

**Motion on Planning and Development Acts 2000 to 2017 (Increase in Number of Ordinary Members of An Bord Pleanála) Order 2018 before the Joint Oireachtas Committee on Housing, Planning and Local Government
On Tuesday, 27 March 2018**

Opening Statement by Mr Damien English, T. D., Minister of State at the Department of Housing, Planning and Local Government

Cathaoirleach, thank you for affording me the opportunity today to present to you and the Committee this draft Order which proposes to increase, by one member and on a temporary basis, the number of ordinary members of An Bord Pleanála.

Background

The background to the draft Order stems from the new additional functions of An Bord Pleanála in dealing with applications for strategic housing developments, or SHD for short. Many members of the Committee will be very familiar with these new arrangements which were introduced by the Planning and Development (Housing) and Residential Tenancies Act 2016.

In brief, the Act provided for new streamlined arrangements, which came into operation on 3 July 2017, to enable planning applications for large scale housing developments - or SHDs - of 100 housing units or more, or student accommodation developments of 200 bed spaces or more, to be made directly to the Board for determination. These arrangements are intended to provide greater certainty for developers in terms of the timelines for planning decision making, while also facilitating the earlier provision of much needed housing supply and helping to address the current housing supply shortage situation.

Under the SHD arrangements, a developer is required to firstly engage in pre-application consultations in relation to a proposed SHD development with the Board and with the local planning authority, with such pre-application consultation phase having to be completed within 9 weeks. Where a planning application is subsequently submitted to the Board, the Board is required to make a determination

on an application within a period of 16 weeks from the submission of the application. These new fast-track arrangements have the potential to result in planning decisions for concerned large developments being made within 25 weeks of commencement of the pre-application consultation, as against the more normal 2-stage planning process which can, in certain circumstances take up to 18-24 months from initial design stage to ultimate approval.

Additional Board Members

In order to ensure that An Bord Pleanála had the necessary structures and resources in place to undertake these additional functions, the legislation provided for the establishment of a new Strategic Housing Division of the Board to decide on these housing applications. The Division requires two additional ordinary board members on a temporary basis, while the new arrangements are in place.

Separately and in addition, the filling of an additional dedicated 10 professional and administrative posts was sanctioned by the Department to support this Division and the relevant staff are in place since 2017.

SHD – 1st Appointment

Over the last number of years the Board has operated with a membership of 9 members, consisting of the Chair and 8 ordinary members. However, section 104 of the Planning Act provides that the Board can consist of a maximum of up to 10 members, the Chair and 9 ordinary Board members.

Therefore, in January of this year, Minister Murphy appointed a 9th ordinary member to the Board, thereby bringing the Board to its full complement of 10, as provided for in the legislation and thereby filling the first of the two additional ordinary members positions required for the new SHD arrangements.

SHD – 2nd Appointment

Section 104 of the Planning and Development Act 2000, as amended also provides that the Minister may by Order temporarily increase the number of ordinary members of the Board, where this is necessary to enable it to fulfil its duties and objectives.

Such an Order must be laid in draft before both Houses of the Oireachtas and received a positive resolution from both Houses before it can be made.

As indicated, and in light of the tight statutory timeframes associated with determining applications under the SHD provisions, it is necessary to utilise this provision now. The Order before you now is required so that Minister Murphy can make a further appointment to the Board, ensuring that the second additional member required for the new SHD arrangements is in place.

Under the 2016 Act, the SHD arrangements which it introduced will operate initially until 31 December 2019, and subject to a review, may be extended to 31 December 2021 – the end date of the Rebuilding Ireland Action Plan. Accordingly the draft Order proposes to increase the membership of the Board by one member initially for the period until 31 December 2019, with a view to extending the appointment in accordance with the legislation if required at a later date.

Board members are generally appointed by the Minister from candidates nominated by prescribed organisations. Subject to the necessary Oireachtas approval, it would be the Minister's intention to select a nominee for appointment as a Board member at the earliest possible date.

Conclusion

To conclude Chair, I support the making of this necessary Order. As I have outlined, the SHD provisions were introduced to speed up the planning decision making process for large scale housing developments with a view to urgently addressing the current housing supply shortage. The additional Board member is vital to ensure that there is sufficient capacity within the Board to undertake its additional functions relating to SHDs and so that SHD planning determinations can be made within the fast-track timeline prescribed under the 2016 Act.

I look forward to engaging with the Committee this afternoon and I will endeavour to answer any questions that the Committee members may have.

Thank you for your attention.