

FAST TRACK PLANNING PROCESS – LARGE SCALE DEVELOPMENTS – ONE YEAR ON

Given the scale of the shortage of housing, the government introduced legislative changes to seek to speed up the planning process. The Planning and Development (Housing) and Residential Tenancies Act 2016 (“2016 Act”) was enacted on the 23 December 2016, and the Planning and Development (Strategic Housing Development) Regulations 2017 (“2017 Regulations”) came in to effect on the 3 July 2017. These regulations deal with matters of procedure and administration for an applicant when submitting a planning application.

The 2016 Act created a new type of housing development known as Strategic Housing Developments (“SHD”). These developments comprise of either the development of 100 or more residential units, or the development of student accommodation units which, when combined, contain 200 or more bed spaces.

PLANNING PROCESS

Rather than submit a planning application to a Local Authority an applicant, provided a development comprises a SHD, can submit a planning application directly to An Bord Pleanála (“the Board”). This avoids a scenario where a decision made by a Local Authority could be appealed to the Board, thereby significantly lengthening the planning process.

The Board contains a Strategic Housing Division.

The fast track process for a SHD is in place until the 30 October 2019, prior to which the Minister shall review its operation and effectiveness and may extend such period.

STEPS TO FOLLOW

- Engage with Local Authority

An applicant shall consult with a Local Authority in advance of consulting with the Board. A consultation with a Local Authority shall be held within 4 weeks of the date of receipt by the Local Authority of a request by an applicant for a consultation.

- Pre-planning application consultation with the Board

Once an applicant has consulted with a Local Authority an applicant can then make a request to the Board to enter into consultations with the Board. A request to the Board shall include;

- A site location plan
- A brief description of the nature and purpose of the development
- A draft layout plan

- Details of the pre-application consultations that have taken place with the Local Authority
- A copy of the request should be sent to the relevant Local Authority

The Board shall, within 2 weeks of the date of receipt by the Board of a request for a consultation, either accept or refuse the request.

Where the request is accepted the Board shall notify the applicant and the appropriate planning authority that the Board has accepted the request and that the Board will convene a consultation between the parties. Within 2 weeks of this notification, a planning authority shall submit to the Board copies of all records of the consultation or consultations held with the prospective applicant together with the planning authority's opinion on the proposed development.

The Board shall convene a consultation meeting to take place within 4 weeks of the date of receipt by the Board of a request from an applicant for a consultation.

Within 3 weeks of the holding of the consultation meeting, the Board shall form an opinion as to whether there is a reasonable basis for an application or require further consideration and amendment in order to constitute a reasonable basis for an application.

- Planning Application to the Board

The planning authority shall, within 8 weeks from its receipt of a copy of the applicant's application to the Board, prepare and submit a report of its Chief Executive to include;

- A summary of the points raised in the submissions or observations duly received by the Board in relation to the application
- The Chief Executive's views of the proposed development and whether permission should be granted

The Board will make a decision within a period of 16 weeks beginning on the day the planning application is lodged with the Board.

AN BORD PLEANALA – FIGURES FOR PERIOD JULY 2017 TO AUGUST 2018

- 34 applications to the Board between 21 September 2017 and end of July 2018. The applications comprised 17 in Dublin, 7 in Kildare, 6 in Cork and 4 in Galway
- 23 applications have been decided (18 granted and 5 refused). Permission has been granted for 4,380 housing units (2,272 houses and 2,108 apartments) and 4,085 student bed spaces
- 11 applications were pending

The mandatory 16 week period to decide strategic housing applications was met by the Board in all cases.

PLANNING POLICY CONTEXT

The National Planning Framework – Project Ireland 2040 is the Government's high level strategic plan for shaping the future growth and development of Ireland. The three regions identified are the Northern and Western Region, the Southern Region and the Eastern and

Midlands Region. The National Planning Framework requires the preparation of Spatial and Economic Strategies for these regions to be put in place in 2019. In addition, a Metropolitan Area Strategic Plan will be completed for the Dublin Area. Following completion of these measures, all Local Authorities are required to commence preparation of new development plans or vary existing plans.

CONCLUSION

The fast track planning process should allow for a decision to be made within a period of 25 weeks. This includes a 16 week period when a planning application is with the Board for determination.

This is clearly a much speedier process than the previous arrangement whereby an applicant would firstly have to submit an application to the relevant Local Authority and, allowing for an appeal of a Local Authority's decision to the Board, a planning decision could take in the region of 18 to 24 months.

The figures for the first year are encouraging in seeking to tackle the housing shortage and meet the Government's Action Plan for Housing and Homelessness – Rebuilding Ireland. Significantly the planning policies outlined should see a greater targeting of areas where new housing is required and a better use of land in highly populated areas. This will likely encourage a greater volume of large scale developments and with that an expected increase in the use by Developers of the fast track planning process.

LEGAL NOTICE

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