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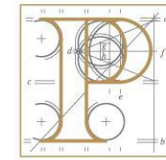
Planning permission for large-scale residential developments

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An Bord Pleanála

Planning permission for residential developments



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Where we were: Applications & appeals



A quick look back

Regulatory and planning issues 'delaying delivery' of new housing

Architects' body says it can take three years for new houses to come on stream

Grappling with the housing crisis: Fresh approaches needed

With 90,000

social housing lists, we asked five insiders for potential solutions

Prior to 2016:

- » No dedicated/separate legislative process for applications for large-scale residential development
- » Delays in the planning process – applications taking an average of c. 24 months to go through: formal pre-app; application to the Planning Authority, and on appeal with the Board
- » Over 95% of large-scale housing applications were appealed to the Board
- » After 2 years in the system permissions were granted only 50% of the time.
- » Criticism of the time taken for a decision
- » Criticism of the uncertainty in the timelines involved in the decision-making process and the outcomes

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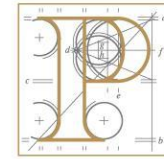
Where we are now: Strategic Housing Development (SHD)

July 2016, Action Plan for Housing & Homelessness



- **Certainty around timelines & a fast track process**
 - Planning & Development (Housing) & Residential Tenancies Act, 2016 (adopted December 2016)
 - Planning & Development (Strategic Housing Development) Regulations, 2017 (commenced on 3rd July 2017)

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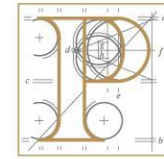
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Where we are now: Strategic Housing Development (SHD)

SHD statistics:

- 405 SHD applications received between 2017-2021
- 350 decisions issued between 2017-2021
- Only 1 did not issue with the statutory period (16 weeks)
- 271 decisions to grant permission, 79 decisions to refuse permission
 - 77% grant / 23% refusal rate
- Permission granted for 70,154 residential units (c.72% apts. / 28% houses)
- Permission granted for 13,803 student bedspaces
- Permission granted for 1,360 'shared accommodation' bedspaces

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Where we are now: Strategic Housing Development (SHD)

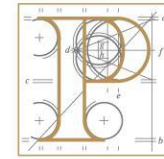
Positive outcomes:

- Delivered on the 'fast-tracking' element
- Provided greater certainty around the timelines and outcomes
- Quality of applications and development proposals improved over the SHD implementation process
- Consistency in the application of national policy and Ministerial Guidelines
- Permission granted for over 70,000 units

Criticism of SHD process included:

- No right of a planning appeal on a SHD decision
- 'By passing' of the Local Authority
- Material contraventions of the local statutory plan, local – v – national policy:
 - Implementation of evolving Govt./national policy (increase in density, height, changing housing typologies)
- Increase in Judicial Reviews, adding to delays and uncertainties

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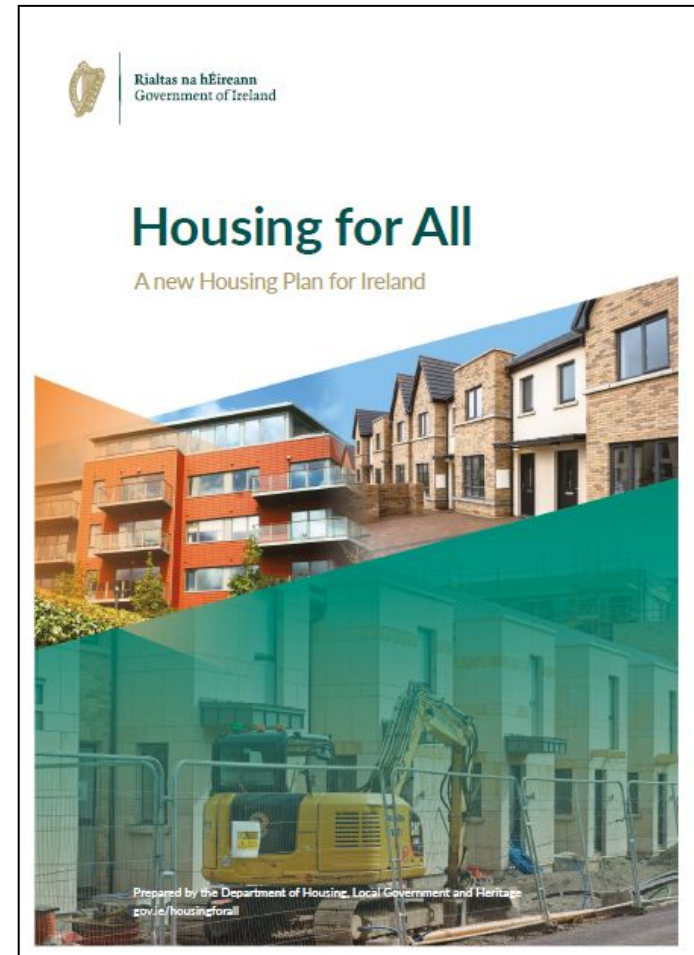


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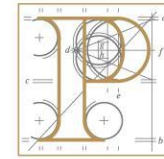
Where we're going: Large-Scale Residential Development (LSRD)

Housing for All provides four pathways to achieving four overarching objectives:

- » Support Homeownership and Increasing Affordability;
- » Eradicate Homelessness, Increase Social Housing Delivery and Support Social Inclusion;
- » **Increase New Housing Supply**, and
- » Address Vacancy and Efficient Use of Existing Stock.



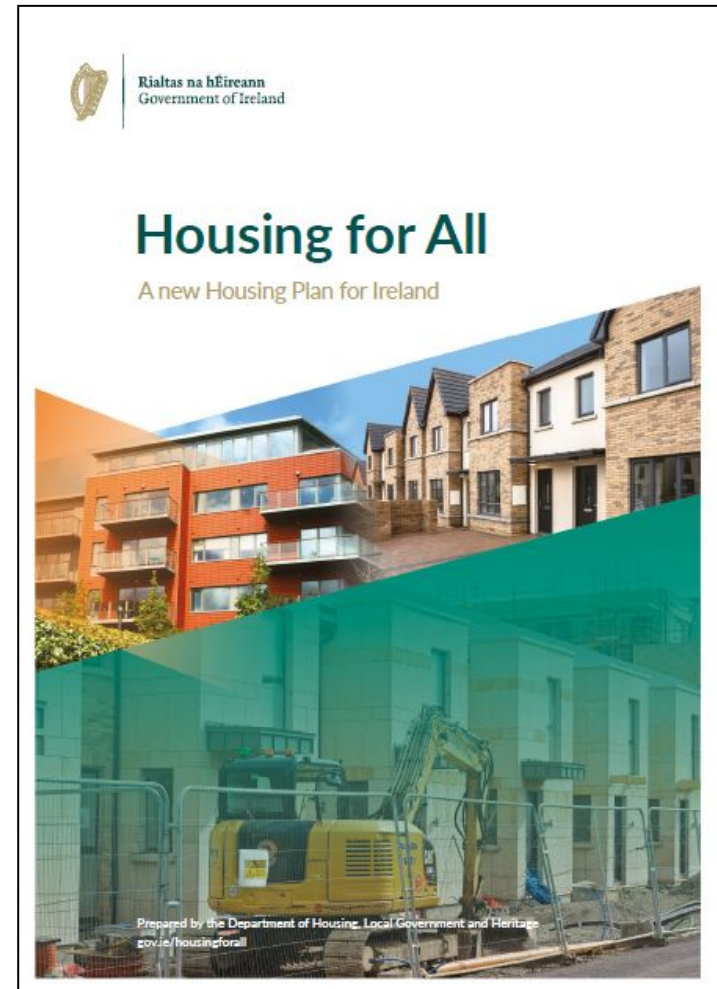
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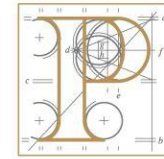
Where we're going: Large-scale Residential Development (LRD)

- » LRD replaces SHD
 - » Planning decision returning to the Planning Authority
 - » Mandatory & expanded pre-application process with the Planning Authority (2 stages)
 - » Provision for LRD planning appeal to An Bord Pleanála
 - » Limitations on further information requests at application stage
 - » Limitations on further information requests at appeal stage (16 week decision period)



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Role of An Bord Pleanála



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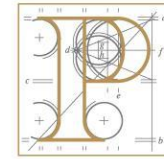
Direct application SHD – v – Planning Appeal LRD

- » In SHD application – ABP is the consent authority
- » In LRD appeal – ABP is an appellate body



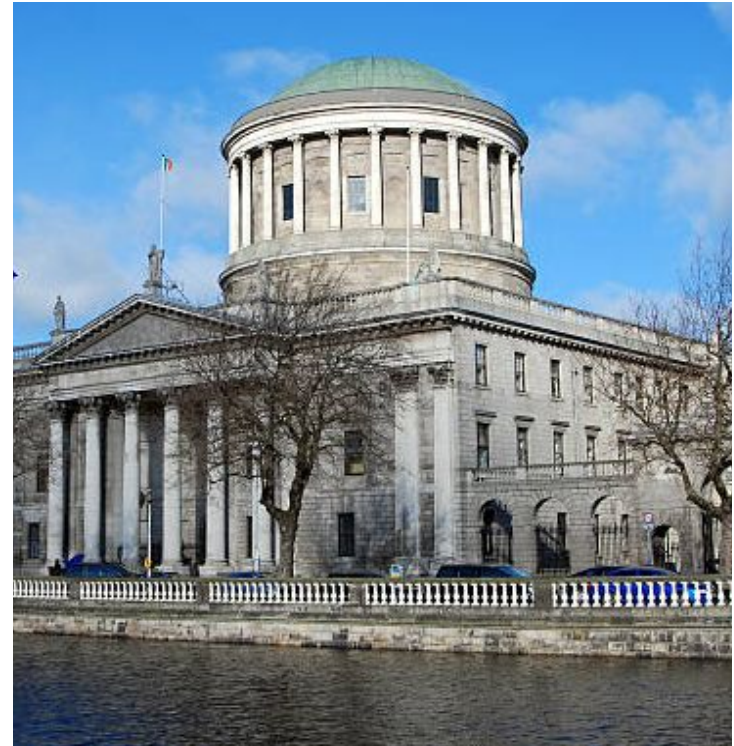
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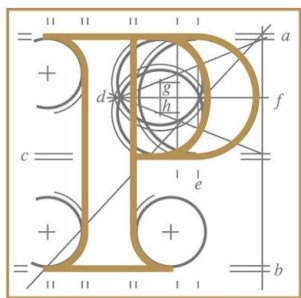
Emerging legal context



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- » **Significant increase in number of Judicial Reviews**
 - » 3 in 2018
 - » 4 in 2019
 - » 34 in 2020 (of 91)
 - » 51 in 2021 (of 103)
- » **Significant increase in number of decisions being quashed: 92% SHD cases lost by ABP for multiple reasons:**
 - relating to interpretation of legislation, interpretation of s.28 Guidelines, Interpretation of BRE209/BS:8206, increased requirements for explicit reasons, explicit and transparent engagement with all submissions, missing or discrepancies in details in an application (foundations/piling, Enforcement Notice for previous use, dates on bat survey)





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www.pleanala.ie

