

Damien Ginty,
Senior Planner,
Kerry County Council,

**Re: Submission to Draft County Development Plan 2022 – 2028 on behalf of
MUT 109 Ltd.**

22 February 2022

Introduction and Site Context

JWPM has prepared this submission to the Draft Kerry County Development Plan on behalf of MUT 109 Ltd who is the landowner of the property identified in Figure 1 (below) of this document, namely sites 1-11, 27 and 28, Dromcairn Estate, Camp, Ballyseedy, Tralee.

The sites form part of an unfinished housing estate, consisting of detached houses, located on the outskirts of Tralee Town approximately 2km to the south of Tralee Town Centre. The site is located on relatively flat ground and is bounded by an occupied residential development to the east. Open agricultural fields adjoin to the south and Crystal Fountain originally developed as a holiday home development but now largely apparently permanently occupied adjoins to east. Access to the site is from the N70 National Secondary road to the west.

The sites are fully serviced, i.e. all foul and storm sewers and connections in place, the watermains are live and a water pipe is brought to each site, the ESB minipillars and ducting are in place and ESB connection charges paid and finally the telecom ducting is in place and brought to each site. Furthermore, all access roads(except for final top coat), footpaths, kerbing, green space, planting, estate boundaries and signage leading from the N70 to the sites are fully complete.

Sites 13-26 (inclusive) of Dromcairn Estate are fully built and occupied as principle primary residences and site 12 received planning permission in 2021 for a detached dwelling with construction due to commence in 2022. See Figure 2 below showing location of finished houses.

The purpose of this submission is to request that these sites be placed on a register of sites within unfinished estates that the Planning Authority will look favourably upon granting permission in order to complete the development, subject to the standard planning guidelines and conditions.

BUILDING COMFORT.



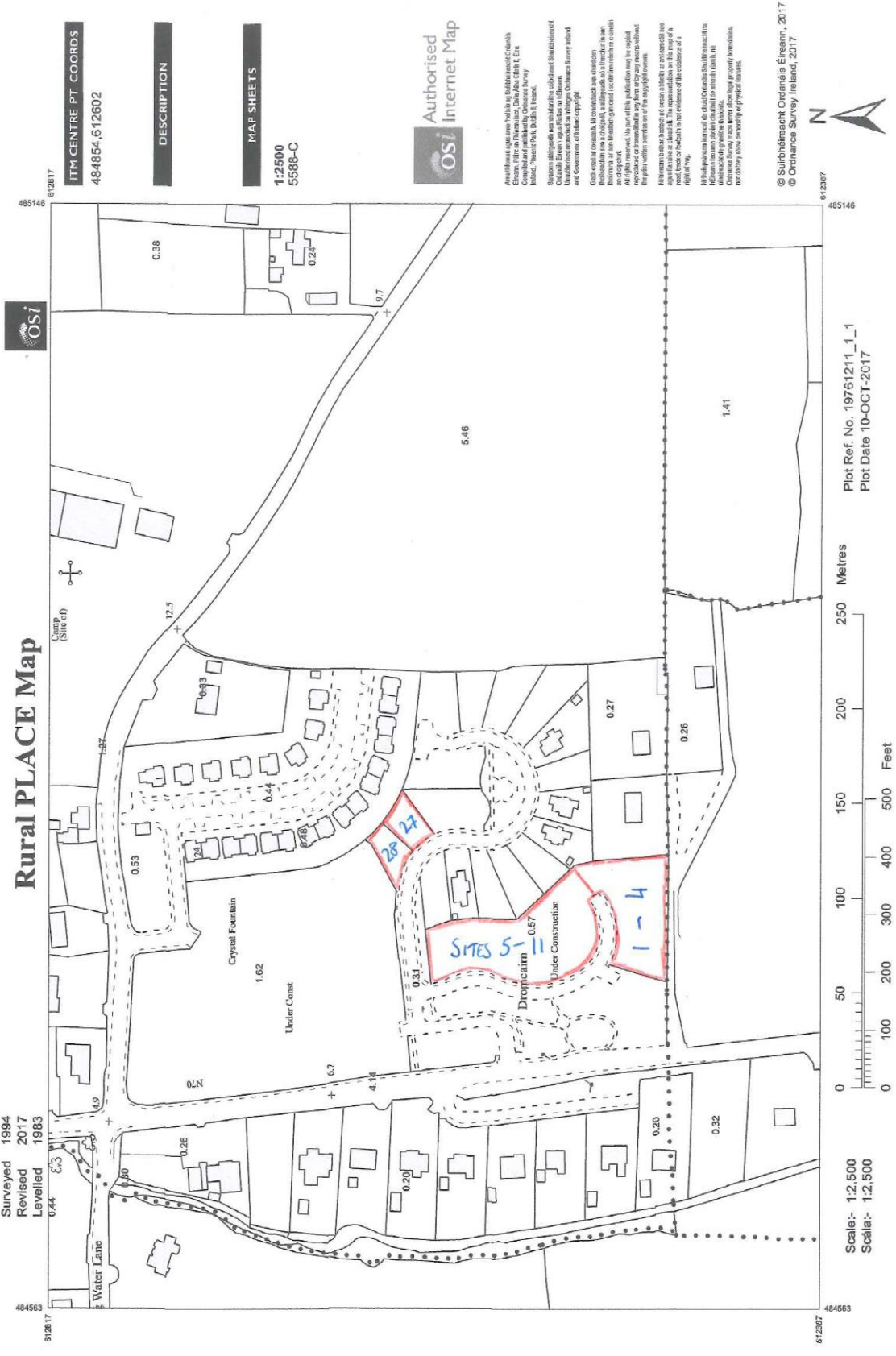


Figure 1: OSI Map showing sites 1-11, 27 & 28 Dromcairn Estate inlined in red.

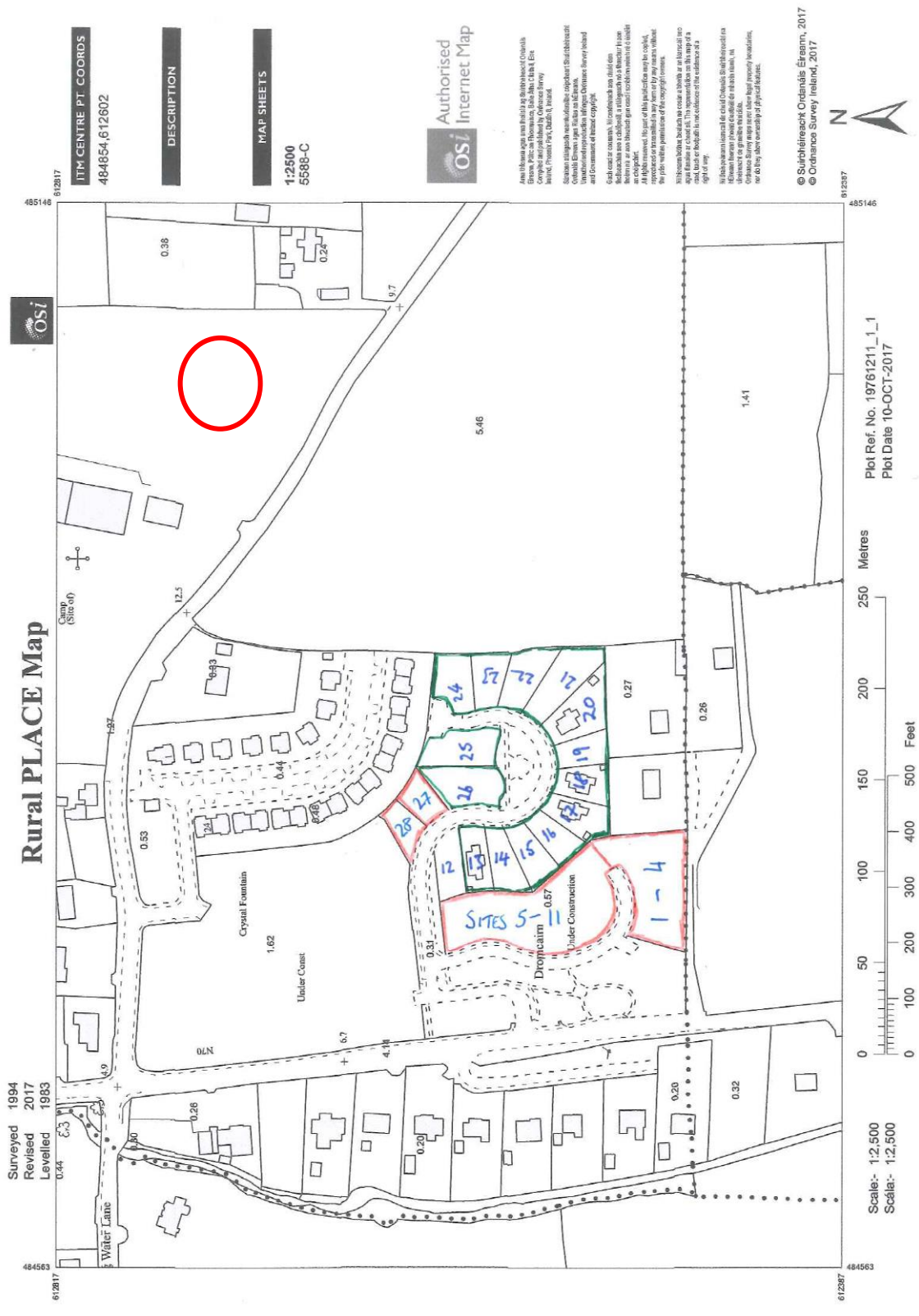


Figure 2: OSI Map showing extent of completed housing within Dromcairn Estate inlined in green.

Planning History

08/1797 Permission granted 30/6/2009 to South Capital Developments PLC to construct (a) 39 no dwelling units (Sites 1-12, 15-24 and 32-48)(b) Construct 2 no live Work Units(Sites 13&14), (c) Construct a bin storage area (d) construct an access road, surface car parking, footpaths and pedestrian crossings (e) construct an active green area and (f) all associated site works and outline permission to construct 17 no dwelling units (sites 15-31)

08/91797 Extension of duration of 5 years in relation to 08/1797. Expired 03/08/2019.

20/70 Permission sought to construct 36 houses (19 detached 14 Semi-detached, 3 Terraced houses. This was mainly to change the neighbourhood centre previously granted permission under planning reg 08/1797 and 08/91797) and to reestablish permission for another 5 years for the unfinished houses in the existing Dromcairn Estate. This was a combined application by MUT 109 Ltd and Dromjam Ltd. Kerry County Council decided to materially contravene its development plan to grant permission at its meeting of 2nd November 2020 in accordance with the provisions of Section 34(6) of the Planning and Development Act 2000. Notification of the decision to grant permission issued on 3rd November 2020. Following an appeal by the residents of Crystal Fountain An Bord Pleanala (order **ABP-308796-20**) overturned the decision by Kerry County Council to grant permission.

Draft County Development Plan 2022 -2028 Policy Context

The site is defined as a rural area and in policy terms is a rural area under strong urban influence.

Throughout the lifetime of this plan the town of Tralee is predicted to have a population growth of 2663 people and a subsequent housing need of 2087 units.

The following Development Objectives are relevant to this submission:

KCDP 3-4	Deliver at least 30% of all new homes in the Key Towns of Tralee and Killarney within the existing built-up footprint of the settlements.
KCDP 4-7	Ensure the creation of attractive, liveable, well designed, high-quality urban places that are home to diverse and integrated communities that enjoy an enhanced quality of life and well-being.
KCDP 4-23	Prioritise the regeneration of underused town centre and brownfield / infill lands in order to achieve the sustainable delivery of new housing within the existing urban footprint of settlements in the County.
KCDP 4-27	Promote the development of vacant residential and regeneration sites in all development centres in the County, as appropriate, in accordance with the

	provisions of Housing for All – A New Housing Plan for Ireland
KCDP 5-16	Give favourable consideration to the sustainable development of permanent places of residence on vacant sites within unfinished developments where services have already been completed to the satisfaction of the local authority.
KCDP 5-18	Ensure that all permitted residential development in rural areas is for use as a primary permanent place of residence and subject to the inclusion of an Occupancy Clause for a period of 7 years.

Rationale for Submission

The 20/70 Planning Application also included lands to the north of these sites, which had previously been granted permission for a neighbourhood centre, in which it was hoped to get permission for 6 detached houses and 14 terrace houses. In section 7.2.2 of the An Bord Pleanála’s Inspector’s Report, Inspector Gina Maxwell, states “*I acknowledge that part of the site is an unfinished housing estate and clearly the completion of this element of the development for existing and proposed residents would be viewed positively*”. This is referring directly to sites 1-11, 27 & 28 of this development and the subject of this submission.

Given that the sites are fully serviced, and ready for development, this represents an under-utilisation of capacity. The greater Tralee area, as a key economic driver for the whole county, has a growing demand for housing as outlined in section 3.10.3 of the Draft County Development Plan. The land available for immediate housing, to satisfy this demand, is in very short supply leading to a heated marketplace. As Dromcairn Estate is within the built up settlements of Tralee (though outside the town zoning boundary) this is an opportunity to help achieve KCDP 3-4; 4-23; 4-27 & 5-16.

The architectural quality and well-designed spaces of the estate have created desirable places in which people want to live, work and contributes to the ongoing quality of life and well-being of estate residents. Whilst the house plans for sites 1-11 are more suited to young families the current house plans for sites 27 & 28 are more suited to older people or people with disabilities. Under section 6.2.3 of the Draft County Development Plan it is the stated objective of Kerry County Council to “*Support the concept of independent living for older people and people with disabilities and ensure where possible that housing for such groups is integrated into mainstream housing in their existing communities*”. It is important to finish the estate to give more people this opportunity and to ensure the existing residents further develop their sense of place and appreciation for Dromcairn Estate and help to achieve KCDP 4-7.

There is evidence of minor unlicensed dumping of rubbish on some of the unfinished sites to the front of the estate. Whilst this is not an issue currently it could get much worse if the estate was to be left unfinished indefinitely.

It is the intention of the owners to sell the sites individually, subject to later grant of planning permission, to potential homeowners who will be aware that houses are for primary permanent places of residence and that a 7 year occupancy clause will apply. The potential homeowner can then apply to Kerry County Council for planning permission to build the houses, in keeping with the houses already existing in the estate, in full anticipation and acceptance of the inclusion of an Occupancy Clause for a period of 7 years. This will ensure compliance with the stated objective of Kerry County Council's KCDP 5-18.

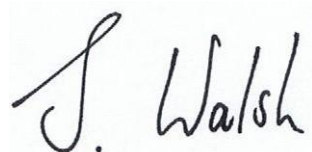
Conclusions

This submission has highlighted the site context, planning history and planning policy associated with these 13 sites in Dromcairn Estate. This submission also sets out why the proposal to permit the granting of planning permission on an individual site basis to each potential homeowner is in line with Kerry County Council's stated objectives. These can be summarised as follows:

- a) The sites are fully serviced with all infrastructure leading to the sites complete. The estate currently has 13 completed houses with another granted planning in 2021 due to commence in 2022.
- b) There is a lack of availability in the greater Tralee area for land suitable for immediate housing.
- c) The estate is well designed, with all green and social spaces completed, and the current residents have a real sense of place. The finishing of the estate will provide this opportunity to more people and further enhance the current community.
- d) The completion of the estate will prevent anti-social behaviour and dumping of rubbish on the empty sites.
- e) The An Bord Pleanála inspector was of the opinion that the finishing of this estate was something to be viewed positively.

We encourage Kerry County Council to consider our proposal that these sites be placed on a register of sites within unfinished estates that the Planning Authority will look favourably upon granting permission in order to complete the development, subject to the standard planning guidelines and conditions.

Sincerely,

A handwritten signature in black ink that reads "J. Walsh". The signature is written in a cursive, slightly slanted style.

Jeremy Walsh BE CEng MIEI
on behalf of MUT 109 Ltd