



To: Directors of Services for Planning for each City and County Council  
Chief Executives, City and County Councils  
Senior Planners, City and County Councils  
Directors of Regional Assemblies  
Office of the Planning Regulator  
An Bord Pleanála

**Circular Letter: NRUP 01/2023**

13<sup>th</sup> of July 2023

A Chara,

**Re: Certain Amendments to Section 28 Ministerial Planning Guidelines  
related to Build-to-Rent Housing Developments**

I am directed by Mr. Darragh O'Brien T.D., Minister for Housing, Local Government and Heritage to bring to your attention certain amendments now made to the following Ministerial Planning Guidelines issued under section 28 of the Planning & Development Act 2000 (as amended):

- A. Amendments to the *Sustainable Urban Housing - Design Standards for New Apartments, Guidelines for Planning Authorities (2022)* (hereafter 'Apartment Guidelines'); and**
- B. Amendments to the *Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021)* (hereafter 'Institutional Investment Guidelines')**

This Circular outlines the changes made to these two separate documents, the details of which follow below.



**A. Amendments to the *Sustainable Urban Housing - Design Standards for New Apartments, Guidelines for Planning Authorities (2022)***

Built-to-Rent ('BTR') development was established as a separate class of development for planning purposes, arising from *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities* (the 'Apartment Guidelines', as published in 2018 and updated in 2020).

However, after a number of years of operation of the Apartment Guidelines, market data and statistics provided by An Bord Pleanála in 2021-2022 indicated that a significant number of BTR developments had been permitted and that there was a substantial number of uncommenced developments in the pipeline. In addition, the Government has focused since 2020 on increasing home ownership as a policy objective – with the *Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities* (2021) being published to that end.

It was against this backdrop that the Minister amended the Apartment Guidelines in December 2022 to remove specific BTR design criteria (SPPR 7 and SPPR 8), as outlined in Planning Circular NRUP 07/2022.

**Transitional Arrangements**

In amending the Apartment Guidelines, transitional arrangements were put in place to allow certain developments at formal application stage or at pre-application stage at that time to be considered with reliance on SPPR7 and SPPR8.

Planning Circular NRUP 07/2022 limited Transitional Arrangements to all BTR applications submitted on or before 21st December 2022 and the formal pre-planning stages for SHD (Strategic Housing Development) and LRD (Large-



Scale Residential Development) applications. The Transitional Arrangements did not take into account pre-planning stages within a Strategic Development Zone (SDZ) regime.

Accordingly, the Transitional Arrangements are hereby now extended to include instances where a prospective applicant had requested, in writing, a formal pre-planning meeting with a local authority in accordance with Section 247 of the Planning Act on or before 21st December 2022 for a proposal within an SDZ involving 100 or more units.

For clarity, the transitional arrangements are hereby now being provided for in the section 28 Guidelines document (see paragraphs 5.10 and 5.11).

**B. Amendments to the *Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (2021)*.**

In May 2021, the Minister issued the *Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities* in order to prevent multiple housing and duplex units being sold to a single buyer. These guidelines ensure that new ‘own-door’ houses and duplex units in housing developments are not bulk-purchased by commercial institutional investors in a manner that causes the displacement of individual purchasers and/or social and affordable housing including cost-rental housing. To date, over 31,000 new homes have now been ring-fenced through appropriate planning conditions for owner-occupiers as a result of these arrangements.

These Guidelines stipulated that those applications that specifically identified BTR units in their scheme did not come under the remit of the Guidelines. However, with the removal of the specific BTR design criteria (SPPR 7 and SPPR 8) in December 2022, there is no longer a planning policy rationale for excluding BTR applications from appropriate planning conditions which prohibiting bulk-



purchasing of new houses and duplex units. Apartments continue to be excluded from the requirements set out within these Guidelines.

Accordingly, the references to Build-To-Rent exemptions in the *Commercial Institutional Investment in Housing, Guidelines for Planning Authorities* are hereby now removed. This involves the deletion of Section 3.0 'Current Planning Provisions for Build-To-Rent' as well as certain parts of Section 4.0 'New Planning Provision for Restrictions on Use of Houses and Duplex Units'.

**Please bring this Circular to the attention of all relevant persons in the planning and development sections of your organisation. Please note that transitional arrangements apply only to Part A of this Circular.**

### **Enquiries**

Any queries in relation to this Circular should be addressed to:

[ForwardPlanning@housing.gov.ie](mailto:ForwardPlanning@housing.gov.ie)

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A handwritten signature in black ink, appearing to read 'Claragh', is displayed on a light grey rectangular background.

**Claragh Mulhern**

Acting Principal Adviser

Department of Housing, Local Government and Heritage