

Opening Statement of Mr, Kevin Kelly
the CCMA Housing, Building and Land Use Committee to
Oireachtas Committee on Housing, Local Government and Heritage
on
General Scheme of the Planning and Development (Amendment)
(Large-Scale Residential Development) Bill 2021
Thursday 9th September 2021

Chairman, Members of the Committee, my name is Kevin Kelly, Chief Executive of Mayo County Council and member of City and County Management Association (CCMA) committee on Housing, Building & Land Use.

I am accompanied here today by Mary Henchy, Director of Service, Dun Laoghaire Rathdown County Council, Mary Conway, Deputy City Planner, Head of Development Management, Dublin City Council and Michael Rainey, Director of Service, Carlow County Council.

Firstly, on behalf of the CCMA I would like to thank the committee for its invitation here today and look forward to assisting the committee in its discussion on the general scheme of the Planning and Development (Amendment) (Large-Scale Residential Development) Bill.

The introduction of Strategic Housing Developments (SHD) in 2017 was intended to provide a fast-track mechanism for planning permissions for housing schemes with 100-plus units and was based on the Strategic Development Infrastructure Legislation. Under the SHD process, the Local Authority had a significant input into the process through pre-planning with the applicant and An Bord Pleanála. The local authority provides An Bord Pleanála with an assessment and recommendation on the SHD proposal, including third parties concerns and a summary of matters raised by the elected Members at Area Meetings.

The Sector welcomes the Planning and Development Amendment Bill's intention to return the decision-making on large scale housing developments to the local authority and to reinstate the opportunity for appeal of decisions made.

As you are aware, all Planning Authorities were always required to operate within statutory deadlines and the Heads of Bill extends this to the pre-planning process. I would like to set out some comments on the various heads and the explanatory notes provided.

Head 4 of the Bill amends legal definitions of Section 2 of the Principal Act. The CCMA welcomes the increase in the gross floor space for other uses, but would have concerns if those other uses were limited to commercial uses as referenced in the explanatory note. The



Cumann Lucht Bainistíochta Contae agus Cathrach
County and City Management Association

CCMA would have a preference that this increase in gross floor space for other uses should include both commercial and other non-residential uses.

Head 5 of the legislation makes Section 247 meetings at the pre-planning stage for a proposed application mandatory and requires the applicant to request a final pre-planning meeting and for the local authority to provide written advice following on from that meeting. The heads of legislation set out time limits for the local authority in terms of its engagement with the applicant. The sector does not have difficulty with the principle of this, but it will have resource implications across several disciplines within a planning authority.

Head 6 provides for a new section 247A. The CCMA would have serious concerns regarding paragraph 4, which makes reference to the knowledge and expertise of officials attending meetings, the placing of such a requirement in primary legislation should be considered carefully. The key issue will be the availability of staff within a tight 4-week timeframe rather than a skills issue.

The CCMA request that consideration be given to clarifying Head 6, paragraph (8). Preplanning is without prejudice and while appropriate to give advice, the legislation should be clear that the decision is made having assessed the application and making a recommendation to the decision maker not at pre-planning stage. The CCMA acknowledges the intent that neither Section 247 nor the new proposed Section 247A process shall prejudice the performance of the planning authority of its respective functions under the principal Act.

The CCMA would highlight concerns under Head 6, paragraph (10), highlighting that advice may not be valid for a year, where policy changes, development plan or other changes occur such as adjoining sites getting permission that may impact on the advice given.

A small but relevant point in paragraph 16B refers to public and private open space provision but it should also include the term communal as communal space is used in higher density schemes

Head 8 and the insertion of a new paragraph 33(2) raises significant concerns for the CCMA with the limiting of further information to issues not addressed at pre-planning stage. This would appear to run contrary to pre-planning being without prejudice to the planning application.

The sector wishes to clarify that further information is only requested where the planning authority considers the proposal has merit and has the potential to be granted permission. The sector has concerns that by limiting the further information that may be requested by a planning authority it may lead to more applications being refused.

The Sector would welcome a fee being introduced for pre-planning meetings as set out in Head 11. The proposed process will require additional technical and administration resourcing by Planning Authorities, providing an on-demand service with these statutory timelines will be challenging.



Cumann Lucht Bainistíochta Contae agus Cathrach
County and City Management Association

The timing of the implementation of the amended Bill and its alignment to the new Development plans which are being drafted throughout local authorities is welcome and the CCMA notes the timescales proposed for the transitional arrangements.

To conclude, Chairman, the CCMA broadly welcomes the measures in the Planning and Development (Amendment) (Large-Scale Residential Development) Bill, and with increased clarity and reduced ambiguity it will allow Local Authorities to deliver on the Governments objectives in respect of housing provision.

Thank you.