



An Bille um Pleanáil agus Forbairt (Leasú) (Forbairtí Cónaithe Mórscála), 2021
**Planning and Development (Amendment) (Large-scale Residential
Development) Bill 2021**

Mar a ritheadh ag Seanad Éireann

As passed by Seanad Éireann





**AN BILLE UM PLEANÁIL AGUS FORBAIRT (LEASÚ) (FORBAIRTÍ CÓNAITHE
MÓRSCÁLA), 2021
PLANNING AND DEVELOPMENT (AMENDMENT) (LARGE-SCALE RESIDENTIAL
DEVELOPMENT) BILL 2021**

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ACTS REFERRED TO

Planning and Development (Housing) and Residential Tenancies Act 2016 (No. 17)

Planning and Development Act 2000 (No. 30)

Qualifications and Quality Assurance (Education and Training) Act 2012 (No. 28)





AN BILLE UM PLEANÁIL AGUS FORBAIRT (LEASÚ) (FORBAIRTÍ CÓNAITHE
MÓRSCÁLA), 2021
PLANNING AND DEVELOPMENT (AMENDMENT) (LARGE-SCALE RESIDENTIAL
DEVELOPMENT) BILL 2021

Bill

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entitled

An Act to amend and extend the Planning and Development Acts 2000 to 2021 in relation to applications for planning permission for certain large-scale residential development, to amend Part V of the Planning and Development Act 2000 so that the need for housing for owner-occupiers can be taken into account in housing strategies, to make provision in relation to applications to the Supreme Court to determine certain appeals, to repeal Chapter 1 of Part 2 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and to provide for related matters. 10

Be it enacted by the Oireachtas as follows:

Definitions 15

1. In this Act—

“Act of 2016” means the Planning and Development (Housing) and Residential Tenancies Act 2016;

“Principal Act” means the Planning and Development Act 2000.

Amendment of section 2 of Principal Act 20

2. Section 2 of the Principal Act is amended by the insertion of the following definitions:

“ ‘LRD’ means large-scale residential development;

‘LRD appeal’ means an appeal against a decision of a planning authority that relates to an application for permission to which section 32A(1) applies; 25

‘LRD meeting’ means a meeting in accordance with sections 32B and 32C;

‘LRD opinion’ has the meaning given to it by section 32D;

‘LRD floor space’, in relation to a building or part of a building, means the area ascertained by the internal measurement of the floor space on each floor of a building or part of a building (including internal walls and 30

partitions), disregarding any floor space provided for—

- (a) the parking of vehicles by persons—
 - (i) occupying or using the building or the part of the building,
 - (ii) for a purpose incidental to the primary purpose of the building or part of the building,
- and
- (b) ancillary residential services, including gyms and child-care facilities;

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‘large-scale residential development’ means a development that includes—

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- (a) the development of 100 or more houses,
- (b) the development of student accommodation that includes 200 or more bed spaces,
- (c) both the development of 100 or more houses and of student accommodation, or
- (d) both the development of student accommodation that includes 200 or more bed spaces and of houses,

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where the LRD floor space of—

- (i) in the case of paragraph (a), the buildings comprising the houses,
- (ii) in the case of paragraph (b), the student accommodation,
- (iii) in the case of paragraphs (c) and (d), the buildings comprising the houses and the student accommodation,

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is not less than 70 per cent, or such other percentage as may be prescribed, of the LRD floor space of the buildings comprising the development;

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‘prospective LRD applicant’ has the meaning given to it by section 32A;

‘student accommodation’ means a building or part thereof used, or to be used, for the sole purpose (subject to paragraph (b)) of providing residential accommodation to students during academic term times, whether or not provided by a relevant provider (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012), and that is not used, or to be used,—

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- (a) as permanent residential accommodation, or
- (b) as a hotel, hostel, apart-hotel or similar type accommodation other than for the purposes of providing residential accommodation to tourists or visitors outside of academic term times;”.

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Insertion of sections 32A to 32G into Principal Act

3. The Principal Act is amended by the insertion of the following sections after section 32:

“Person to seek opinion of planning authority prior to application for LRD

- 32A.** (1) A person who intends to apply for permission under this Part—
- (a) for large-scale residential development, 5
 - (b) on land—
 - (i) that is not located in a strategic development zone, and 5
 - (ii) the zoning of which facilitates its use for the purposes proposed in the application,

(referred to in this Act as a ‘prospective LRD applicant’) shall not make the application unless at that time he or she holds an LRD opinion, or written confirmation referred to in section 247(7), in relation to the proposed LRD provided not more than 6 months before the date of the application. 10
- (2) A planning authority shall refuse to consider an application for permission—
- (a) for large-scale residential development, 15
 - (b) on land—
 - (i) that is not located in a strategic development zone, and
 - (ii) the zoning of which facilitates its use for the purposes proposed in the application,

unless it is satisfied that the applicant holds an LRD opinion, or written confirmation referred to in section 247(7), in relation to the proposed LRD provided not more than 6 months before the date of the application. 20
- (3) Where a planning authority refuses to consider an application for permission under subsection (2), it shall return the application to the applicant, together with any fee received from the applicant in respect of the application, and shall give reasons for its decision to the applicant. 25

Request for LRD meeting

- 32B.** (1) A prospective LRD applicant may, once he or she has consulted the appropriate planning authority or authorities in whose area or areas the proposed LRD would be situated in accordance with section 247, request an LRD meeting with that planning authority or authorities. 30
- (2) A request under subsection (1) shall be in writing, be accompanied by the appropriate fee and include— 35
- (a) the name and address of the prospective LRD applicant,
 - (b) a site location map sufficient to identify the land on which the proposed development would be situated,
 - (c) a brief description of the nature and purpose of the proposed development and of its possible effects on the environment, 40

- (d) a draft layout plan of the proposed development,
- (e) a brief description of any proposals to provide for water services infrastructure, including, in the case where it is proposed to connect the proposed development to a public water or wastewater network or both, evidence that Irish Water has confirmed that it is feasible to provide the appropriate service or services and that the relevant network or networks have the capacity to service the proposed development, 5
- (f) details of any consultations that have taken place with prescribed bodies or the public, 10
- (g) such other information, drawings or representations as the prospective LRD applicant may wish to provide or make available,
- (ga) a statement setting out how the proposed LRD has had regard to the relevant objectives of the development plan or local area plan in whose area or areas the proposed LRD would be situated, and 15
- (h) such further information as may be prescribed.
- (3) Without prejudice to the generality of subsection (2)(h), the Minister may, in particular, for the purposes of that paragraph, prescribe information regarding the following matters:
- (a) the proposed types of houses and student accommodation units and their design, including proposed internal floor areas, housing density, plot ratio, site coverage, building heights, proposed layout and aspect; 20
- (b) the provision of public and private open spaces, landscaping, play facilities, pedestrian permeability, vehicular access and parking provision, where relevant; 25
- (c) the provision of ancillary services, where required, including child care facilities;
- (d) any proposals to address or, where relevant, integrate the proposed development with surrounding land uses; 30
- (e) road infrastructure;
- (f) any proposals to provide for services infrastructure (including water, wastewater and cabling, including broadband provision), and any phasing proposals;
- (g) proposals under Part V, where relevant; 35
- (h) details of protected structures and archaeological monuments included in the Record of Monuments and Places, where relevant;
- (i) any aspect of the proposed development likely to have significant effects on the environment or significant effects on a European site.
- (4) The planning authority may, prior to the LRD meeting taking place, consult with any person who may, in the opinion of the planning 40

authority, have information that is relevant for the purposes of the LRD meeting in relation to a proposed development.

- (5) Where a planning authority consults with a person under subsection (4), a written record shall be taken of such a consultation and kept by the planning authority and a copy of such record shall be placed and kept with the documents to which any application in respect of that proposed development relates. 5

LRD meeting

- 32C.** (1) Where the prospective LRD applicant submits a request in accordance with section 32B, the planning authority shall convene an LRD meeting to take place within the period of 4 weeks beginning on the date on which the request is received by the planning authority. 10
- (2) The following persons shall attend an LRD meeting convened under subsection (1):
- (a) the planning authority; 15
- (b) the prospective LRD applicant, one or more persons on his or her behalf, or both.
- (3) The planning authority shall ensure that planning authority officials attending the LRD meeting on its behalf have a sufficient level of relevant knowledge and expertise in the matter concerned. 20
- (4) The planning authority shall keep a record in writing of any LRD meeting including a copy of the request for the meeting and accompanying documents, the names of those who participated in the meeting and any explanation provided under section 32C(7) or 32D(4), and a copy of such record shall be placed and kept with the documents to which any application in respect of that proposed development relates. 25
- (5) A record kept by a planning authority under subsection (4) shall only be made public when a planning application in respect of the proposed development is made in accordance with section 34. 30
- (6) The Minister may make regulations to provide for such matters of procedure and administration as appear to the Minister to be necessary or expedient for the purposes of holding an LRD meeting, including—
- (a) matters that are required to be considered at the LRD meeting,
- (b) matters that may be considered at the LRD meeting, and 35
- (c) the manner in which the LRD meeting is to be conducted.
- (7) Where, on the expiry of the period specified in subsection (1), the LRD meeting has not taken place, the planning authority shall proceed to convene the LRD meeting as soon as practicable, notwithstanding that the period has expired, and provide the applicant with a written explanation why the LRD meeting did not take place in the specified period. 40

LRD Opinion

- 32D.** (1) The planning authority shall provide an opinion (referred to in this Act as an ‘LRD opinion’) to the prospective LRD applicant, within the period of 4 weeks beginning on the date on which the LRD meeting takes place, as to whether or not the documents submitted for the purposes of the meeting constitute a reasonable basis on which to make an application for permission for the proposed LRD. 5
- (2) Where the opinion of the planning authority is that the documents submitted for the purposes of the meeting do not constitute a reasonable basis on which to make an application for permission for the proposed LRD it shall specify in the LRD opinion— 10
- (a) the areas, or the issues, in respect of which the documents submitted do not constitute a reasonable basis on which to make the application, and
- (b) any issues that, if addressed by the relevant documents, could result in the documents constituting a reasonable basis on which to make the application. 15
- (2A) The LRD opinion issued by a planning authority under subsection (1) shall be made public when a planning application in respect of the proposed development is made in accordance with section 34. 20
- (3) The Minister may make regulations to provide for such matters of procedure and administration as appear to the Minister to be necessary or expedient for the purposes of the planning authority providing an LRD opinion, including the form of the LRD opinion.
- (4) Where, on the expiry of the period specified in subsection (1), the planning authority has failed to provide an LRD opinion, the planning authority shall proceed to do so as soon as practicable, notwithstanding that the period has expired, and provide the applicant with a written explanation why it failed to provide the LRD opinion in the specified period. 25
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LRD procedure without prejudice to performance by the planning authority of other functions

- 32E.** Neither the taking place of an LRD meeting nor the provision of an LRD opinion shall prejudice the performance by the planning authority of its functions under this Act or any regulations under this Act or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings. 35

Effect of steps not being completed within the time period

- 32F.** A person shall not question the validity of any steps taken by a planning authority by reason only that the procedures set out in section 32C(1) or 32D(1), as the case may be, were not completed within the time referred to in the subsection concerned. 40

Offence of taking payment, etc. in connection with LRD procedure

- 32G.** A member or official of a planning authority who takes or seeks any

favour, benefit or payment, direct or indirect (on his or her own behalf or on behalf of any other person or body), in connection with the provision of an LRD opinion commits an offence.”.

Amendment of section 33 of Principal Act

4. Section 33(2) of the Principal Act is amended by the insertion of the following paragraph after paragraph (g): 5
- “(ga) enabling planning authorities to request applicants to submit further information with respect to their applications, for the purposes of paragraph (g), and providing for, in respect of different classes or descriptions of development, the information or type of information which may be requested and the number of requests that may be made;” 10

Amendment of section 34 of Principal Act

5. Section 34 of the Principal Act is amended—
- (a) by the insertion of the following subsection after subsection (1A): 15
- “(1B) Where a planning authority receives an application for permission to which section 32A(1) applies it shall notify the elected members of the planning authority of the making of the application, of where the application is available for inspection, and of such other information as may be prescribed.” 20
- (b) by the insertion of the following subsection after subsection (3B):
- “(3C) In determining an application for permission that relates to a development in respect of a part of which permission has previously been granted—
- (a) under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, or 25
- (b) on foot of an application in accordance with section 32A,
- the planning authority concerned shall, notwithstanding section 34(2) (a), be restricted in its determination of the application, other than in respect of any assessment of the effects of the proposed development on the environment, to considering the modifications proposed by the applicant to the previously permitted development and for the purposes of determining such an application the reference in subsection (6) to ‘the development concerned’ shall be read as a reference to ‘the modifications to the previously permitted development’.” 30 35
- and
- (c) in subsection (8)—

- (i) in paragraph (b)(ii), by the substitution of “if, within the period specified in subparagraph (i), in relation to further information” for “if in relation to further information”,
- (ii) in paragraph (c)(ii), by the substitution of “if, within the period specified in subparagraph (i), in relation to further information” for “if in relation to further information”, and 5
- (iii) in paragraph (ca)(ii)(II), by the substitution of “if, within the period specified in clause (I), in relation to further information” for “if in relation to further information”.

Amendment of section 50A of Principal Act 10

6. Section 50A of the Principal Act is amended—

- (a) in subsection (10), by the substitution of “an application for section 50 leave, an application for judicial review on foot of such leave or an application for leave under subsection (7),” for “an application for section 50 leave or an application for judicial review on foot of such leave,” and 15
- (b) by the insertion of the following subsections after subsection (12):
 - “(13) For the avoidance of doubt, where—
 - (a) the Court has granted leave to appeal its decision in accordance with subsection (7), or
 - (b) an appeal has been brought to the Court of Appeal in accordance with subsection (8), 20

any party to the appeal may, at any time thereafter prior to the determination of such appeal, without any prior application to the Court of Appeal, apply to the Supreme Court under Article 34.5.4° of the Constitution to determine the appeal. 25
 - (14) Where the Supreme Court grants an application referred to in subsection (13), the Court of Appeal shall, in respect of the proceedings before it in relation to the appeal, provide by order for the discontinuance of those proceedings, which order of discontinuance shall be confined to the grounds upon which the Supreme Court granted leave to appeal, whether or not any application in relation to the appeal has been made to the Court of Appeal. 30
 - (15) The Supreme Court shall act as expeditiously as possible consistent with the administration of justice in determining any application referred to in subsection (13) and, where the Supreme Court grants the application, any appeal.”. 35

Amendment of Part V of Principal Act

7. The Principal Act is amended—

- (a) in section 94—

- (i) in subsection (3)—
 - (I) in paragraph (c), by the deletion of “and”,
 - (II) in paragraph (d), by the substitution of “, and” for “.”, and
 - (III) by the insertion of the following paragraph after paragraph (d):
 - “(e) the existing need and the likely future need for housing, in particular houses and duplexes, for purchase by intending owner-occupiers.”, 5
 - (ii) by the insertion of the following subsection after subsection (7):
 - “(8) Where on the date on which this subsection comes into operation a development plan includes a housing strategy— 10
 - (a) the chief executive of the planning authority shall, for the purpose of the performance by a planning authority of its functions under this Part, make an estimate of the amount of housing referred to in subsection (3)(e) required in the area of the development plan during the period of the development plan, 15
 - (b) such estimate may state the different requirements for housing for different areas within the area of the development plan, and
 - (c) such estimate shall be deemed to be included in the housing strategy concerned.”, 20
- and 20
- (b) in section 95(1)(b), by the insertion of “section 94(3)(e) and” after “housing referred to in”.

Insertion of sections 126A and 126B into Principal Act

8. The Principal Act is amended by the insertion of the following sections after section 126:

“Time limits for LRD appeals 25

126A.(1) Notwithstanding section 126(2), and subject to subsections (3), (4) and (5), the Board shall determine an LRD appeal—

- (a) where no oral hearing is held, within 16 weeks of the receipt by the Board of the appeal, or within such other period as may be prescribed under subsection (2), 30
 - (b) where an oral hearing is held, within such period as may be prescribed.
- (2) The Minister may by regulations extend the period of 16 weeks referred to in subsection (1)(a), either generally or with reference to any particular category of LRD appeals, where it appears to him or her to be necessary, by virtue of exceptional circumstances, to do so and, for so long as the regulations are in force, this section shall be construed and have effect in accordance therewith. 35

- (3) Where the Board, within 16 weeks of the receipt of the LRD appeal, serves notice in accordance with regulations under section 142 requiring the applicant to give to the Board further information or to produce evidence in respect of the LRD appeal (referred to in this section as an ‘FI notice’), the Board shall make its decision on the appeal as follows: 5
- (a) within 4 weeks of the FI notice being complied with; or
 - (b) if, within the period specified in paragraph (a), having considered the further information given or evidence produced in compliance with the FI notice, the Board— 10
 - (i) considers that it contains significant additional data which should be notified to the parties to the appeal, and
 - (ii) gives notice accordingly in writing to the parties to the appeal, within 4 weeks beginning on the day on which that notice is given by the Board to the parties to the appeal. 15
- (4) Where, in the case of an LRD appeal of a planning application accompanied by an environmental impact assessment report or a Natura impact statement, the Board serves an FI notice, the Board shall make its decision as follows:
- (a) within 8 weeks of the FI notice being complied with; or 20
 - (b) if, within the period specified in paragraph (a), having considered the further information given or evidence produced in compliance with the FI notice, the Board—
 - (i) considers that it contains significant additional data which should be notified to the parties to the appeal, and 25
 - (ii) gives notice accordingly in writing to the parties to the appeal, within 8 weeks beginning on the day on which that notice is given by the Board to the parties to the appeal.
- (5) Where an environmental impact assessment report is submitted to the Board under section 172(1C), or where a Natura impact statement is submitted to the Board under section 177T(5), the Board shall make its decision on the LRD appeal as follows: 30
- (a) within 8 weeks commencing on the date on which the environmental impact assessment report or Natura impact statement, as the case may be, and a copy of the relevant public notice required in accordance with regulations under this Act, is received by the Board; or 35
 - (b) where the Board, within 8 weeks of the receipt of an environmental impact assessment report submitted under section 172(1C) or a Natura impact statement under section 177T(5), serves notice in accordance with regulations under section 142 requiring the applicant to give to the Board further information in relation to the 40

environmental impact assessment report or Natura impact statement, as the case may be—

- (i) within 8 weeks, in the case of further information in relation to the environmental impact assessment report, and within 4 weeks, in the case of further information in relation to the Natura impact statement, of the notice being complied with, or 5
- (ii) if, within the period specified in subparagraph (i), having considered the further information given in compliance with the FI notice, the Board considers that it contains significant additional data which should be notified to the parties to the appeal, and gives notice accordingly in writing to the parties to the appeal, within 8 weeks, in the case of such further information given in relation to the environmental impact assessment report, and within 4 weeks, in the case of such further information given in relation to the Natura impact statement, beginning on the day on which that notice is given by the Board to the parties to the appeal. 10
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- (6) A person shall not question the validity of the determination of an LRD appeal by reason only that the appeal was not determined within the time periods specified in, or prescribed under, this section. 20

Consequences of non-compliance with time limits for LRD appeals

- 126B.**(1) Where on the expiry of a period specified in section 126A or prescribed under that section, as may be the case, in relation to an LRD appeal the Board has failed to determine the appeal and becomes aware, whether through notification by the appellant or otherwise, that it has so failed, the Board shall proceed to determine the appeal notwithstanding that the period has expired. 25
- (2) Where it appears to the Board that it would not be possible, because of the particular circumstances of an LRD appeal or because of the number of LRD appeals which have been submitted to the Board, to determine the appeal within the period specified in section 126A or prescribed under that section, as may be the case, in relation to the LRD appeal the Board shall, by notice in writing served on the parties to the appeal before the expiration of that period, inform those parties of the reasons why it would not be possible to determine the appeal within that period and shall specify the date before which the Board intends that the appeal shall be determined, and shall also serve such notice on each person who has made submissions or observations to the Board in relation to the appeal. 30
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 - (3) Where a notice has been served under subsection (2), the Board shall take all such steps as are open to it to ensure that the appeal is determined before the date specified in the notice. 40
 - (4) Where the period specified in subsection (1)(a), (3), (4) or (5), or prescribed under subsection (1)(b) or (2), of section 126A applies to an

LRD appeal and the Board fails to determine the appeal within that period it shall pay €10,000 to the applicant for permission.

- (5) Any sum payable under this section shall be paid as soon as may be and in any event not later than 4 weeks after it becomes due.
- (6) The Board shall include in each report made under section 118 a statement of—
- (a) the number of LRD appeals which the Board has determined within each of the time periods referred to in section 126A, and
 - (b) the number and the aggregate amount of all sums paid (if any) by the Board under subsection (4),
- together with such other information as to the time taken to determine LRD appeals as the Minister may direct.”.

Amendments consequential to section 8

9. The Principal Act is amended—

- (a) in section 104(2), by the insertion of “126A,” after “126,”,
- (b) in section 104(2A), by the insertion of “126A,” after “126,”, and
- (c) in section 262(4), by the insertion of “126A(2),” after “126(4),”.

Amendment of sections 131 and 132 of Principal Act

10. The Principal Act is amended—

- (a) in section 131, by the insertion of “, other than the applicant for permission in the case of an LRD appeal,” after “serve on any such person”, and
- (b) in section 132, by the insertion of “, other than the applicant for permission in the case of an LRD appeal,” after “as appropriate,”.

Amendment of section 142 of Principal Act

11. Section 142 of the Principal Act is amended by the insertion of the following subsection after subsection (6):

- “(7) Without prejudice to the generality of subsection (1), regulations under this section may—
- (a) provide that the Board, where it is determining an LRD appeal, may, generally or in specified circumstances, serve a notice on the applicant for permission, requesting the applicant to submit such further information, or type of information, with respect to the appeal as may be prescribed in the regulations, within such time as may be specified in the notice, and
 - (b) require such applicant to submit further information in accordance such a request.”.

Amendment of section 146B of Principal Act

12. Section 146B of the Principal Act is amended by the insertion of “other than a development for which permission was granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016” after “the development the subject of a planning permission”.

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Amendment of section 156 of Principal Act

13. Section 156(1) of the Principal Act is amended by the substitution of “section 32G, 58(4)” for “section 58(4)”.

Amendment of section 246(1)(d) of Principal Act

14. Section 246(1)(d) of the Principal Act is amended—

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- (a) in subparagraph (i), by the deletion of “and”,
- (b) in subparagraph (ii), by the deletion of “and”, and
- (c) by the insertion of the following subparagraph after subparagraph (ii):

“(iii) to planning authorities of prescribed fees in relation to the provision of an LRD opinion,

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and”.

Amendment of section 247 of Principal Act

15. Section 247 of the Principal Act is amended—

- (a) in subsection (1A)(a)—

- (i) by the substitution of “Subject to subsection (7) and section 5” for “Subject to section 5”,

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- (ii) in subparagraph (i), by the deletion of “or” after “floor space,”,

- (iii) by the insertion of the following subparagraph after subparagraph (i):

“(ia) consists of or includes the development of student accommodation that includes 200 or more bed spaces, or”,

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and

- (iv) by the substitution of “this section” for “section 247” in the 3 places that it occurs,

- (b) in subsection (1A)(b) by the substitution of “Where a planning authority receives a request for consultation from a prospective applicant in relation to proposed development referred to in paragraph (a), such consultations shall be held, or the planning authority shall provide a written confirmation referred to in subsection (7), within the period of 4 weeks beginning on the date on which the request is received by the planning authority,” for “Consultations under section 247 in relation to proposed development referred to in paragraph (a) shall be held within 4 weeks of the date of receipt by the planning authority, or planning authorities,

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as the case may be, of a request by the prospective applicant for such a consultation,”,

(c) by the insertion of the following subsection after subsection (5):

“(5A) A record kept by a planning authority under subsection (5) shall only be made public when a planning application in respect of the proposed development is made in accordance with section 34.”, 5

and

(d) by the insertion of the following subsections after subsection (6):

“(7) Where a planning authority receives a request under this section in relation to a proposed development in respect of a part of which (referred to in this section as the ‘permitted development’) permission has already been granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016 or on foot of an application in accordance with section 32A, and the planning authority is satisfied, having compared the proposed development to the permitted development, that— 10 15

(a) the proposed development is substantially the same as the permitted development, and

(b) the nature, scale and effect of any alterations to the permitted development are not such that require the consultation process to be repeated, 20

the planning authority may determine, notwithstanding subsection (1A), that no consultation is required under this section in relation to the proposed development and may provide a confirmation in writing to the person who made the request to that effect. 25

(8) A determination under subsection (7) shall not shall prejudice the performance by the planning authority of its functions under this Act or any regulations under this Act or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

(9) A member or official of a planning authority who takes or seeks any favour, benefit or payment, direct or indirect (on his or her own behalf or on behalf of any other person or body), in connection with a determination under subsection (7) commits an offence.”. 30

Construction of the Fourth Schedule (reasons for the refusal of permission which exclude compensation) to Act of 2000 35

16. The Act of 2016 is amended by the substitution of the following section for section 25:

“25. The Fourth Schedule to the Act of 2000 has effect as if the following were inserted after paragraph 18:

‘18A. In the case of a proposed strategic housing development (within the meaning of Chapter 1 of the Planning and Development (Housing) and Residential Tenancies Act 2016), the environmental impact assessment 40

report or Natura impact statement, or both, submitted with the application for permission under section 4 of that Act is or are inadequate or incomplete.’”.

Repeal and transitional measures

17. (1) Section 4(1) of the Act of 2016 is repealed. 5
- (2) Notwithstanding the repeal of section 4(1) of the Act of 2016, a prospective applicant who on the date on which *subsection (1)* comes into operation has been issued with a notice under section 6(7)(b) of the Act of 2016 in relation to a proposed strategic housing development may, subject to complying with Part 2 of the Act of 2016, proceed to apply for permission in relation to such development in accordance with that subsection provided that— 10
- (a) the prospective applicant notifies the Board of the prospective applicant’s intention to proceed with the application as soon as practicable after the date on which *subsection (1)* comes into operation, and
- (b) the application is made within the period of 16 weeks beginning on the date on which *subsection (1)* comes into operation. 15
- (3) Notwithstanding the repeal of section 4(1) of the Act of 2016, a prospective applicant who on the date on which *subsection (1)* comes into operation—
- (a) has made a request to the Board in accordance with section 5 of the Act of 2016 to enter into consultations with the Board in relation to a proposed strategic housing development, and 20
- (b) has not been issued with a notice under section 6(7)(b) of the Act of 2016 in relation to the proposed strategic housing development,
- may, subject to complying with Part 2 of the Act of 2016, proceed to apply for permission in relation to such development in accordance with that subsection provided that— 25
- (i) the prospective applicant notifies the Board of the prospective applicant’s intention to proceed with the application as soon as practicable after the date on which *subsection (1)* comes into operation, and
- (ii) the application is made within the period of 16 weeks beginning on the date on which a notice under section 6(7)(b) of the Act of 2016 is issued in relation to the proposed strategic housing development. 30
- (4) A person who on the date on which *subsection (1)* comes into operation has made an application to the Board under section 4(1) of the Act of 2016 for permission for a strategic housing development may withdraw the application at any time within the period of 8 weeks beginning on the date on which the person made the application by notice in writing to the Board. 35
- (5) The Minister may make regulations providing for the refund of any fees paid to the Board in respect of—

(a) a request to the Board in accordance with section 5 of the Act of 2016 to enter into consultations with the Board in relation to a proposed strategic housing development, or

(b) an application for permission for a strategic housing development in accordance with section 4 of the Act of 2016, 5

that, on the date on which *subsection (1)* comes into operation has yet to be determined, that is subsequently withdrawn.

(6) Chapter 1 (other than section 4(1)) of Part 2 of the Act of 2016 is repealed.

Short title, construction, collective citation and commencement

18. (1) This Act may be cited as the Planning and Development (Amendment) (Large-scale Residential Development) Act 2021. 10

(2) The collective citation “The Planning and Development Acts 2000 to 2021” includes this Act and they shall be construed together as one.

(3) This Act shall come into operation on such day or days as the Minister for Housing, Local Government and Heritage may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions. 15



An Bille um Pleanáil agus Forbairt (Leasú)
(Forbairtí Cónaithe Mórscála), 2021

BILLE

(mar a ritheadh ag Seanad Éireann)

dá ngairtear

Acht do leasú agus do leathnú na nAchtanna um Pleanáil agus Forbairt, 2000 go 2021 i ndáil le hiarratais ar chead pleanála le haghaidh forbairtí cónaithe mórscála áirithe, do leasú Chuid V den Acht um Pleanáil agus Forbairt, 2000 ionas gur féidir an gá atá le tithíocht d'úinéirí-áititheoirí a chur i gcuntas i straitéisí tithíochta, do dhéanamh socrú maidir le hiarratais chun na Cúirte Uachtaraí chun achomhairc áirithe a chinneadh, d'aisghairm Chaibidil 1 de Chuid 2 den Acht um Pleanáil agus Forbairt (Tithíocht) agus um Thionóntachtaí Cónaithe, 2016 agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Ritheadh ag Seanad Éireann,

23 Samhain, 2021

Planning and Development (Amendment)
(Large-scale Residential Development) Bill
2021

BILL

(as passed by Seanad Éireann)

entitled

An Act to amend and extend the Planning and Development Acts 2000 to 2021 in relation to applications for planning permission for certain large-scale residential development, to amend Part V of the Planning and Development Act 2000 so that the need for housing for owner-occupiers can be taken into account in housing strategies, to make provision in relation to applications to the Supreme Court to determine certain appeals, to repeal Chapter 1 of Part 2 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and to provide for related matters.

Passed by Seanad Éireann,

23rd November, 2021

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ó

FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,
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