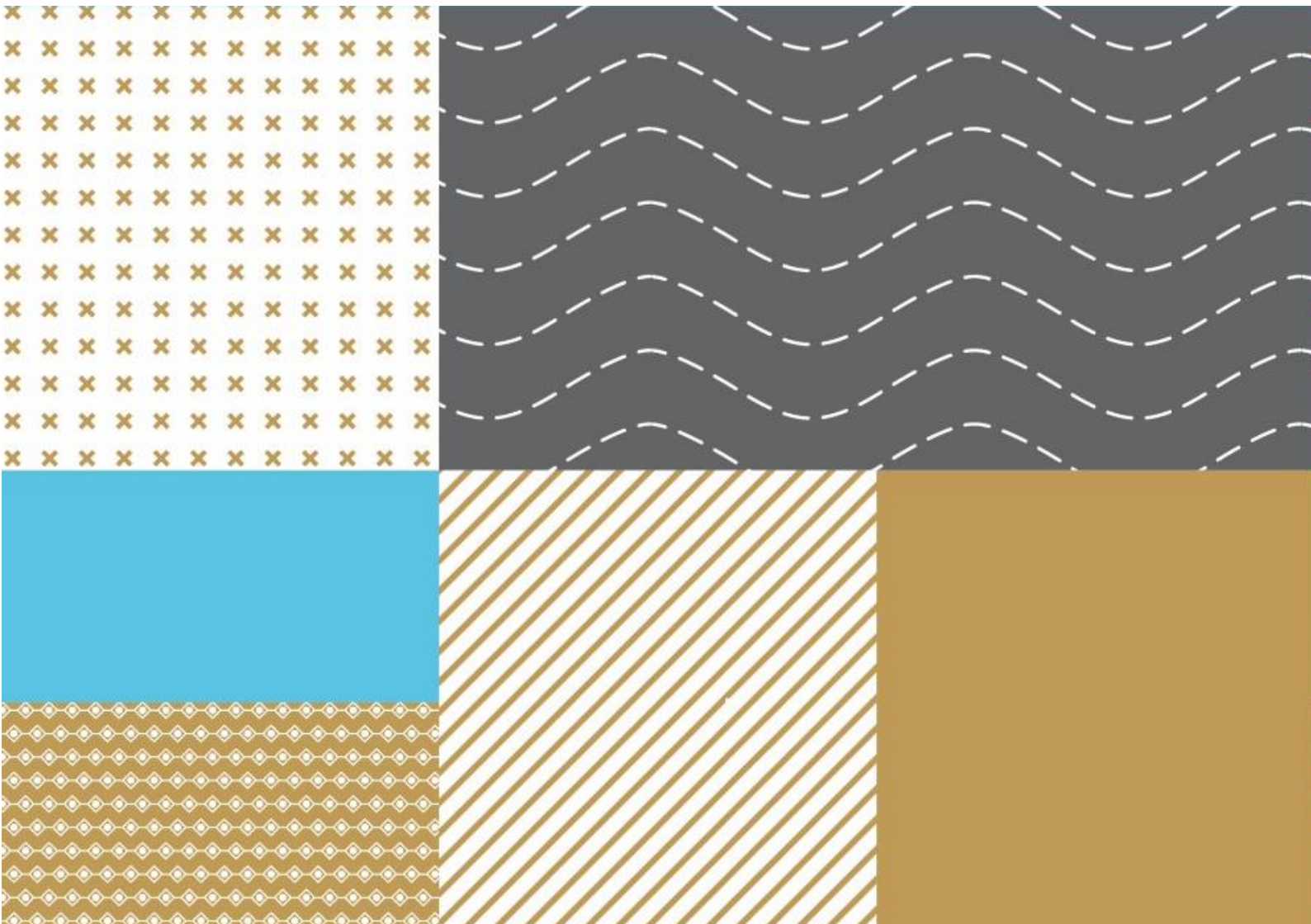


An  
Bord  
Pleanála

**Strategic Housing Development  
Pre-Application Consultation  
Guidance for Prospective Applicants**



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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 prior to making an application for a 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.

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 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 shall be made directly to An Bord Pleanála and not to a Planning Authority, as was the case previously.

## Requirements for Prospective Applicants

The SHD process comprises three mandatory stages:

- |                |  |
|----------------|--|
| <b>Stage 1</b> | <b>Consultation</b> with the Planning Authority (under section 247 of the Planning & Development Act, 2000, as amended).                                 |
| <b>Stage 2</b> | <b>Pre-Application Consultation</b> with An Bord Pleanála (under section 6 of the Planning & Development (Housing) and Residential Tenancies Act, 2016). |
| <b>Stage 3</b> | <b>Planning Application</b> to be submitted directly to An Bord Pleanála.  |

## Stage 1: Consultation with the Planning Authority (section 247)

Consultation with the Planning Authority has been in operation since the coming in to effect of the Planning & Development Act, 2000, as amended.

Such consultations have, heretofore, been discretionary and it was up to individual applicants to decide whether or not to avail of this service. Under the Act of 2016, these consultations are now mandatory for SHD applications and include a series of obligations for both the Planning Authority and prospective applicant.

Under the Act of 2016, the Planning Authority is required to facilitate a consultation meeting within 4 weeks of the date of the request for such a meeting.

To assist and inform the Planning Authority, a prospective applicant is now required (as per the Regulations of 2017) to submit information in respect of the proposal to the Planning Authority 2 weeks before the date of the consultation.

A Planning Authority is obliged to keep all records of section 247 consultation meetings and submit these to An Bord Pleanála when a Pre-Application request is made for a SHD under section 5(1) of the Act of 2016.

Where meetings are not facilitated by the Planning Authority or Authorities in whose area or areas the proposed development would be situated within 4 weeks of the date of the request, An Bord Pleanála shall not be precluded from dealing with a Pre-Application request submitted directly by the applicant.

### **Consultation with Prescribed Bodies**

In addition to consultation with the Planning Authority, An Bord Pleanála would recommend that the prospective applicant consult with relevant prescribed bodies such as Irish Water and others as applicable.

## **Stage 2: Pre-Application Consultation**

The new SHD Pre-Application process and requires a number of key steps to be completed:

- **Request for a Pre-Application Consultation** meeting by the prospective applicant to An Bord Pleanála.
- **Planning Authority submits their opinion and section 247 records** to An Bord Pleanála, following request for a Pre-Application Consultation.
- **Pre-Application Consultation Meeting** will be held with An Bord Pleanála, the Planning Authority and the prospective applicant
- **Record** of the Pre-Application Consultation.
- **Forming and Issuing of Opinion** by An Bord Pleanála.

## **Request for Pre-Application Consultation Meeting**

A request by a prospective applicant can be made in writing to An Bord Pleanála and should contain the information as provided for under section 5(5), (6) and (7) of the Act of 2016 and article 285 (1), (2), (3) and (4) of the Regulations of 2017. Such information includes, inter alia:

- site location map
- brief description of nature and purpose of development
- draft layout plan
- statements of consistency
- correct fee
- completed Pre-Application Consultation Request Form

The prospective applicant is required to send a copy of the request to the appropriate Planning Authority or Authorities in whose area or areas the SHD would be situated.

## **Planning Authority Submission**

Within two weeks of being notified by An Bord Pleanála that a valid request for a Pre-Application Consultation meeting has been made, the Planning Authority is required to submit to An Bord Pleanála section 247 records and their opinion of the proposed development.

The Planning Authority opinion will include what considerations, related to the proper planning and development of the area concerned, may have a bearing on An Board Pleanála's decision in relation to the proposed SHD, in particular having regard to the relevant development plan and /or local area plan, as the case may be.

## **Pre-Application Consultation Meeting**

Where An Bord Pleanála is satisfied that the prospective applicant has submitted the required information, An Bord Pleanála will convene a consultation meeting. This meeting will take place within 6 weeks of the date of the receipt by An Bord Pleanála of the request and will be attended by the prospective applicant, representatives of An Bord Pleanála and representatives of the appropriate Planning Authority.

The Act and Regulations provide for more than one meeting to be held at the discretion of An Bord Pleanála. It should, however, be noted that the holding of a second or subsequent meeting will only take place in limited circumstances, in order to respect the spirit of the Act, which is to process Pre-Application requests and planning applications efficiently and effectively.

### **Purpose of the Pre-Application Consultation**

The purpose of the documentation and consultation meeting is to assist An Bord Pleanála in the forming of an Opinion under section 6(7) of the 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.

While drawings and layouts of the proposed development are required, discussions at the meeting will focus on key site specific issues at a strategic overview level. The statements of consistency along with the site layout plan and other information submitted should set out the prospective applicant's planning rationale for the proposal having specific regard to relevant policies and objectives contained in the development plan and section 28 Ministerial Guidance which are of relevance to the site. These statements should be clear and concise.

The consultation meeting does not involve a merits based assessment of the proposal and is without prejudice.

### **Record of Pre-Application Consultations**

An Bord Pleanála will keep a record of all Pre-Application Consultations for SHD, including the names of those who participated in the consultations. A copy of such record will be retained with the documents to which any application in respect of that proposed development relates.

These records will be issued to the Planning Authority and prospective applicant and made available by An Bord Pleanála to the public when the application documents are received.

### **Forming and Issuing of an Opinion**

Following the Pre-Application Consultation, An Bord Pleanála will form an Opinion as to whether the documents submitted at pre-application stage constitute a reasonable basis for an application or require further consideration and amendment in order to constitute a reasonable basis for an application. Where An Bord Pleanála forms the Opinion that further consideration and amendment is required, it shall provide advice as to what issues require to be addressed by the prospective applicant in the documents to be submitted with an application.

An Bord Pleanála will issue notice of its Opinion to the prospective applicant within three weeks of the date of the last consultation meeting.

This Opinion (issued under section 6(7)) is required by the prospective applicant so as to proceed to application stage. This Opinion is made available to the public at application stage.

### **Other Consultations**

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, nevertheless, a prospective applicant should consult with relevant prescribed authorities (listed under article 295 of the Regulations of 2017) and the public prior to the pre-planning consultation meeting.

It is anticipated that the Pre-Application Consultation process will be completed within 9 weeks.



## Stage 3: Planning Application

### Next Steps

The Act of 2016 and Planning and Development (Strategic Housing Development) Regulations 2017 require that prospective applicants fulfil certain requirements prior to making an application under section 4. The applicant is required to have:

- Sought and received an Opinion from An Bord Pleanála under section 6(7) of the Act of 2016 as to whether documents submitted at Pre-Application stage constitute a reasonable basis for an application.
- Fulfilled the requirements set out in section 8 of the Act and articles 297 and 298 of the Regulations of 2017.
- Received a determination under section 7(1) **where applicable** (i.e. EIA / AA screening / scoping).

### EIA / AA screening / scoping

In respect of the above, the legislation provides that where a request is made under section 7(1) seeking a determination as to whether the development is of a class standing specified in Part 2, Schedule 5 of the Planning and Development Regulations, 2001 or whether the development is likely individually or in combination with another project, to have a significant effect on a European site, the Board shall have issued the determination prior to the making of an application.

Guidance on EIA / AA screening and scoping will be made available.

### **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:

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Visit our website at:	<a href="http://www.pleanala.ie/shd/preapplications/index.htm">www.pleanala.ie/shd/preapplications/index.htm</a>
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