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# Planning Guidelines

## Redevelopment of certain lands in the Dublin Area primarily for Affordable Housing

### Guidelines for Planning Authorities

August 2006



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# Planning Guidelines

## 1.0 Context

### 1.1 Background

1.1.1 Against a background of sustained increases in house prices in recent years, the Government have taken a number of steps to address the associated affordability problems that have emerged. Among the initiatives introduced are –

- The 1999 Affordable Housing Scheme;
- Part V of the Planning and Development Act 2000; and
- The assignment of a range of publicly owned lands for affordable housing as part of the Affordable Housing Initiative under the *Sustaining Progress* partnership agreement.

1.1.2 While the combination of the above initiatives is contributing to the delivery of increased levels of affordable housing, the Government recognised the need for greater co-ordination and acceleration of delivery in the Greater Dublin Area where house prices are higher and affordability problems are, consequently, more acute. This is particularly the case in the areas of the 4 Dublin local authorities and parts of their environs.

1.1.3 In response, it was announced in June 2005 that the Government intended to establish a new body, the Affordable Homes Partnership, to drive and co-ordinate the delivery of affordable housing in the Greater Dublin Area, with particular reference to the area comprising Dublin City, the counties of Dun Laoghaire-Rathdown, Fingal and South Dublin and certain parts of counties Kildare, Meath and Wicklow. In July 2005, the Minister for the Environment, Heritage and Local Government made an order under the Local Government Services (Corporate Bodies) Act 1971 formally establishing the Partnership with effect from 1 August 2005.

## 1.2 Purpose of Guidelines

- 1.2.1 These guidelines are intended to support the outcome of the work of the Affordable Homes Partnership in performing its *Call for Proposals* function outlined in section 2 of these guidelines. The intention to issue guidelines for this purpose was signalled in June 2005 when the establishment of the Partnership was announced and, again, in the context of the initiation, by the Partnership, of a *Call for Proposals* exercise in November 2005.
- 1.2.2 These guidelines are issued under section 28 of the Planning and Development Act 2000. Section 28 provides that planning authorities and An Bord Pleanála, where appropriate, shall have regard to Ministerial guidelines in the performance of their functions. This includes functions in relation to the variation of the planning authority's Development Plan (or the making of a Local Area Plan) and the determination of planning applications and appeals.

## 2.0 The *Call for Proposals* Function

### 2.1 Purpose of *Call for Proposals*

2.1.1 Under its Establishment Order (i.e. the Affordable Homes Partnership (Establishment) Order 2005 (S.I. No. 383 of 2005)), the Partnership's primary function is to provide specified services for the Minister for the Environment, Heritage and Local Government and for the seven city and county local authorities in the Greater Dublin Area. Among the specified services is responsibility for undertaking "a series of measures ..... to bring land forward for housing development including the invitation and consideration of proposals ..... for the utilisation of lands .... which may be suitable for development" (referred to in these guidelines as the *Call for Proposals*). In performing that function, the focus is on the area comprising Dublin city, the counties of Dun Laoghaire-Rathdown, Fingal and South Dublin and certain parts of counties Kildare, Meath and Wicklow.

2.1.2 Just as Part V of the Planning and Development Act 2000 was, as set out in the Act's Long Title, designed to "... provide, in the interests of the common good, for ..... the provision of housing", the *Call for Proposals* exercise is similarly grounded in the common good. It is a further public policy initiative designed to respond to the affordability issues apparent in the Dublin area, by supporting the delivery of a significant additional quantum of affordable housing in that area. Guidelines<sup>1</sup> issued in relation to the Partnership's exercise of its *Call for Proposals* function were issued by the Minister for the Environment, Heritage and Local Government in November 2005 under article 5(4) of the Partnership's Establishment Order.

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<sup>1</sup> *Guidelines on the Invitation/Consideration, by the Affordable Homes Partnership, of Proposals to Bring Forward Land for Affordable Housing* (November 2005).

## 2.2 *The Call for Proposals Process*

2.2.1 In initiating a *Call for Proposals* (the first such exercise was initiated in November 2005), the Partnership's overall objective is to -

- evaluate the suitability, for residential development, of lands submitted in response to its advertisement inviting proposals,
- finalise agreements resulting in the provision of some 70% affordable housing on those lands, and
- make recommendations to the relevant planning authority, where necessary, to vary the Development Plan<sup>2</sup> for the area to provide for an appropriate residential zoning of the lands concerned.

2.2.2 The Partnership initiated a *Call for Proposals* in November 2005 through the placing of advertisements inviting proposals for the provision and development of lands, with a requirement that, in general, a minimum of 70% of the residential units envisaged would be affordable units. The assessment of proposals submitted is structured into 2 stages. Stage 1 involves an assessment of the suitability of the lands involved for residential development, having regard to the proper planning and sustainable development of the areas concerned. Those deemed to have satisfied the Stage 1 requirements proceed to Stage 2, where more detailed proposals for the development of the lands are prepared and binding legal agreements to ensure the lands are developed primarily for affordable housing are entered into.

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<sup>2</sup> In these guidelines, the term "Development Plan" and references to the performance by planning authorities of associated functions, are generally intended to encompass any Local Area Plan and associated functions.

## 2.3 Outcome of the *Call for Proposals* Process

- 2.3.1 Decisions on which proposals are considered to meet the requirements of Stage 2 of the process are a matter entirely for the Affordable Homes Partnership. In relation to those proposals on which it makes a positive decision, the Partnership will recommend to the relevant planning authority that it should make an appropriate variation of its Development Plan, where this is necessary. In addition, in the context of the planning authority's consideration of a planning application (or An Bord Pleanála's consideration of an appeal) relating to development of any of the lands concerned, the Partnership will be required to confirm whether the proposed development is consistent with an agreement entered into by the project promoter and the Partnership on foot of Stage 2 of the *Call for Proposals* process. These matters are addressed in more detail in section 3 of these guidelines.

## 3.0 Requirements on planning authorities

### 3.1 General

3.1.1 As outlined earlier in these guidelines, the bringing forward of additional land for affordable housing development is a central policy objective of Government, in furtherance of which a *Call for Proposals* function was assigned to the Partnership. Accordingly, planning authorities are required to have regard to that fact in considering -

- a recommendation from the Partnership in relation to a Development Plan variation (see section 3.2 below), and
- an application for planning permission in respect of which the Partnership provides a letter of confirmation that the proposed development concerned accords with an agreement reached between the Partnership and the promoter (see section 3.3 below).

### 3.2 *The Call for Proposals and the Development Plan*

3.2.1 Depending on the current zoning status of lands that have been the subject of a positive decision on foot of the *Call for Proposals* process, a variation of the Development Plan may be necessary in order to facilitate their development in the manner envisaged in the agreement reached between the promoters and the Partnership. In the event that such a variation is necessary, the Partnership, taking particular account of the important public policy objective of securing the delivery of additional affordable housing, will make a recommendation in that regard to the planning authority concerned. In considering any such recommendation, the relevant planning authority

should have regard to the associated underlying affordable housing objective and to the fact that the Partnership will already have given careful consideration to -

- the suitability of the lands for, primarily, affordable housing purposes, and
- the consistency of such development with the proper planning and sustainable development of the area concerned.

3.2.2 In making a recommendation, the Partnership will provide the text of a standard development objective to be specified in Development Plan variations, broadly along the following lines;

*To provide for new residential development primarily for affordable housing purposes, in accordance with a recommendation made by the Affordable Homes Partnership.*

3.2.3 Given the importance of ensuring that a variation, once adopted, can have full effect, it will be important to ensure that the existing provisions of the Development Plan do not conflict with, or limit the application of, the terms of the variation. Where necessary, this internal consistency can be secured through the inclusion of specific objectives to apply to the lands that are the subject of the variation. In particular, the planning authority should ensure that the Development Plan and the variation provide a consistent basis for the achievement of appropriate densities on the lands in question; in that regard, close attention should be paid to the provisions of the 1999 Residential Density guidelines, particularly the advice in Chapter 3 in relation to densities in town/city centre, inner suburban and outer suburban locations. In addition, the planning authority should clarify, in the variation, that proposals complying with the above development objective will be deemed to satisfy any obligations under Part V of the Planning and Development Act 2000 that might otherwise apply.

3.2.4 Having regard to the key affordable housing objective attaching to each Development Plan variation recommendation made by the Partnership, it is important that the variation process is completed without delay. Accordingly, planning authorities should ensure that the following timetable is adhered to;

- The first step in the process, i.e. the determination of the need for an environmental assessment of the Development Plan variation (in accordance with article 13K of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. 436 of 2004)), should be initiated within one month of the date of receipt of the Partnership's recommendation.
- In that context, where consultation with the relevant environmental authorities takes place under article 13K(3), the planning authority should make its decision under article 13K(4) within one month of either the receipt of submissions/observations from those authorities or the end of the period allowed for the making of such submissions/observations, as the case may be.
- Where the planning authority determines that the proposed variation **would be likely** to have significant effects on the environment, it should complete the environmental report and comply with the notice requirements of section 13(2) of the Planning and Development Act 2000 in relation to Development Plan variations within two months of its initial determination. Where the planning authority determines that the proposed variation **would not be likely** to have significant effects on the environment, compliance with the notice requirements of section 13(2) should be achieved within one month of its initial determination.
- Subsequent stages of the variation process should be advanced as expeditiously as possible, taking

account of the requirements of section 13 of the Act.

### 3.3 **The *Call for Proposals* and Planning Applications**

- 3.3.1 In order to bring the *Call for Proposals* process to a successful conclusion, it will be important to ensure that lands are developed in accordance with agreements that the Partnership and the promoters entered into on foot of Stage 2 of the process. In the context of pre-planning consultations, promoters should therefore be advised that the planning authority will require, when considering an application for planning permission, a certificate from the Partnership confirming that the proposed development has been considered in the *Call for Proposals* process and is consistent with the resultant agreement between the Partnership and the promoters in relation to the development of the lands. In the interests of optimising the usefulness of the pre-planning exercise, planning authorities should take steps to ensure that the Partnership is involved in the discussions with project promoters at that stage of the process.
- 3.3.2 Applications for planning permission in respect of which a certificate is provided by the Partnership should be accorded priority and determined without delay, subject, of course, to the normal requirement that the planning authority (or An Bord Pleanála, on appeal) satisfy itself that the development, if granted planning permission, would be consistent with the proper planning and sustainable development of the area concerned.



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