

# 3

## Overview of planning and development process

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## 3. Overview of planning and development process

### 3.1 BIODIVERSITY MANAGEMENT IN FORWARD PLANNING

#### 3.1.1 Developing a County Policy Framework for Biodiversity

The County Development Plan is central to the legal planning framework in the Republic of Ireland and most planning direction takes place at the county level. The County Development Plan sets out the aims of the Council for the proper planning and sustainable development within the county. Among the detailed objectives of the County Development Plan are a number of key policies and objectives relating to the natural heritage. The importance of designated sites, protected species and sensitive landscapes are highlighted within these plans. However, much of our biodiversity is unprotected and occurs outside designated areas. In recognition of this, many County Development Plans contain policies and objectives that aim to protect and enhance biodiversity within the wider landscape. These are objectives that aim to preserve the more widespread features such as streams, hedgerows, small woodlands and species-rich grasslands.

*As populations grow, there are increased demands placed on limited resources, such as land for housing, infrastructure and other development. It is a challenge to provide an integrated landscape strategy that can meet conflicting demands. In order to achieve this, a clear strategy is required to effectively address the needs of biodiversity and to integrate biodiversity into all sectors in line with the National Biodiversity Plan. This strategy is embodied in the Local Biodiversity Action Plan; a key document that will inform planning at the county level.*

#### 3.1.2 Local Biodiversity Action Plans

Some local authorities have Local Biodiversity Action Plans. These provide the framework for the co-ordinated delivery of the local biodiversity strategy. Among the key aims of any Local Biodiversity Action Plan is to gather information on local biodiversity, co-ordinate existing and new initiatives, assist in sustainable planning and development and, raise public awareness and involvement. A core objective of any Local Biodiversity Action Plan is undertaking habitat surveys and a county wide review of biodiversity that will identify habitats, species and sites of local importance. This information can be used to highlight sensitive areas where development could have a negative impact on biodiversity and areas where development could be successfully integrated with the natural environment. Existing nature designations are recognised within the plan and form the basis for a network of important natural heritage sites within the county. In addition, many local authorities currently hold internal databases detailing the known locations of important habitats and species that do not have legal protection but are of high local biodiversity value. As additional surveys are carried out, the level of detail contained in these databases will grow and provide a more informed view of the county.

An important aspect in generating Local Biodiversity Action Plans is the adoption of a “whole landscape” approach. An objective of the Local Biodiversity Action Plan is to maintain and restore connections between important habitats at the landscape scale. This objective could be facilitated through the County Development Plan, which has the capacity to retain and develop landscape connections that provide habitat for species and allow movement between areas.

### 3.1.3 Biodiversity in Area Plans

The Planning and Development Act 2000 introduced some statutory area planning mechanisms, in particular Local Area Plans and Planning Schemes. It is the intention that these act as masterplans for an area. They should be integrated studies and deal with the co-ordinated and optimal development of the lands in question. As such, biodiversity is a critical assessment layer and should be given consideration in any study. A Local Area Plan (LAP) is a statutory plan made by a local authority for a specific area. LAPs should comprise an integrated framework for the development of the area and should consider biodiversity as a core component.

A Planning Scheme is a statutory plan made by a local authority for an area within a “Strategic Development Zone” (SDZ). The purpose of the SDZ mechanism is to create “fast-track” planning for development within strategic areas. As with LAPs, it is the intention that Planning Schemes provide an integrated framework for the development of the area and should consider biodiversity as a core component.

Integrated Area Plans, introduced under the Urban Renewal Act 1998, take into account a community’s cultural, employment and educational needs. IAPs are generally targeted at urban areas and biodiversity has, perhaps wrongly, not traditionally been incorporated as a factor. However, there is no reason to discount biodiversity as a potentially important aspect of an area’s regeneration.

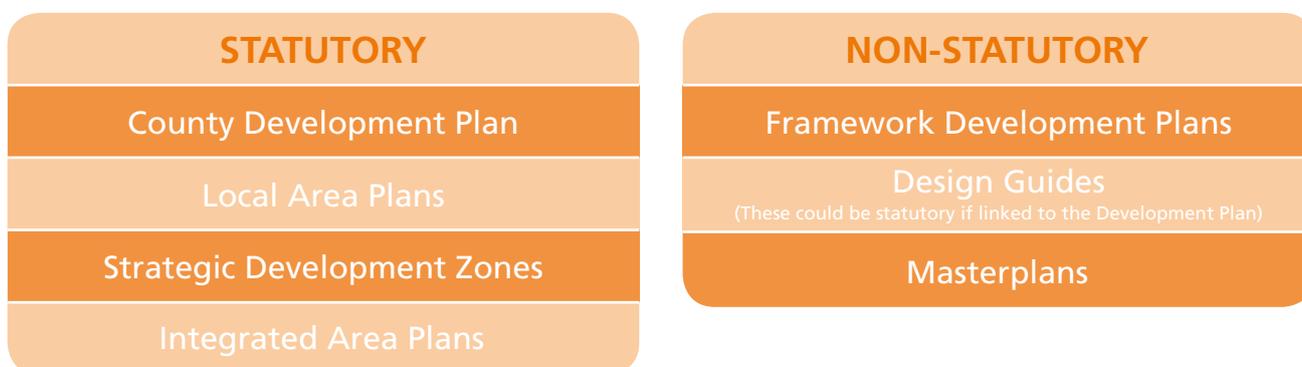


Figure 4. Types of plans - Statutory and Non-Statutory.

### Types of plans

In addition to these statutory mechanisms, other non-statutory mechanisms of area planning exist.

**Action Area Plans** (AAPs) are fundamentally similar to Local Area Plans, with the significant exception that they are not subject to a statutory democratic approval process.

In some cases, developers are promoting and preparing their own framework development plans for landbanks that they wish to develop. As with any area plan, they should be encouraged to incorporate biodiversity within the brief. Recently, local authorities have begun to invest in what might broadly be termed “**urban framework strategies**”. Typically, the brief for such schemes will include transport, landscape architecture and heritage, among other factors. Wherever practical, biodiversity should also be incorporated into the brief.

*Design guides* have been used to a limited degree in the Irish urban development context. Design Guides are beneficial where a particular set of specifications, materials and styles can be devised and agreed for an area, either new or old. Once developers comply with the design guide, maintenance departments are certain they will be able to service and upkeep the particular materials used, etc. Where a local authority seeks to develop a design guide, it is recommended that they consult a biodiversity specialist.

### 3.1.4 Approaches to Area Planning

An important perspective within planning is that of the spatial hierarchy (Figure 5). This is reflected in national planning policy through the existence of the National Spatial Strategy, regional planning guidelines, and below this level, County Development Plans.



Figure 5. Spatial hierarchy within the planned landscape: neighbourhood, district and regional scales. e.g. Ongar, West Blanchardstown and Dublin.

Within the County Development Plan, planning authorities can determine that more detailed plans can be made at district level (Local Area Plans, Action Area Plans, etc.) and the neighbourhood scale (urban design framework strategies, etc.). It is useful to see ecology as a layer to be incorporated in the area plan (Figure 6).

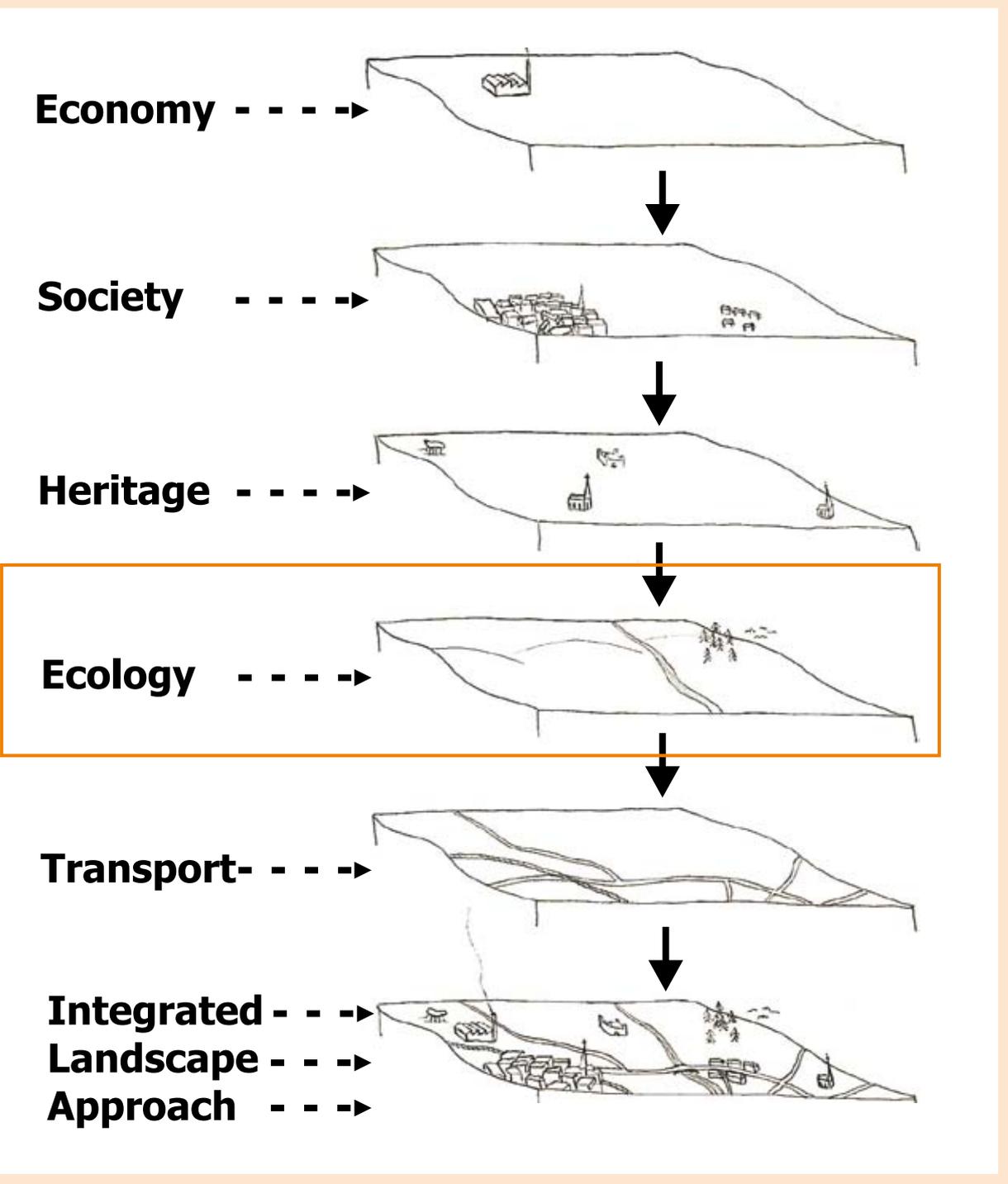


Figure 6. Integrated Landscape Approach to Area Planning.

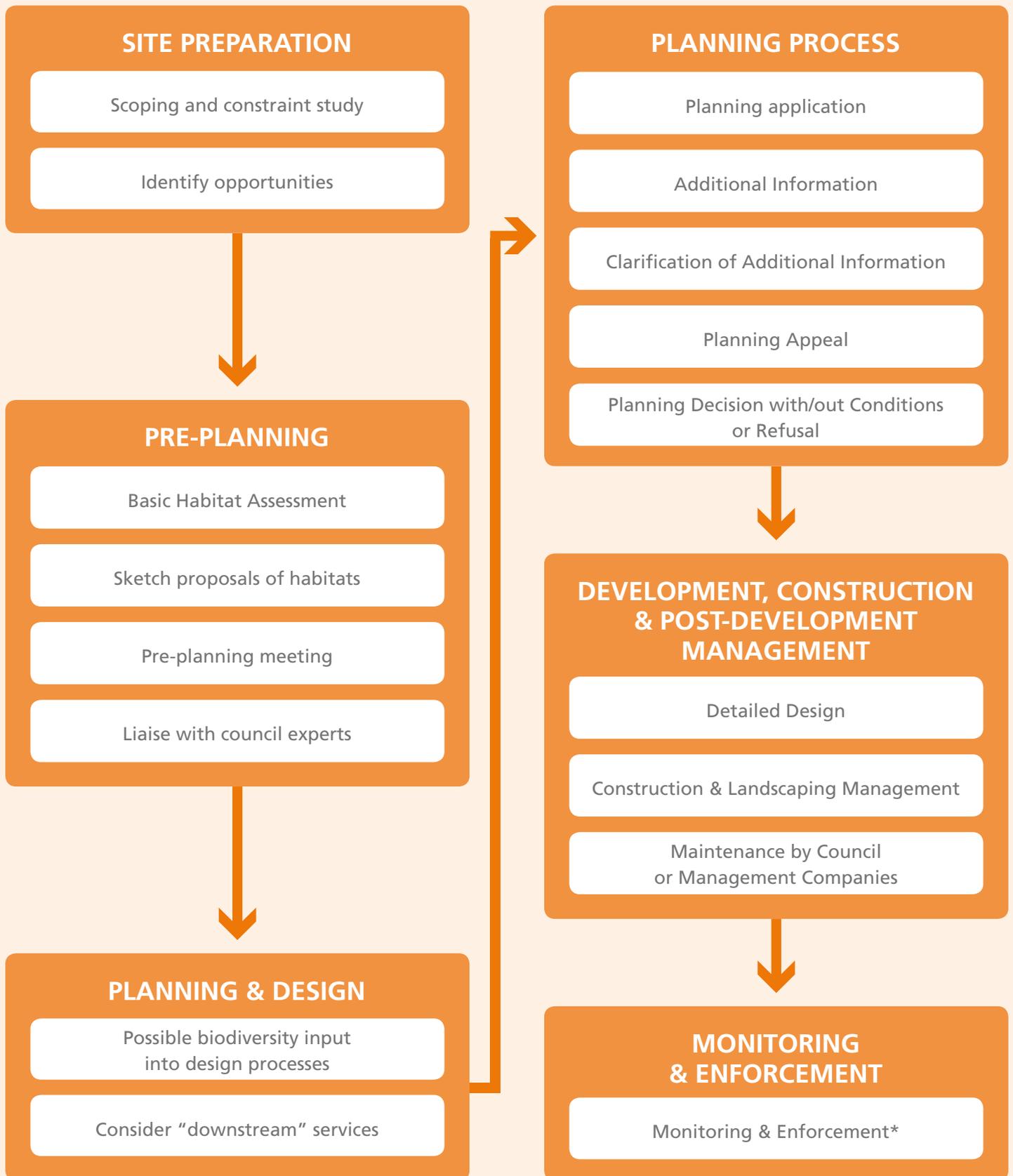


Figure 7. Biodiversity in Development Management Flowchart.

\*Monitoring will occur only if made a condition in the granting of permission. Enforcement occurs if conditions are not fulfilled & the local authority made aware

## 3.2 BIODIVERSITY MANAGEMENT WITHIN THE DEVELOPMENT MANAGEMENT PROCESS

### 3.2.1 Guidelines in the Development Management Process

After forward planning, most planning and development is co-ordinated through the “Development Management” process. Guidelines for the development management process (previously referred to as the “development control” process) are set out in “Planning Guidelines 13: Development Management Guidelines for Planning Authorities”, (Department of Environment, Heritage and Local Government, June 2007). The flow chart shown in Figure 7 illustrates the principle stages in development management.

### 3.2.2 Site Preparation

When assembling a site, developers should be aware of the responsibilities associated with development of potentially sensitive habitats and conscious of the downstream impacts of significant landscape modifications.

***The most important factor in good biodiversity management is early consideration of local ecology. An initial scoping and constraints study will benefit any development proposal. An alternative, or best practice approach to site development is to view environmental constraints as opportunities that can inform design decisions.***

### 3.2.3 Pre-planning

Planners emphasise the benefit of the “pre-planning consultation”, particularly in relation to larger sites. Planners are responsible for co-ordinating the delivery of the development plan and must consider the proper planning and sustainable development of an area.

Carrying out a basic habitat assessment as a pre-planning provisional survey is advisable. The use of sketch proposals in pre-planning stages is recommended. In this regard, it is useful to see ecology as a layer to be incorporated in the development proposal. It is recommended that the developer’s ecology consultant consult with the planner and council expert, who may have a view on the sensitivity or otherwise of a habitat and may be carrying out a study in the area.

### 3.2.4 Planning and Design

At the planning and design stage, the pre-planning scoping assessment will determine the extent of involvement necessary by an ecologist. If done properly at pre-planning stage, the sketch examples and Basic Habitat Assessment carried out by the ecologist can be developed and biodiversity-enhancing measures incorporated into the design itself.

At this stage, “downstream” service departments in the council must be consulted. Once development is permitted it is the responsibility of service departments, such as the parks department, infrastructure and transportation departments to implement, service and possibly maintain the development. Often, it is necessary and advisable for these departments to recommend to the Planner the inclusion of conditions outlining their required specifications.

### 3.2.5 The Planning Application Process

Figure 8 shows an outline of the basic planning application timescale in outline. More information in relation to the specific process is accessible from the Department of Environment, Heritage and Local Government Planning Leaflet series ([www.environ.ie](http://www.environ.ie)).

The council may request “Additional Information (AI)” relating to biodiversity, if it is felt that insufficient consideration has been given in the application. The local authority can also seek “clarification of additional information (CAI)” received. In both cases, it is up to the developer to make a response and, if it relates to ecology, the ecological consultant will normally be commissioned to prepare a draft.

It is normal for the council to attach conditions to a decision. These conditions should be strictly complied with in any development. Where a developer disagrees or objects to the decision or the attached conditions for any reason, the decision or conditions can be appealed to An Bord Pleanála, (the National planning appeals authority). An Bord Pleanála can review the proposal “de novo” or just on the individual aspect being appealed and will again be concerned that biodiversity and ecological considerations are adequately taken into consideration. As with the local authority, An Bord Pleanála must take into account national and EU policies and legislation relating to biodiversity.

TIMESCALE	ACTION
Start	Notice published in newspaper and site notice erected
2 weeks later	Latest data for lodging application
Between 2 weeks and 5 weeks	Application is validated by the planning authority. Submissions or objections are considered
Between 5 weeks and 8 weeks	Planning authority issue notice of their decision on the application. (Alternatively, they may request further information)
4 weeks after issue of notice of decision	If no appeal is made, the planning authority will grant of permission, or outline permission, except where they have already indicated a decision to refuse

Figure 8. Timescale for Planning Applications without an Environmental Impact Statement.

### 3.2.6 Development, Construction and Post-development Management

Once permission is given, the developer may proceed and carry out the scheme as permitted. A detailed design should be drawn up in consultation with the ecologist and best practice guidelines (e.g. for trees: British Standard 5837, 2005). Often the success of creating biodiversity features or retaining them depends not only on the design of the development, but also on the appropriate protection and procedures during the construction process. Therefore, the ecologist needs to be involved in the design phase as well as when construction and landscaping are taking place and best practice procedures need to be followed. The ecologist should interpret the decision and advise on good practice in construction management. It is also important to involve the ecologist when landscaping is being carried out as this has implications for habitat management.

The involvement of parks, infrastructure and transportation departments will continue into the construction and management phases of development. In most cases, the planning conditions will set out their requirements and how these are to be accomplished. However, their needs must always be initially addressed at the early Planning and Design Stage.

### 3.2.7 Monitoring and Enforcement

Ultimately the development is either taken in charge or a management company established to maintain the scheme. The council will not take in charge the area until the full provisions of the planning decision, including biodiversity-related conditions, have been executed.

The local authority can exercise powers of enforcement and injunction to halt development works or to have development removed should it not comply with the planning decision. This is the least desirable outcome for a developer and may have serious financial implications. Non-compliant development can include such things as non-permitted encroachment or disruption of a habitat where it has been specified otherwise within a decision. Once again, early consideration of biodiversity and proper incorporation into the development proposal, including execution of the permitted designs is a priority and will save money in the long run.

<b>SITE PREPARATION</b>
Landbank assembly or site preparation begun by developer
Consult ecologist to consider potentially sensitive habitats
Consider downstream impacts of significant landscape modifications
Carry out initial scoping and constraints study
View environmental constraints as opportunities
<b>PRE-PLANNING</b>
Consider what type of development is permissible or desirable in an area
Consider the provisions of the development plan
Consider a Basic Habitat Assessment as a pre-planning provisional survey
Work on devising creative design solutions incorporating biodiversity
Pre-planning meeting with local authority
Table biodiversity management proposals for site
Bring a habitat assessment map of the area
Council planners will consult or advise developer to consult Council in-house experts
See ecology as a layer to be incorporated in the development proposal
<b>PLANNING &amp; DESIGN STAGE</b>
Carry out consultation with relevant agencies and affected communities
Basic Habitat Assessment should be developed further
Assess potential biodiversity-enhancing measures
Consult "downstream" service departments (Parks, Maintenance, etc.)
<b>PLANNING APPLICATION PROCESS</b>
Council tests application for compliance with policies and objectives of development plan
Council must also take into account national and EU policies and legislation
Additional Information (AI) may be requested if insufficient information is submitted
If biodiversity is an issue, ecologist reviews AI and advises developer
Council may request "clarification of additional information" (CAI)
If biodiversity is an issue, ecologist reviews CAI and advises developer
Council decides to grant, refuse or grant with conditions
Ecology consultant should review decision and advise on biodiversity matters
<b>PLANNING APPEAL</b>
Decision can be appealed by first or third parties
Board can review the proposal anew but must consider biodiversity and ecological matters
Board may seek additional information, which may relate to biodiversity
For significant schemes the Board may hold an Oral Hearing (ecologist usually must attend)
Board decides to grant, refuse or grant with conditions
<b>POST-PLANNING &amp; DEVELOPMENT MANAGEMENT</b>
Applicant must carry out the scheme as permitted or not at all
Conditions may apply to certain construction and development standards
Conditions may also relate to habitats and biodiversity management
Ecologist should advise on good practice in construction management
Ecologist should review landscaping plans
Developer must ensure that needs of "downstream" service departments are met
Council will not take site in charge until full provisions of the planning decision are met
For private developments a management company will be established to maintain scheme

Figure 9. Best Practice Checklist for Biodiversity in Development Planning.

## 3.3 UNDERSTANDING THE PLANNING AND DEVELOPMENT BENEFITS OF BIODIVERSITY

### 3.3.1 High Density in the Irish Planning Environment

The Green City Guidelines examine approaches to enhancing biodiversity within high-density areas or areas undergoing urban “densification”. The Residential Density Guidelines, published by the Government in 1999, called for higher densities in urban areas. This was a response to calls for increased sustainability, particularly in relation to the location of housing with regard to employment and amenities. Local authorities have followed suit with policies for higher densities, mixing of uses and intensification around town centres and transport hubs. In February 2008, the Department of Environment, Heritage and Local Government published draft Guidelines on Sustainable Residential Development in Urban Areas. These guidelines are part of a review and updating of the Residential Density Guidelines, 1999. The Department also published Guidelines on Sustainable Urban Housing: Design Standards for New Apartments in September 2007.

The Residential Density Guidelines indicate that 50+ units per hectare can be considered high density. However, the term “high-density” is relative and will alter significantly from place to place. It is often the character and structure of an urban area that defines its acceptance or otherwise of urban densities.

An examination (See Figure 10) of two recent Planning Schemes - the Adamstown Planning Scheme and the Clonburris Draft Planning Scheme - show different definitions of “high-density” in nearby locations and another range again within Hansfield SDZ. “The New Housing” (RIAI, 2002) provides a study of recent and contemporary approaches to residential schemes throughout Ireland and includes an analysis of densities. Figure 10 shows the wide variety of densities recently permitted in different urban environments that were studied by the project. “The New Housing” looked at new and contemporary housing and therefore had a presumption towards higher densities. Nevertheless, it demonstrates the densities being achieved in urban areas. How such developments are designed will have an affect on the quality of biodiversity as human activity interacts with the natural world and as development restricts the activity of species.

<b>Residential Densities* in Planning Scheme Zones</b>	<b>Low Density Zones</b>	<b>Medium Density Zones</b>	<b>High Density Zones</b>
Adamstown	40 - 54	50 - 78	75 - 90
Hansfield SDZ**	18 - 36	48	74 - 84
Clonburris (Draft)	N/A	66 - 112	75 - 113
<b>“The New Housing” Densities* by Sector</b>	<b>Minimum</b>	<b>Average</b>	<b>Maximum</b>
Urban	99	258	531
Inner Suburban	35	96	253
Outer Suburban	37	66	129
Towns and Villages	17	80	353

\* all units measured in dwellings per hectare. \*\* approximate (guidance) figures given

Figure 10. Examples of Residential Densities in Ireland.

### 3.3.2 Why Enhanced Biodiversity Means Better Development

Not only is biodiversity an important and indispensable part of the planning process, but its consideration at an early stage in the design process is also of benefit to the developer. Delays occurring in the planning process arising from insufficient consideration of biodiversity can be avoided, thus shortening the length of time taken to gain planning permission. Including biodiversity-enhancing measures in a development can provide an additional 'selling point' and a better quality environment for potential buyers. This adds value to the development and achieves higher quality surroundings for the residents and general public alike.

Incorporating biodiversity into the scheme at an early stage can also mean a better design process. By examining the landscape, what might otherwise be considered constraints could be seen as opportunities and may inform the design process. For example, instead of culverting a ditch, it could be converted into a watercourse, which in turn might influence a building line, etc. The basic habitat assessment and scoping study can then be used to identify opportunities rather than constraints if development is approached in this manner.

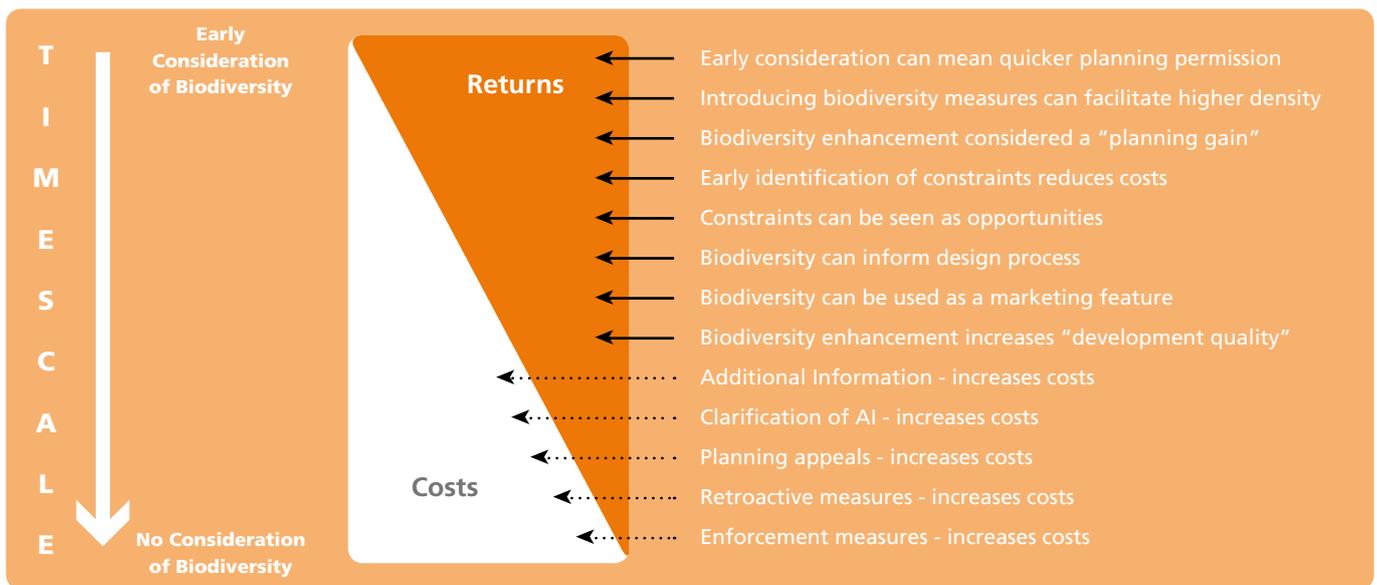


Figure 11. Risk Hierarchy in Planning for Biodiversity.

*Furthermore, enhancing biodiversity within a scheme is likely to improve the perceived quality of the scheme to the end-user. Ultimately, humans are highly influenced by the quality of their environment. Natural and “green” imagery is commonly used to market schemes. There are tangible gains to the quality of an urban environment by accommodating biodiversity. Equally there are intangible and long-term health benefits to a community from living in a more amenable and ecologically diverse environment. This in turn leads to greater marketability, higher returns and a better quality environment.*



Plate 9. Constraints can become opportunities. Mature tree at (a) Adamstown (b) Ongar and water channel turning into feature at (c) Bellevue, Islandbridge.

