



An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage

Large-Scale Residential Development Arrangements

General Overview March 2022



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- 1** SHD: Context and Outcomes
- 2** LRD: Overview
- 3** Transitional Arrangements



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SHD: Context and Outcomes

1

- Streamlining and Timelines
- Delivery



Streamlining and Timelines



- SHD planning arrangements (direct application to ABP re 100+ housing units, 200+ student bed spaces) were introduced in 2016 Planning Act and supplementary 2017 regulations, came into operation on 3 July 2017
- Aimed at streamlining decision making for large scale housing developments, providing greater certainty re planning timelines
- Prior to SHD, larger development proposals taking significant periods to get through planning application and appeal stages
- Original SHD expiry date of 31 December 2019; extended to 31 December 2021 following review of scheme; further extended until 25 February 2022 – Covid shutdown of planning system in March-May 2020
- Programme for Government committed not to extend the SHD arrangements beyond legislative expiry date and to restore the previous 2 stage planning process for such developments i.e. restoring decision making to LAs with possibility of appeal to ABP

Outcomes – Aims and Objectives



- Primary aims – delivering housing and achieving compact growth – delivering this through the planning hierarchy of National, Regional and Local Policy
- Greater consideration of higher density development
- Higher quality design expected
- Significant housing targets to be achieved
- Compact development agenda
- Recognition of potential of urban centres and Transit Orientated Development
- Climate adaptation

Outcomes (to end Jan 22)



Applications made	411	98 Developments Commenced
Decisions made	353	
Granted	251	
Apartments approved	38,048	12,757
Houses approved	14,647	8,775
Build to Rent	12,118	2,669
Total Residential	64,813	24,201
Student bedspaces	13,697	6,590



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2

LRD Overview

- Consultation on legislation
- PAC requirements
- Application
- Decision Making
- Appeals



LRD: Consultation



Following deliberations of SHD Consultative Forum, General Scheme of Bill published in July 2021 – retaining some of the positive elements of SHD arrangements i.e. mandatory pre-application consultation and decision timelines

Provision in legislation for the SHD arrangements to transition to the new LRD planning regime with effect from 17 December 2021.

Positive aspects retained:-

- Clear timelines – adherence to statutory provisions
- Reduce or remove potential for further information or clarification of same

Act provisions - Scope of LRD



LRD definition broadly similar to SHD (100+ housing units, 200+ student bed spaces) or combination of same

One notable change - up to 30% of the gross floor space of the proposed development to be allowable for other uses, instead of the 15% cap under the SHD arrangements

Based on experience with SHDs, this change acknowledges that LRDs, particularly in inner-city brownfield sites, tend to require greater residential/ commercial/ other use mix to take account of differing needs of inner-city areas, also to assist in making LRDs in such areas more economically viable

Pre-application consultation



Pre-application consultation stage – (i) standard/ more informal pre-application consultation stage as mandated by section 247 of Planning Act for developments of this scale

(ii) formal request by developer for LRD meeting accompanied by detailed documentation i.e. site location map, proposed layout, house types/ design, density, building heights, vehicular access, open spaces, integration with surrounding areas etc

LRD meeting to be held within 4 weeks of request, PA to issue LRD opinion within 4 weeks of meeting on whether proposals constitute reasonable basis for submitting LRD planning application, identifying any issues that need to be addressed

Pre-application requests and opinions issued are required on PA website

Application Stage



- Application to Local Authority under S.34 of Act of 2000
- As with SHD, similar levels of detail as at PAC, with additional items required to address issues in CE Opinion
- Notification of Elected Members, placement on weekly list with LRD identifier
- Provisions for submission under Regulations
- 8 week timeline for decision
- Reduction in need for AI

Decision Making



- Development in line with Development Plan
- Development Plans recently adopted or under review have been subject to review by OPR
- Section 28 Guidelines including SPPRs where relevant will be incorporated into plans as a consequence
- Planning Authority are competent authority for screening for AA and EIA – ensure available expertise
- Case law has focussed attention on aspects of analysis

Decision Making – Material Contravention



- Instances where provisions of the Development Plan may restrict granting permission
- Car parking, height, BTR locations, open space provision, zoning
- Ministerial Guidelines – specifically SPPRs
- Statement of consistency with the Development Plan
- Material contravention process under S.34(6) may need to be considered by Planning Authority in certain instances





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3

Transitional Arrangements

- Applications to An Bord Pleanála
- Preparation by Planning Authorities



Applications to the Board.



- Act also proposes a number of transitional arrangements in relation to the expiry of the SHD scheme and their replacement by the new LRD arrangements – these relate to proposed developments already in the SHD system but yet to be determined
- Developers who have commenced pre-application consultations with the Board and are awaiting an SHD opinion on the date of commencement of the Act will have 16 weeks to submit an SHD application to the Board from the date of receipt of the opinion
- Developers already in receipt of an SHD opinion under the SHD arrangements on the date of commencement of the Act will have 16 weeks to submit an SHD application to the Board from the date of commencement of the Act

Preparation by Planning Authorities



- Pre-application consultation – resources may be effectively managed
- Early engagement – use of dedicated administrative staff
- Provision of required information upfront
- Dedicated webpage or section of website
- Dedicated pre-planning route - online
- Tie in with move to e-planning
- Potential for LRD team – ensures consistency of advice
- Access to expertise to fill gaps

Other points/ issues



- Re-introduction of appeal stage should reduce number of LRD judicial reviews
- Under SHD regime, fees split 50:50 between ABP and PA's
- Under LRD regime, fees will be retained in full by PA's
- ABP is undertaking a review of workforce planning
- Department is engaging with LGMA and CCMA on resourcing for Planning Authorities



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