



An
Bord
Pleanála

**Strategic Housing Development
Pre-Application Consultation
Guidance for Planning Authorities**



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Strategic Housing Development

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

Pre-Application Consultation is a new and mandatory step required to make an application for strategic housing development (SHD) to An Bord Pleanála. 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 'Pre-Application Consultation' for SHD with An Bord Pleanála.

This Guidance is for Planning Authorities and sets out requirements in relation to their role in the Pre-Application Consultation process under section 6 of the Act of 2016

Further guidance is available in respect of making a 'Planning Application' for SHD 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 of 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 Act of 2016 provides that an application for permission for a strategic housing development (SHD) shall be made directly to An Bord Pleanála and not to a Planning Authority.

Role of Planning Authority at Pre-Application Consultation Stage

The Planning Authority's role comprises of three main functions:

1. **Section 247 consultations** with prospective applicants in relation to SHD applications.
2. **Planning Authority's opinion** regarding the proposed SHD.
3. **Pre-Application Consultation meeting** with An Bord Pleanála, prospective applicant and the Planning Authority.

1. Section 247 Consultations

The Planning Authority is required to hold section 247 consultations with prospective applicants within 4 weeks of the date of receipt of a request.

These consultations are to provide advice to prospective applicants on issues that would normally be considered as part of an application. These consultations should have regard to Part V of the Planning and Development Act, 2000, as amended, as would be relevant to the proposed SHD.

The Planning Authority will ensure a record of these consultations is kept. The Planning Authority is required to send the prospective applicant copies of the records of the section 247 consultations.

2. The Planning Authority's Opinion

When a prospective applicant makes a request to An Bord Pleanála for a Pre-Application Consultation, he/she is required at the same time to provide the relevant Planning Authority with a copy of the request (as provided for in article 285(4) of the Regulations of 2017). An Bord Pleanála is required to validate and register these Pre-Application requests.

An Bord Pleanála will notify the relevant Planning Authority that it has accepted the request from a prospective applicant for a Pre-Application Consultation within two weeks of the date of receipt of the request. The Planning Authority is required to submit its opinion on the proposed SHD in writing to An Bord Pleanála within 2 weeks of notification.

As provided for under Section 6(4)(b) of the Act of 2016, the Planning Authority should submit to An Bord Pleanála its opinion in writing, including the reasons for its opinion. The opinion should also indicate what considerations, related to proper planning and sustainable development of the area, may have a bearing on An Bord

Pleanála's decision in relation to the proposed SHD. The Planning Authority's opinion should have particular regard to the provisions of the relevant development plan or local area plan.

In addition to the opinion, the Planning Authority is required to send a copy of the records of the section 247 consultations, within two weeks of the notification of receipt of a valid pre-application request, to An Bord Pleanála.

3. Pre-Application Consultation Meeting

Attendance

An Bord Pleanála will issue notice of the date of the consultation. This notice will also advise on the relevant sections/departments of the Planning Authority to be represented at the consultations. An agenda will issue to the Planning Authority highlighting the main items for discussion at the Pre-Application Consultation meeting.

Section 6(6) of the Act of 2016 requires that each Planning Authority should ensure that Planning Authority officials attending the consultation meeting on its behalf have a sufficient level of relevant knowledge and expertise in the matter concerned.

Purpose of Pre-Application Consultation

The purpose of the consultation meeting is to assist An Bord Pleanála in the forming of an Opinion under section 6(7) of Act of 2016. The Opinion that is formed is on whether the documents submitted to An Bord Pleanála under section 5(5) constitute a reasonable basis for an application or require further consideration and amendment to constitute a reasonable basis for an application under section 4 of the Act of 2016.

The documents submitted by the prospective applicant, including the statements of consistency, assist An Bord Pleanála in forming the Opinion as they set out the prospective applicant's planning rationale for the proposal having regard to relevant policies and objectives contained in the development plan and section 28 Ministerial Guidance.

Discussions at the meeting will focus on key site specific issues at a strategic overview level. The consultation meeting does not involve a merits-based assessment of the proposal.

Record of Consultations

An Bord Pleanála will keep a record of all SHD Pre-Application Consultations including the names of those who participated in the consultations. A copy of the record will be placed and kept with the documents to which any application in respect of that proposed development relates. An Bord Pleanála will issue a copy of the record to the Planning Authority. These records will be made available once an application in respect of the development is made.

Next Steps

Issuing of an Opinion

Following the Pre-Application Consultation, An Bord Pleanála will issue notice of its Opinion to the prospective applicant and the Planning Authority. This Opinion is required by the prospective applicant so as to proceed to application stage. The Opinion formed determines that either the documents submitted at pre-application stage form a reasonable basis for an application or require further consideration and amendment in order to constitute a reasonable basis for an application.

This Opinion is made available to the public at application stage.

Prescribed Authorities

An Bord Pleanála will issue a list of prescribed bodies to the prospective applicant that will be required to be notified prior to making an application. Prospective applicants may consult with relevant prescribed authorities and the public prior to the pre-planning consultation meeting.

Note: Holding of Pre-Application Consultations with the Board

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the Planning Authority or Authorities in whose area or areas the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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/preapplications/index.htm
Write to us at:	Strategic Housing Unit An Bord Pleanála 64 Marlborough Street Dublin 1 D01 V902