



SEANAD ÉIREANN

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

LEASUITHE COISTE COMMITTEE AMENDMENTS

SEANAD ÉIREANN

AN BILLE UM PLEANÁIL AGUS FORBAIRT (LEASÚ) (FORBAIRTÍ CÓNAITHE MÓRSCÁLA), 2021 —AN COISTE

PLANNING AND DEVELOPMENT (AMENDMENT) (LARGE-SCALE RESIDENTIAL DEVELOPMENT) BILL 2021 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 2

1. In page 4, line 22, to delete “70 per cent” and substitute “80 per cent”.

—*Senators Alice-Mary Higgins, Frances Black.*

2. In page 4, line 22, after “other” to insert “higher”.

—*Senators Alice-Mary Higgins, Frances Black.*

3. In page 4, line 24, after “development” to insert the following:

“and where the remaining 30 per cent is comprised of public open spaces, landscaping, play facilities, pedestrian permeability or ancillary services, where required, including child care facilities”.

—*Senators Alice-Mary Higgins, Frances Black.*

4. In page 4, line 35, to delete “academic term times” and substitute “the academic year”.

—*Senators Alice-Mary Higgins, Frances Black.*

SECTION 3

5. In page 4, between lines 35 and 36, to insert the following:

“Amendment of section 28 (Ministerial guidelines) of Principal Act

3. Section 28 of the Principal Act (as amended by section 20 of the Planning and Development (Amendment) Act 2018) is amended by the deletion of subsection (1C).”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

6. In page 4, between lines 35 and 36, to insert the following:

“Amendment of section 28 (Ministerial guidelines) of Principal Act

3. Section 28 of the Principal Act (as amended by section 20 of the Planning and Development (Amendment) Act 2018) is amended by the insertion of following subsection after subsection (1C):

[SECTION 3]

“(1CA) The following planning guidelines are repealed:

- (a) The Build to Rent and Shared Accommodation sections of the Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities, issued March 2018;
- (b) Urban Development and Building Heights Guidelines for Planning Authorities, issued December 2018.”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

7. In page 6, between lines 1 and 2, to insert the following:

“(e) a statement setting out how the proposal will be consistent with the objectives of the relevant development plan or local area,”.

—*Senators Victor Boyhan, Sharon Keogan, Gerard P. Craughwell.*

8. In page 6, between lines 35 and 36, to insert the following:

“(i) obligations under the United Nations Convention on the Rights of Persons with a Disability, with due regard to the principle of universal design and regulations under Statutory Instrument Number 513 of 2010;”.

—*Senators Alice-Mary Higgins, Frances Black.*

9. In page 6, between lines 37 and 38, to insert the following:

“(j) an estimation of greenhouse gas emissions associated with building, including embodied energy as may be released by demolition in the course of the development;”.

—*Senators Alice-Mary Higgins, Frances Black.*

10. In page 6, between lines 37 and 38, to insert the following:

“(k) the local development plan or county development plan of the local authority in which the site is located.”.

—*Senators Alice-Mary Higgins, Frances Black.*

11. In page 6, between lines 37 and 38, to insert the following:

“(3A) The Minister shall, in the prescription of information under subsection (3), have due regard to the public duty on equality and human rights.”.

—*Senators Alice-Mary Higgins, Frances Black.*

12. In page 6, between lines 37 and 38, to insert the following:

“(3B) The Minister shall, in the prescription of information under subsection (3), have due regard to the need to prioritise the delivery of social housing in the State.”.

—*Senators Alice-Mary Higgins, Frances Black.*

[SECTION 3]

13. In page 6, after line 41, to insert the following:

“(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.

—*Senators Alice-Mary Higgins, Frances Black.*

14. In page 6, after line 41, to insert the following:

(6) With respect to information provided under subsection (3)(a) with regard to student accommodation, the Minister shall provide for consultation with educational institutions, representative student bodies and local residents set out conditions in respect of student accommodation, which the planning authority must have due regard to in rendering an opinion under section 32D.”.

—*Senators Alice-Mary Higgins, Frances Black.*

15. In page 7, between lines 13 and 14, to insert the following:

“(4) The planning authority shall ensure that the elected members of the Local Authority, Area Committee or Area Committees (established under section 50(1) of the Local Government Act 2001) or municipal district in respect of the area or areas concerned, in which the proposed large-scale residential development would be situated are notified of the LRD meeting and provided with a copy of the documents set out in 32B(2).”.

—*Senators Victor Boyhan, Sharon Keogan, Gerard P. Craughwell.*

16. In page 7, after line 42, to insert the following:

“(2) The planning authority shall include in its LRD opinion a summary of the views of the relevant elected members on that proposed development as expressed at any meetings of each Area Committee concerned, or of the municipal district members for each municipal district concerned, as appropriate.”.

—*Senators Victor Boyhan, Sharon Keogan, Gerard P. Craughwell.*

17. In page 8, line 11, after “make” to insert “appropriate”.

—*Senators Alice-Mary Higgins, Frances Black.*

18. In page 8, between lines 37 and 38, to insert the following:

“Insertion of section 32H into Principal Act

32H. A person who owns student accommodation which received LRD planning permission and subsequently such student accommodation has been used as a hotel, hostel, apart-hotel or similar type accommodation, shall not be eligible to apply for LRD planning permission for a period of

ten years following such an act.”.

—*Senators Alice-Mary Higgins, Frances Black.*

19. In page 8, between lines 37 and 38, to insert the following:

“Insertion of section 32I into Principal Act

32I. In respect of student accommodation which receives LRD planning permission, the local authority in which the proposed development is located shall in consultation with educational institutions, representative student bodies and local residents set out conditions in respect of student accommodation, which the planning authority must be consistent with in the rendering of their decision.”.

—*Senators Alice-Mary Higgins, Frances Black.*

20. In page 8, between lines 37 and 38, to insert the following:

“Insertion of Section 32J into Principal Act

32J. Within 18 months of the commencement of sections 32A to 32G inclusive, a review shall be conducted by An Bord Pleanála and where new regulations with regard to planning, including regulation in respect of the environment and disability, supplementary documentation must be submitted to the planning authority by applications not yet granted permission which demonstrate incorporation of any new regulations.”.

—*Senators Alice-Mary Higgins, Frances Black.*

21. In page 8, between lines 37 and 38, to insert the following:

“Insertion of section 32K into Principal Act

32K. (1) Where new European Union Directives are issued in respect of building standards or planning, applicants who have received LRD permission must provide supplementary documentation to the planning authority demonstrating how the applicant has incorporated the new Directives into their development.

(2) Where a new LRD application must be made in respect of subsection (1) the State shall not be liable for any costs incurred by the applicant.”.

—*Senators Alice-Mary Higgins, Frances Black.*

22. In page 8, between lines 37 and 38, to insert the following:

“Insertion of section 32L into Principal Act

32L. Where an application for planning permission to which section 32A(1) applies has been granted but construction has not commenced on that site within a period of 48 months following the decision of the planning authority, such planning permission shall be revoked.”.

—*Senators Alice-Mary Higgins, Frances Black.*

[SECTION 3]

23. In page 8, between lines 37 and 38, to insert the following:

“Insertion of section 32M into Principal Act

32M. Where more than seven successful judicial reviews have been taken in respect of an applicant under section 32A(1), the applicant shall not be eligible to apply for permission under section 32A(1) for a period of 10 years subsequent to the final judicial review.”.

—*Senators Alice-Mary Higgins, Frances Black.*

24. In page 8, between lines 37 and 38, to insert the following:

“Insertion of section 32N into Principal Act

32N. In the rendering of decisions in respect of applications under section 32A(1), the planning authority shall act in a manner consistent with the local development plan and county development plan of the local authority area in which permission is being sought.”.

—*Senators Alice-Mary Higgins, Frances Black.*

25. In page 8, between lines 37 and 38, to insert the following:

“Insertion of section 32O into Principal Act

32O. Where an applicant has received LRD planning permission and wishes to sell the site, the applicant shall not do so with the LRD planning permission attached to it. Thus, the LRD planning permission is granted exclusively to the applicant, on the basis that they are seeking permission with intent to develop the site.”.

—*Senators Alice-Mary Higgins, Frances Black.*

SECTION 4

26. In page 9, line 3, to delete “made;”. and substitute the following:

“made;

(gb) nothing in (ga) should prevent a planning authority from requesting further information where in the opinion of the planning authority such information is required to make a decision;”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

SECTION 5

27. In page 9, to delete lines 7 to 11 and substitute the following:

““(1B) Where a planning authority receives an application for permission to which section 32A(1) applies it shall—

- (a) 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, and
- (b) at the next meeting of each Area Committee concerned, or of the municipal district members for each municipal district concerned,

[SECTION 5]

as appropriate, inform the relevant elected members of—

- (i) the details of the application, and
- (ii) the consultations and meetings that have taken place in relation to the proposed development.”.”.

—*Senators Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

28. In page 9, between lines 11 and 12, to insert the following:

“(b) by the insertion of the following subsection after subsection (1A):

“(1C) Where a planning authority receives an application for permission to which section 32A(1) applies, observations shall be sought and recorded from individuals and groups and the planning authority shall have due regard to such observations in the rendering of its decision.”.”.

—*Senators Alice-Mary Higgins, Frances Black.*

29. In page 9, between lines 11 and 12, to insert the following:

“(c) by the insertion of the following subsection after subsection (1A):

“(1D) Where a planning authority receives an application for permission to which section 32A(1) applies it shall publish such an application on its website.”.”.

—*Senators Alice-Mary Higgins, Frances Black.*

30. In page 9, to delete lines 19 to 27.

—*Senators Alice-Mary Higgins, Frances Black.*

31. In page 9, line 22, after “environment” to insert the following:

“, changes in building and planning guidelines, obligations under the United Nations Convention on the Rights of Persons with a Disability or other such issues that may have arisen as part of an area development planning process”.

—*Senators Alice-Mary Higgins, Frances Black.*

SECTION 6

32. In page 9, after line 38, to insert the following:

“Limit of duration of permission

6. Section 40 of the Principal Act is amended by the insertion of the following subsection after subsection (3):

“(4) Notwithstanding subsection (3), where a planning authority grants a permission to which section 32A(1) applies—

- (a) ‘the appropriate period’ means the period of 12 months beginning on the date of the grant of permission, and

[SECTION 6]

(b) section 41 shall not apply in relation to the permission.”.”.

—*Senators Annie Hoey, Rebecca Moynihan, Marie Sherlock, Mark Wall.*

33. In page 10, to delete lines 7 to 27.

—*Senators Alice-Mary Higgins, Frances Black.*

34. In page 10, to delete lines 24 to 27.

—*Senators Alice-Mary Higgins, Frances Black.*

Section opposed.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Victor Boyhan, Sharon Keogan, Gerard P. Craughwell, Alice-Mary Higgins, Frances Black.*

SECTION 7

*35. In page 10, between lines 27 and 28, to insert the following:

“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.”,

(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—

(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,

(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.”,

and

(b) in section 95(1)(b), by the insertion of “section 94(3)(e) and” after “housing

[SECTION 7]

referred to in”.”.

SECTION 14

36. In page 15, to delete lines 10 to 28.

—*Senators Alice-Mary Higgins, Frances Black.*

37. In page 15, to delete lines 29 to 32.

—*Senators Alice-Mary Higgins, Frances Black.*

SECTION 16

38. In page 16, line 18, to delete “16 weeks” and substitute “8 weeks”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile, Alice-Mary Higgins, Frances Black.*

39. In page 16, line 33, to delete “within the period of 16 weeks” and substitute “to the planning authority within the period of 8 weeks”.

—*Senators Fintan Warfield, Lynn Boylan, Paul Gavan, Niall Ó Donnghaile.*

SECTION 17

40. In page 17, between lines 8 and 9, to insert the following:

“Report on vacant units in LRD development

17. The Minister shall, within 18 months of the passing of this Act, lay a report before both Houses of the Oireachtas outlining the number of completed housing units under the LRD process which remain vacant.”.

—*Senators Alice-Mary Higgins, Frances Black.*

41. In page 17, between lines 8 and 9, to insert the following:

“Report on the operation of the provisions of this Act

17. The Minister shall, within 12 months of the passing of this Act, lay a report before both Houses of the Oireachtas outlining—

- (a) the proportion of sites, expressed as a percentage, which have been granted LRD planning permission where construction has not commenced,
- (b) the proportion of sites, expressed as a percentage, which have been granted LRD planning permission and have subsequently been sold, and
- (c) the proportion of land, expressed in hectares, which is the subject of LRD planning permission and is owned by real estate investment trusts.”.

—*Senators Alice-Mary Higgins, Frances Black.*

[SECTION 17]

42. In page 17, between lines 8 and 9, to insert the following:

“Further transitional measures

17. (1) Where an application under section 16 in respect of the Act of 2016 is proceeded with and planning permission has been granted, such planning permission shall be revoked 12 months after it has been granted in respect of scenarios where construction of the proposed development has not commenced.
- (2) Any applications which have been granted planning permission prior to this enactment under the Act of 2016 shall be revoked where construction of the proposed development has not commenced 12 months subsequent to the passing of this Act.”.

—*Senators Alice-Mary Higgins, Frances Black.*

TITLE

*43. In page 3, line 9, after “development,” to insert the following:

“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,”.