

Large Scale Residential Developments (LRD)

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LRD - Background

- LRDs largely supersede Strategic Housing Developments which were introduced in 2016 for developments of
 - 100 or more residential units
 - Student accommodation with in excess of 200 bedspaces
- Decisions on SHDs were taken by An Bord Pleanala following consultation with the Applicants and Planning Authorities.

LRD - Background

- LRDs were introduced by Circular 17 of 2021 (on **17th December 2021**)
- The purpose of this circular is to provide details of the commencement of the Large-scale Residential Development provisions in the **Planning and Development (Amendment) (Large-scale Residential Development) Act 2021 (No. 40 of 2021)**, which was signed into law by the President on 14 December 2021.
- The stated main purpose of the Planning and Development (Amendment) (Large-scale Residential Development) Act 2021 was to restore the two-stage planning process, with decision making for Large-scale Residential Development (LRD) type applications returning to the local planning authority in the first instance, with the subsequent right of appeal to An Bord Pleanála (the Board),

Content

- The definition of large-scale residential development (LRD) remains broadly similar to strategic housing development (SHD), i.e. developments of 100 housing units or more, or student accommodation developments comprising 200 bed spaces or more, or a combination of same.
- However, the new LRD arrangements introduces **two new changes**:
- *Up to **30%** of the gross floor space of the proposed development may be used for **non-residential uses**, instead of the 15% cap under the SHD arrangements.*
- *Mixed developments combining housing and student accommodation to be classified as an LRD where the threshold is met for **either** element.*

Overlap between SHD and LRD

- The two systems (LRD and SHD) will operate concurrently for a period of time. This means that SHD applications lodged up to **17th December 2021** will be assessed and decided by An Bord Pleanála.
- In addition, any applicant who requested or received an 'Opinion' on an SHD proposal on or up to 17th December from An Bord Pleanála will have 6 months from receipt of the 'Opinion' to lodge a planning application to the Board. Once the final SHD planning applications have worked their way through the system, the LRD arrangements will be the sole planning consent system for large scale housing developments.

Overlap between SHD and LRD

- Galway City Council still had three applications progressing through the SHD Process. These are
- **SHD 19/3** – Letteragh Road – Cairn Homes – Rec Refusal 07-06-2022
- **SHD 20/04** – Bothar Na Coiste - Lock House Developments Ltd – Rec Refusal 03/10/2022
- **SHD 21/1** – Westside Shopping Centre – Westside SC – Rec Ref 07-06-2022

Three Stages for LRD

- **1. Pre-application stage:**
- This involves two steps; firstly, the applicant will be required to seek standard pre-application consultation as currently mandated for developments of this scale under section 247 of the Planning Act.
- The second step entails a **mandatory 8-week** consultation phase with the local authority resulting in the holding of an “LRD meeting” (4 Weeks) and the issuing of an “LRD opinion” (4 Weeks) as to whether the proposals constitute a reasonable basis for submitting a planning application.

Stage 2

- 2. Application stage:
- This stage involves a standard application to the planning authority with a **mandatory 8-week decision** timeframe.
- The initial decision to Grant or Refuse permission for the LRD is taken by the City Council not An Bord Pleanala

Stage 3

- 3. Appeal stage:
- The decision of the planning authority may be appealed to An Bord Pleanála within 4 weeks,
- in which case the Board has a mandatory 16-week decision timeframe.

LRD Applications and the Elected Members

- Following the submission of an LRD application, and in accordance with the new planning legislation, the Planning Authority will
- *Notify the elected members that an LRD application has been lodged and indicate its availability for public inspection.*
- *Provide a link to the applicant's website where the submitted documentation can be viewed.*
- *Inform the elected members of their right to make a written submission to the Planning Authority within the five week period. (Note: There is no fee for elected members who should make their submissions to their dedicated email address*

- In contrast to the current SHD system, there is no mandatory requirement under the legislation to present an application to the elected members at a meeting of the relevant area committee or to record the views of the elected members expressed at the area committee.
- NB - The elected members of their right to make a written submission to the Planning Authority within the five week period.
- (Note: **There is no fee for elected members** who should make their submissions to their dedicated email address

Area Committee

- It will be open to the area committee to request a presentation on a LRD application. However, there must be a limit on the number of applications that can be presented at any one area committee, due to the time and resources involved.
- In accordance with new legislation, an application being presented will be for information purposes only and no formal record of the views of the elected members will be taken or placed on the planning application file.

- Elected members together with members of the public and prescribed bodies will be able to make written submissions on the proposed development to the Planning Authority in the same manner as currently applies in respect of standard Section 34 planning applications submitted to the planning authority.
- (Note: **There is no fee for elected members** who should make their submissions to their dedicated email address)

Further Information

- Unlike the SHD Process the LRD Process allows for Further information under the 2021 Regulations
- *“73A. (1) Subject to sub-article (2), where the Board is in receipt of an LRD appeal it may, by notice in writing, within **16 weeks of receipt of the LRD appeal**, require the applicant— (a) to submit any further information (including any plans, maps or drawings, or any information as to any estate or interest in or right over land), which the Board considers necessary to enable it to deal with the application, or (b) to produce any evidence which the Board may reasonably require to verify any particulars or information given in, or in relation to, the appeal.*

Further information

- (2) Notwithstanding paragraph (a) and (b) of sub-article (1), the Board may only request further information in relation to matters of technical or environmental detail, or both, that were unforeseen at the time of the LRD opinion and the time of lodging the LRD planning application, or new matters raised through the appeal public participation process, and such requests for further information with regard to an application for LRD may only be requested once by the Board.

- *(3) The Board shall not require an LRD applicant who has complied with a requirement under sub-article (1) to submit any further information or evidence.*
- *(4) Where a requirement under sub-article (1) is not complied with within the period of 2 months from the date of the request for further information under sub-article (1), or where the request relates to an environmental impact assessment or appropriate assessment or both, such additional period, not exceeding 6 months, as may be agreed by the Board, the Board shall, as soon as may be, notify the applicant of its decision on the appeal in accordance with article 74.”*