the Council, subject to agreement, to require developers to build units of accommodation and transfer them into the ownership of the Council, or persons nominated by the Council, at an agreed cost. Where a financial contribution is accepted, this will be ring-fenced and used only by the Council in its functions under Part V and/or functions in the provision of housing under the Housing Acts. The transfer to the Planning Authority of the ownership of the land shall be the default option if no agreement is reached between the Council and the applicant/developer. In this instance the applicant/developer will be required to transfer the relevant percentage of the land, which is the subject of the application for permission, into the ownership of the Council for an agreed cost.~~

**Chapter 9**

**9.11 Zoning Objectives**

(TC) Town Centre

Objective

To protect and enhance the special physical and social character of Cavan Town Centre while providing and/or improving town centre facilities. All Town Centre zoned lands within the plan is subject to the provisions of the Urban Regeneration and Housing Act 2015 with respect to the application of the Vacant Site Levy for regeneration and residential purposes where appropriate.

Existing Residential

Objective

To protect and improve existing residential amenity. All Existing Residential zoned lands within the plan is subject to the provisions of the Urban Regeneration and Housing Act 2015 with respect to the application of the Vacant Site Levy for residential purposes where appropriate.

Residential (Phase 1,2 and 3)

Objective

To provide for residential development and to protect and improve residential amenity. All Residential (Phase 1) zoned land within the plan is subject to the provisions of the Urban Regeneration and Housing Act 2015 with respect to the application of the Vacant Site Levy for residential purposes where appropriate.

**Residential Phase ~~2, 3 and~~  4 lands**

**Objective**

To identify lands that are not suitable for Residential development within the current development plan period.

Enterprise & Employment

Objective

To facilitate opportunities for general employment and enterprise and related activities. All Enterprise and Employment zoned lands within the plan is subject to the provisions of the Urban Regeneration and Housing Act 2015 with respect to the application of the Vacant Site Levy for regeneration purposes where appropriate.

Industrial/Enterprise/Employment

Objective

To facilitate opportunities for general industrial, employment, enterprise and related activities. All Industrial/Enterprise/Employment zoned lands within the plan is subject to the provisions of the Urban Regeneration and Housing Act 2015 with respect to the application of the Vacant Site Levy for regeneration purposes where appropriate.

Commercial and Associated Services

Objective

To protect provide for and/or improve retail centre facilities. All Commercial and Associated Services zoned lands within the plan is subject to the provisions of the Urban Regeneration and Housing Act 2015 with respect to the application of the Vacant Site Levy for regeneration purposes where appropriate.

Existing Retail and Retail Warehousing

Objective

To acknowledge existing retail and retailing warehousing located outside Town Core zoning. All Existing Retail and Retail Warehousing zoned lands within the plan is subject to the provisions of the Urban Regeneration and Housing Act 2015 with respect to the application of the Vacant Site Levy for regeneration purposes where appropriate.

**Appendix 2**

**Housing Strategy**

**Section 4**

**Recommendations**

4. ~~20%~~ 10% of land, that is zoned for residential use or a mix of residential and other uses shall be reserved for the provision of housing for the purposes of

~~- Housing for persons referred to in Section 9 (2) of the Housing Act, 1988,~~

~~- Affordable housing (as defined at Section 93 of the Planning and Development Act, 2000).~~

compliance with the Planning and Development Act 2000 as amended and the Urban Regeneration and Housing Act 2015.