

Planning SPC
Nov. 19



Strategic Housing Development -Planning Department GCC



Number 17 of 2016

Planning and Development (Housing) and Residential Tenancies Act 2016

- **Planning and Development (Housing) and Residential Tenancies Act 2016 (Act of 2016)** established a fast-track planning process for certain types of residential development (mainly schemes of 100+ units or 200+ student bed spaces) known as **Strategic Housing Development (SHD)**, whereby planning applications are submitted directly to An Bord Pleanála (ABP) following an intensive pre-application consultation with the Planning Authority and ABP.
- The SHD provisions applied for an initial period, until the end of 2019. In accordance with the legislation, the Minister can by order, extend that period by a further limited period of 2 years, up to the end of 2021, to coincide with the timeframe of Rebuilding Ireland.
- Legislation requires that the Minister **review the operation** and effectiveness of the SHD arrangements and bring to government a report of his conclusions of the review.

Operation of the Strategic Housing Development process 2017-2019:
Report of the Review Group
September 2019



- **Minister appointed a Review Group** to carry out this review. Its work consisted of three main strands:
 - a) An analysis of detailed SHD statistics prepared by An Bord Pleanála;
 - b) A series of meetings with stakeholders including An Bord Pleanála, planning authorities, statutory consultees, housing developers, and professional bodies; and
 - c) An evaluation of submissions received by the Department on foot of the public consultation held in July 2019.
- **Main Findings** - All SHD decisions made by ABP up to the end of June 2019 were within the statutory 16-week time frame
- ABP had granted permission for a total of **12,339** housing units (houses and apartments) and **7,573** student bed spaces.
- **Conclusions** – SHD decisions will make a substantial contribution towards the achievement of the housing delivery targets set out in the Government’s Rebuilding Ireland action plan.
- **Recommend that the extension** of the SHD provisions until the end of 2021 is justified. However, the activation rate (i.e. the number of SHD permissions commenced) is 37% therefore should consider monitoring commencements for a year period and then **consider measures to incentivise** delivery if necessary.
- Following stakeholder meetings and review of consultations also **recommended measures to streamline the process.**
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❑ Operation – 100 validated; decided cases

70 Granted 20 Refused PP-

37% have commenced of these

14 commenced with housing

Apts. 87% of all units permitted in Dublin City and suburbs, 50% in Cork and about 35% in Galway and Waterford).

Judicial review – 4 in number – 3 quashed one to be decided

SHD 2018-9	Bord Pleanala			
Unit Type	Houses	Apartments	Build to rent	Student Beds
Totals	5,152	6,771	414	7,573

SHD – Galway City	Pre- Consultation Stage	Validated Application) (Current	Decided (Granted)
Houses/Aparts.	1,518	N/A	621
Student Bed Spaces	976	N/A	1,068



Recommendations Supported by the Minister

A number of recommendations will require new legislation and/or change in procedures

- Introduction of “use it-or-lose-it” measure - developers in receipt of an SHD planning permission will be required to commence a certain level of development works within 18 months of the grant of permission, otherwise the permission will lapse.
- No proposal to alter the thresholds of developments, that is from, 100 to 200 housing units.
- Supports increasing the amount of commercial or other non-residential use that may be provided for as part of a mixed use development. Would mean increasing the percentage of mixed used development allowed from 15% to 20%.
- Support review of the omission SHD planning application within an SDZ.
- Amend the provision in the Act that provides that each planning authority concerned has an increase from two weeks to four weeks to prepare information to be sent by them to the Board in advance of tripartite meetings.



Recommendations Supported by the Minister

- Examine potential to include the **Opinion** issued by the Board following the tripartite meetings and Planning Authority reports on line - link to website of the relevant Planning Authority together with a **copy of plans and other details** discussed at the consultation meeting, upon lodgement of the SHD application. This will involve some changes in operational practices by the Board, as well as some minor legislative. *(Acknowledged that the Board's website does not have the capacity cannot host the application or details of same other than the Inspectors report so no change feasible).*
- Agree that the wording of an Opinion issued by the Board should be sufficient to alert prospective applicants if some or all of their proposal is likely to prove unacceptable
- Agree that Board should clarify its guidance for prospective SHD applicants regarding the appropriate level of design detail expected for initial tripartite consultation meetings.
- Agree that the Board could consider providing an Advisory Note in its decision, allowing the applicant to submit proposals for the satisfactory resolution of such 'technical' issues and, should they be agreed, allow application to be resubmitted within one year without the need to re-enter the pre-application process. This would require a legal opinion in advance of any implementation.



Recommendations Supported by the Minister

- Where any inadvertent discrepancy exists between paper and digital copy the Board should be able to request the applicant to provide such further information as it considers necessary to clarify the matter.
- Agreed a provision that the Board may, on request of the applicant, alter the terms of an approved SHD development, where the Board considers the alterations to be non-material amendments to the development concerned.
- Supported that prospective applicants should be required to seek a *Statement of Design Acceptance* from Irish Water before submitting an SHD
- Acknowledged that the Board's website does not have the capacity at this time to provide the detail of SHD planning applications on it – therefore the site cannot host the application or details of same other than the Inspectors report so no change feasible.
- All Planning Authority websites should be capable of uploading digital copies of SHD applications for viewing by the public following lodgement of such applications. The Department should consult with Planning Authorities and the Local Government Management Agency in resolving any technical issues, and the cost of any IT upgrades to facilitate SHD public access should be provided to the PA