

Planning and Property Development Strategic Policy Committee February 2018

Strategic Housing Developments and the Role of Elected Members

New planning legislation came into effect on 3rd July 2017, the Planning and Development (Housing) and Residential Tenancies Act 2016 and the Planning and Development (Strategic Housing Development) Regulations 2017.

Under the 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 accommodation schemes has been transferred from the Planning Authority to An Bord Pleanála until December 2019, with provision for an extension to December 2021.

In accordance with the new legislation, there is now a requirement for the Planning Authority 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 their views to An Bord Pleanála.

The following outlines the new procedures with specific reference to the elected members and their role in the process:

Step 1 – Notification Stage

Following validation of a planning application by An Bord Pleanála, the elected members of the relevant area committee will be:

- notified by email by the Area Office that a planning application has been lodged and its availability 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 Pleanála within the five week period¹.

Step 2 – Presentation Stage

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

- Details of the application
- Consultations that took place in relation to the proposed development
- An Bord Pleanála's 'opinion' on the pre-application consultation (i.e. the notice issued under Section 6(7))

¹ 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

- (A) Following the presentation, the elected members will have an opportunity to express their views on the SHD application, in accordance with Section 8 (5) (a) (iii), of the new planning act which states that **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.
- (B) In the event of the presentation taking place outside the 5 week period for submissions, the following additional information shall be included in the presentation to the Area Committee meeting:
- A summary of the points raised in the submissions or 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.
- (C) At all such presentations, in addition to the area planner being in attendance, a staff member from Planning Administration will attend to take note of the views of the elected members.

Following the meeting, a summary of the expressed views of the elected members will be typed up and emailed to the relevant Elected Members for their comments. This is to ensure that the notes accurately capture the views raised by the members at the meeting.

The agreed summary will be forwarded to An Bord Pleanala together with a link to the webcast of the relevant area committee meeting.

- (D) It is important to note that the elected members retain their right to make individual submissions/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 submission/observation.

Step 4 – Notification of An Bord Pleanala

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 of the elected members will be forwarded to An Bord Pleanala.

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

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