

The Planning and Development Bill 2009

Key Features of the Bill

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Key Features

1. Written Statement Development Plan
2. Planning Hierarchy compliance
3. Procedures of Development Plan and Local Area Plan preparation
4. Miscellaneous
 - Majority of Council requirement
 - Extension of five year duration
 - Quorum An Bord Pleanála

1 - Written Statement Development Plan (Section 5)

- Introduction of Core Strategy
- Core strategy must show:
 - Consistency with higher levels (RPG, NSS)
 - Take account of national and regional population targets
 - Figures on zoned lands and dwelling units
 - Demonstrate compliance with planning guidelines
 - Set out urban settlement hierarchy
 - Include ‘diagrammatic map’

Development Plans (section 5)

- Change of Section 10 of Principal Act
- (1) A development plan shall set out an overall strategy for the proper planning and sustainable development of the area of the development plan and shall consist of a written statement and a plan or plans indicating the development objectives for the area in question.
- (1A) The written statement referred to in subsection (1) shall set out a core strategy that shall show that the development objectives in the development plan are consistent, as far as practicable, with national and regional development objectives set out in the National Spatial Strategy and regional planning guidelines

Urban Settlement Hierarchy (section 5)

- Change of Section 10 of Principal Act
- Without prejudice to the generality of subsection (1A), a core strategy shall in respect of the area of the development plan of a county council, set out an urban settlement hierarchy and provide details of
- County development plan must show:
 - Gateway or Hub status in NSS
 - National or regional population targets
 - Projected population growth
 - Reference to local, regional, national roads
 - Rail routes
- Also:
 - population targets for towns not included
 - Policies for rural areas not included

2 - Planning Hierarchy compliance

- Obligations National level
- Obligations Regional level
- Obligations Local level

Level	Plan
N	National Spatial Strategy
R	Regional Planning Guidelines
L	Development Plan
L	Local Area Plan

Obligations Local Level

- *Core strategy* in development plan must address consistency with higher level plans (section 5)
- *Manager's report* must address comments from national or regional levels (Section 7)
- Consistency with *Regional Planning Guidelines* (Section 13)
- Consistency with *National Guidelines* (Section 28)

Core strategy in development plan

- Change of Section 10 of Principal Act
- A development plan shall set out an overall strategy for the proper planning and sustainable development of the area of the development plan and shall consist of a written statement and a plan or plans indicating the development objectives for the area in question.
- The written statement referred to in subsection (1) shall set out a core strategy that shall show that the development objectives in the development plan are consistent, as far as practicable, with national and regional development objectives set out in the National Spatial Strategy and regional planning guidelines

Manager's report

- Change of Section 11 of Principal Act
- Not later than 22 weeks after giving notice under subsection (1) and, if appropriate, subsection (3), the manager of a planning authority shall prepare a report on any submissions or observations received under subsection (2) or (3) and submit the report to the members of the authority for their consideration.
- A report under paragraph (a) shall summarise the issues raised and recommendations made by the relevant regional authority in its written submission prepared in accordance with section 27B (inserted by section 15 of the Act of 2009) and outline the recommendations of the manager in relation to the manner in which those issues and recommendations should be addressed in the development plan.

Consistency with RPGs (section 13)

- Change of Section 27.1 of Principal Act
- A planning authority shall have regard to any regional planning guidelines in force for its area when making and adopting a development plan.
- A planning authority shall ensure, when making a development plan, that the plan is consistent with any regional planning guidelines in force for its area.

Ministerial Guidelines (section 17)

- Change of Section 28.1 of Principal Act
- 28. —(1) The Minister may, at any time, issue guidelines to planning authorities regarding any of their functions under this Act and planning authorities shall have regard to those guidelines in the performance of their functions.
- a planning authority in having regard to the guidelines issued by the Minister under that subsection, shall—
- (a) consider the policies and objectives of the Minister contained in the guidelines when preparing and making the draft development plan and the development plan, and
- (b) append a statement to the draft development plan

Obligations Regional Authority

- RPGs must respect *population targets* in NSS (as updated) (sections 12-14)
- Regional Authority must prepare a report on a draft development plan (section 14)

Population Targets (section 12)

- Change of Section 23.2 of Principal Act
- The guidelines shall address, for the whole of the region to which the guidelines relate, in accordance with the principles of proper planning and sustainable development, the following matters—
- (a) projected population trends and settlement and housing strategies
- (a) any policies of the Minister, or any policies contained in the National Spatial Strategy in relation to national and regional population targets

Report on a Development Plan (section 14)

- Change of Section 27 of Principal Act by adding
- Regional authority must make a report when a development plan is being prepared:
- ...*submissions or observations made by a regional authority under section 11(2) shall contain a report on matters that, in the opinion of the regional authority, require consideration by the planning authority concerned in making the development plan...*

Obligations National Level

- Ministerial Direction (section 31)
- Independent Inspector
- Direction can apply to Local Area Plan

Obligations National Level (section 18)

- Change of Section 31 of Principal Act
- Where the Minister considers that any draft development plan fails to set out an overall strategy for the proper planning and sustainable development of the area of a planning authority or otherwise significantly fails to comply with this Act, the Minister may, for stated reasons, direct the authority to take such specified measures as he or she may require to ensure that the development plan, when made, is in compliance with this Act and, notwithstanding the requirements of Chapter I, the authority shall comply with any such direction.

Independent Inspector

- Change of Section 31 of Principal Act
- The inspector appointed under subsection (11)(b) shall be a person who, in the opinion of the Minister, has satisfactory experience and competence to perform the functions required of him or her pursuant to this section and shall be independent in the performance of his or her functions.

3 - Procedures of Development Plan (Section 6)

- Restrictions on pre-draft submissions
- Restrictions on changes to plan in final stage

Making of a Development Plan (sections 6 and 7)

- Pre-draft submissions shall not relate to a request or proposal for the zoning of specific lands for any purpose
- Councillors shall not make further modifications to amendments in the draft development plan where it refers either to an increase in the area of land zoned for any purpose or an addition to or deletion from the record of protected structures

Development Plan

Public	Manager	Council
Pre-draft submissions	Manager's Report	Direction
Submissions on Draft	Manager's Report	Amended Draft Plan
Submissions on Amended Draft	Manager's Report	Modifications to Amended Draft Plan

Development Plan

Public	Manager	Council
Pre-draft submissions Must not include zoning proposals	Manager's Report Must exclude reference to zoning submissions	Direction
Submissions on Draft	Manager's Report	Amended Draft Plan
Submissions on Amended Draft	Manager's Report	Modifications to Amended Draft Plan Cannot increase zoning or add/delete protected structures

3 Procedures of Local Area Plan (Sections 10-11)

- No major modifications to the amendments of a draft Local Area Plan

Local Area Plan

Public	Manager	Council
Pre-draft submissions	Draft Local Area Plan	Draft Local Area Plan
Submissions on Draft	Manager's Report	Variation or Modification of Draft Plan
Submissions on Variation/ Modification of Draft Plan	Manager's Report	Modifications to Amended Draft Plan Cannot increase zoning or add/delete protected structures

Section 9: Local Area Plans

- Mandatory threshold from 2000 to 5000 population
- Increase in life span from 6 to 10 years
- LAP must be changed when development plan is changed
- Provision for phasing

4 - Miscellaneous

- Majority of Council requirement
- Extension of five year duration
- Quorum An Bord Pleanála

Majority of Council Requirement

- Change of Sections 12, 13 and 34 of Principal Act
- Majority of council (2/3 of total council)
- It shall be necessary for the passing of the resolution referred to in paragraph (a) that it is passed by a vote of not less than two-thirds of the members of the planning authority and the requirements of this paragraph are in addition to, and not in substitution for, any other requirements applying in relation to such a resolution.

Extension of Five Year Duration (Section 23)

- Change of Section 42 of Principal Act
- Extension of five year period of planning permission where:
- the authority is satisfied that there were considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially mitigated against either the commencement of development or the carrying out of substantial works pursuant to the planning permission

Quorum An Bord Pleanála (Section 28)

- Change of Section 108 of Principal Act
- reduction in the quorum for ABP meetings from 3 to 2 members to increase throughput
- The Board may determine by resolution, if so requested by the chairperson (or the deputy chairperson if the chairperson is not available or where the office of chairperson is vacant) where he or she is of the opinion that it is necessary to ensure the efficient discharge of the business of the Board, that the quorum for a meeting of the Board, or, notwithstanding section 112(2), a division 20 of the Board referred to in section 112, should be 2.

Conclusions

- Strong top down control of settlement strategy
- New elements in Development Plan written statement
- Significant reduction in public participation of landowners
- More significant procedure of Ministerial Direction
- No proposals in 'bottom up' direction

