



**Oifig an
Rialaitheora Pleanála**
Office of the
Planning Regulator



Development Management Process

Anne Marie O'Connor
Deputy Planning Regulator

Focus of this presentation



Role of Elected
Members



Strategic
Infrastructure
Development



Types of planning
applications



Strategic **Housing**
Development



Normal Planning
appeals



Final thoughts

Division of Functions

Reserved Functions for the Elected Members

Policy Making

Adopting
statutory
plans

Executive Functions for the Chief Executive

Policy Implementation

Planning
Applications

Enforcement

Types of planning applications



“Normal” planning application

Application to the local planning authority (s.34)

Appeal to ABP (s.37)



Strategic Infrastructure Development

Direct application to ABP



Strategic Housing Development

Direct application to ABP



**Oifig an
Rialaitheora Pleanála**
Office of the
Planning Regulator

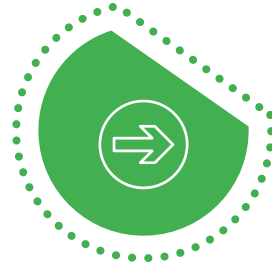


Normal Planning Applications

Considerations in making a decision on a planning application



Provisions of CDP/
material contravention



Government Policy



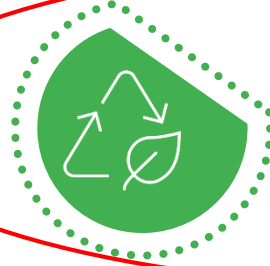
Section 28 Guidelines



European site or SAAO



SPPR



Environmental Assessments
EIA/ AA

Specific Planning Policy Requirements

Urban Development and Building Heights Guidelines for Planning Authorities, 2018

SPPR 4: The minimum densities for greenfield or edge of city/town locations set out in the Sustainable Residential Development in Urban Areas Guidelines must be secured.

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018

SPPR 1: Dwelling mix: No minimum requirement for apartments with three or more bedrooms.

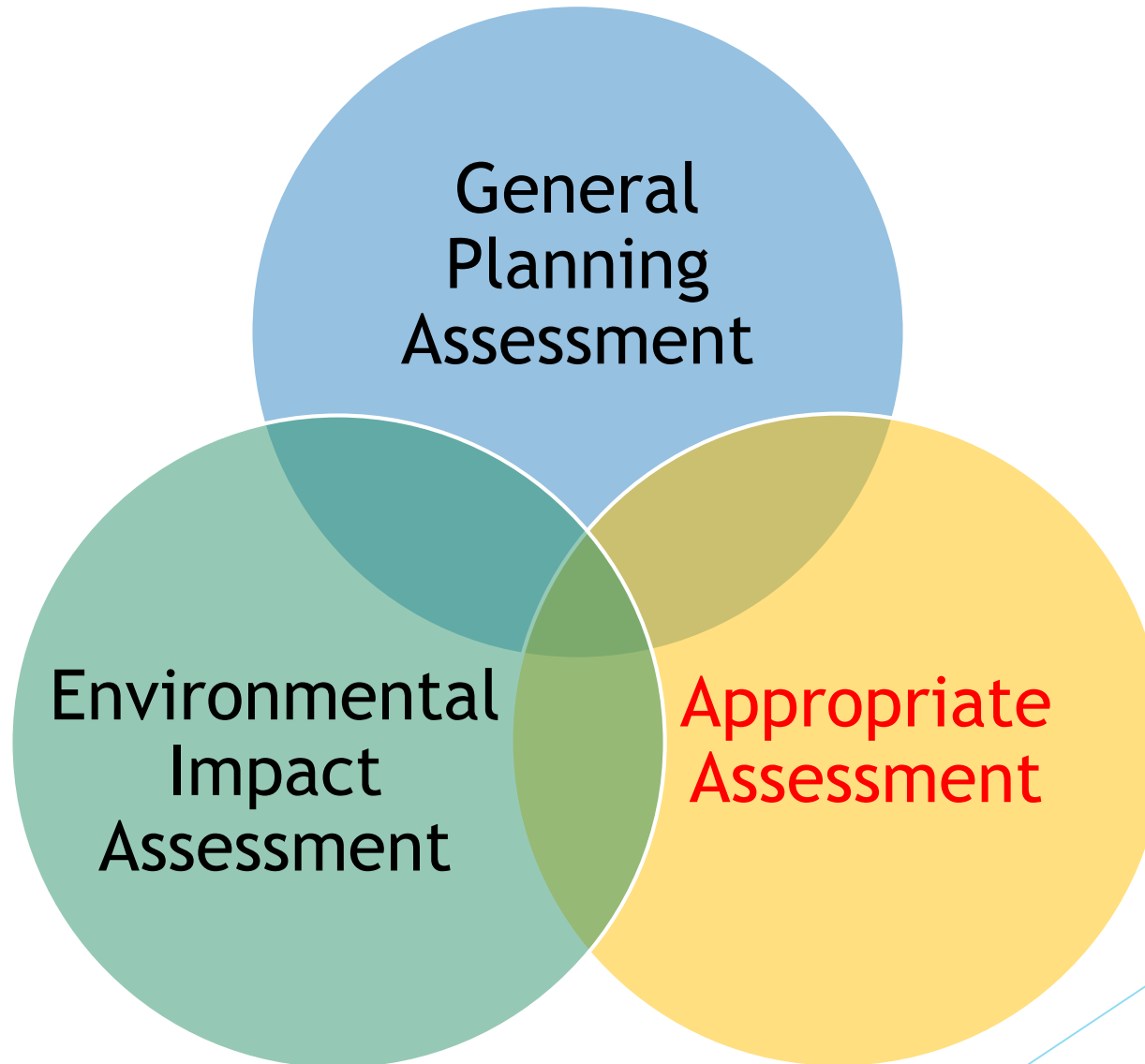


***Where SPPR differ from the
development plan SPPR take
precedence***



**Oifig an
Rialaitheora Pleanála**
Office of the
Planning Regulator

Planning & Environmental Assessments



Elected Members Involvement

Application stage

Avoid potential allegations of political patronage

Lobbying legislation

Written submission during 5-week consultation period

Appeal Stage

Appeal a decision

Make observation in support of constituent appellant

Make submission at Oral hearing.

Appeal - Material Contravention

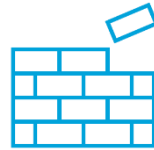
- ▶ ABP not bound by 'Material Contravention' vote of members
- ▶ PA decision to refuse on the basis of MC can be over turned (Section 37(2)(b))
 - I. strategic or national importance
 - II. conflicting objectives in the development plan or objectives are not clearly stated, insofar as the proposed development is concerned
 - III. On basis of regional planning guidelines, section 28 guidelines, the statutory obligations of any local authority in the area, and any relevant policy of the Government
 - IV. Pattern of development, and permissions granted, in the area since the making of the development plan



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator



**Oifig an
Rialaitheora Pleanála**
Office of the
Planning Regulator



Strategic Infrastructure Development

Strategic Infrastructure (SID)

'Private' development (7th Schedule)



Wind Farm >25 turbines or output > 50 megawatts



Health care facility > 100 beds



Waste to energy plant



Waste management plant (landfill)



Wastewater treatment plants

Other SID



Gas - Major gas pipelines and their associated terminals, buildings and installations



Electricity - High voltage electricity **transmission** lines



Roads - Motorways and other major roads



Railway works - including lightrail and metro systems

SID – Private 7th Schedule Development



- ✓ Listed in the 7th Schedule
- ✓ Exceed the threshold
- ✓ Meet **one** of the following criteria:



- ✓ Strategic economic or social importance to the State or a region
- ✓ Will contribute significantly to the fulfilment of any of the objectives of the NPF or RSES
- ✓ Would have a significant effects on the area of more than one planning authority.

SID pre-application consultation

Purpose: Does the proposed development constitute SID?



Comhairle Contae
Fhine Gall
Fingal County
Council



Role of Elected Members

NO

**Pre-app
Consultation**

YES

**Planning
Application**

Elected Member involvement

Route 1



CE prepares a report for the Board (10 weeks)



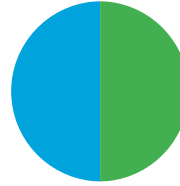
List of recommended conditions in event of grant



CE report presented to EM – views sought



Members may attach recommendations - must be included in the CE report



Route 2



Written submission to Board



Submission at Oral hearing

SID Decision Making process



Inspector's report - Summarise and address issues raised by the planning authority, including elected members



Board decision – Board must take into account the report of the planning authority - including any recommendations submitted by the elected members but not bound by it



Material Contravention - The Board can materially contravene the provisions of the Development Plan



Conditions - Not obliged to attach recommended conditions but in practice does pay careful attention to PA conditions



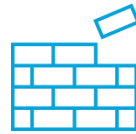
**Oifig an
Rialaitheora Pleanála**
Office of the
Planning Regulator



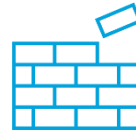
Strategic Housing Development



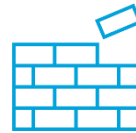
Strategic Housing Development



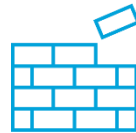
Introduced as part of Rebuilding Ireland to speed up the planning application process and accelerate delivery of larger housing and student accommodation proposals.



Period: July 2017 – to date (January 2022)



100 plus residential units / 200 plus student bed spaces



Land must be zoned for residential /student accommodation use or for a mixture of residential / student accommodation and other uses

SHD Stages

Stage 1

- S 247 Pre-app (planning authority)

Stage 2

- Pre-app consultation (ABP)

Stage 3

- Planning Application (ABP)



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

Role of Elected Members

NO

Stage 1
S.247
meeting

Stage 2
Pre-app

YES

Stage 3
Planning
Application

Stage 2 – Pre-application consultation

Opinion as to whether documents submitted constitute a reasonable basis for an application or whether further consideration or amendment to the documents are required

- PA Opinion issued to ABP
 - Sets out the planning considerations that may have a bearing on the ABP consideration of a planning application
 - Particular regard to the provisions of the development plan or local area plan
- Tripartite meeting – Applicant, PA officials, ABP officials
- ABP issues 'Opinion'

Stage 3 – Planning Application – CE Report

- Effects on the proper planning and sustainable development of the area
- Consistency with the relevant objectives of the development plan or local area plan
- Statement as to whether the authority recommends to the Board that permission should be granted or refused, together with the reasons for its recommendation
- Planning conditions



SHD Application - Role of Elected members

Route 1

If next Area Committee meeting occurs before the deadline for the PA submission to ABP (week 8) then:

- Officials must brief elected members
- CE Report must include a summary of the views expressed by elected members at the meeting(s) on the proposed development

Problem: where AC meeting not scheduled during 8 week consultation period

Route 2

1. Planning Authority is required to notify the relevant elected members of the making of the application
2. Elected make submissions to ABP during public consultation period



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

SHD Decision Making process



Similar to SID, but very tight timeframes



Material Contravention - The Board can materially contravene the provisions of the Development Plan/ LAP **but** different provisions



Material Contravention must be advertised



Statement of consistency must be submitted by applicant



Cannot materially contravene the zoning – not SHD!



Oifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

Final Thoughts



Development Plan / LAP must be consistent with national and regional policy, S28 Guidelines otherwise planning application decision will be vulnerable at appeal



Importance of environmental impacts – especially AA



Keep in mind the purpose behind the division of reserved and executive functions



**Oifig an
Rialaitheora Pleanála**
Office of the
Planning Regulator

Thank You