

Items raised at North Central Area Committee Meeting held on 18th January, 2021

At the above meeting, the North Central Area Committee agreed the following item for following meetings:

Cllr Racheal Batten – **Report on how many developments planners have approved outside the Development Plan for NCA**

**CHIEF EXECUTIVE'S REPLY:**

It is understood that this query relates to planning applications that have been granted permission in the context of specific planning policy requirements (SPPR) contained in Section 28 planning guidelines which take precedence over any conflicting, policies and objectives contained in the Dublin City Development Plan.

The planning authority does not keep a record of such decisions. Notwithstanding the above, an initial review of Strategic Housing Development (SHD) decisions for sites located in the North Central area has been carried out with a view to establishing relevant data.

In this context it should be noted that planning guidelines may be issued by the Minister for Housing under Section 28 of the Planning and Development Act 2000 (as amended). Planning authorities and An Bord Pleanála are required to have regard to the guidelines and are also required to apply any SPPRs contained in the guidelines, within the meaning of Section 28 (1C) of the Planning and Development Act 2000 (as amended) in carrying out their functions.

Accordingly, SPPRs outlined in Section 28 guidelines including the Design Standards for New Apartments - Guidelines for Planning Authorities (December 2020) and the Urban Development and Building Heights Guidelines for Planning Authorities (2018) take precedence over any conflicting, policies and objectives of development plans and local area plans. Where such conflicts arise, the Guidelines indicate that such plans should be amended by the planning authority to reflect the content of the guidelines and properly inform the public of the relevant SPPR requirements.

To date, An Bord Pleanála has decided 12 no. SHD applications in the North Central Area. Permission was granted for 9 no. SHD applications and permission was refused for 3 no. SHD applications. All of the permitted SHD applications relied on SPPR contained in Section 28 guidelines. Typically this related to the height of the proposal exceeding development plan standards but sometimes it related to other aspects such as the location of Build to Rent apartments and development plan apartment mix standards, particularly the development plan requirement to provide a minimum of 15% three or more bedroom units.

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