



ASSOCIATES

24th July 2026.

Variation No. 2,
Senior Executive Officer,
Forward Planning Section,
Planning & Transport Department,
South Dublin County Council,
County Hall, Tallaght,
Dublin 24, D24 A3XC.

Re:

**MATERIAL ALTERATIONS to PROPOSED VARIATION NO. 2
TO THE SOUTH DUBLIN COUNTY DEVELOPMENT PLAN, 2022-2028**

**Lands at Kiltipper Road,
Killinarden and Oldbawn, Dublin 24.**

Dear Sir / Madam,

We act on behalf of Kelland Homes Ltd, of Unit 5, Russell Square Centre, Fortunestown Way, Dublin 24, who are the owners of land in the townlands of Killinarden and Oldbawn, north of Kiltipper Road and east of Killinarden Road, Dublin 24.

We make this submission in relation to the recently published Material Alterations to the Proposed Variation No. 2 to the South Dublin County Development Plan, 2022-2028 that are currently on public display.

We note that under said Proposed Variation that our client's lands at Kiltipper Road are proposed to be zoned from existing land use objective RU "Rural" to proposed use "RES – Existing Residential" under Amendment Ref. No. 8. We support this proposal and request that the elected members adopt same.

This submission relates to the current Material Alterations, namely Amendment Ref. No. 8 Kiltipper Road (Book of Maps) and Amendment Ref. No. 50 (Written Statement) which relate to our client's lands, specifically the proposal to attach a specific local objective [SLO] to same i.e.

"To include CS7 SLO13 in Variation No. 2, Amendment No. 8 Kiltipper Road as follows:
CS7 SLO13: No bulk purchases of residential units developed on these lands shall be permitted, with the exception of acquisitions by the County Council or AHBs for the purposes of meeting its statutory housing functions. Residential units shall otherwise be sold only to individual private purchasers, and this requirement shall be included as a condition of any planning permission granted".



Our comments on same are set out below.

1.0 Planning & Locational Context

- 1.1 Kelland Homes Ltd are the owners of the lands outlined in red on Figure 1 below and have delivered the Elder Heath residential development on the adjoining lands to the north. The Elder Heath development successfully ties into the adjoining Deerpark development to the east, is accessible from both Killinarden Heights and Kiltipper Road and has opened up the subject lands to permeability to the north, south and east.
- 1.2 The northern portion of the subject lands that directly abut Elder Heath are currently zoned Objective RES: *"To protect and/or improve residential amenity"* in the current South Dublin County Development Plan, 2022-2028 (hereafter "CDP"), with the remainder zoned objective RU: *"To protect and improve rural amenity and to provide for the development of agriculture"*. We welcome the current proposal to zone the lands outlined in red below to land use objective "RES – Existing Residential" and request that this proposed variation be adopted.



Fig. 1: Subject Site outlined in red

- 1.3 It is put forward that the zoning of the subject lands at Kiltipper land use objective "RES" would result in the delivery of an appropriate density of development of modern and adaptable new homes, within an existing suburban area in close proximity to existing local service provision and public transport infrastructure and would consolidate housing development in the environs.
- 1.4 The subject site presents a perfect opportunity to zone lands in the Killinarden and Oldbawn area objective "RES", and it is put forward that the proposed zoning of the subject land complies with the proper planning and sustainable development of the area given the locational context of same and complies with national objectives to deliver housing in built up urban areas.



2.0. Proposed Material Alteration

- 2.1. We understand that it has been resolved by the Elected Members to alter Variation No. 2 to the South Dublin County Development Plan 2022-2028, and that one such material alteration (MA) to the proposed variation concerns our client's lands at Kiltipper, specifically the proposal to attach a specific local objective [SLO] to same i.e.

To include CS7 SLO13 in Variation No. 2, Amendment No. 8 Kiltipper Road as follows:

CS7 SLO13:

No bulk purchases of residential units developed on these lands shall be permitted, with the exception of acquisitions by the County Council or AHBs for the purposes of meeting its statutory housing functions. Residential units shall otherwise be sold only to individual private purchasers, and this requirement shall be included as a condition of any planning permission granted.

- 2.2. We disagree with the proposal to attach the above SLO to our client's lands upon the adoption of Variation No. 2. We consider it is in complete conflict with current Guidelines on the Regulation of Commercial Institutional Investment in Housing, issued as Section 28 Ministerial Guidelines in 2023 and is therefore not required to be attached as an SLO to the subject lands.
- 2.3. The purpose of the above-mentioned Guidelines is to set out planning conditions to which Planning Authorities and An Coimisiún Pleanála must have regard, in granting planning permission for new residential development including houses and/or duplex units. The Guidelines state that *"this is intended to ensure that own-door housing units and duplex units in lower density housing developments are not bulk-purchased for market rental purposes by commercial institutional investors in a manner that causes the displacement of individual purchasers and/or social and affordable housing including cost rental housing"*.
- 2.4. Furthermore, in granting planning permission for housing developments, the Guidelines set out two alternative planning conditions (detailed below in section 2.6), to which Planning Authorities and An Coimisiún Pleanála must have regard, in granting planning permission for new residential development.
- 2.5. We also note that Section 47 of the Planning and Development Act, 2000 states that *"A planning authority may enter into an agreement with any person interested in land in their area, for the purpose of restricting or regulating the development or use of the land, either permanently or during such period as may be specified by the agreement..."*

The Guidelines state that *"Accordingly, a structure to be used as a dwelling to which these guidelines applies is:-*

a) A house, defined as not including a building designed for use or used as two or more dwellings or a flat, an apartment or other dwelling within such a building,

and,

b) A duplex unit, defined as a dwelling within a building designed for use as two individual dwellings and/or on one shared plot, with separate entrances.

The persons of a particular class or description to which planning permission for new houses



shall be restricted, by agreement are:-

a) individual purchasers, i.e. those not being a corporate entity,

and,

b) those eligible for the occupation of social and/or affordable housing, including cost rental housing".

- 2.6.** We also note that Planning Authorities and An Coimisiún Pleanála **shall**, on granting planning permission for new residential development have regard to the need to apply the following planning conditions in respect of all housing developments that include 5 or more houses and/or duplex units:

Option 1 - Planning Condition RCIIH 1:

for **mixed unit-type** development, comprising partly of houses and/or duplex units:-

(a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

Option 2 - Planning Condition RCIIH 2:

for an **all houses and/or duplex** unit-type development:-

(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units



permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

- 2.7.** Given all of the foregoing, which clearly outlines how Section 28 Ministerial Guidelines **shall** be implemented by Planning Authorities and An Coimisiún Pleanála in granting planning permission for housing, it is evident that the appropriate restrictions are currently in place to ensure adequate home ownership is provided for and that bulk purchasing of new dwellings is restricted.
- 2.8.** To that end, we object to the attachment of the proposed SLO to our client's lands as said SLO states "No bulk purchases of **residential units** developed on these lands shall be permitted, with the exception of acquisitions by the County Council or AHBs for the purposes of meeting its statutory housing functions. **Residential units shall otherwise be sold only to individual private purchasers**, and this requirement shall be included as a condition of any planning permission granted" [our emphasis added]. The attachment of this SLO is unnecessary in our opinion as the relevant and appropriate safeguards are already in place, as enshrined by the existing Section 28 Guidelines that both Planning Authorities and An Coimisiún Pleanála are bound to comply with. Furthermore, the SLO is vague in its text when referring to "residential units" as this does not strictly comply with the Guidelines which refer to the bulk purchase of houses and duplex units. The proposed SLO can be interpreted as also applying to apartments which is in direct conflict with the existing Guidelines and would have a direct impact on the viability of housing schemes and the delivery of much needed housing.
- 2.9.** It is respectfully put forward that there is no need for the attachment of the proposed SLO i.e. CS7 SLO13 to the subject lands and we request that upon the adoption of the proposed Variation No. 2 to the current Development Plan that the proposed SLO be omitted from our client's lands.



3.0 Conclusion

- 3.1** The proposal to zone our client's lands land use objective "RES" is welcomed by our client. Upon the approval of this land use rezoning, under the adoption of the Proposed Variation No. 2, the Planning Authority can be assured that Kelland Homes will prepare a comprehensive planning application for housing with a view to delivering housing in the short to medium term on these lands.
- 3.2** The proposal to zone the subject lands "RES" is in keeping with the character of this suburban area and will complement existing and planned residential development in the environs. Given the surrounding context of housing and the lack of further lands zoned for new residential land use, we consider that the subject lands can be realistically developed for housing, catering for variety in housing typology and at an appropriate density, and we welcome the proposal to zone the lands objective "RES".
- 3.3** Given the publication by the Minister of the Regulation of Commercial Institutional Investment in Housing, issued as Section 28 Guidelines in 2023, it is respectfully put forward that there is no need to attach the proposed SLO i.e. CS7 SLO13 to the subject lands as it conflicts with Ministerial Guidelines to which both Planning Authorities and An Coimisiún Pleanála must comply with when granting planning permission for housing development. As is standard practice, and in accordance with the current Guidelines, planning permissions are granted with conditions attached regulating the bulk purchase of dwellings and as such we reiterate that there is no requirement to attach the proposed SLO to our client's lands at Kiltipper, and therefore, upon the adoption of the Proposed Variation No. 2 we request the proposed SLO i.e. CS7 SLO13 is omitted.

Yours sincerely,

Tracy Armstrong, BA, MRUP, MIPI, MRTPI
Chartered Town Planner
Armstrong Fenton Associates.

