

Cork County Development Plan Review

Rural Housing

Background Document No. 3

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1 Section 1 Introduction

1.1 Overview

- 1.1.1 As part of the review of the County Development Plan consideration will be given to the need to update the Council's Rural Housing Policy. This background document sets out the changes to policy at a national level which need to be considered as part of the review. In addition, since the County Development Plan was adopted in 2014 issues have arisen around the implementation of the current policy which need to be addressed and these are outlined in Section 2. Section 3 looks at rural housing development since 2012 using CSO and Geodirectory data.

2 Section 2 Current Rural Housing Policy

2.1 Introduction

- 2.1.1 This Section provides an overview of current policy in relation to rural housing as set out in the:
- Sustainable Rural Housing Guidelines published in 2005,
 - Cork County Development Plan adopted in 2014,
 - National Planning Framework, and
 - Regional Spatial and Economic Strategy

2.2 Sustainable Rural Housing Guidelines for Planning Authorities

- 2.2.1 The Sustainable Rural Housing Guidelines published in 2005 seek to support housing development patterns in rural areas that are sustainable, and to this end the guidelines state that, policies and practices of Planning Authorities should seek to:
- (a) Ensure that the needs of rural communities are identified in the development plan process and that policies are put in place to ensure that the type and scale of development in rural areas, at appropriate locations, necessary to sustain rural communities, is accommodated.
 - (b) Manage pressure for overspill development from urban areas in the rural areas closest to the main cities and towns such as the gateways, hubs and other large towns.
- 2.2.2 The guidelines state that an important task in addressing these aims is identifying the future needs of rural communities and setting out policies for acceptable development in the development plan. The guidelines require Planning Authorities to support the following overarching policy objectives:
- (a) Support development needed to sustain and renew established rural communities;

- (b) Ensure that the planning system guides development to the right locations in rural areas thereby protecting natural and man-made assets in those areas;
 - (c) Analyse the different types of economic, social and physical circumstances of different types of rural areas and to tailor planning policies to respond to these differing local circumstances;
 - (d) Closely monitor development, population, economic and other trends in rural areas – take a more analytical based and plan led approach in order to respond to these issues and identify areas at risk from population decline and areas where significant individual housing activity may be occurring.
- 2.2.3 The guidelines state that it is ‘vitaly important that a process of research and analysis be carried out into population and development trends in rural areas’ before planning authorities draft the written statement of the development plan which should include the identification of the location and extent of ‘Rural Area Types’, to include -
- Areas under Strong Urban Influence
 - Stronger Rural Areas
 - Structurally Weak Areas
 - Areas with clustered settlement patterns
- 2.2.4 The guidelines recommended that Development Plans should illustrate these areas on a single general map and develop an appropriate policy response for each rural area type.
- 2.2.5 The approach set out in the Guidelines was followed during the preparation of the County Development Plan as detailed below.

2.3 Cork County Development Plan 2014

- 2.3.1 The current rural housing policy, as set out in the County Development Plan 2014, aims to discourage urban generated rural housing need and facilitate rural generated housing need. The key aim is to identify the types of people we wish to encourage to locate in rural areas in order to maintain and support sustainable rural communities. In order to achieve this, rural housing objectives are identified in the County Development Plan which aim to;
- Strengthen rural communities and counteract declining trends within the settlement policy framework;
 - Discourage urban generated housing in rural areas which should normally take place in settlements; and
 - Sustain and renew established rural communities by facilitating those with a rural generated housing need to live within their community.
- 2.3.2 In addition to these objectives, and using the Sustainable Rural Housing Guidelines as a template, a detailed analysis of rural area types was carried out during the preparation of the

Cork County Development Plan 2014 and six distinct rural housing area types were identified and are detailed in Figure 2.1. The six rural housing policy areas types are as follows:

1. Metropolitan Greenbelt.
2. Rural Area under Strong Urban Influence and Town Greenbelts
3. Tourism and Rural Diversification Area.
4. Stronger Rural Area.
5. Transitional Rural Area.
6. Structurally Weaker Rural Area.

- 2.3.3 A detailed set of rural housing policies was then drafted for each of these rural area types, setting out the different categories of 'Rural Generated Housing Need' which would be accommodated in each area subject to normal proper planning and sustainable development criteria.
- 2.3.4 Five of the six areas identified a specific list of categories of rural housing need that can be accommodated, while in the sixth area, identified as Structurally Weaker Rural Areas, all categories of housing need, including urban generated rural housing need, can be accommodated subject to normal proper planning and sustainable development criteria. A matrix setting out the categories of housing need that can be considered in the different Rural Housing Area Types is set out in Table 2.1.
- 2.3.5 The 2014 Cork County Development Plan is considered to be consistent with the 2005 Rural Housing Guidelines. The Department of the Environment in their submission to the Draft Cork County Development Plan 2013 stated that they "strongly supported the approach taken by Cork County Council to rural housing policies which set out a clear and effective policy framework in both promoting the future development of the Cork Gateway and relevant towns and villages while at the same time facilitating the genuine housing needs arising within rural communities. The approach taken by Cork County Council is fully in line with the Planning Guidelines on Sustainable Rural Housing published by the Minister in 2005 and would be regarded as an exemplar in this regard and should be followed through in the finalisation of the Draft County Plan."
- 2.3.6 The Sustainable Rural Housing Guidelines state that; "balanced assessments will be made regarding the circumstances and merits of the application" in order to "deliberate on a planning application for a housing proposal in a rural area". Taking this into consideration the County Development Plan provides that, in order to establish if qualifying applicants have strong economic or social links and a genuine rural generated housing need, as defined in the objectives of the Plan (see Appendix A), considerations including home ownership, employment circumstances, education etc, need to be considered.
- 2.3.7 In addition, all planning applications for houses in rural areas, regardless of the personal circumstances of the applicant or whether they qualify under specific social and economic

criteria, have to be tested against a range of site specific planning and sustainable development criteria which are outlined in section 4.6 of the Plan. These criteria address various issues including, for example;

- Overall strategy, policy and objectives of the Plan
- Settlement pattern of the area
- Siting, design and scale of the proposed development
- Traffic / road safety issues
- Public health
- Flooding
- Heritage / landscape/ environmental considerations
- Visual amenity

Figure 2.1: Cork County Development Plan 2014 - Rural Housing Policy Area Types

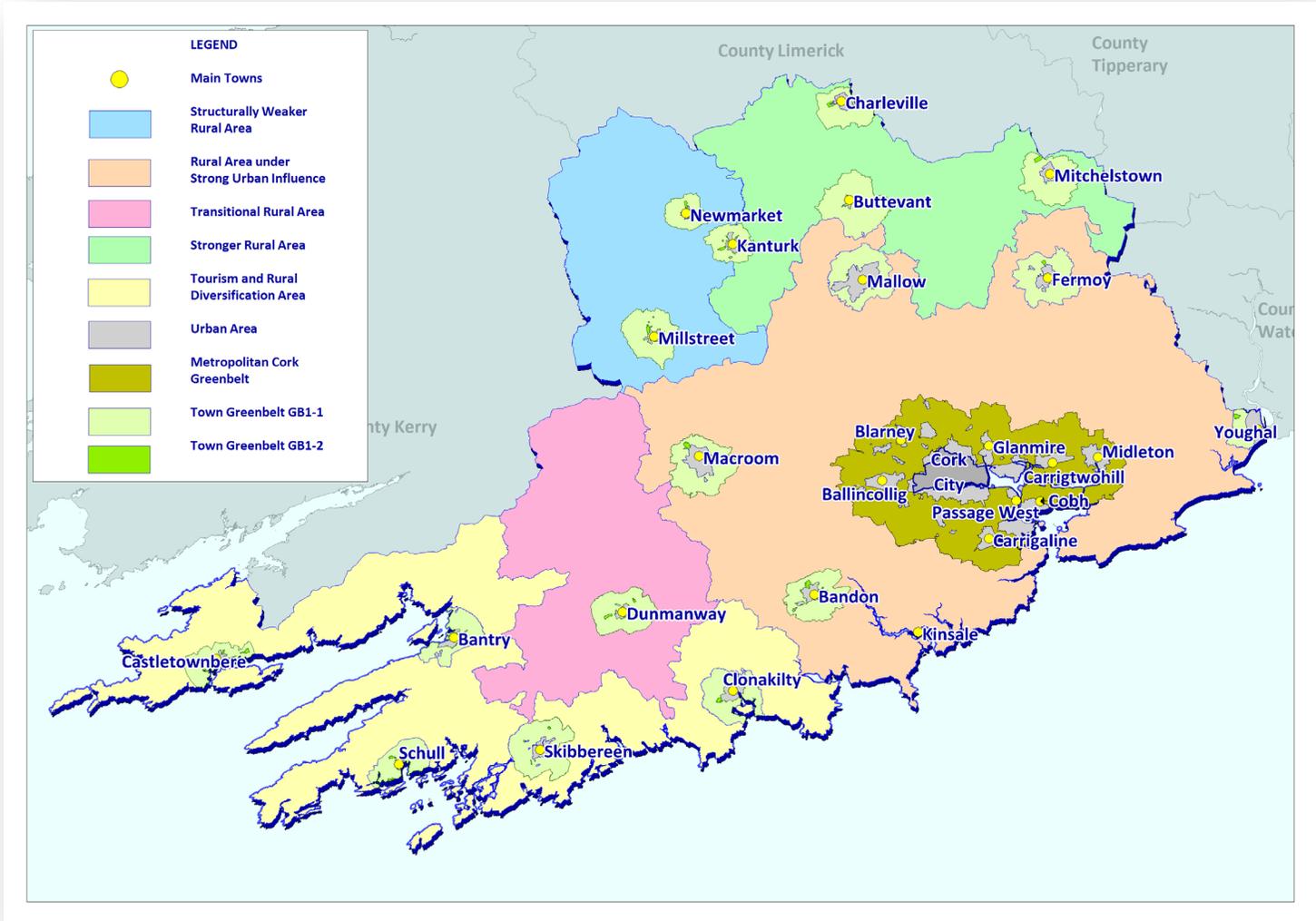


Table 2.1: Rural Housing Need and Policy Area Types *

Categories of Rural Housing Need	Greenbelt	Rural Areas under SUI and Town GB	Tourism and Rural Diversification Area	Stronger Rural Area	Transitional Rural Area	Structurally Weaker Rural Area
Farmers, including sons and daughters – build first home for PO	✓	✓	✓	✓	✓	
Persons taking over the ownership and running of a Farm on a full time basis –build first home for PO	✓	✓	✓	✓	✓	
Persons working full time in farming, forestry, inland waterway – period > 7 years – build first home for PO	✓	✓				
Persons working full time in farming, forestry, inland waterway – period > 3 years – build first home for PO			✓	✓	✓	
Landowners including sons and - build a first home for PO – landholding associated with principal family residence for min 7 years – consideration given to nearby landholding	✓					
Persons who have spent a substantial period of their lives – > 7 years – living n the local rural area in which they propose to build first home for PO		✓	✓	✓	✓	No Restrictions**
Persons whose predominant occupation is farming/natural resource related for > 3 years – in the local rural area where they work - propose to build first home for PO			✓	✓	✓	
Persons whose permanent employment is essential to the delivery of social and community services – linked to rural area for > 3 consecutive years – build first home for PO			✓	✓	✓	
Returning Emigrants – lived > 7 years – in local rural area – wish to reside near other immediate family members, to care for elderly, work locally or retire.		✓	✓	✓	✓	

*Full objectives included in Chapter 4, Volume 1 of CDP.

** It is an objective to accommodate permanent residential development as it arises subject to good planning practice.

2.4 Circular Letter PL 2/2017 – Sustainable Rural Housing Guidelines / Local Needs Criteria

- 2.4.1 The Department issued the above circular in relation to the Sustainable Rural Housing Guidelines / Local Needs Criteria in Development Plans in May 2017 which indicates that the European Commission originally issued an infringement notice against Ireland in 2007, in relation to the local housing needs criteria contained in section 3.2.3 of the 2005 Rural Housing Guidelines. This infringement notice was subsequently deferred pending the outcome of an infringement case taken against Belgium, now referred to as the Flemish Decree case and on which the European Court of Justice (ECJ) delivered its Judgement in 2013.
- 2.4.2 Further to the ECJ judgement, the European Commission re-engaged with the Department regarding the 2007 infringement notice and its previously expressed concerns, with regard to the requirements incorporated in local authority development plans that persons wishing to apply for planning permission for a house in designated rural areas should fulfil a prior minimum residency requirement in the rural area in question, or have familial ties to that specific rural area. Such requirements are considered to be an unjustified restriction on fundamental freedoms under the Treaty on the Functioning of the European Union, in particular the freedom of movement of citizens.
- 2.4.3 The circular noted that requirements that planning applicants have occupational or employment related ties to the rural area in question are not considered problematical as such criteria are non-discriminatory between locals and non-locals.
- 2.4.4 The objective now for the Department of Housing, Planning and Local Government is to ensure that rural housing policies and objectives contained in local authority development plans comply with the relevant provisions of the Treaty on the Functioning of the European Union (Treaty of Rome). As such, revisions to the current 2005 Sustainable Rural Housing Guidelines will need to take into account the relevant ECJ judgement. Updated/Revised guidelines are proposed by the Department of Housing, Planning and Local Government however there is no date at present for when these guidelines will be published.
- 2.4.5 The Department Circular also stated that the new National Planning Framework (NPF) will further assist in informing the revision of the 2005 Guidelines in terms of outlining the overall policy approach for development in Rural Ireland reflecting on the inter-relationships between urban and rural locations including access to employment, housing, services and recreation. The National Planning Framework was finalised in February 2018 and its approach to rural housing is set out in the next section.
- 2.4.6 Until advised otherwise by the Department planning authorities shall defer amending their rural housing policy/local housing need criteria in existing statutory development plans. This circular states that this is considered prudent in order to avoid planning authorities adopting different approaches on the matter in the interim.
- 2.4.7 Therefore in accordance with the Circular, and notwithstanding the commencement of the review of the County Development Plan, Cork County Council is awaiting the new Guidelines before carrying out a full review of its rural housing policy.

2.5 Project Ireland 2040 – National Planning Framework

- 2.5.1 The NPF acknowledges that there are many examples of vibrant rural communities across Ireland in towns and villages, as well as within the open countryside and on our islands, while also acknowledging the challenges being faced by rural communities. The role of rural towns as local drivers for their surrounding area, supporting homes, jobs, clusters of services and transport hubs is recognised. The NPF recognises that changing settlement patterns have resulted in increased building vacancy within many towns and villages, adversely impacting on the vitality of these settlements. NPF objectives seek to strengthen and diversify rural towns to be a focus for local housing and employment growth, based on regeneration and development of vacant and derelict sites and utilising new technology and digital connectivity. The decline of villages also needs to be tackled by sustainable targeted measures that address vacant premises and deliver sustainable reuse and regeneration outcomes.
- 2.5.2 The National Planning Framework recognises that there is a continuing need for housing provision for people to live and work in Ireland’s countryside. It states that careful planning is required to manage demand in our most accessible countryside around cities and towns, focusing on the elements required to support the sustainable growth of rural economies and rural communities.
- 2.5.3 The following are the National Policy Objectives relating to Rural Housing in the NPF;

National Policy Objective 15

Support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.

National Policy Objective 19

Ensure, in providing for the development of rural housing, that a distinction is made between areas under urban influence, i.e. within the commuter catchment of cities and large towns and centres of employment, and elsewhere:

- (a) In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements;
- (b) In rural areas elsewhere, facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

National Policy Objective 20

Project the need for single housing in the countryside through the local authority's overall Housing Need Demand Assessment (HNDA) tool and County Development Plan core strategy processes.

- 2.5.4 The provisions of the National Planning Framework take account of the ECJ Judgement and requirements of the EU Treaty regarding the freedom of movement of citizens by avoiding the inclusion of criteria that could be considered discriminatory i.e. criteria requiring a local / family connection to the area or a period of prior residency in an area.

2.6 Regional and Economic Strategy (RSES)-Rural Housing

- 2.6.1 The RSES reflects the NPF position that our countryside "is and will continue to be, a living and lived-in landscape focusing on the requirements of rural economies and rural communities, based on agriculture, forestry, tourism and rural enterprise, while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities'.
- 2.6.2 The RSES states that when allocating for future growth in the Core Strategy of each Development Plan, Local Authorities should have due regard to the guiding principles, settlement typology and the appropriate policy response taking account of a number of factors which includes the need to provide attractive alternative options to rural housing within smaller towns and villages.
- 2.6.3 The following are the objectives which directly relate to Rural Housing in the RSES:

RPO 27 - Rural

"Support rural economies and rural communities through implementing a sustainable rural housing policy in the Region which provides a distinction between areas under urban influence and other rural areas through the implementation of National Policy Objective 19 regarding Local Authority County Development Plan Core Strategies.

Local authorities shall:

- a. Include policies for the protection of the viability of smaller towns and rural settlements as key priority within Development plans;
- b. Have regard for the viability of smaller towns and rural settlements; Core Strategies shall identify areas under urban influence and set the appropriate sustainable rural housing policy response which facilitates the provision of single housing in the countryside based on the core consideration of demonstrable economic, social or local exceptional need to live in a rural area and sitting, environmental and design criteria for rural housing in statutory guidelines and plans;
- c. Have regard for the viability of smaller towns and rural settlements, in rural areas elsewhere, facilitate the sustainable provision of single housing in the countryside

based on siting and design criteria for rural housing in statutory guidelines and plans;

- d. Provide for flexibility in zoning and density requirements to ensure that rural villages provide attractive easily developed options for housing.”

2.6.4 In including provision for local exceptional need in RPO 27, the RSES goes beyond the provisions of the NPF and may conflict with the ECJ Judgement.

2.6.5 In relation to disused and derelict rural dwellings, the second bullet point of RPO 34 on Regeneration, Brownfield and Infill Development provides as follows:

“Local Authorities through their respective County Development Plans and Local Area Plans will set out policies and objectives to support the reuse/refurbishment of existing disused and derelict rural dwellings for residential purposes community or commercial (including social enterprise) and encourage new uses for disused/derelict farm buildings including residential where appropriate, subject to normal planning considerations and ensure that re-use is compatible with environmental and heritage protection;”

2.6.6 The provisions of the RSES in relation to rural housing will be considered as part of the review of the County Development Plan.

2.7 Other Issues to be considered as part of a review of Rural Housing Policy

Clarifications on current policy

- 2.7.1 The publication of the updated Sustainable Rural Housing Guidelines will prompt an overall review of our current policy approach to rural housing.
- 2.7.2 Since the County Development Plan was adopted in 2014 a number of aspects of the current policy have been clarified. The text of the new plan will need to be revised to reflect these clarifications as follows;

Nearby Landholding - RCI 4-1 Metropolitan Greenbelt

- 2.7.3 The intention when framing this policy was that ‘nearby landholding’ should generally be construed as ‘the adjoining or subsequent neighbouring landholding’. This approach would allow some flexibility in the Metropolitan Cork Greenbelt which is the area under most pressure for rural housing and avoid being overly prescriptive in using a specified distance.

Returning Emigrants – RCI-4-2, RCI-4-3, RCI-4-4, RCI-4-5

- 2.7.4 It is not necessary for applicants to show that they have returned to Cork. If the applicant(s) can show that they genuinely intend taking up permanent residence in the rural area in which they lived/grew up in order to e.g. take up employment or, to care for an elderly relative or to retire or for some other bona fide reason, then consideration can be given to granting permission.

Build First Home - RCI 4-1, RCI-4-2, RCI-4-3, RCI-4-4, RCI-4-5

- 2.7.5 Ownership of a dwelling should not preclude an applicant from building their first home in the local rural area.

Other issues to be addressed

Replacement of Rural Dwellings and Refurbishment of Derelict Dwellings in the Countryside - RCI8-1

- 2.7.6 There is some confusion with the way this policy is written and presented in the current CDP and this will need to be reviewed to clearly demarcate both policies. It is also considered in certain circumstances, particularly in relation to the renovation/refurbishment of derelict dwellings, that this policy may not be flexible enough.
- 2.7.7 The content and layout of the current policies will be given further consideration as part of CDP review to address any issues arising.

Full Time Farmers

- Large Numbers of farmers are now not full time farmers due to the need to supplement their

income. A CSO farm structure survey carried out in 2016 revealed that more than half (72,500) of farm holders stated that farming was their sole occupation, while just under one-quarter (23.5%) regarded it as a subsidiary occupation.

- 2.7.8 Part time farming is provided for in 4 of the 6 rural area types however there are two exceptions to this the Metropolitan Cork Greenbelt and Rural Areas under Strong Urban Influence and Town Greenbelts.
- 2.7.9 Meeting farmers housing needs whether full time or part time will be given further consideration in the preparation of the Draft Plan.

Infill ribbon development

- 2.7.10 Pressure has arisen to allow gaps in ribbon development be filled in with one off housing. This issue will be considered further as part of the review of the Plan and may be best considered in the context of the normal proper planning and sustainable development criteria.

Other Locations/Village Nuclei

- 2.7.11 In the absence of water services capacity or meaningful public transport services for many of the smaller settlements, and the principles of the NPF and the RSES, the sustainability of the current settlement network model, and its relationship with rural housing policy, needs to be considered as part of the review of the CDP.

Recent Appeal Decisions

- 2.7.12 In some recent cases applications for one off houses which have been granted planning permission by Cork County Council in Rural Areas under Urban Influence have been refused planning permission by An Bord Pleanála, on appeal by third parties, based on local need.
- 2.7.13 An Bord Pleanála in coming to these decisions have taken a particular interpretation of the National Policy Objective 19 of the National Planning Framework which seeks to ensure that the provision of single housing in rural areas under urban influence is provided based upon demonstrable economic or social need to live in a rural area.
- 2.7.14 However Cork County Council remains committed to the rural housing policy adopted by the elected members set out in the Cork County Development Plan 2014, which is in full compliance with the current Sustainable Rural Housing Guidelines, pending the issuing of new/revised Guidelines by the Department.

3 Section 3: Rural Housing Development

3.1 CSO Data

3.1.1 Data on the number of rural one of houses granted planning permission in the different rural housing area types across the county is not available. The CSO publish data on “one off houses” granted planning permission annually for each county but this may include one off houses within the development boundary of settlements. The CSO data is detailed in Table 3.1 below.

Table 3.1. Planning Permission granted for one off houses in Cork County 2012-2018							
Number of Units for which Planning Permission Granted	2012	2013	2014	2015	2016	2017	2018
	501	384	456	518	593	653	661
Source : CSO:BHA02 and BHA12: Planning Permissions Granted for New Houses and Apartments by Type of Dwelling, Region and County, Year and Statistic 2012-2018							

3.2 Geo-directory Database

3.2.1 The Geodirectory is a database of postal addresses and using information from the database it is possible to count the number of postal addresses in a given geographic area and compare the number of addresses from one period to another.

3.2.2 An analysis of the number of residential postal delivery points in each of the six rural housing areas has been carried out for the period 2012 to 2017. The results of the analysis of are outlined in Table 3.2 below. It is important to note the following:

- (a) The geodirectory records active postal addresses. A house that is vacant may not be on the register.
- (b) The geo directory may be used as an indicative proxy for the number of the dwellings in an area but it has many inaccuracies, particular in a small sample size, and should be seen as indicative only.
- (c) Different rural housing policies were in place in the period prior to December 2014 when the current County Development Plan was adopted, so in terms of rural housing policy impacts, the data prior to 2014 and post 2014 are not directly comparable.
- (d) The geodirectory does not count planning permissions granted.
- (e) The geodirectory does not distinguish between old and new properties or the cessation of deliveries at one address being replaced with the commencement of deliveries at another address in the same area.
- (f) The period in question coincided with a number of years of the recession.

Table 3.2: Number of postal delivery points in Rural Housing Policy Area Types of the County 2012 to 2017									
Rural Housing Policy Area Types CDP 2014	2012	2013	2014	2015	2016	2017	Total Change 2012-2017	Distribution of growth 2012-2017	Total Overall Increase 2012-2017 %
Metropolitan Green Belt	8271	8323	8404	8476	8501	8519	248	32%	3%
Rural Area under Strong Urban Influence and Town Greenbelts	22851	22964	23035	23158	23224	23247	396	51%	2%
Tourism and Rural Diversification Area	12587	12624	12632	12676	12677	12718	131	17%	1%
Stronger Rural Area	6282	6289	6297	6243	6277	6268	-14	0%	0%
Transitional Rural Area	4763	4747	4746	4747	4739	4756	-7	0%	0%
Structurally Weaker Rural Area	3803	3796	3790	3787	3784	3774	-29	0%	0%
Total Rural County Cork	66,345	66,540	66,698	66,868	66,999	67,078	733	-	1%

Source : GeoDirectory 2012-2017

Results Overview

- The data indicates that the majority of the growth that took place between 2012 to 2017 occurred in the 'Rural Area under Strong Urban Influence' (approximately 51%) with the 'Metropolitan Cork Greenbelt' accounting for approximately 32% of overall growth .
- The 'Tourism and Rural Diversification Area' accommodated 17% growth from 2012 to 2017.
- The data indicates that the growth rates in the remaining rural areas (Transitional Rural Area, Stronger Rural Area and Structurally Weaker Rural Area) remained relatively stable during this period.

Appendix A – Rural Housing Objectives- Chapter 4: CDP 2014

RCI 1-1: Rural Communities

Strengthen rural communities and counteract declining trends within the settlement policy framework provided for by the Regional Planning Guidelines and Core Strategy, while ensuring that key assets in rural areas are protected to support quality of life and rural economic vitality.

CDP RCI 2-1: Urban Generated Housing

Discourage urban-generate housing in rural areas, which should normally take place in the larger urban centres or the towns, villages and other settlements identified in the Settlement Network.

CDP RCI 2-2: Rural Generated Housing

Sustain and renew established rural communities, by facilitating those with a rural generated housing need to live within their rural community.

CDP RCI 4-7 Full time home based business in a rural area

Facilitate the housing needs of persons who can satisfy the Planning Authority of their long term commitment to operate a “bona fide” full time business from their proposed home in a rural area.

CDP 2014 - RCI 4-8 Exceptional Health Circumstances

Facilitate the housing needs of persons who are considered to have exceptional health circumstances.

CDP 2014 – RCI 6-4: Occupancy Conditions

In order to take a positive approach to facilitating the housing needs of the rural community; where permission has been granted for a rural housing proposal, an occupancy condition shall normally be imposed under Section 47 of the Planning and Development Act 2000.

CDP 2014 – RCI 8-1 Refurbishment of a Derelict Dwelling

Encourage proposals for the sensitive renovation and conservation of existing disused or derelict dwellings subject to normal proper planning and sustainable development considerations as well as the requirements of other objectives in this plan and provided that it satisfies the following criteria:

- The original walls must be substantially intact.
- The structure must have previously been in use as a dwelling.
- The dwelling must be physically capable of undergoing renovation/conversion without demolition.
- Where the building is derelict, a structural survey by a qualified engineer must be submitted as part of any planning application to include measures to protect the building from collapse prior to, and during, the construction works.
- The design, scale and materials used in any renovation/and or extension should be sympathetic to the character and setting of the existing dwelling.

- Mature landscape features are retained and enhanced, as appropriate.
- No damage shall be caused to sites used by strictly protected wildlife.

In the interests of clarity, the provisions of Objective RCI 2-2 (i.e. the 'Rural Generated Housing Need' requirement) and Objective RCI 6-4 (i.e. Occupancy Clause) will not apply except where the total or substantial demolition of the existing structure and a new dwelling is proposed.