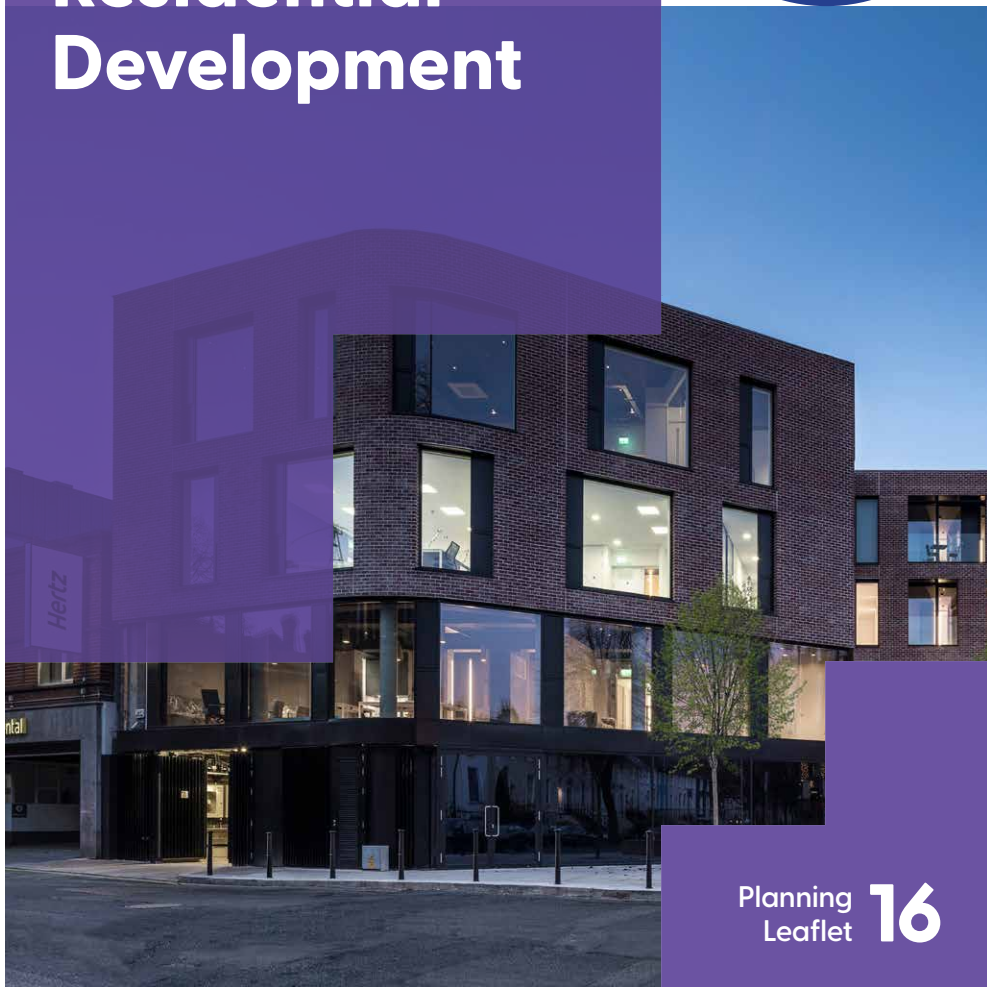


Large-scale Residential Development



Planning Leaflet **16**



Óifig an Rialaitheora Pleanála
Office of the
Planning Regulator



An Roinn Tithíochta,
Rialtais Áitiúil agus Oidhreachta
Department of Housing,
Local Government and Heritage



Large-scale Residential Development

This leaflet explains Large-scale Residential Development (LRD) and the procedures involved in applying for planning permission for this type of development. LRD is a new application process introduced to replace the Strategic Housing Development (SHD) application process.

..... This leaflet is intended as a practical guide. It is not a definitive legal interpretation of planning law. For more information, you should consult with your local planning authority (i.e. city or county council).

1. What is Large-scale Residential Development?

Large-scale Residential Development means:

- (a) the development of 100 or more houses, or
- (b) the development of student accommodation that includes 200 or more bed spaces; or
- (c) a combination of (a) and (b) where the threshold is met for either element and subject to the LRD floor space comprising the houses and/or student accommodation of the buildings being at least 70% of the total LRD floor space. The remaining 30% of the LRD floor space may be attributed to other uses.

LRD can only be applied for on land zoned to facilitate the uses proposed in the application. Lands located within a Strategic Development Zone (SDZ) cannot be included in an LRD planning application.

The application procedures for an LRD planning application differ from a standard planning application. This is addressed in more detail below. For information on standard planning applications please see Planning Leaflet 3 – “A Guide to Planning Permission”.

2. Who can apply for LRD?

Anyone can submit an LRD planning application provided the proposed development meets the criteria set out in Question 1 above and they hold a valid LRD opinion (see Question 13).

3. What is the planning application procedure for LRD?

The planning application process for LRD comprises three stages:

- Stage 1: Pre-application Consultation Stage,
- Stage 2: Planning Application Stage, *and*
- Stage 3: Appeal Stage (where applicable).

These stages are described in more detail below.

4. What is involved in the pre-application consultation?

Prospective applicants must consult with the local planning authority before lodging the LRD planning application.

Pre-application consultations comprise three key stages:

- Section 247 Pre-application Consultation Meeting(s);
- LRD Meeting; *and*
- LRD Opinion.

These pre-application consultations are intended to facilitate discussions about the LRD proposal, the policies and objectives set out in the relevant development plan and/or local area plan and any relevant Section 28 Guidelines. The aim of the pre-application consultation is to minimise the need for the planning authority to request further information in respect of the development proposal at the subsequent planning application stage and to highlight issues associated with the proposal prior to lodgement of the LRD planning application.

Successful pre-application consultations will result in a well-informed development proposal that can be brought to Stage 2: The Planning Application Stage.

5. Do I need a Section 247 pre-application consultation meeting?

Yes, prospective applicants for LRD must engage in pre-application consultation with the relevant local planning authority. This consultation is provided for under Section 247 of the Planning and Development Act 2000, as amended. Every local authority office and website provides details of how to access this service and the terms and conditions which apply. In some cases several pre-application consultation meetings may be required depending on the complexity of the proposal.

There is an exception to this requirement where permission is being sought to amend part of a previously permitted LRD development. The planning authority may determine that no consultation is required under Section 247. In order for the planning authority to make such a determination under section 247(7) they must be satisfied that the proposed development is substantially the same as the permitted development meaning the proposed alterations do not require the consultation process to be repeated. If these requirements have been satisfied the planning authority provides confirmation in writing to the prospective applicant that they may proceed to make the LRD planning application.



6. How long does it take for a Section 247 meeting?

The planning authority has four weeks from the date of receipt of the request to facilitate a meeting unless the prospective applicant requests that the period be extended by a specified period. This timeframe may be further extended in certain circumstances where requested by the applicant.

In the event that the planning authority is unable to hold a pre-application consultation meeting within the time limits specified under Section 247 then the applicant may proceed to the next stage of the LRD planning application process (i.e. the LRD meeting request stage – see Question 7 below) after the expiration of the specified period.

7. When can I submit the LRD meeting request and how long does it take?

Following the pre-application consultation meeting, as described in Question 6 above, applicants may request an LRD meeting with the planning authority.

The planning authority has four weeks to facilitate an LRD meeting from the date the request is received. If the planning authority fails to facilitate a meeting within four weeks, the planning authority shall, as soon as practicable, facilitate a meeting and provide a written explanation to the applicant as to why the meeting could not take place within the specified four week period.

8. Do I need to pay for an LRD meeting?

Yes. A standard fee of €1,500 must be paid for an LRD meeting. The fee must be submitted to the planning authority with the LRD meeting request.

9. What do I need to submit with the LRD meeting request?

LRD meeting requests must be made in writing to the planning authority and must be accompanied by all of the relevant documentation included in Section 32B of the Planning and Development Act 2000, as amended and Article 16A of the Planning and Development Regulations 2001 as amended. This includes, but is not limited to, the following:

1. The appropriate request form and fee (see Question 8 above for details of the fee);
2. A letter of consent, if the applicant is not the owner of the site;
3. The name and address of the prospective LRD applicant;
4. A site location map which should be sufficient to identify the land on which the proposed LRD development would be situated;
5. A brief description of the nature and purpose of the proposed development and its possible effects on the environment;
6. A draft layout plan of the proposed development;

7. A brief description of any proposed water service infrastructure including confirmation from Uisce Éireann of capacity to facilitate the development;
8. Details of any consultations that have taken place with prescribed bodies or members of the public;
9. Other information including drawings or representations of the development that the applicant wishes to provide;
10. A statement setting out how the proposed LRD development has had regard to the relevant objectives of the development plan and local area plan (if applicable) where the proposed LRD development would be situated;
11. A brief description of the proposed numbers and types of houses or numbers of student accommodation units and bed spaces, or both, as appropriate, and their design, including proposed gross floor spaces, internal floor areas and principle dimensions, housing density, plot ratio, site coverage, building heights, proposed layout and aspect;
12. A brief description of proposed public and private open space provision, landscaping, play facilities, pedestrian permeability, vehicular access and parking provision, where relevant;
13. A brief description of the proposed provision of ancillary services, where required, including child care facilities;
14. Where relevant, any other proposed use in the development, the zoning of which facilitates such use, including the proposed gross floor space for each such use;
15. A brief description of any proposals to address or, where relevant, integrate the proposed development with surrounding land uses;
16. A description of the capacity of existing or planned infrastructure to serve the proposed development, of the impact of the proposed development on existing/ planned infrastructure and of any proposals to provide for other services infrastructure (including cabling such as broadband provision) and any phasing proposals;
17. A brief description of proposals under Part V of the Planning and Development Act 2000, as amended, where relevant;
18. Details of protected structures, national monuments or other monuments included in the Record of Monuments and Places, where relevant;
19. Details of traffic and transport assessment, where relevant, and of traffic, cycle and pedestrian safety;
20. Details relating to residential amenity including the assessment of sunlight, daylight, shadow, overlooking and overbearance, where relevant; for existing properties and proposed residential units;
21. Flood risk, risk of major accident and ecological impacts; *and*
22. Such further information as may be prescribed.

The applicant should ensure that sufficient detail is provided in the documents submitted with the LRD meeting request to assist the planning authority in forming their opinion as to whether the documents submitted constitute a reasonable basis for making an LRD planning application.

10. Who attends the LRD meeting?

The prospective LRD applicant, or one or more persons acting on the applicant's behalf, or both, and representatives from the planning authority should attend the LRD meeting. Attendees should have a sufficient level of relevant knowledge and expertise to discuss the proposal. A written record of the meeting must be kept by the planning authority including a copy of the request for the meeting and the accompanying documents and the names of the attendees. This record will be kept on file and made

available to view once the planning application is made.

11. Do I need an LRD meeting if I am seeking an amendment to a previously permitted LRD or SHD?

Where an LRD proposal seeks to amend or modify previously permitted LRD, or SHD, the planning authority may, on receipt of a Section 247(1A)(a) consultation request, make a determination under Section 247(7) of the Planning and Development Act 2000, as amended, that pre-application consultations, including the LRD meeting, are not required in respect of the proposed development. This is only in circumstances where the proposal is substantially the same as the previously permitted development and, as such, the planning authority is satisfied that the alterations do not require the pre-application consultation process to be repeated.



This determination is valid for six months from the date of receipt from the planning authority and allows the applicant to progress to Stage 2: The Planning Application Stage. The LRD planning application must be submitted within the six month period to be valid. Otherwise, the applicant would need to re-commence the pre-application consultation process again.

12. What happens after the LRD meeting?

Within four weeks beginning on the date on which the LRD meeting takes place, the planning authority shall provide an opinion, known as the 'LRD Opinion', to the prospective LRD applicant, as to whether or not the documents submitted for the purposes of the meeting constitute a reasonable basis for making an application for permission for the proposed LRD.

Where the planning authority fails to provide an opinion within four weeks, the planning authority shall as soon as practicable issue the opinion and provide a written explanation to the applicant as to why the opinion was not provided within the specified four week period.

13. What is an 'LRD Opinion' and why is it needed?

An 'LRD Opinion' is a determination by the planning authority as to whether or not the information submitted as part of the LRD meeting request forms a reasonable basis for an LRD planning application to be made.

An opinion can either state that the documents submitted constitute a reasonable basis for an application, or that the documents submitted for the purposes of the meeting do not constitute a reasonable basis to make an application for permission for the proposed LRD. An LRD opinion is required in order to progress to Stage 2: The Planning Application Stage.

Where it is determined that the documents submitted do not form a reasonable basis to make an application, the planning authority shall specify in their opinion the areas, or the issues, in respect of which the documents submitted do not constitute a reasonable basis to make an application, and whether these documents or any other issues, if appropriately addressed, could result in the documents becoming a reasonable basis on which to make the application.

Receiving an opinion that the documents submitted do not form a reasonable basis to make an LRD planning application, does not preclude an applicant from submitting an LRD planning application. If an applicant decides to proceed with an LRD planning application, a statement of response to the issues set out in the LRD opinion must be included with the supporting planning application documentation.

14. When can I submit a Stage 2: LRD Planning Application?

An LRD planning application should be made within six months of receipt of the LRD opinion, or a Section 247(7) determination for amendment applications (See Question 5

above). Otherwise, the applicant would need to commence the pre-application process again.

15. What is required in an LRD planning application?

Applicants are advised to ensure LRD planning application documentation, including any Environmental Impact Assessment Report or Natura Impact Statement or both of those statements, if such is required, is in compliance with the Planning and Development Regulations 2001, as amended, and consult with their local planning authority for any other specific requirements.

A planning authority may, as part of the LRD opinion, notify the prospective LRD applicant that additional information should be submitted with the LRD planning application including photographs, plans, maps, drawings, assessments or other material or particulars which the planning authority considers appropriate.

16. How much does it cost to make an LRD planning application?

You must pay a fee with the planning application and it must accompany the LRD planning application or it will be invalid. The amount depends on the type and scale of development proposed. The maximum fee payable to a planning authority by an applicant in respect of an LRD planning application is €80,000. Full details of fees are listed in the explanatory notes accompanying the application form. Please consult with your local planning authority for more information. In addition to the fee you pay at the time of application, it may be a condition of any grant of planning permission that you also pay a development contribution to the planning authority. This contributes to the cost of public infrastructure and facilities (e.g. roads, surface water drainage, recreational and community facilities, etc.) which facilitate your development. Development contributions differ from place to place and for different types of development.



They are separate from any fees you may pay for connections to services such as water and sewerage. You can ask your planning authority for details.

17. Can members of the public make submissions on LRD planning applications?

Yes, similar to standard planning applications, members of the public have five weeks to make a submission on an LRD planning application.

An LRD applicant must publish a newspaper notice informing the public of the application and must erect a site notice at the proposed development site. Once these notices are in place, the applicant has 14 days to submit the LRD planning application. If the application is made outside the 14 days, the LRD planning application will be declared invalid and returned to the applicant.

The planning application must be made available to view by members of the public in the local planning authority offices and on a dedicated website set up by the applicant. The website address must be included in the newspaper notice and site notice.

18. How is the LRD planning application assessed?

In making its decision, the planning authority takes a number of matters into consideration including:

- the proper planning and sustainable development of the area;
- what the relevant development plan or local area plan sets out for the area in question;
- any relevant Government, regional or strategic policy considerations that might apply;



- any guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000, as amended;
- the provision of a Special Amenity Area Order relating to the area;
- types of conditions that can be attached;
- whether the development might affect any areas designated by Government as Special Areas of Conservation and/or Special Protection Areas that are protected under EU law; *and*
- submissions and observations made by members of the public or prescribed bodies on the application.

It is important to note that a planning authority does not consider non-planning issues e.g. questions more properly resolved through other legal means (such as boundary disputes, etc.).

19. What is the time limit to make a decision?

The planning authority has eight weeks to make a decision on the LRD planning application from the date on which the application was lodged.

20. How will I be notified of a decision?

All involved in the LRD planning application process (e.g. the applicant or anyone who made a submission) are notified of the decision. The decision is also published on the planning authority's website within three working days of the date of decision.

21. Can further information be requested?

Yes. In limited circumstances, within eight weeks of receiving the LRD planning application, the planning authority can request further information in relation to matters of a technical or environmental nature, or both, that were unforeseen at the time of the LRD opinion being issued and the LRD planning application being lodged, or in respect of any new matter(s) raised during the public participation period. Further information can only be requested once.

22. How long do I have to respond to further information?

The applicant has to respond to the further information request within two months from the date of the request or where the request relates to an Environmental Impact Assessment (EIA) or Appropriate Assessment (AA), or both, an additional period, not exceeding six months, as may be agreed by the planning authority. The LRD planning application shall be declared to be withdrawn if a response is not received within the initial two-month period or the subsequent agreed period.

23. What happens following lodgement of a further information response?

Following receipt of further information, the planning authority has four weeks to make a decision or eight weeks where there is an EIA report or a Natura Impact Statement (NIS).

24. Can the decision be appealed?

Yes. The decision of the planning authority can be appealed to An Bord Pleanála within four weeks of the date of decision. The applicant or any third party who made a submission or observation on the planning application and has paid the appropriate fee may appeal either the decision or any conditions attached to the decision. See Planning Leaflet 5 - “A Guide to Making a Planning Appeal” for more information.

25. What is the timeframe for deciding an appeal?

An appeal shall be decided by An Bord Pleanála within 16 weeks of the appeal being lodged. The Board, in limited circumstances, may request further information on the appeal. Where further information is requested, the Board shall make a decision within four weeks (eight weeks if EIA or NIS or both are involved) of receipt of further information from the applicant. If the further information is considered to contain significant additional data, the Board, within four weeks of receipt of the further information, must give notice to all parties to the appeal that significant additional data has been received. The Board must make its decision on the appeal within four weeks (or eight weeks if EIA or NIS or both are involved) beginning on the day the notice is given.

The Board may require the applicant to submit an Environmental Impact Assessment Report (EIAR) and/or a Natura Impact Statement (NIS) where either one or both are not accompanying the LRD appeal documentation. The Board must make its decision on the appeal within eight weeks beginning on the day the EIAR and/or NIS, as the case may be, and copy of the relevant public notices are received by the Board. The Board may request further information in relation to the EIAR or NIS. Where further information is requested, the Board shall make a decision within eight weeks in relation to further information relating to the EIAR or make a decision within four weeks in the case of further information relating to the NIS being received. If the further information is considered to contain significant additional data, the Board must give notice to all parties to the appeal that significant additional data has been received. The Board then must make its decision on the appeal within eight weeks if EIAR related or four weeks if NIS related beginning on the day the notice is given.

26. Can an oral hearing be held?

The Board may at its discretion, decide to hold an oral hearing for a planning appeal. A request for an oral hearing of an appeal can be made in writing, accompanied by the appropriate fee (€50) by any party to an appeal, the applicant or any person who made a submission/observation on the appeal.

If an oral hearing is held, the Board shall make a decision on the LRD appeal within 24 weeks beginning on the day the LRD appeal was lodged with the Board.

27. What if a decision is not made within the specified period?

The Board shall inform all parties to the appeal the reasons why it would not be possible to determine the appeal within the appropriate period and shall specify the date by which it intends to determine the appeal. In addition, where the Board fails to determine the appeal within the appropriate period, a penalty of €10,000, payable to the applicant, will apply.

28. How long does the planning permission last?

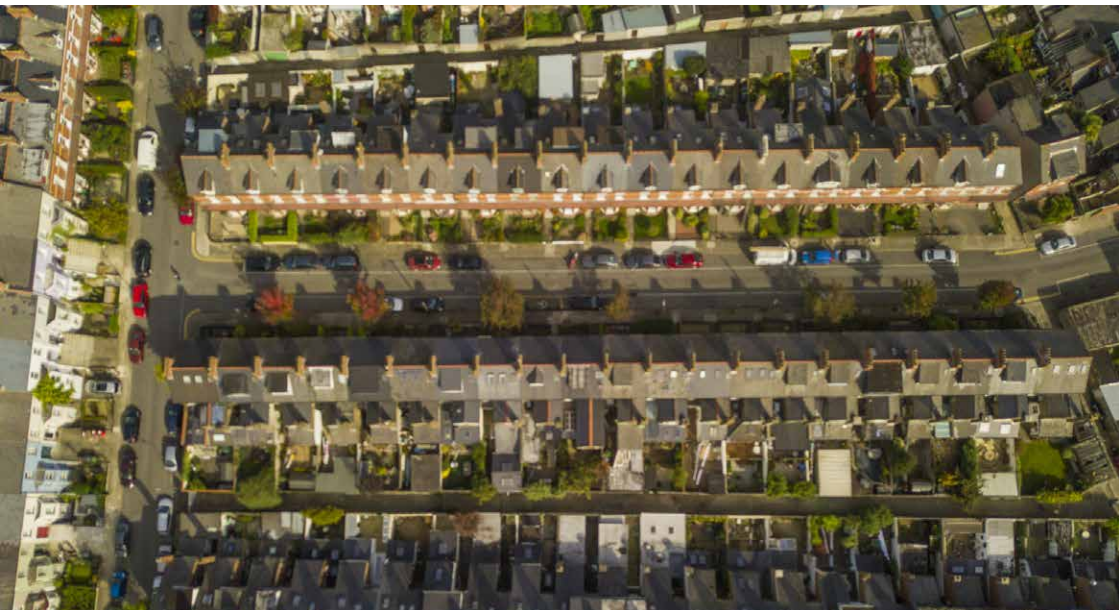
The standard duration of a planning permission is five years from the date the permission is granted unless otherwise specified.

29. Where can I get further information?

Further information is available from your local planning authority.

The law governing the planning system is set out in the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended.

You can purchase these from the Government Publications Office by phoning the call centre on 046 9423100 or at publications@opw.ie or download them for free from the Department of Housing, Local Government and Heritage's website www.gov.ie/housing. Legislation is also available to view and download from www.irishstatutebook.ie.



Office of the Planning Regulator

Fourth Floor (West Wing)

Park House

Grangegorman

191-193A North Circular Road

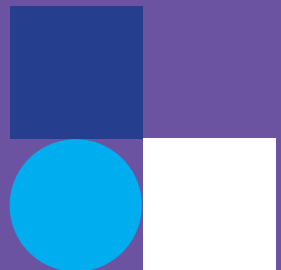
Dublin 7

D07 EWW4

opr.ie

info@opr.ie

01 854 6700



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