



**NOTIFICATION TO ATTEND MEETING OF THE PLANNING AND URBAN FORM SPC  
TO BE HELD IN THE COUNCIL CHAMBER, CITY HALL, DAME STREET, DUBLIN 2.  
ON TUESDAY 25 FEBRUARY 2020 AT 3.30 PM**

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**AGENDA**

**TUESDAY 25 FEBRUARY 2020**

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| 1 | Minutes of Meeting 26th November 2019                         | <b>3 - 6</b>  |
| 2 | Matters Arising   |               |
| 3 | Introduction to Short Term Letting and Enforcement            | <b>7 - 20</b> |
| 4 | The Role and Function of The Office of the Planning Regulator |               |
| 5 | Motions   |               |

**Motion in the name of Cllr. Alison Gilliland**

*The Planning and Urban Form SPC seeks that when a DCC owned piece of land exceeding 300 square meters is presented for disposal that the disposal report include an in-depth independent assessment on the site potential for, in the first instance, housing and in the second instance community enhancement such as additional recreational, sporting, artistic etc. This independent assessment shall make a recommendation as to the type of housing or community use including a costing of developing the site*

*for such use and the potential return (financial, community value, no of families housed) to the Council should it be developed. The assessment should provide guidance as to whether and to what extent the monetary benefit to the council from disposing of the site outweighs the long-term social and economic benefit foregone in terms of the necessary development of housing and other public uses. Furthermore should any site be disposed of such a disposal shall be conditional to a development agreement to submit a planning application and to commence work on the site so as to prevent the land from being hoarded or left unused.*

6 A.O.B.

7 Date of the next meeting 28th April 2020



**MINUTES OF THE PLANNING AND URBAN FORM SPC MEETING  
HELD ON TUESDAY 26<sup>TH</sup> NOVEMBER 2019**

1. Minutes of meeting 26<sup>th</sup> February 2019

**Minutes: Agreed**

2. Minutes of Introduction Meeting 17<sup>th</sup> October 2019

**Minutes: Agreed**

3. **Matters arising**

No issues

4. **Z 6 / Z 7 Lands Review**

Dublin City Planner gave a presentation that highlighted:

Land Use Zoning Objectives

Drivers for Change

Categories of industrial lands

Larger Z6/Z7 sites which will be subject to More Detailed Plans:

1. Dublin Industrial Estate lands (45.50 ha)
2. Jamestown Business Park & Finglas Business Centre lands (43.11 ha)
3. Oscar Traynor Road/ Malahide Road lands (43.16 ha)
4. Naas Road/ Kylemore Road lands (140.22 ha)

Next Steps

- Mechanisms for effective delivery

- Impact on the review of the upcoming City Development Plan and the future content of the Draft Plan in 2021
- Timelines & Project management

**Discussion followed**

**5. Active Land Management**

Senior Executive Officer for Development went through Report and gave a detailed overview of Active Land Management including the process and time line for CPO's.

Areas covered by the Report included a detailed explanation of the working of the following:

Derelict Sites

Property Acquisitions

Vacant Sites Register

**Discussion followed and it was suggested by Cllr. McAdam that this could be an opportunity for the SPC to look at the policy and strategy behind CPO's and the acquisition of vacant and derelict sites.**

**6. Planning Enforcement**

Senior Executive Officer for Planning went through Report as the Planning Enforcement Manager was unable to attend as was in Court.

Update on Inspections and comparison with 2018

Update on Air B & B staff structure for new section.

**Agreed:**

Written report to be circulated and Planning Enforcement Manager to attend next SPC.

**7. Motions**

No Motions

**8. A.O.B**

**Building Control Update**

The Senior Building Surveyor gave a presentation on the workings of the Building Control Section:

- Core function is the proper administration and enforcement of Building Control & Building Regulations
- Other statutory functions include:
  - Market Surveillance Authority for the European Union (Construction Products) Regulations 2013
  - European Union (Energy Performance of Buildings) Regulations 2012
- 10 x Technical and 7 x Administrative Staff
- 851 Inspections of Construction Sites so far in 2019
  - 2 x Enforcement Notices Served
  - 1 x District Court Conviction

New National Building Control Office set up to provide advice and ensure consistency to all Local Authorities and Building Control staff nationwide.

**Agreed:**

That there be regular updates from Building Control over the next year.

Cllr. Sophie Nicoullaud to contact Irish Green Building Council to see if they would like to make a presentation to The Planning and Urban Form SPC and to liaise with the Chair.

**Whitefriar Place:**

Cllr. Mannix Flynn raised concerns about the development of the homeless hub at Whitefriar Place.

**Cornamona Court Development:**

Cllr. Daithí De Róiste raised concerns about the Cornamona Court Development re out of hours working.

**Agreed:**

Both matters to be investigated.

**9. Date of the next Meeting is 25<sup>th</sup> February 2020**

**Date of Meetings for 2020**

**Agreed**

**Councillor Ray McAdam**  
**Chairperson**  
**Tuesday 26<sup>th</sup> November 2019**

**Attendance:**

**Members:**

Ray McAdam(Chairperson)  
Dermot Lacey  
Odran Reid  
John Lyons

**Members:**

Daithí De Róiste  
Sophie NiCoullaud  
Anthony Connaghan  
Robbie Sinnott

**Members:**

Jonny McKenna  
Marian O'Donnell  
Patricia Roe

**Officers:**

Paul Clegg  
John O'Hara  
Pat Nestor

Máire Igoe  
Helen McNamara

Michael Fallon  
Jonathan Fallon  
Aileen Mac Dermott  
Conor O'Hanlon

**Apologies:**

Tom Brabazon

Jane Horgan Jones

Nessa Hourigan

**Non-Members:**

Ciarán O'Moore

Mannix Flynn

Carán Cuffe  
Críona Ní Dhálaigh

# Introduction to Short Term Letting Legislation and Enforcement

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Planning and Urban Form SPC

25<sup>th</sup> February 2020

# Legislation

## New Short Term Letting Regulations, Planning and Development (amendment) Regulations 2019.

### Summary of the new regulations and what they mean.

#### Background.

On 1<sup>st</sup> July 2019 the Minister for Housing, Planning, Community and Local Government introduced new Regulations which allow for the use of a “house” for the purposes of Short Term Letting, in a rent pressure zone, in restricted circumstances provided statutory notifications are sent to the relevant Local Authority.

#### Definitions.

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The use of a house or part of a house situated in a rent pressure zone for short term letting purposes is a material change in use of the house or part thereof, as the case may be. (Section 3A of the Planning and Development Act 2000 (as amended))

A short term letting’ means the letting of a house or part of a “house” for any period not exceeding 14 days, and includes a licence that permits the licensee to enter and reside in the house or part thereof for any such period in consideration of the making by any person (whether or not the licensee) of a payment or payments to the licensor.” (Section 3A of the Planning and Development Act 2000 (as amended))

House includes apartments and flats for the purpose of this definition. Legal definition of a house under Part 1 of the Planning and Development Act 2000 (as amended) means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building.

### Restrictions on use of a “house” (including apartments and flats etc.)

The new regulations which allow for Short Term Letting in restricted circumstances in a rent pressure zone do not apply to any property that is not a principal private residence of a person(s).

This means that the use of a second property that is not owner occupied or tenant occupied cannot legally operate for the purposes of short term letting under the new Regulations. This includes properties whose principle use is for short term letting use. Full Planning Permission is required in such circumstances.

Anybody who is operating a property for Short Term Letting purposes in such circumstances, is carrying out unauthorised development, which is an offence under Section 151 of the Planning and Development Act 2000. Such an offence may be prosecuted by Dublin City Council and is subject to criminal sanction.

## Option A

A “house” (including apartments and flats etc.) which is a principal private residence and is occupied by the resident (landlord or licensor), can use up to 4 rooms accommodating no more than 4 people per room, with no restrictions on the number of days per year of use, provided that;

- a) it does not breach any condition of a permission or any use specified in such a permission.
- b) an owner occupier or tenant is resident at the time of the Short Term Lettings.
- c) the prescribed, **Form 15 Statutory Notification form** is sent to Dublin City Council no later than 2 weeks before the commencement of the first Short Term Let of the year, for that property. [This is a one off submission.](#)

## Option B

A “house” (including apartments and flats etc.) which is a principal private residence and is normally occupied by the resident (landlord or licensor) can be used for up to a maximum of 90 days per year, in periods of 1-14 days at a time, in the absence of the owner occupier(s) or tenant residing at that property.

In other words you can let your property for full time Short Term Letting purposes, provided that;

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- a) the total number of days does not exceed 90 days in a year( 1st January to 31st December).
- b) it does not breach any condition of a permission or any use specified in such a permission.
- c) an owner occupier or tenant is not resident at the time of the Short Term Lettings.
- d) the prescribed **Start of Year, Form 15 Statutory Notification form** is sent to Dublin City Council no later than 4 weeks **after the commencement of each year in which he or she intends to carry out the proposed development and before the commencement of any such development in that year.**
- e) the prescribed **Form 16, 90 Day threshold reached Statutory Notification form** is sent to Dublin City Council which is only required if the 90 Day threshold is reached. This form must be lodged no later than 2 weeks after the threshold has been reached.
- f) the prescribed **End of year Notification, Form 17 Statutory Notification form** is sent to Dublin City Council between the 1st of January and the 28th of January of the year after the lettings have taken place.

Principal private residence which is occupied by the resident (owner or licensor),

Short Term Letting of part of a house (Option A)

- No restrictions on the number of days subject to
- Maximum of 4 bedrooms used and maximum of 4 people per bedroom.
  - The owner/licensor must be residing in the property at the time of letting.

Form 15 Statutory Notification form is sent to Dublin City Council no later than 2 weeks before the commencement of the first Short Term Let of the year, for that property. **This is a one off submission.**

Short Term Letting of the entire house (owner/licensor absent at time of letting (Option B)

Restricted to a maximum of 90 days in a calendar year

- Form 15 notification is sent to Dublin City Council no later than 4 weeks from the commencement of each year and before the use commences, whichever is sooner.
- Form 17 notification relating to the previous years activity is sent to Dublin City Council no later than 4 weeks from commencement of each year
- Form 16 notification is sent to Dublin City Council if the 90 days threshold has been exceeded.

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Non principal private residence (Second Property)

Planning permission is required.

# Enforcement

## Enforcement Measures

Planning authorities can avail of a range of measures to enforce against unauthorised short term letting activity such as:

- reviewing available information from relevant online platforms,
- following up on complaints received from members of the public,
- physical inspections of properties,
- collating and cross-checking information from a range of data sources,
- checking if properties already have relevant permissions etc.

## Guide to Enforcement

- The enforcement provisions are contained in Part VIII of the Planning and Development Act 2000 (as amended) and are used to enforce any breaches of planning control including issues relating to short term lettings.
- Statutory Warning Letters, Enforcement Notices and prosecutions / injunctions are availed of to properly enforce issues relating to unauthorised development / use.
- Statutory requests will also be availed of where appropriate, under section 8 of the Planning and Development Act 2000 (as amended), requiring the owner / tenant of the property to provide further information. Failure to comply with such a request can lead to a prosecution and associated conviction.

## Guide to Enforcement (Continued)

- All costs reasonably incurred by the planning authority in relation to enforcement proceedings are required to be recovered from a person on whom an enforcement notice has been served or where court action is taken.
- Legal proceedings are initiated in the main to the District Court under section 157 of the Planning and Development Act 2000, as amended. These proceedings are criminal proceedings and carry criminal sanction.
- Any person who knowingly assists or permits the failure by another to comply with an Enforcement Notice shall be guilty of an offence.
- In a prosecution for an offence for non compliance with an enforcement notice, it shall not be necessary for the prosecution to show, and it shall be assumed until contrary is shown by the defendant, that the subject matter of the prosecution (Unauthorised short term letting) was unauthorised development.

### **Penalties for non-compliance with statutory planning enforcement requirements;**

- Carry a maximum penalty of €5,000 or 6 months imprisonment or both if convicted in court.
- Where the person continues the offence after conviction for non compliance with a Notice, they are guilty of a further offence and this carries a maximum fine of €1,500 for each day on which the offence is continued or to imprisonment for a term not exceeding 6 months.

## Current position of Dublin City Council relating to applications for change of use to short term lettings

The City Council recognises that residential units are a scarce resource in the city and that this resource needs to be carefully managed to ensure that the housing needs of the city are met, in particular in Rent Pressure Zones. Any development that results in the permanent loss of unit(s) in the city from the long term rental market for short term letting is in conflict with the fundamental principle of the City's Housing Strategy (2016-2022), as it would exacerbate the current accommodation shortages and associated pressures.

In light of the above, and in accordance with the relevant guidance and legislation, it is the policy of the City Council to refuse planning permission for any development which would result in the loss of permanent residential units within designated Rent Pressure Zones, as such developments would be in conflict with the core principles of the Dublin Housing Strategy 2016-2022 which requires the protection of the city's housing stock and the building of new permanent residential space to ensure sustainable and balanced development and the delivery of homes for the city's existing and future residents and work force.

## PLANNING APPLICATION STATISTICS

16 planning applications lodged referring to Short Term Lets

- 8 applications were refused planning permission.
- 3 applications were withdrawn.
- 2 applications declared invalid.
- 3 applications awaiting decisions.

## CURRENT STAFFING OF STL UNIT TO DATE (Department funding the cost of these staff)

- Senior Staff Officer
- 3 Assistant Staff Officers
- 4 Planning Enforcement Officers
- Executive Planner
- 1 Law Researcher
- Overseen by A/Planning Enforcement Manager

## NOTIFICATIONS TO DATE

### 2019

A total of 246 (form 15) notifications received of which

67 related to homesharing

123 to short term lets

56 to both homesharing and short term lets

### 2020

A total of 69 (form 15) notifications received to date, of which

25 relate to homesharing

14 to short term lets

30 to both homesharing and short term lets

A total of 34 (Form 17) notifications relating to 2019 STL's have been received to date.

**ENFORCEMENT ACTION TO DATE SINCE July 2019**

Files Opened for investigation: 395

Cases resolved to date: 87

**THE TARGET IS TO OPEN AND INVESTIGATE 1000 CASES A YEAR RELATING TO SHORT TERMS LETS**

