**Sinn Féin Submission to the Review of the planning provisions regarding Strategic Housing Developments**

**25th July 2019**

**Eoin Ó Broin TD- Sinn Féin spokesperson on Housing, Planning and Local Government**

In December 2016 when these planning changes were being debated in the Dáil Sinn Fein raised concerns about fast tracking housing applications, of 100 units or more, to An Bord Pleanála.

The primary concern was that this change to the legislation bypassed the local authority planning system and weakened the county development plan.

Sinn Féin also highlighted how third-party opinions are an important part of our planning process.

The justification at the time for this legislation was because a 48-week turnaround time for planning decisions was deemed to be a problem in 15 or so cases cited by the Department. (Appendix 1)

During the passage of the Bill Sinn Féin inquired if consideration was given to rethinking the statutory framework for pre-planning, for shortening the time for additional information to be supplied by applicants, once they have applied, and for shortening the timeframe, and if necessary increasing the resources to An Bord Pleanála to tighten its timeframe.

Sinn Féin is of the view that if the Minister had taken those steps, he could come up with a 25 week turnaround framework, without taking the power away from local authorities to make the primary planning decision.

No comprehensive response was forthcoming from the Minister at the time.

At the time Sinn Féin made sensible proposals to deal with these concerns which include:

1. Defining a statutory time frame for pre-planning **(9 weeks)**

2. Defining a statutory time frame for additional information requests (**4 weeks)**

3. Shortening the statutory time frame for ABP appeals with no extensions **(10 weeks)**

4. There should be a use it or lose it condition on SHD planning permissions on the basis that works must commence within 6 months. The option of applying to extend the planning permission would be removed.

**Defining a statutory time frame for pre-planning**

According to the data on the 2016 decided planning cases for 100 plus units we received during Committee stage of the Planning and Development (Housing) and Residential Tenancies Bill 2016 the average time of the pre-planning stage in 15 applications was 33 weeks, the average time for the planning stage was 29 weeks and then it was 19 weeks with An Bord Pleanála.

The longest stage is, therefore, is pre-planning and that is because there is not a tight enough statutory framework within which that stage of the process should take place.

For all planning there should be statutory pre planning time limit of 9 weeks. This is the pre-application consultation period for Strategic Housing Developments.

**Defining a statutory timeframe for additional information requests**

Based on the data referenced in the previous section it takes an average of 29 weeks for the local authority to make the decision in those 15 cases, and about half of that time has been as a direct result of the length of time it has taken the applicant to come back with the additional information requested.

If that average ten weeks response time to requests for additional information is removed, it brings it down to 19 weeks, which is the same time as a decision from An Bord Pleanála.

Based on evidence heard from An Bord Pleanala at a committee hearing on the 6th of February this year, the Board stated that it took about a month for parties to come back with further information required for the application to proceed in terms of Strategic Housing Developments.

**Shortening the statutory time frame for ABP appeals with no extensions**

Based on the data referenced in the previous section it takes on average 18.21 weeks for an appeal decision from An Bord Pleanála, which is close to statutory objective of deciding or disposing of appeals within 18 weeks.

Under SHD there is no appeals process.

Shortening the statutory timeframe for ABP appeals to 10 weeks still allows for an appeals process to be facilitated which is not the case with the current Strategic Housing Development legislation.

**Other recommendation**

An Bord Pleanala should make available to the public on its website all of the documentation involved in every strategic housing development application.

 **Conclusion**

In short, Sinn Féin believe that changes could have been made to planning law in 2016 that would have delivered quicker turnaround times without bypassing local democratic structures and without getting rid of the appeals process.

By defining a statutory timeframe for pre-planning and for additional information requests and by shortening the statutory timeframe for ABP appeals the same aims could be achieved.