

## **Planning and Urban Form Strategic Policy Committee – February 2021**

### **Strategic Housing Developments Item No. 3 on the Agenda**

### **Strategic Housing Developments; Process Document**

#### **A. General**

On 3<sup>rd</sup> July 2017, the new strategic housing development legislation came into effect<sup>1</sup>. Under this new legislation, the role of assessment and decision making on planning applications for developments comprising 100 or more residential units or 200 bed spaces or more student / shared living accommodation schemes was transferred from the Planning Authority to An Bord Pleanála, initially until December 2019, now extended to December 2021.

Since it came into operation, the City Council has gained considerable experience in the implementation of the new legislation. After an initial slow uptake, the number of pre-application consultations and planning applications submitted under the SHD legislation has been growing steadily since early 2019. The following outlines the main stages in the SHD planning process for the Planning Authority and the role of the elected members.

#### **B. The Planning Authority**

##### **Pre-application Consultation(s) with the Planning Authority**

The pre-application consultation with the Planning Authority is an important part of the SHD process. Similar to any Section 247 consultation, it is the role of the Planning Authority to provide advice to applicants on issues that would normally be considered as part of an application including national, regional and local strategies and plans and section 28 guidelines.

The consultation process can extend over several meetings depending on the complexity and scale of the proposed development. It is the experience of the City Council that the average number of pre-application consultations per SHD proposal is 3 to 4, but can be more for larger or more complex applications.

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<sup>1</sup> Planning and Development (Housing) and Residential Tenancies Act 2016 and Planning and Development (**Strategic Housing Development**) Regulations 2017.

This consultation process requires significant input in terms of staff and time particularly given the lack of provision for further information requests.

### **Pre-application consultation with An Bord Pleanala**

As part of the formal pre-application consultation with An Bord Pleanala, the planning authority is required to prepare and submit a written opinion on the pre-application submission. While the written opinion by the Planning Authority is a valuable opportunity to input into this stage of the planning process it places a significant workload on the City Council. Following the submission of the written 'opinion' to An Bord Pleanala, the Planning Authority is invited to attend a tri-partite pre-application consultation meeting comprising An Bord Pleanala, the applicant and the planning authority.

### **The Application**

Following the validation of the application by An Bord Pleanala, the application is referred to the Planning Authority which registers the application. The Council has experienced some ongoing difficulties with certain aspects of this stage of the planning process including late notification of validation of the application by the Bord and late referral of the third party submissions.

After the planning application is registered, it is referred to the area planner for assessment and the preparation of the Chief Executive's report, which must include a summary and assessment of all third party submissions.

As soon as the application has been validated, the Planning Authority is also required to:

- inform the relevant elected members that a strategic housing development application (SHD) has been lodged,
- provide details of the SHD at the next available area committee meeting and
- provide a summary of the elected members views to An Bord Pleanala.

The following outlines in more detail the procedures in relation to the elected members and their role in the SHD process:

## **C. The Role of the Elected Members**

### **Step 1 – Notification Stage**

Following the validation of a planning application by An Bord Pleanala, the elected members of the relevant area committee are:

- notified by email by the Area Office that a planning application has been lodged and is available for public inspection
- provided with a link to the applicants website to view the submitted documentation

- informed of their right to make a written submission to An Bord Pleanala within the five week period<sup>2</sup>.

## **Step 2 – Presentation Stage**

At the next meeting of the relevant area committee, the Area Planner presents the elected members with the following information:

- Summary of the application – it should be noted this presentation provides a summary of the relevant details of the application and that the full application should be viewed either online or by appointment at Civic Offices.
- Consultations that took place in relation to the proposed development
- An Bord Pleanala's 'opinion' on the pre-application consultation (i.e. the notice issued under Section 6(7))

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<sup>2</sup> No fee is required in the event of an elected member simply supporting or objecting to an application without elaborating on the grounds of an application or on a submission by an observer. However, the appropriate fee must be paid when the elected member makes a formal submission i.e. elaborates on the grounds of an application or submission or raises a substantive new issue.

### **Step 3 –Views of the Elected Members**

- I. At the area committee, the elected members can express their views on the SHD application, in accordance with Section 8 (5) (a) (iii), of the new planning act which states:

**a summary of the views of the relevant elected members on that proposed development as expressed at such meeting or meetings** be forwarded to An Bord Pleanala.

- II. When the presentation takes place outside the 5 week period for submissions, the presentation provides the following additional information;
  - A summary of the points raised in the observations received by the Board in relation to the application
  - The Chief Executive’s views on the effects of the proposed development on the proper planning and sustainable development of the area and on the environment.

- III. At all such presentations, in addition to the area planner being in attendance, a staff member from Planning Administration attends to take note of the views of the elected members.

Following the meeting, a summary of the expressed views of the elected members is typed up, and sent to the area office for circulation to the relevant Elected Members for their comments. Any relevant comments received back are incorporated into the submission to An Bord Pleanala. This is to ensure that the notes accurately capture the views raised by the members at the meeting.

- IV. It is important to note that the elected members retain their right to make individual observations to An Bord Pleanala in accordance with the normal procedures. The summary of the views of the Area Committee is not a substitute or replacement for any elected member making his/her own observation.

### **Step 4 – Notification of An Bord Pleanala**

The SHD legislation requires that within 8 weeks of the validation of a SHD application, a copy of the Chief Executive’s Report, any interdepartmental reports and the summarised views (as amended) of the elected members is forwarded to An Bord Pleanala together with a link to the webcast of the relevant area committee meeting.

A set of this documentation is also sent at the same time to each of the relevant elected members.

### **Summary**

The SHD process is provided for by legislation in order to fast track the delivery of housing, now extended to December 2021. To date, the approval rate for the SHD applications in the city is high. The number of SHDs and pre-application stage has increased significantly in 2019. This has involved a considerable input of resources, time and staff, to ensure that appropriate and adequate advice is provided to the applicant and that each stage of the process is correctly logged, tracked and referred as required.

**John O'Hara,  
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