

Large-scale Residential Developments

Introduction

New planning legislation for large scale residential developments came into effect on 17th December 2021 to replace the SHD process - the Planning and Development (Amendment) Large-scale Residential Development) Act 2021 and the Planning and Development (Large-scale Residential Development) Regulations 2021.

The new legislation restores the two-stage planning process, with decision making for Large-scale Residential Development (LRD) type applications returning to the local planning authority, and the subsequent right of appeal to An Bord Pleanála (the Board).

It is important to note that the two systems (LRD and SHD) will operate concurrently for a period of time. This means that SHD applications lodged up to 17th December 2021 will be assessed and decided by An Bord Pleanála. In addition, any applicant who requested or received an 'Opinion' on an SHD proposal on or up to 17th December from An Bord Pleanála will have 6 months from receipt of the 'Opinion' to lodge a planning application to the Board. Once the final SHD planning applications have worked their way through the system, the LRD arrangements will be the sole planning consent system for large scale housing developments.

The definition of large-scale residential development (LRD) remains broadly similar to strategic housing development (SHD), i.e. developments of 100 housing units or more, or student accommodation developments comprising 200 bed spaces or more, or a combination of same. However, the new LRD arrangements introduces two new changes:

- Up to 30% of the gross floor space of the proposed development may be used for non-residential uses, instead of the 15% cap under the SHD arrangements.
- Mixed developments combining housing and student accommodation to be classified as an LRD where the threshold is met for either element.

LRD Arrangements

The new LRD arrangements will involve three stages:

1. **Pre-application stage:** This involves two steps; firstly, the applicant will be required to seek standard pre-application consultation as currently mandated for developments of this scale under section 247 of the Planning Act. The second step entails a mandatory 8-week consultation phase with the local authority resulting in the holding of an "LRD meeting" and the issuing of an "LRD opinion" as to whether the proposals constitute a reasonable basis for submitting a planning application.
2. **Application stage:** This stage involves a standard application to the planning authority with a mandatory 8-week decision timeframe.

3. **Appeal stage:** The decision of the planning authority may be appealed to An Bord Pleanála within 4 weeks, in which case the Board has a mandatory 16-week decision timeframe.

LRD Applications and the Elected Members

Following the submission of an LRD application, and in accordance with the new planning legislation, the Planning Authority will

- Notify the elected members that an LRD application has been lodged and indicate its availability for public inspection.
- Provide a link to the applicant's website where the submitted documentation can be viewed.
- Inform the elected members of their right to make a written submission to the Planning Authority within the five week period.

(Note: There is no fee for elected members who should make their submissions to their dedicated email address observations@dublincity.ie)

In contrast to the current SHD system, there is no mandatory requirement under the legislation to present an application to the elected members at a meeting of the relevant area committee or to record the views of the elected members expressed at the area committee. However, it will be open to the area committee to request a presentation on a LRD application in the same manner as a standard Section 34 planning application. However, there must be a limit on the number of applications that can be presented at any one area committee, due to the time and resources involved.

In accordance with new legislation, an application being presented will be for information purposes only and no formal record of the views of the elected members will be taken or placed on the planning application file.

Elected members together with members of the public and prescribed bodies will be able to make written submissions on the proposed development to the Planning Authority in the same manner as currently applies in respect of standard Section 34 planning applications submitted to the planning authority.