

County Kildare Serviced Sites Scheme

May 2023

**An Action of the
Kildare County Development Plan
2023-2029**



1. Introduction

The National Planning Framework (NPF), Project Ireland 2040, was published in February 2018. The NPF was clear in its understanding of the many people who seek the opportunity to build their own homes but find it challenging to do so in smaller settlements because of a lack of available sites and services. To assist this, the NPF committed to supporting local authorities in undertaking the necessary land acquisition, site preparation and local infrastructure provision to deliver self-build development options in towns, villages and rural settlements as listed in the County Development Plan Settlement Hierarchy.

National Policy Objective 18b addressed this specifically and set out an objective to ‘Develop a programme for new homes in small towns and villages’ with local authorities, public infrastructure agencies such as Irish Water and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages.

Section 3.13.7 of the Kildare County Development Plan 2023-2029 refers to ‘Providing a Sustainable Alternative to One-Off Housing’. It addresses this National Policy Objective by including an action to prepare a “County Kildare Serviced Sites Scheme”.

The Regional Spatial and Economic Strategy (RSES) for the Eastern Midlands Region also states that facilitating housing is paramount to ensuring the sustainability, vitality and viability of the rural places of the Region. Support for housing and population growth within rural towns and villages will help to augment housing choice in rural Kildare, while contributing to the principle of compact growth and supporting rural economies. The availability of serviced sites, in tandem with schemes such as the Irish Water Scheme for Small Towns and Villages, will help to enable this and RPO 4.78 states that “Development plans should support the development of a ‘New Homes in Small Towns and Villages’ initiative which would enhance the delivery of actions by local authorities, Irish Water, communities and other stakeholders in the provision of services and serviced sites to create ‘build your own home’ opportunities within the existing footprint of rural settlements to provide new homes to meet housing demand”.

It is a priority of the County Development Plan to provide a model for serviced sites in established rural communities. It is envisaged that this initiative will attract new residents to live in our towns, villages and rural settlements and sustain the communities and economies of these areas.

The Kildare County Development Plan 2023-2029 contains several policies and objectives relating to this initiative as follows:

HO P22 Promote and facilitate the provision of sustainable alternatives to one-off housing through the designation of lands specifically for serviced sites across a series of, villages and rural settlements in County Kildare.

HO P23 Ensure that all development on sites designated ‘Serviced Sites’ in Volume 2 of the Kildare County Development Plan 2023-2029 comply, in full, with the KCC Serviced Sites Scheme. No development shall take place on sites designated ‘Serviced Sites’ until such time as the KCC Serviced Sites Scheme is agreed by the Elected Members of Kildare County Council. Any development proposal submitted in advance of the scheme will be considered premature pending adoption of the KCC Serviced Sites Scheme.

This document sets out the Scheme as referred to in Policy HO P23.

The County Development Plan has an objective for the Council to:

HO 053 Identify a series of pilot project sites (private and local authority owned lands) for the initiation of a 'County Kildare Serviced Sites Initiative' and progress their delivery.

HO 054 Ensure that any applicant for the provision of a dwelling unit on lands designated 'Serviced Sites' complies in full with the local need criteria as set out in Table 3.4 which must be satisfactorily demonstrated through the submission of documentary evidence to illustrate compliance with all housing need requirements.

HO 055 Ensure that the development of any serviced sites:

- Adequately addresses the infrastructural requirements, including water, wastewater and surface water drainage as well as footpaths and lighting which shall link with the respective town/village/rural settlement.
- Provide for small-scale housing developments (no more than 10 units per hectare).
- Include a Design Statement for the overall site to inform the design, mix, and type of proposed dwellings.
- Include a clear timeframe for delivering the required infrastructure to service the proposed development.

In partnership, the Housing and Planning Departments of Kildare County Council shall be responsible for project management and/or delivery of the scheme.

Sites sold on the open market without restrictions on local need criteria can fetch substantial sums well beyond the average earner. Furthermore, the one-off house on the open market can be well beyond the reach of the average or below-average income earner who has grown up in a rural area. Serviced Sites will be offered at a reasonable sale price reflecting the actual cost of providing basic infrastructure such as roads, footpaths, lighting, water services, landscaping, etc, plus a nominal¹ fee for profit, contingencies, design and project management fees.

The KCC Services Sites Scheme has been developed to accommodate existing and attract new residents to live in our villages and sustain rural communities and economies.

The availability of a serviced site under this scheme shall not be a reason for refusal of a planning application for a rural house in the local area where the applicant complies with the rural housing policies of the Kildare County Development Plan 2023-2029.

2. Criteria for Selecting Sites

The criteria the Planning Authority look at when assessing whether specific sites are to be identified for Serviced Sites include:

(1) Community Infrastructure:

¹ Max of 15% of the total cost of the basic infrastructure

- Distance from/and capacity of educational facilities (primary school/creche).
- Proximity to a sporting club, community hall, pitches and playgrounds.
- Proximity to shops/public houses.
- Proximity to a church.

(2) Physical Infrastructure:

- Footpaths/public lighting in the immediate vicinity.
- Potable Water availability and Waste Water Treatment Plant (WWTP) capacity.
- Flooding.
- Proximity to public transport (if available).

(3) The existing population within the settlement, the level of one-off dwellings in the rural catchment, and the demand for one-off dwellings in the rural catchment.

(4) Green Infrastructure:

- Access to walking and cycling routes, public parks, greenways and blueways.

3. Outline of Key Steps in the Process

Step 1: Preliminary Assessment: Council identifies the location and undertakes a preliminary assessment of potentially suitable sites, preferably in or on the edge of small towns, villages and/or rural settlements and will carry out a detailed assessment of the capacity of existing water and wastewater services. There will be a review of Strategic Flood Risk Assessment Maps, historical flood records, Record of Monuments and Places (Archaeological Sites) and heritage features on the site to assess the overall suitability of the site.

The design of all dwellings shall be required to comply with Appendix 4 (RURAL HOUSE DESIGN GUIDE) of the Kildare County Development Plan 2023-2029 regarding house design, specifically scale when considering individual design proposals.

Step 2: Water Services Assessment: Where connection to a public water/wastewater system is not possible, the Council will undertake a soil survey/percolation survey to assess the capacity of the soil for septic tank systems.

The density of the scheme/number of units will be determined by the provision of local services and water/wastewater services, and in any event, it will not exceed 10 units per hectare.

Step 3: Site survey/topographical survey.

Step 4: Design layout – to include road layout, footpaths, shared/common open space, sustainable urban drainage systems (SUDS), etc.

Step 5: Design Statement – to establish key design criteria such as guidelines on boundary treatment, set-back for building lines, guidelines on garages/sheds, the orientation of buildings, type/mix of buildings (i.e. bungalows, dormers and/or two-storey), materials, etc.

Step 6: Quantity Surveyor Assessment:

Firstly, this will include the costs for key infrastructure – roads, footpaths, site boundaries, shared services (if any), street trees/landscaping, etc.

Secondly, it will include the costs of contingencies, professional fees and a nominal profit margin. This will assist in determining the costs that sites will be made available and/or the viability of the proposed Scheme.

Step 7: Part 8/Planning Application – Kildare County Council will initiate the planning consent process for the provision of the infrastructure and open space provision (if required) and liaise with all internal Departments for comments and observations.

Step 8: Infrastructural Works and Site Subdivision: The Council will undertake the necessary infrastructural works – roads, footpaths, lighting, open space, etc. as required and in accordance with the planning permission/Part 8.

The services of the Housing Infrastructure Service Company may be used to progress any scheme. In such cases, HISCO will fund the infrastructural works – roads, footpaths, lighting, water services, etc. and they will be refunded via the Council as the sites are sold.

Step 9: Independent Land Valuation: An independent valuation is advisable to calculate the site's open market value at the time of sale and any discount to be applied so that any clawback value can be calculated at a later date if required (refer to Section 6).

Step 10: Sites offered to Market/Expressions of Interest for a minimum period of 4 weeks (Refer to Section 5)

4. Applicants' Requirements

Applicants will be required to demonstrate the following:

- Compliance with the Rural Housing Policy of the Kildare County Development Plan 2023-2029
- Confirmation from Bank or Financial Institution (including Local Authorities) indicating that they have funds and/or a loan to build their own home.
- Applicant must demonstrate that their tax affairs are in order, through the submission of a tax clearance certificate from Revenue.
- Provide a letter of commitment (signed by the applicant and witnessed by an official of the Local Authority) that they will apply for planning permission for their home within **6**

months of being offered a site. Applicants will be required to notify (in writing) the administrator of the scheme in Kildare County Council when they lodge the application.

- Provide a 10% deposit on the site within 1 month of being offered a site and pay the remaining balance when planning permission is granted. If planning is refused, an additional **6** months will be provided, if requested by the applicant.
- If after **12** months² from the time a site has been offered, there is no planning permission granted on the site, the deposit will be returned to the applicant and the site will be offered to another applicant.
- Applicants will be expected to complete construction of their home and occupy same within **30** months of being approved for a serviced site or seek the written approval of the Local Authority for any period after that.
- If a house is not occupied within 30 months of being approved for a serviced site, the site must be returned to the Local Authority and a refund will be provided (this may include a case where an applicant has run out of funds to complete the home – the refund will be provided at fair market value based on an independent valuation assessment).
- Temporary or mobile homes will not, under any circumstances, be permitted during the construction phase of the site.

5. Design & Siting Criteria

It is a requirement of this scheme that the design of all houses comply with the County Kildare Rural House Design Guide (Appendix 4) of the Kildare County Development Plan 2023-2029.

As with individual sites the same principles apply when designing a dwelling for a serviced sites development, such as:

- Landscape Character
- Topography
- Pattern of development in the area
- Aspect and orientation
- Site Context (i.e. site boundaries, neighbouring uses, access, etc.)

Particular attention should be paid to the scale, massing, orientation and plot ratio of the proposed dwelling in the context of its receiving environment. The size of the dwelling must be relative to the site size.

6. Making Sites Available on the Market to Prospective Owners:

Kildare County Council will:

- Advertise the sale of the serviced site and the conditions of purchase;
- Review all applications to ensure they meet the necessary criteria of the scheme;
- Assess applications in line with the Rural Housing Need requirements (in accordance with Section 3.13 of the County Development Plan, 2023-202).

² In circumstances where there is an appeal to An Bord Pleanála, a period of 18 months will be considered acceptable.

- Write to the applicants to inform them of the outcome;

In scenarios where there is excess demand for a site, all interested applicants will be recorded and the rural housing needs criteria will be evaluated with consideration given in the first instance,

- to those persons who fall within Category A of the Rural Housing Need requirements taking a preference over Category B applicants;
- applicants who are from or work in the more immediate locality may be treated more favourably than applicants who come from further away or work further away.
- Applicants who have been refused planning permission previously on (1) family lands or (2) other sites may also get priority accordingly.

In the event that the successful purchaser of a serviced site fails to comply with the conditions of the scheme (outlined above), the site will be made available to the next eligible applicant or re-advertised for purchase under the scheme.

- In the case of the successful applicant, Kildare County Council will ensure that an agreement is concluded between the local authority and the applicant that contains the relevant conditions:
 - confirmation that planning permission will be sought within 6 months of approval of purchase and payment of deposit.
 - where this does not occur, the site will revert to the local authority. Transfer of ownership (and payment of the balance of purchase) shall only take place on confirmation of receipt of planning permission
 - confirmation that the construction of the property on the site will be completed and occupied by the applicant within 30 months of receipt of planning permission. Where this does not occur, the full monetary value of the discount will be repaid immediately to the local authority. An extension to the 12 months may be granted at the discretion of the Local Authority in exceptional circumstances.
 - confirmation that the residence built will be the purchaser's principal private residence and the 10-year occupancy clause will apply;
 - agreement to clawback conditions.
- Applicant may purchase one site only under this scheme regardless of circumstances.
- During the time from the transfer of the first site to the last site, the Council will secure and maintain the unsold sites.

7. Clawback and Legal Agreements

For any Serviced Site transferred to a new site owner from the Council, a 'Clawback' will be registered on the property. The 'clawback' is a percentage of the sale price of the site value to the local authority.

It is required that the applicant(s) will live in the property built on the site for a period of at least 10 years from the date of occupancy of said property.

If at any time the applicants sell the property/site, or it ceases to be their principal private residence within 10 years of occupancy of said dwelling, they must reimburse the Council an element of the full value of the discount, as follows:

- Up to 5 years: 100% of the monetary amount of the discount.
- Over 5 years and less than or equal to 10 years: 75% of the monetary amount of the discount.
- Over 10 years: No clawback

An appropriate agreement must be concluded between Kildare County Council and the applicant, which contains the clawback arrangement, including a charge on the property, which shall be binding on the applicant upon the sale of the site. Any revenue derived from clawbacks will revert to the Kildare Serviced Site Scheme.

The Council may apply some discretion in the applicability of the above rates having regard to the overall market conditions at the time of sale, i.e., the Council will apply the full clawback when the market has risen but may apply a reduction to the clawback percentage where property and site values may have fallen in value.

8. Serviced Sites - Council Owned Cooperatives and Community Led Schemes

(a) Council Led Serviced Sites

Kildare County Council will lead the pilot schemes.

Where private lands are identified, the Council will endeavour to negotiate a price for the purchase of the land at a price that will allow it to be serviced at a reasonable cost and made available as 'affordable sites' to potential purchasers in accordance with NPO 18b of the NPF and the policies and objectives of the Kildare County Development Plan 2023-2029. This price for a site will be based on the costs of providing the necessary infrastructure, and a fee for project management/professional fees (c. 15%), and a nominal profit for the owner (c. 25% of agricultural land value).

(b) Cooperatives and/or Community Led Schemes

Where the purchase of lands designated for Serviced Sites is not feasible, practical or viable, Kildare County Council will encourage the delivery of a Serviced Site Scheme through a community cooperative³ or from a local community development company (limited company) that has been established for two years or more and has a clear community remit as laid out in their memorandum and articles of association. Cooperatives and Community Development Companies/associations will be subject to compliance with all other technical standards as outlined above. Any applicants wishing to engage in the development of a Serviced Site must comply with all requirements of the Kildare County Development Plan 2023-2029.

Such sites will not be permitted in the open countryside and the proposed location must be within a defined settlement area or be in close proximity to some community infrastructure as outlined in Section 2(a) above.

The Cooperative must have a minimum number of 3 members and serve the interests of their members (who may be future purchasers of sites for building, and/or members of a local club, parish or community group who have formed with the express aim of providing serviced sites to members of the local community as a social enterprise). A The Cooperative

³ Such cooperatives may not have the benefit of funding from the Croi Conaithe Scheme.

must adhere to a cooperative ethos as laid out in a Cooperative Charter which will need to be provided to the Planning Authority with any planning application for serviced sites together with a Business Plan which will outline the costs of acquiring the land (at a reasonable mark-up on agricultural land values) and developing the site with the necessary infrastructure, professional fees/project management (15%), contingencies (c.15%) and nominal/reasonable profit. These criteria are in line with that laid out for the Council led Serviced Sites Scheme.