



An
Bord
Pleanála

Strategic Housing Development
Section 4 Applications to An Bord Pleanála
Guidance for the Public



Contents

What is Strategic Housing Development (SHD)? 3

Public Participation 4

Public Notification 4

Making a submission or observations to An Bord Pleanála 5

Consideration of public submissions and observations 6

A Decision on a SHD application 7

Strategic Housing Development

Section 4 Applications to An Bord Pleanála

Guidance for the Public for SHD to An Bord Pleanála

Planning and Development (Housing) and Residential Tenancies Act 2016 Planning and Development (Strategic Housing Development) Regulations 2017

Section 4 applications for strategic housing developments (SHD) are to be made directly to An Bord Pleanála. These new arrangements are operational from Monday, 3 July 2017 and will apply for the period up to 31 December 2019, at which time the period may be extended to 31 December 2021, subject to a review process.

An Bord Pleanála has published general guidance in respect of the various new procedures introduced in the Act of 2016. This document is one of a suite of documents relating to SHD applications to An Bord Pleanála. Further guidance is available in respect of Pre-Application Consultations for SHD to An Bord Pleanála and of section 7 requests for EIA / AA screening determinations / scoping opinions to An Bord Pleanála.

What is Strategic Housing Development (SHD)?

SHD is defined under section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 as:

- (a) the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses,
- (b) the development of student accommodation units which, when combined, contain 200 or more bed spaces, on land the zoning of which facilitates the provision of student accommodation or a mixture of student accommodation and other uses thereon,
- (c) development that includes developments of the type referred to in paragraph (a) and of the type referred to in paragraph (b), or containing a mix of houses and student accommodation or

- (d) the alteration of an existing planning permission granted under section 34 (other than under subsection (3A)) where the proposed alteration relates to development specified in paragraph (a), (b), or (c).

Legislative Basis for SHD

Section 4(1) of the Planning and Development Act 2016 provides that an application for permission for a strategic housing development (SHD) shall be made directly to An Bord Pleanála under this section and not to a Planning Authority.

Public Participation

The public and other persons or bodies can participate in the planning process for Strategic Housing Developments (SHD) at Application stage. Members of the public can make a submission or observations on a SHD application to An Bord Pleanála and such submission or observations will be considered by An Bord Pleanála when making a decision on the application.

Public Notification

Before an applicant submits a SHD application to An Bord Pleanála, he / she is required to publish a notice of such a proposal in a newspaper circulating in the area of the proposed development. In addition, an applicant is required to erect a public notice at the site of the proposed development.

Both the newspaper notice and site notice will provide a description of the nature and extent of the proposed development along with other information. The notices will inform the public of the times and places, including at the offices of An Bord Pleanála and the planning authority, where the application can be inspected free of charge or a copy can be purchased for a specified fee.

The applicant is also required to provide a website where the application can be inspected. The website address will be given on both the newspaper notice and site

notice. The notices will provide information on how the public can make a submission or observations to An Bord Pleanála in relation to the application. The website must be kept live and available to the public for a minimum of 8 weeks following the making of a decision by An Bord Pleanála.

Making a submission or observations to An Bord Pleanála

A member of the public can make a submission or observation to An Bord Pleanála in relation to a SHD application. Such a submission or observations must be made within 5 weeks of the date of receipt by An Bord Pleanála of the application.

The fee for the making of a submission or observations is €20. If the submission or observations is made after the expiry of the 5-week period, or is not accompanied by the appropriate fee, it cannot be considered and will be returned along with the fee. All valid submissions and observations received by An Bord Pleanála will be acknowledged in writing shortly after receipt.

Any person may make a submission or observations on the SHD application to An Bord Pleanála relating to the implications of the proposed development, if carried out, for proper planning and sustainable development in the area, and the likely effects on the environment or the likely effects on a European site, as the case may be, of the proposed development.

As indicated in article 302 of the Planning and Development (Strategic Housing Development) Regulations 2017, the submission or observations must contain the name of the person or body making the submission or observations and, if applicable, the name of the person acting on behalf of that person or body. An address must also be provided to which any correspondence relating to the application should be sent. The subject matter, reasons, considerations and arguments on which the submission or observations is based should be clearly laid out.

Therefore, in order to make a valid submission or observations to An Bord Pleanála a person must:

- make their submission or observations in writing,
- include the €20 fee,
- state the name and address of the person making the submission or observations,
- state the subject matter of the submission or observations,
- state their reasons, considerations and arguments,
- submit the submission or observations within the 5-week period

Consideration of public submissions and observations

As required by section 9(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016, before An Bord Pleanála makes a decision on a SHD application, it will consider, amongst other matters, all valid submissions and observations received.

In addition, An Bord Pleanála will provide the planning authority with copies of all valid submissions and observations shortly after it receives them and no later than 3 working days following the closing of the public consultation period. The Planning Authority is required to submit a report to An Bord Pleanála which shall set out, amongst other things, a summary of the points raised in the submissions or observations, and the view of the Chief Executive of the Planning Authority on those submissions or observations. The Board will consider the Planning Authority's report, including its views on the submissions or observations, before it makes a decision on the SHD application.

A Decision on a SHD application

In its decision, An Bord Pleanála may:

- grant permission with or without conditions;
- grant permission subject to modifications;
- grant permission in part only, or
- refuse to grant permission for the proposed development.

The Board's decision will include the main reasons and considerations on which its decision is based.

All those persons or bodies who made submissions or observations on the SHD application will be notified of An Bord Pleanála's decision. An Bord Pleanála shall also publish a newspaper notice informing the public of its decision. The notice shall state that:

a person may question the validity of any such decision by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with sections 50 and 50A of the Act of 2000.

As the decision on a SHD application is made by An Bord Pleanála, a decision on a SHD application cannot be the subject of a planning appeal. Any judicial review of an An Bord Pleanála decision in relation to a SHD application would relate to procedural or legal matters and does not constitute a planning appeal.

For all queries in relation to this Guidance, you can:

Telephone us on:	(01) 858 8100 or LoCall: 1890 275 175
Email us at:	strategichousing@pleanala.ie
Visit our website at:	www.pleanala.ie/shd/applications/index.htm
Write to us at:	Strategic Housing Unit An Bord Pleanála 64 Marlborough Street Dublin 1 D01 V902