



To: Directors of Planning in each local authority

CC: Chief Executives
Senior Planners
An Bord Pleanála
Office of the Planning Regulator
Directors of Regional Assemblies

Circular Letter PL 10/2021

22 October 2021

Re: Update on legislation to replace the Strategic Housing Development (SHD) planning arrangements

As you are aware, the existing planning provisions in relation to SHDs (100+ housing units, 200+ student accommodation bed spaces) – as provided for in the Planning and Development (Housing) and Residential Tenancies Act 2016 and supplementary 2017 regulations - requiring the submission of SHD planning applications directly to An Bord Pleanála for determination are due to expire on 25 February 2022.

To this end and in line with the commitment in the *Programme for Government – Our Shared Future* to not extend the SHD arrangements beyond their legislative expiry, the Department has been working on formulating new legislation in consultation with key stakeholders providing for the replacement of the SHD arrangements and restoring decision making in respect of such large-scale housing developments to local planning authorities with the possibility of subsequent appeal to An Bord Pleanála.

A General Scheme of a Bill, entitled the General Scheme of the Planning and Development (Large Scale Residential Development) Bill 2021, was approved by Government and published in July 2021. Pre-legislative scrutiny of the General Scheme was undertaken by the Joint Oireachtas Committee (JOC) on Housing, Local Government and Heritage in September 2021 and the JOC Report on the General Scheme has now been received by the Department. Further to same, the Department is now in the process of finalising the drafting of a Bill – now to be titled the Planning and Development (Large-Scale Residential Development - LRD) Bill 2021 - in consultation with the Office of the Attorney General. It is intended to seek Government approval to the publication of the LRD Bill by the end of this month following which the Bill will be progressed through both Houses of the Oireachtas as expeditiously as possible with a view to enactment during the current Oireachtas session.

The Department has been receiving enquiries from stakeholder groups seeking clarification in relation to the timeline for the termination of the SHD arrangements and the changeover to the new LRD arrangements, and whether the indicative timelines in the General Scheme still applied. Due to the additional time associated with the JOC pre-legislative scrutiny of the General Scheme



and issues arising therein, the indicative timelines outlined in Head 13 of the General Scheme in this regard no longer apply.

The Department is collaborating with the Houses of the Oireachtas on the timings for the progression of the Bill and it is intended that the legislative process will be concluded as speedily as possible during the current Oireachtas session. Pending the enactment of the Bill and the making of supplementary LRD Regulations, the existing SHD arrangements remain in force. In effect, SHD pre-application consultation requests and SHD planning applications may continue to be made to the Board for the time being until the LRD Bill is enacted and the supplementary LRD Regulations are in place. In this regard it is anticipated that, subject to Oireachtas approval and Presidential signature of the Bill, the SHD system will transition from **December 17th 2021** and be replaced by the new LRD planning regime.

I am also to confirm that it is not the case - contrary to rumours in circulation – that the SHD arrangements will be temporarily replaced by the standard section 34 planning application route until such time as the new LRD legislation and arrangements are in place.

Planning authorities will be notified by further Circular letter when the necessary legislation is in place outlining the definitive termination dates of the SHD planning arrangements and the coming into effect of the new LRD arrangements.

Any queries in relation to this Circular letter should be emailed to planning@housing.gov.ie.

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