



SEANAD ÉIREANN

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

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

SEANAD ÉIREANN

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

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

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

1. In page 4, line 23, after “other” to insert “higher”.

—Senators Alice-Mary Higgins, Lynn Ruane, Frances Black.

2. 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”.

—Senators Alice-Mary Higgins, Lynn Ruane, Frances Black.

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

—Senators Alice-Mary Higgins, Lynn Ruane, Frances Black.

4. 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;”.

—Senators Alice-Mary Higgins, Lynn Ruane, Frances Black.

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

“(ea) a calculation of the expected greenhouse gas emissions, including emissions from embodied energy, expected through construction or demolition in the proposed development;”.

—Senators Alice-Mary Higgins, Lynn Ruane, Frances Black.

6. 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;”.

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

7. In page 6, between lines 13 and 14, to insert the following:

“(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”.

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

8. In page 6, line 41, to delete “development.” and substitute “development, including elected members of the local authority.”.

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

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

“(4A) Consultations referred to in subsection (4) may include, but is not limited to, community groups, residents’ groups from the affected areas, member groups of public participation networks, student unions, groups with relevant heritage or environmental expertise.”.

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

10. In page 7, between lines 5 and 6, 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 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.”.

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

11. 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.”.

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

12. In page 8, between lines 17 and 18, to insert the following:

“(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.”.

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

13. In page 8, after line 44, to insert the following:

“Insertion of section 32H into Principal Act

32H. 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 applicants who have received permission under section 32A(1), but where the development has not commenced, which demonstrate incorporation of any new regulations.”.

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

14. In page 8, after line 44, to insert the following:

“Insertion of section 32I into Principal Act

32I. (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, Lynn Ruane, Frances Black.*

15. In page 8, after line 44, to insert the following:

“Insertion of section 32J into Principal Act

32J. 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 36 months following the decision of the planning authority, such planning permission shall be revoked.”.

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

16. In page 8, after line 44, to insert the following:

“Insertion of section 32K into Principal Act

32K. Where an application for planning permission to which section 32A(1) applies has been the subject of more than five successful judicial reviews, the applicant shall not be eligible to apply for LRD planning permission for a period of two years.”.

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

17. In page 8, after line 44, to insert the following:

“Insertion of section 32L into Principal Act

32L. 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 revoked

upon the sale of the site to another person.”.

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

18. In page 9, to delete lines 13 to 17 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.”,”.

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

19. In page 9, to delete lines 13 to 17 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 the details of the application.”,”.

—*Senators Mary Fitzpatrick, Aidan Davitt.*

20. In page 9, line 28, 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, Lynn Ruane, Frances Black.*

21. In page 10, between lines 3 and 4, 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

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

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

22. In page 10, to delete lines 4 to 30.

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

23. In page 10, to delete lines 11 to 19.

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

24. In page 10, line 27, to delete “as expeditiously as possible” and substitute “in an appropriate manner”.

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

25. In page 16, line 16, after “may” to insert “not”.

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

26. In page 16, between lines 27 and 28, 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.** With regard to a development to which section 32A(1) relates—

(a) the planning authority shall convene a final consultation meeting within four 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 members of the public, who may subsequently submit observations to the planning authority within two weeks,

(b) the planning authority on receipt of the request, may issue the documentation received, or parts thereof, to any relevant prescribed bodies that in the opinion of the planning authority may have relevant observations in relation to the proposed development including relevant Community organisations,

(c) the failure of a prescribed body to respond to a request under paragraph (b) shall not prevent the planning authority from proceeding under section 247A to deal with the request concerned,

(d) the planning authority shall be required, within six weeks of the

holding of the final consultation meeting, to form, and issue to the prospective applicant, and other relevant prescribed bodies, 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.”.

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

27. In page 17, line 10, to delete “16 weeks” and substitute “8 weeks”.

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

28. In page 17, line 25, to delete “16 weeks” and substitute “8 weeks”.

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

29. In page 17, after line 42, to insert the following:

“Report on operation of Act

18. The Minister shall, within 30 months of the passing of this Act, lay a report before the Joint Oireachtas Committee on Housing, Local Government and Heritage 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 numerically and as a percentage, which have been granted LRD planning permission and have subsequently been sold,
- (c) the proportion of land, expressed in hectares, which is the subject of LRD planning permission and is owned by real estate investment trusts, and
- (d) the number of completed housing units under the LRD process which remain vacant.”.

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