

**From:** Liam Kenny <l.kenny@ailg.ie>  
**Sent:** Monday 20 September 2021 17:43  
**To:** Housing, Local Government and Heritage <jchlgh@oireachtas.ie>  
**Subject:** To the Chair and Members of the Joint Oireachtas Committee on Housing, Local Government and Heritage from Cllr Mary Hoade, President, Association of Irish Local Government

Clerk  
Joint Oireachtas Committee on Housing, Local Government & Heritage  
Leinster House  
Dublin 2

Dear Committee Clerk

I have been asked by the President of the AILG, Cllr Mary Hoade, to forward you a copy of a letter sent by her to Minister Peter Burke in relation to the recently published Planning & Development (Large Scale Residential Developments) Bill 2021.

Cllr Hoade requests that the Joint Oireachtas Committee might consider proposing amendments to the Bill which would

- a) Retain a mechanism for the elected Council to be able to give a view on the application (as is the case with the outgoing Strategic Housing Development) Bill and
- b) Include a provision which would ban developers from including characteristics in their application which are manifestly in conflict with the County/City Development Plan so as to avoid the situation where such developments are turned down by the planning authority but granted by An Bord Pleanala including the objectional features of the development and thus frustrating the policy of the parent planning authority.

Thank you for your Committee's consideration.

Yours faithfully

Liam Kenny  
Director  
on behalf of Cllr Mary Hoade  
President  
Association of Irish Local Government

Minister Peter Burke, T.D.,

Minister of State for Planning and Local Government

Customs House

Dublin 1

Dear Minister

I have been asked by the AILG to respond to your Department's recent publication of the General Scheme of the Planning and Development (Amendment)(LSRD) Bill 2021.

The Association broadly welcomes this measure in that it brings an end to the Strategic Housing Development process, dating from the Planning & Development (Housing) & Residential Tenancies Act 2016, which by-passed local authorities in the case of large scale housing planning applications. The 2021 Bill - properly- returns this function to the local authorities.

It is noted that the briefing material accompanying the new Bill refers to the fact that the Bill incorporates some of the features of the SHD process such as the mandatory pre-application consultations and the accelerated decision times.

A feature of the 2016 procedure that was commendable was the explicit provision for consultation of elected members in open council in relation to large scale residential development and that their views would be recorded and formally communicated to An Bord Pleanála.

Such consultation of elected members is not included in the current Bill as published.

The Association strongly believes that there is merit in continuing with such a structured consultation of the elected members given the large scale of the development involved, it's likely benefits and impacts for an area, and the desirability of the Councillors having an input for their local knowledge into the consideration of the application.

In addition, the Association would suggest a provision in the Bill which *ab initio* would prohibit applicants from including characteristics in their development which are contrary to the Development Plan/Local Area Plan.

While such characteristics will result in the plan being refused at planning authority level, the development will invariably be appealed to An Bord Pleanála which has the power to grant permission outside of the strictures of the Development Plan/Local Area Plan including approving of the objectionable characteristics included at the primary application stage by the developer.

Therefore, it is the Association's view that the Bill needs to include explicit provision prohibiting the inclusion in the plan of features that are unacceptable to the Development/Local Area Plan of the authority in question.

In summary, the Association requests that the Bill be amended to include:

1. A mandatory consultation channel for the elected council similar to that in the outgoing Act of 2016 Section 8 (4) & (5).
2. A prohibition on characteristics conflicting with the planning authority development plan being included by applicants at the primary application stage.

The Association would be happy to dialogue with your officials regarding the above proposals.

Yours faithfully

Go n-eirí an t-ádh libh go léir!

Kind regards,

Mary Hoade