



DÁIL 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

DÁIL ÉIREANN

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

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

Leasuithe Amendments

SECTION 2

1. In page 3, between lines 21 and 22, to insert the following:

“ ‘Community Organisation’ means an established, active and representative, residents organisation, based in the locality of the proposed development;”.

—Thomas Pringle, Joan Collins.

2. In page 4, lines 23 and 24, to delete “, or such other percentage as may be prescribed,”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

3. In page 4, line 25, after “development” to insert “and does not materially contravene the development plan or local area plan relating to the area”.

—Francis Noel Duffy, Steven Matthews.

4. In page 4, line 25, after “development” to insert the following:

“with regard to the LRD floor space not used for the purposes of housing, a public consultation shall take place with individuals and community groups which the planning authority shall have due regard to in determinations of the granting of permissions for such floor space”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

5. In page 4, line 36, to delete “academic term times” and substitute “the academic year”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

SECTION 3

6. In page 4, between lines 36 and 37, 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).”.

—Eoin Ó Broin, Thomas Gould.

7. In page 4, between lines 36 and 37, 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):

“(1D) 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Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued March 2018, are repealed.”.

—Eoin Ó Broin, Thomas Gould.

8. In page 4, between lines 36 and 37, 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):

“(1D) The Urban Development and Building Heights Guidelines for Planning Authorities, issued December 2018, are repealed.”.

—Eoin Ó Broin, Thomas Gould.

9. In page 5, between lines 19 and 20, to insert the following:

“(iii) that materially contravenes the relevant city or county development plan, other than in exceptional circumstances as set out in regulations by the Minister,”.

—Eoin Ó Broin, Thomas Gould.

10. In page 5, line 30, to delete “he or she has” and substitute “they have”.

—Cian O'Callaghan.

11. In page 6, between lines 8 and 9, to insert the following:

“(ea) details of the manner in which 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, have been reflected in the proposed development;”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

12. In page 6, between lines 8 and 9, to insert the following:

“(ea) a calculation of the expected greenhouse gas emissions, including

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emissions from embodied energy, expected through construction or demolition in the proposed development;”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

13. In page 6, between lines 8 and 9, to insert the following:

“(ea) details of the manner in which the local development plan or county development plan of the local authority in which the site is located is reflected in the proposed development;”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

14. In page 6, line 14, to delete “relevant objectives of the development plan or” and substitute “objectives, the provisions and any SLO’s in both the county/city development plan and any”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

15. In page 6, between lines 16 and 17, to insert the following:

“(i) the information sought under this section shall be published online on the planning authority website within five working days receipt of this information.”.

—Cian O’Callaghan.

16. In page 6, to delete lines 40 and 41, and in page 7, to delete lines 1 and 2 and substitute the following:

“(4) The planning authority shall, prior to the LRD meeting taking place consult members of the local authority, relevant community groups, residents associations, other stakeholders and any person who may, in the opinion of the local authority, have information that is relevant for the purposes of the LRD meeting in relation to a proposed development.”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

17. In page 6, line 41, after “person” to insert “or relevant community organisations”.

—Róisín Shortall, Cian O’Callaghan.

18. In page 7, between lines 2 and 3, to insert the following:

“(5) The planning authority shall make details of the proposed development available on their website and seek submissions from interested third parties in advance of the LRD meeting taking place and submissions from the general public will be published online within five days of their receipt and shall be taken into consideration by the planning authority in preparing for the meeting.”.

—Cian O’Callaghan.

19. In page 7, between lines 7 and 8, to insert the following:

“(6) With respect to information provided under subsection (3)(a) with

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regard to student accommodation, the Minister shall provide for consultation with educational institutions, representative student bodies and elected members of the planning authority, who may in the course of such a consultation set out conditions in respect of student accommodation, which the planning authority must have due regard to in rendering an opinion under section 32D.”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

20. In page 7, line 16, to delete “his or her” and substitute “their”.

—Cian O’Callaghan.

21. In page 7, to delete lines 28 to 30.

—Francis Noel Duffy, Steven Matthews.

22. In page 7, lines 28 to 30, to delete all words from and including “only” in line 28 down to and including “34” in line 30 and substitute “be made public by publishing it online on the planning authority website within five working days of the meeting taking place”.

—Cian O’Callaghan.

23. In page 7, line 31, after “regulations” to insert “subject to approval by Dáil Éireann”.

—Cian O’Callaghan.

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

“(8) The Minister shall ensure, for the purposes of processing LRD applications within the timelines outlined above, each local authority is provided with the extra relevant staff to ensure that other aspects of local authority services are not undermined.”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

25. In page 8, between lines 7 and 8, to insert the following:

“(1A) The planning authority shall make the opinion available on its website, together with a copy of plans and other details discussed at the consultation meeting, upon lodgement of the LRD application.”.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

26. In page 8, lines 19 and 20, to delete all words from and including “when” in line 19 down to and including line 20 and substitute “by publishing it online on the planning authority website within five working days of the opinion being issued.”.

—Cian O’Callaghan.

27. In page 8, lines 19 and 20, to delete all words from and including “when” in line 19 down to and including line 20 and substitute “once it has been received by the prospective LRD applicant.”.

—Róisín Shortall, Cian O’Callaghan.

[SECTION 3]

28. In page 8, line 21, after “regulations” to insert “subject to approval by Dáil Éireann”.

—Cian O'Callaghan.

29. In page 8, between lines 30 and 31, to insert the following:

“(5) The LRD opinion and application documents shall be made available to the public including through publication on the planning authority's website within three days of the provision of the LRD opinion.”.

—Francis Noel Duffy, Steven Matthews.

30. In page 9, between lines 3 and 4, to insert the following:

“Public Participation in the LRD process

32H. The Minister shall by way of regulation outline the process by which third parties can participate in the LRD process as detailed in sections 32A through to 32G, including granting access to all relevant documentation and providing opportunities for the making of third-party submissions in advance of the planning authority publishing its opinion as set out in section 32D.”.

—Eoin Ó Broin, Thomas Gould.

SECTION 4

31. In page 9, between lines 4 and 5, to insert the following:

“4. (1) Section 33(1) of the Principal Act is amended by the insertion of “subject to the approval of Dáil Éireann” after “land”.”.

—Cian O'Callaghan.

Section opposed.

—Francis Noel Duffy, Steven Matthews.

SECTION 5

32. In page 9, to delete lines 16 to 20 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, 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.”.”.

—Ged Nash.

[SECTION 5]

33. In page 9, to delete lines 16 to 20 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) present to the relevant elected members the details of the application at a meeting.”.”.

—Paul McAuliffe.

34. In page 9, to delete lines 21 to 36.

—Francis Noel Duffy, Steven Matthews.

35. In page 9, line 29, after “(a),” to insert “not”.

—Cian O'Callaghan.

SECTION 6

36. In page 10, between lines 9 and 10, 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 24 months beginning on the date of the grant of permission, and
- (b) section 41 shall not apply in relation to the permission.”.”.

—Ged Nash.

37. In page 10, between lines 9 and 10, to insert the following:

“Amendment of section 37 of Principal Act

6. Section 37 of the Principal Act is amended by the insertion of the following section after section 2A:

“LRD Appeals

2B. The Board shall not grant permission for a LRD where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.”.”.

—Francis Noel Duffy, Steven Matthews.

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38. In page 10, between lines 9 and 10, 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 6 months beginning on the date of the grant of permission, and

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

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

Section opposed.

—Cian O’Callaghan, Eoin Ó Broin, Thomas Gould.

SECTION 7

39. In page 11, lines 5 and 6, to delete “in particular houses and duplexes” and substitute “including houses, duplexes and apartments”.

—Francis Noel Duffy, Steven Matthews.

40. In page 11, line 6, after “houses” to insert “, apartments”.

—Cian O’Callaghan.

SECTION 15

41. In page 16, lines 4 to 6, to delete all words from and including “only” in line 4 down to and including “34” in line 6 and substitute “be made public by publishing it online on the planning authority website within five working days”.

—Cian O’Callaghan.

42. In page 16, to delete lines 8 to 25.

—Cian O’Callaghan.

SECTION 16

43. In page 16, between lines 33 and 34, to insert the following:

“Insertion of section 247A into Principal Act

16. The Principal Act is amended by the insertion of the following section after section 247:

“Final Consultation

247A.(1) Following consultation(s) under section 247, a prospective applicant shall request a final consultation meeting with the planning authority in whose area the proposed development would be situated under this section.

(2) A request to the planning authority by a prospective applicant to hold a

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final consultation meeting under this section shall be in writing and shall include the following:

- (a) the name and address of the prospective applicant;
 - (b) a site location plan sufficient to identify the land;
 - (c) a brief description of the nature and purpose of the development and of its possible effects on the environment;
 - (d) a draft layout plan of the proposal;
 - (e) details of the pre-application consultations that may have taken place with prescribed bodies, community organisations, or the public;
 - (f) such further information as may be prescribed;
 - (g) such other information, drawings or representations as the prospective applicant may wish to provide or make available, and
 - (h) the appropriate fee.
- (3) A prospective applicant shall submit to the planning authority at the time of the request any further prescribed documentation to be discussed at the final consultation meeting.
- (4) The planning authority shall convene a final consultation meeting within 4 weeks of receipt of the prospective applicant's request, to be attended by the planning authority, the prospective applicant or his/her representative, or both, and planning authority officials who have sufficient level of relevant knowledge and expertise in the matter concerned, and community organisations, who may subsequently submit observations to the planning authority within 2 weeks of the final consultation.
- (5) The planning authority on receipt of the request, shall issue the documentation received or parts thereof, to any relevant prescribed bodies, including relevant community organisations, that in the opinion of the planning authority may have relevant observations in relation to the proposed development.
- (6) The failure of a prescribed body to respond to a request under subsection 5 shall not prevent the planning authority from proceeding under section 247A to deal with the request concerned.
- (7) The planning authority may, at its discretion, consult with any person including community organisations, who may have information that is relevant for the purposes of consultations relating to a proposed development under this section.
- (8) The planning authority shall be required, within 4 weeks of the holding of the final consultation meeting, to form, and issue to the prospective applicant any relevant prescribed bodies, including

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relevant community organisations, an opinion as to whether the documents submitted for the final consultation meeting constitute a reasonable basis for making an application for permission for the proposed development.

- (9) The planning authority shall in appropriate cases, set out in the opinion issued under subsection (8) its advice as to any issues that need to be addressed in the relevant documents that could result in them constituting a reasonable basis for making an application for permission.
- (10) An opinion issued under subsection (9) shall be valid for 1 year from the date of issue of that opinion.
- (11) Following receipt of an opinion from the planning authority, the prospective applicant may proceed to apply for permission for the proposed development under section 34 of the Principal Act.
- (12) Neither the holding of a consultation under section 247 or a final consultation meeting under section 247A, nor the forming of an opinion under this section, shall prejudice the performance by the planning authority of its respective functions under the Principal Act or any other enactment.
- (13) The planning authority shall keep a record of any consultations or request for consultations under this section that relate to a proposed large-scale residential development, including the names of those who participated in the consultations or request for consultations, 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 which shall only be made public when a planning application in respect of the proposed development is made under section 34.
- (14) A member or official of a planning authority is guilty of an offence if he or she 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 any consultation entered into or any advice given under this section.
- (15) Without prejudice to the generality of subsection (2)(a)(vi), the matters that may be the subject of regulations under that subparagraph may include but shall not be limited to a description of—
 - (a) the proposed types of houses and/or student accommodation units and their design, including proposed internal floor areas, housing density, plot ratio, site coverage, building heights, proposed layout and aspect,
 - (b) public and private open space provision, landscaping, play facilities, pedestrian permeability, vehicular access, and parking provision,

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- (c) where relevant the provision of ancillary services, where required, including childcare facilities,
 - (d) any proposals to address or, where relevant, integrate the proposed development with surrounding land uses,
 - (e) any proposals to provide for services infrastructure (including water, wastewater and cabling, including broadband provision), and any phasing proposals,
 - (f) proposals under Part V of this Act, where relevant,
 - (g) details of protected structures or archaeological monuments included in the Record of Monuments and Places, where relevant, and
 - (h) any aspect of the proposed development likely to have significant effects on the environment or significant effects on a European site.
- (16) The Minister may make regulations to provide for such matters of procedure and administration as appear to the Minister to be necessary or expedient in respect of matters to which this section relates, including—
- (a) items which may be considered at the final consultation meeting, and
 - (b) the conducting of the final consultation meeting and the forming an opinion under this section.”.”.

—Thomas Pringle, Joan Collins.

44. In page 16, between lines 33 and 34, to insert the following:

“Insertion of section 247A into Principal Act

16. The Principal Act is amended by the insertion of the following section after section 247:

- “247A.** (1) The planning authority shall convene a final consultation meeting within 4 weeks of receipt of the prospective applicant’s request, to be attended by the planning authority, the prospective applicant or his/her representative, or both, and planning authority officials who have sufficient level of relevant knowledge and expertise in the matter concerned and a representative of the PPN network.
- (2) The planning authority on receipt of the request, may issue the documentation received, or parts thereof, to any relevant prescribed bodies, including the secretariat of the Public Participation Network as defined in the Local Government Act 2014, that in the opinion of the planning authority may have relevant observations in relation to the proposed development.
- (3) The failure of a prescribed body to respond to a request under subsection (2) shall not prevent the planning authority from proceeding under this section to deal with the request concerned.

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- (4) The planning authority may, at its discretion, consult with any person including PPN members for that local authority, who may have information that is relevant for the purposes of consultations relating to a proposed development under this section.
- (5) The planning authority shall be required, within 4 weeks of the holding of the final consultation meeting, to form, and issue to the prospective applicant, and other relevant prescribed bodies, including the secretariat of the PPN an opinion as to whether the documents submitted for the final consultation meeting constitute a reasonable basis for making an application for permission for the proposed development.
- (6) The planning authority shall in appropriate cases, set out in the opinion issued under subsection (5) its advice as to any issues that need to be addressed in the relevant documents that could result in them constituting a reasonable basis for making an application for permission.
- (7) An opinion issued under subsection (5) shall be valid for 1 year from the date of issue of that opinion.
- (8) The Minister may make regulations to provide for such matters of procedure and administration as appear to the Minister to be necessary or expedient in respect of matters to which this section relates, including items which may be considered at the final consultation meeting, and the conducting of the final consultation meeting and the forming an opinion under this section.”.

—Paul McAuliffe.

SECTION 17

45. In page 17, to delete lines 6 to 39, and in page 18, to delete lines 1 to 7.

—Richard Boyd Barrett, Gino Kenny, Paul Murphy, Bríd Smith.

46. In page 17, line 15, to delete “16 weeks” and substitute “five weeks”.

—Cian O’Callaghan.

47. In page 17, line 15, to delete “16 weeks” and substitute “8 weeks”.

—Eoin Ó Broin, Thomas Gould.

48. In page 17, to delete lines 17 to 32.

—Cian O’Callaghan.

49. In page 17, line 30, to delete “16 weeks” and substitute “8 weeks”.

—Eoin Ó Broin, Thomas Gould.

[SECTION 18]

SECTION 18

50. In page 18, between lines 8 and 9, to insert the following:

“Miscellaneous

18. Section 27 of the Principal Act is amended by the insertion of the following subsection after subsection (4):

“(5) Following a review of the development plan, any material alterations to a draft development plan will be subject to review by the regional assemblies to ensure consistency with the Regional Spatial and Economic Strategy (RSES).”.

—Francis Noel Duffy, Steven Matthews.

51. In page 18, between lines 8 and 9, to insert the following:

“Amendment of section 28 (Ministerial guidelines) of Planning and Development Act 2000

18. Section 28 of Planning and Development Act 2000 is amended—

(a) by the deletion of subsection (1C) (substituted by the Planning and Development (Amendment) Act 2018), and

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

“(1CA) Notwithstanding subsection (1), guidelines under that subsection—

(a) shall not contain specific planning policy requirements with which planning authorities, regional assemblies and the Board shall, in the performance of their functions, comply, and

(b) any guidelines issued by the Minister under subsection (1) and in force immediately before the commencement of the Planning and Development (Amendment) (Large-scale Residential Development) Act 2021 that contains a specific planning policy requirement shall be construed, after such commencement, as a requirement on the planning authorities to have regard to the guidelines concerned in accordance with subsection (1A).”.

—Cian O'Callaghan.

TITLE

52. In page 3, line 10, after “strategies” to insert the following:

“to make provision for local government participation in assessing Large-scale Residential Development”.

—Paul McAuliffe.