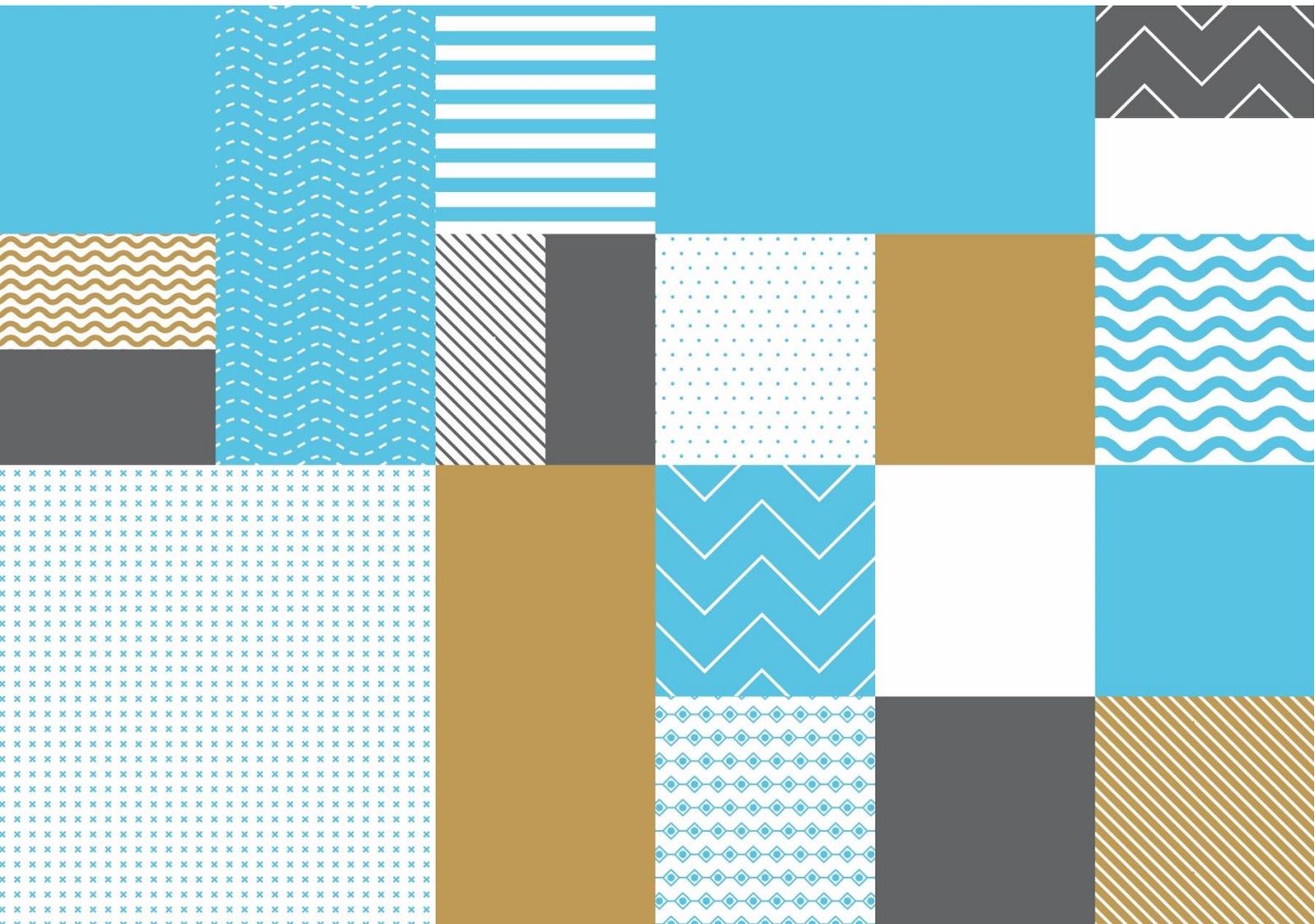


An
Bord
Pleanála

Strategic Housing Development
Section 4 Applications to An Bord Pleanála
Guidance for Planning Authorities



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Strategic Housing Development

Section 4 Applications to An Bord Pleanála

Guidance for Planning Authorities

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

Section 4 applications for strategic housing development (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 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 Planning and Development Act of 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.

Role of Planning Authority

While planning applications for such large-scale developments will only be capable of being made to the Board, there will remain a key role for the relevant planning authority in the SHD application process as follows:

- **Availability of Application**
- **Notification of Elected Members**
- **Receipt of Submissions / Observations**
- **Chief Executive Report**
- **Part-Payment of Application Fee**
- **Notification of Decision**
- **Compliance and Enforcement**

Availability of Application

Prior to the making of an SHD application, the applicant shall send a copy of the application and its particulars to the relevant planning authority, as provided for under article 297(6) of the Regulations of 2017.

The application must also be made available for public viewing in the offices of the Planning Authority (as well as in the offices of An Bord Pleanála) for a period of 8 weeks after the applicant is notified of the decision, as per article 301 of the Regulations of 2017.

The applicant must make the application available for public viewing on a website set up for this purpose, the details of which will be contained on the newspaper and site notice.

Notification of Elected Members

On receipt of an application, the Planning Authority is required to notify the relevant elected members of the making of the application, its availability for public inspection, set out the 5-week period for making of submissions / observations and indicate the types of decision the Board may make in relation to the application. This is outlined in Section 8(4)(c) of the Act of 2016.

At the next Area Committee meeting, or the municipal district meeting for each municipal district concerned, as appropriate, the Planning Authority shall inform the relevant elected members of the following:

- The details of the application,
- The consultations that have taken place in relation to the proposed development with both the Planning Authority and An Bord Pleanála
- Details of the Notice of Opinion issued by An Bord Pleanála
- Where the meeting concerned takes place after the expiry of the 5 week period for public submissions, information relating to the points raised in the

submissions / observations received by An Bord Pleanála in relation to the application, together with the views of the Chief Executive

Receipt of Submissions / Observations

An Bord Pleanála must send copies of any submissions / observations to the Planning Authority according as An Bord Pleanála receives them and no later than three working days of expiry of the 5 week submission period, as per Article 302(5)(b) of the Regulations of 2017.

Chief Executive Report

Section 8(5) of the Act of 2016 provides that within 8 weeks from its receipt of a copy of the application, the Planning Authority shall prepare and submit to An Bord Pleanála a report of its Chief Executive setting out:

- (i) a summary of the points raised in the submissions or observations received by An Bord Pleanála in relation to the application,
- (ii) their views on the effects of the proposed development on the proper planning and sustainable development of the area of the authority and on the environment, having regard in particular to –
 - the matters specified in section 34(2) of the Act of 2000 relating to the considerations when making a decision on a planning application, and
 - submissions and observations received by An Bord Pleanála in relation to the application, and
- (iii) where the Area Committee meeting(s) have taken place, a summary of the views expressed by elected members at the meeting(s) on the proposed development
- (iv) set out the Planning Authority's opinion as to whether the proposed strategic housing development would be consistent with the relevant objectives of the development plan or local area plan, as the case may be.

- (v) include a statement as to whether the authority recommends to the Board that permission should be granted or refused, together with the reasons for its recommendation. In this regard,
- planning conditions (if any) that the Planning Authority would recommend in the event that the Board decides to grant permission, together with the reasons and grounds for such conditions, shall also be included.

In addition to the Chief Executive Report, the Board may, where it considers it necessary to do so, require the Planning Authority to submit to the Board additional information in relation to the effects of the proposed strategic housing development on the proper planning and sustainable development of the area concerned and on the environment as the Board may specify, as per section 8(6) of the Act of 2016.

However, as the intention of the legislation is to provide certainty for developers in terms of timeframes for decision, An Bord Pleanála will not seek further information, as a general principle.

Part payment of application fee

The planning application fees paid by applicants to An Bord Pleanála in respect of Strategic Housing Development proposals will generally be shared between An Bord Pleanála and the relevant Planning Authority, having regard to their respective inputs to the determination process, as per article 305 of the Regulations of 2017.

On the making of a decision, An Bord Pleanála shall pay to the Planning Authority 50 per cent of the fee paid by the applicant to the Board. In a case where the proposed development would be situated in the functional area of more than one planning authority, An Bord Pleanála shall pay a proportionate amount to each Planning Authority concerned.

In a case where a Planning Authority fails to submit to An Bord Pleanála a report of its Chief Executive within 8 weeks and 3 working days from the receipt by the

Authority of a copy of an application and the An Bord Pleanála fails to make a decision on an application within the specified period, An Bord Pleanála shall not pay the Planning Authority any proportion of the fee paid.

Notification of Decision

An Bord Pleanála shall send a copy of the decision to the applicant, the Planning Authority and any person who made submissions / observations on the application. The decision will also be available at www.pleanala.ie

Compliance and Enforcement

Powers of compliance and enforcement shall remain with the Planning Authority, as per section 10(5)(b) of the Act of 2016.

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