



To: Chief Executives, City and County Councils,  
Directors of Planning Services, City and County Councils,  
An Bord Pleanála,

CC: Senior Planners, City and County Councils  
Directors of Housing Services, City and County Councils

Circular letter PL 3/2017

23 June 2017

**Re: Planning and Development (Housing) and Residential Tenancies Act 2016,  
Planning and Development (Strategic Housing Development) Regulations 2017 and Related  
Commencement Order**

I am directed by Mr Eoghan Murphy, T.D., Minister for Housing, Planning, Community and Local Government to advise of the commencement of certain planning related provisions of the Planning and Development (Housing) and Residential Tenancies Act 2016, which was signed into law by the President on 23 December 2016.

The Planning and Development (Housing) and Residential Tenancies Act 2016 (Commencement of Certain Provisions) (No. 3) Order 2017 has been signed with an effective date of **3 July 2017**. The associated and supporting Planning and Development (Strategic Housing Development) Regulations 2017, (S.I. 271 of 2017), have also been signed and come into operation on the same date.

A copy of the Act, Commencement Order and Regulations are enclosed for information.

**Planning and Development (Housing) and Residential Tenancies Act 2016 (the 2016 Act)**

The main purpose of the Planning and Development (Housing) and Residential Tenancies Act 2016 (the 2016 Act) is to give effect to a number of priority legislative measures in *Rebuilding Ireland* aimed at enhancing housing supply and the functioning of the private rented sector, including:

- introducing temporary streamlined planning procedures to allow direct application to An Bord Pleanála in respect of large scale residential developments (100+ units) and large scale student accommodation developments (200+ bed spaces) – known as ‘strategic housing developments’ (Chapter 1 of Part 2 – sections 3 to 25);

- introduction of maximum time limits for the approval process of local authority own development proposals, including social housing and infrastructure servicing both public and private development (Chapter 3 of Part 2 – section 29);
- amending the law in relation to extensions of the duration of certain planning permissions and providing for second extensions of duration for housing developments of 20+ units, subject to certain criteria (Chapter 3 of Part 2 – section 28);
- amending legislation to enhance the functioning of the private rented sector, including tenant protection issues (Part 3 – sections 30 to 50 - and Schedules); and
- providing for the amendment of the Housing Finance Agency (HFA) Act 1981 to provide that the HFA may lend finance to Institutes of Higher Education for the provision of student accommodation and to the Housing Agency for the purchase of vacant properties (Part 4 – section 51).

A number of the planning and non-planning provisions of the 2016 Act have already been commenced, including the fee order relating to the fees to be applied by An Bord Pleanála in respect of planning applications for strategic housing developments. The planning application fees paid by developers to An Bord Pleanála in respect of Strategic Housing Development proposals will generally be shared between the Board and the relevant planning authority having regard to their respective inputs to the determination process. A copy of An Bord Pleanála's SHD fee schedule is available at: <http://www.pleanala.ie/about/Fees/SHDFeesNotice.pdf>.

### **Planning and Development (Housing) and Residential Tenancies Act 2016 (Commencement of Certain Provisions) (No. 3) Order 2017**

As indicated above, this Commencement Order has now been signed by the Minister, with an effective date of 3 July 2017, and brings the relevant sections 3 to 25 of Chapter 1, Part 2 of the 2016 Act, relating to **strategic housing developments**. The Order also commences the following provisions:

- Section 29 of the 2016 Act, which streamlines the Part 8 approval process for local authority own development proposals, including social housing projects and infrastructure servicing both public and private developments
- Part 4 (section 51) of the 2016 Act, which amends the Housing Finance Agency Act 1981 to empower the Agency to lend funds to Institutes of Higher Education for the provision or management of student accommodation, including the acquisition of land for this purpose. It also empowers the HFA to lend funds to the Housing Agency, subject to the approval of the Ministers for Housing, Planning, Community and Local Government and Public Expenditure and Reform.

### **Planning and Development (Strategic Housing Development) Regulations 2017 (2017 SHD Regulations)**

As mentioned, Part 2 of the 2016 Act, introduces temporary streamlined planning arrangements, whereby planning applications for large-scale housing developments for 100+ units, and student

accommodation developments for 200+ bed spaces, will be made directly to An Bord Pleanála and determined within a specified timeframe.

This temporary Strategic Housing Development process specifically relates to land that has been zoned for residential use or for a mixture of residential and other uses.

The Regulations supplement the strategic housing development provisions in the 2016 Act and prescribe the detailed procedural and administrative matters relating to proposed strategic housing developments (SHD). They set out requirements for prospective applicants, planning authorities, the Board and prescribed authorities and include the prescribed form for pre-application stage, site and newspaper notices and the form at application stage. The Regulations come into operation on **3 July 2017**.

See **Appendix 1** for a brief summary of the provisions in the Regulations.

### **Strategic Housing Development (SHD) – An Overview**

The new SHD arrangements will become operational on Monday, 3 July 2017 and will apply for the period up to 31 December 2019, at which time the period may be extended to 31 December 2021, subject to a review process.

While planning applications for such large-scale developments will only be capable of being made to the Board, there will still be a key role for the relevant local authority in the determination process i.e. in assisting in pre-application consultations, including attendance at meetings with the Board and the developer/housing provider, as well as submitting reports to the Board regarding proposed developments.

Developers/housing providers will in the first instance be required to hold initial informal consultations with the relevant local authority in relation to a proposed development under section 247.

Further to such initial consultations and the receipt of a request and specified supporting documentation from a developer/housing provider to commence formal pre-application consultations with the Board, the Board shall complete such formal pre-application consultations within a maximum period of 9 weeks.

Further to the pre-application consultations and the receipt of a planning application in respect of a proposed development, the Board will be required to make a final determination in respect of a planning application for a strategic housing development within a maximum period of 16 weeks of the receipt of such application (except in essential circumstances where an oral hearing is required).

A detailed overview of the streamlined approval process, including timelines, for SHD is set out in **Appendix 2**.

## **What is Strategic Housing Development?**

Applications for housing development which is defined as “strategic housing development” (SHD) in the Act and meet the restrictions in relation to ‘other uses’, including qualifying residential development that forms part of a larger development scheme but is capable of being carried out on its own, will be made to the Board.

Section 3 of the 2016 Act defines SHD as relating to the development of 100 or more housing units, or student accommodation of 200 bedspaces, or more, which may include other uses. However, the other uses shall not consist of more than 15% of the gross floor space of the entire development proposal with the gross floor space for such other uses in any development not exceeding 15sq m per housing unit or 7.5sq m per bedspace, subject to a maximum of 4,500 sq m gross floor space for such other uses in any development.

### **Restriction on Non Residential /Other Uses**

Therefore, according to the definition provided in the 2016 Act, proposals for large housing development projects which are above the residential development or student accommodation threshold, and which may consist of other non-residential uses within the specified parameters, qualify as strategic housing development and the new SHD arrangements for direct applications to the Board will apply to these projects.

However, where a large housing development proposal consists of other non-residential uses which exceed the parameters, the residential element of the project can be progressed separately under the SHD arrangements, as part of the phasing of a development, with the non-residential element being progressed as a separate planning application made directly to the local planning authority in the normal way. Where this is not possible, for example in circumstances where the residential and non-residential elements are inextricably linked by way of being within the same structure or building, and the other non-residential uses threshold is exceeded, the application for permission for the entire project should be made directly to the local authority in the normal way.

### **Strategic Infrastructure Development and Strategic Housing Development**

Section 13 of the 2016 Act amends a number of definitions in section 2 the Act of 2000, with reference to strategic housing development (SHD). In this regard, the definition of “strategic infrastructure development” (SID) has been amended to include a proposed development under section 4 of the 2016 Act (i.e. an application for SHD), for the period during which the new SHD arrangements apply – initially until 31 December 2019. As such, SHD is a subset or type of SID. Therefore, the ancillary provisions in the Act of 2000 relating to SID broadly apply to SHD, in addition to any specific SHD requirement under the 2016 Act or the associated 2017 SHD Regulations.

### **Section 247 Meeting with the Local Authorities**

Section 247 of the Act of 2000 provides for pre-planning application consultations with a planning authority regarding a proposed development, at the request of a developer. Section 5(2) of the 2016

Act provides that, before a prospective applicant seeks a pre-application consultation with the Board in respect of a SHD proposal, it is mandatory that a pre-application consultation with the planning authority be undertaken under section 247 of the 2000 Act.

In this regard, Section 5(2) requires that the section 247 consultation for SHD purposes must constitute at least one meeting and must have regard to the requirements on social housing under Part V of the Act of 2000 as relevant to the proposed strategic housing development. Section 5(3) of the 2016 Act sets a 4-week time-limit for the carrying out of these consultations and provides for an extension of that period in specified circumstances.

Section 5(4) provides that failure to comply with the subsection (3) time-limit shall not prevent the Board from proceeding under section 5 to deal with the application for a request concerned.

It is not open to An Bord Pleanála to request Further Information from the applicant when an SHD application is formerly lodged to the Board. This approach introduces greater certainty in application determination timelines. However, it will also place significant responsibility on the prospective applicant and the planning authority to address as many, if not all, of the likely issues as possible within the section 247 consultation process before initiating the pre-application process with the Board.

In situations where, at the time of the issue of this Circular Letter, and prior to the commencement of the SHD provisions, a section 247 consultation has already taken place between a prospective applicant and a planning authority and the holding of the consultation conforms with the requirements of the 2016 Act in this respect, then a further section 247 consultation will not be required.

### **Irish Water - Early engagement**

In addition, as part of the initial section 247 consultation process, it is essential that a prospective applicant should be able to confirm to the relevant planning authority that they have had early engagement with Irish Water in relation to the proposed housing development. In the case where it is proposed to connect the development to a public water or wastewater network or both, the prospective applicant will need to demonstrate that Irish Water has confirmed that it is feasible to provide the appropriate service or services and that the relevant network or networks have the capacity to service the proposed development.

### **Section 247 Consultation Fees**

It should be noted that the Department intends to provide by way of an amendment in the Planning and Development (Amendment) Bill 2016, which is currently progressing through the Oireachtas, for the application by planning authorities of a fee for the holding of certain section 247 pre application consultation meetings. Further information will be provided in this regard in due course.

### **Environmental Impact Assessment Directive 2014**

Planning authorities are reminded of the recently issued Circular letter PL 1/2017 dated 15 May 2017 on the implementation of Directive 2014/52/EU on the effects of certain public and private projects on the

environment (EIA Directive) which is also available to view on the Department's website ([www.housing.gov.ie](http://www.housing.gov.ie)). Article 2 of Directive 2014/52/EU provides that EU Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the Directive by 16 May 2017. The Circular, which provides advice on administrative provisions to apply in advance of transposition, sets out procedures:

- to be followed in the case of applications falling within the scope of EIA on hand on or before 15 May 2017; and
- that may be followed in the case of such applications received on or after 16 May 2017,

by planning authorities and An Bord Pleanála, as the Competent Authorities. In advance of the transposition of Directive 2014/52/EU into Irish law, it is a matter for each Competent Authority to apply the Circular Letter, taking such advices as the Competent Authority considers appropriate.

### **Local Authority Own Development Proposals (Section 29)**

Section 29 of the 2016 Act amends section 179 of the Planning and Development Act 2000 to streamline and expedite the existing Part 8 approval process for local authority own development proposals and this provision is also now being commenced. The revisions provide that:

- the Chief Executive of the local authority will be required, within 8 weeks of the end of the public consultation period relating to the proposed development, to prepare and submit a report on the development to the local authority elected members;
- the elected members will be required, within 6 weeks of receipt of the Chief Executive's report, to consider the proposed development and the report;
- the existing procedure, whereby the elected members may, by resolution, decide to vary or modify the development, otherwise than as recommended in the Chief Executive's report, or decide not to proceed with the development, will continue to apply. However, the resolution must be passed not later than 6 weeks after the receipt of the Chief Executive's report. Furthermore, a resolution not to proceed with a proposed development shall state the reasons for such resolution.

In addition, Article 8 of the 2017 SHD Regulations amends Article 81 of the Planning and Development Regulations 2001 to reduce the period during which the plans and particulars of a proposed Part 8 development will be available for public inspection to a period of not less than 4 weeks, beginning on the day of publication of a newspaper notice in relation to the proposed development. The previous specified time period in this regard was 6 weeks.

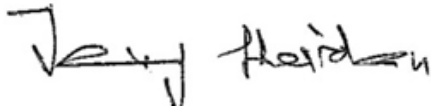
Collectively, these measures provide for the introduction of maximum time limits for the approval process of local authority own development proposals, including social housing proposals and infrastructure servicing both public and private development. Under the new provisions, Part 8 proposals must in future be decided on by elected members within a **maximum period of 20 weeks** of being first issued for public consultation. Until now no such overall maximum timeframe applied.

## Strategic Housing Development Information Seminar

An Bord Pleanála proposes to host a number of information seminars for relevant stakeholders in relation to the new SHD arrangements and processes. The first will be held at An Bord Pleanála's office at 64 Marlborough Street, Dublin 1, [D01V902](#), on Wednesday, 5 July 2017. An Bord Pleanála will notify planning authorities and other stakeholders of the details of such information seminars separately.

An Bord Pleanála is in the process of preparing guidance material in relation to the new SHD procedures which will be available shortly on its website and at the seminar.

Any enquires in relation to this Circular can be emailed to [planning@housing.gov.ie](mailto:planning@housing.gov.ie).



Terry Sheridan  
Principal  
Planning Policy

### Enclosures:

1. Planning and Development (Housing) and Residential Tenancies Act 2016  
<http://www.irishstatutebook.ie/eli/2016/act/17/enacted/en/html>
2. Planning and Development (Housing) and Residential Tenancies Act 2016 (Commencement of Certain Provisions) (No. 3) Order 2017  
<http://www.irishstatutebook.ie/eli/2017/si/270/made/en/print>
3. Planning and Development (Strategic Housing Development) Regulations 2017  
<http://www.irishstatutebook.ie/eli/2017/si/271/made/en/print>

## Main provisions of Planning and Development (Strategic Housing Development) Regulations 2017

Regulation No.	Title	Main Provisions
1	Citation	
2	Commencement	
3	Interpretation	
4	Application of Regulations	Regulations apply up to end of specified period, i.e. 31 December 2019 but may be extended by order
5	Construction of Regulations of 2001 (Part 23: strategic housing development)	Inserts new Part 23 (SHD) into 2001 Regulations 2001
<b>Regulations to be inserted into Planning and Development Regulations 2001 (new Part 23)</b>		
Regulation No.	Title	Main Provisions
283	Interpretation for this Part	
284	Prospective applicant's consultation with planning authority	Developer must supply information required by planning authorities at least 2 weeks before consultation meeting
285	Prospective applicant's consultation with Board	Prescribes form of request for consultation, including the information to be required in the form
286	Request under section 7 of Act of 2016 to Board after consultation meeting has been held	Sets out information that developer must supply in asking Board for an EIA and/or AA screening for proposed development or a scoping of information to be included in EIS or NIS.
287	Prescribed bodies for scoping in relation to environmental impact statement	
288	Consultation relating to request under section 7 of	



	Act of 2016	
289	Screening for environmental impact assessment	
290	Screening for appropriate assessment	
291	Scoping for environmental impact statement	
292	Site notice	Prescribes form of site notice of SHD application
293	Time limits for site notice	Site notice must be maintained in place for weeks from receipt of application by Board
294	Newspaper notice in respect of application	Prescribes form of newspaper notice of SHD application
295	Authorities to which copy of application must be sent, etc.	Prescribes different bodies to be notified of application depending on the possible impact of the proposed development
296	Transboundary consultation	
297	Requirements relating to applications	Prescribes form of application for permission for SHD, including the information to be required in the form
298	Requirements for particulars to accompany an application under article 297	Sets out detailed requirements relates to plans, drawings, etc., to accompany an SHD application
299	Actions following receipt of application	Sets out actions to be taken by Board where it decides to refuse to deal with an SHD application
300	Major accidents	Sets out standard planning requirements in relation to developments located in areas where there is potential for a major Seveso-type accident
301	Making of application available for inspection	Board and planning authority must make hard copy of application, etc., available for public inspection at their offices: developer must put application, etc., up on a website

302	Submissions or observations in relation to application	Board must send copies of any outstanding submissions received about an SHD application to planning authority within 3 working days of expiry of the 5-week period for making submissions to the Board
303	Period for making a decision on application where oral hearing held	24 weeks is prescribed.
304	Additional requirement for notice of Board's decision on application	
305	Part payment by Board to planning authority of application fee	When Board makes its decision on an SHD application, it must pay half the application fee received from the developer to the planning authority concerned, except where the authority is dilatory in submitting its report on the application to the Board and the Board fails to make its decision within the statutory time period (and therefore must pay a penalty to the developer).
306	Weekly list under article 72 and strategic housing developments	
<b>Schedule to the Regulations</b>		
6	Application of Part 18 of Regulations of 2001 during specified period	
7	Construction of Regulations of 2001 during specified period	Inserts Forms 11-14 in the Schedule into the Schedule to the 2001 Regulations
8	Amendment of article 81 of Regulations of 2001	Reduces from 6 weeks to 4 weeks the period for public inspection of local authority proposals for their own developments
<b>Schedule to the Regulations</b>		
Schedule	<u>Form No. 11</u> : Form of request to An Bord Pleanála	

	<p>to enter into consultations in relation to a proposed strategic housing development</p> <p><u>Form No. 12:</u> Site notice of strategic housing development application to An Bord Pleanála</p> <p><u>Form No. 13:</u> Newspaper notice of strategic housing development application to An Bord Pleanála</p> <p><u>Form No. 14:</u> Form of application to An Bord Pleanála in respect of proposed strategic housing development</p>	
--	---	--

**Timelines for Streamlined Approval Process for Strategic Housing Developments**

- The 2016 Act provides that up to 31 December 2019, (initially), applications for permission for SHDs shall be made direct to the Board and copied to the local planning authority.
- The Minister is required, by 30 October 2019 at the latest, to review the operation and effectiveness of the streamlined planning procedure for SHDs and lay a report of his or her conclusions from the review before each House of the Oireachtas. In addition, the Minister may, by order made during the specified period, extend that period to a date not later than 31 December 2021, but not until after the above report has been laid before the Houses of the Oireachtas.
- Prior to holding pre-application consultations with the Board, the proposed applicant must have an initial consultation with the planning authority concerned (at least one meeting) for the purposes of consultations under section 247 of the 2000 Act. The 2016 Act provides that the section 247 consultation meeting must take place within 4 weeks of the consultation request, and allows for one or more extension of that period in particular circumstances, on request by the prospective applicant. The proposed applicant must send the information required by the planning authority on the proposed SHD at least 2 weeks prior to the section 247 consultation meeting.
- Following on from the section 247 consultation meeting with the planning authority concerned, a prospective applicant must request the Board to enter into pre-application consultations about the proposal, before making an application for permission for a proposed SHD.
- Requests for pre-application consultations in relation to a proposed SHD must be accompanied by specified documentation including site location map, a draft layout of the proposed SHD, details of house types and design, housing density, building heights, vehicular access, open space provision, integration with surrounding land uses etc.
- The Board must accept or refuse a pre-application consultation request from a prospective applicant within 2 weeks of receipt.
  - Where the Board **refuses** a pre-application consultation request, they will notify the applicant, giving reasons for its decision,
  - Where the Board **accepts** the request, it is required to notify both the prospective applicant and the planning authority accordingly and the authority shall, within 2 weeks, submit to the Board (and send to the prospective applicant) copies of all records relating to the prior section 247 consultation about the proposed development and the authority's opinion on, among other things, the proposed development having regard to the provisions of the relevant development plan or local area plan.

- The Board must convene a consultation meeting within 4 weeks of receipt of the prospective applicant's request, to be attended by the Board, the prospective applicant or his or her representative, or both, and planning authority officials with sufficient knowledge and expertise in the matter concerned.
- Within 3 weeks of the holding of the consultation meeting, the Board will form an opinion as to whether the documents included in the consultation request constitute a reasonable basis for an application for permission for the proposed development, or require further consideration and amendment in order to constitute a reasonable basis for such an application.
- Dependent on the decision above, a prospective applicant may proceed to apply for permission for the proposed development to the Board or seek a further pre-application consultation with the Board.
- In general, the Board shall complete such formal pre-application consultations within a minimum period of 9 weeks, providing its opinion on whether or not the proposed development is broadly consistent with the development plan or local area plan, and accordingly whether or not an application for permission for the proposed SHD may be subsequently submitted to the Board.

#### **Actions subsequent to Consultation Meeting**

- Following the consultation meeting, a prospective applicant **may** request the Board to do **either or both of the following** in respect of a proposed SHD:
  - (a) determine, if one or both of the following applies:
    - where the development is of a class standing prescribed under Part 2 of Schedule 5 to the Planning and Development Regulations 2001 that does not exceed the relevant quantity, area or other limit standing specified in that Part, whether it is likely to have significant effects on the environment;
    - whether the development is likely to have a significant effect on a protected European site;
  - (b) give its opinion on what information will be required to be contained in either or both an environmental impact statement (EIS) and a Natura impact statement (NIS) in relation to the proposed development.
- A request relating to (a) and (b) shall normally be made at the same time, in which case the Board shall deal with the request under (a) within 8 weeks of receipt and with the request under (b) within 16 weeks of receipt.

## Application to the Board for Permission

- Prior to submitting an SHD planning application, the developer must publish notice of intention to apply for permission in a local newspaper and erect a site notice.
- The developer must send a copy of the SHD application to the prescribed authorities in article 295 of the 2017 SHD Regulations, as instructed by the Board at the pre-application consultation meeting.
- The developer must make the application available for public viewing on a website set up for this purpose.<sup>1</sup>It will also be available to view in the offices of the Board and the planning authority. In both cases it must remain available for 8 weeks after the Board notifies the applicant of its decision.
- Any person, body or prescribed authority has 5 weeks from the date the Board receives the application to make a submission or observation subject to payment of the fee of €20, from which the prescribed authorities are exempted.
- The Board may refuse to deal with an application for permission where it considers that the application, or the EIS or NIS, if required, is inadequate or incomplete.
- A planning authority is required to notify the elected members for the Area Committee or municipal district concerned of the making of an application for permission for a proposed SHD, its availability for public inspection and the right to make submissions and observations to the Board in relation to it. The planning authority is also required to inform elected members at the next meeting of the Area Committee or municipal district concerned of the details of the application and all relevant material available to the council.
- The Board must send copies of any submissions and observations to the planning authority according as the Board receives them. It also requires the planning authority to submit to the Board, within 8 weeks of receiving a copy of a planning application for a proposed SHD, a report setting out—
  - a summary of the points raised in the submissions and observations made,
  - the authority's views on the effects of that proposed development on the proper planning and sustainable development of the area of the authority and on the environment,

---

<sup>1</sup> Requiring the applicant to set up a website for members of the public to view the application is a temporary measure as the Board's website does not have the capability to make applications or appeals available to view online. This is modelled on the existing requirement in article 210(4) of the 2001 Regulations for applicants for Strategic Infrastructure (SID) to set up a website for the public to view the application etc. The Board is currently undertaking a large ICT project which includes updating its website and expects to be able to put SHD applications up on its website by October 2017 at which time the 2017 SHD Regulations will be amended accordingly.

- where the meeting of the Area Committee or municipal district concerned has taken place, a summary of the views expressed by elected members at the meeting on the proposed development, and
- the authority's opinion as to whether the proposed SHD would be consistent with the relevant objectives of the development plan or local area plan, a statement as to whether the authority recommends that permission should be granted or refused, together with the reasons for its recommendation, and any planning conditions that the authority would recommend in the event that the Board decides to grant permission, together with the reasons and grounds for such conditions.

### **Decisions by the Board on Applications**

- The Board shall make its decision on an application for permission for an SHD within 16 weeks of the lodging of the application or within such other period as the Minister may prescribe where it appears to him or her to be necessary, by virtue of exceptional circumstances, to do so.
- In cases where the Board considers there are exceptional circumstances that require an oral hearing, the Board shall make its decision on the application within 24 weeks of the lodging of the application as per article 303 of the 2017 SHD Regulations.

**Strategic Housing Development** is defined in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as:

- (a) “the development of 100 or more houses on land zoned for residential use or for a mixture of residential and other uses,
- (b) the development of student accommodation units which, when combined, contain 200 or more bed spaces, on land the zoning of which facilitates the provision of student accommodation or a mixture of student accommodation and other uses thereon,
- (c) development that combines development of the type specified in paragraphs (a) and (b), or
- (d) the alteration of an existing planning permission granted under section 34 (other than subsection (3A) relating to residential multi-unit developments) where the proposed alteration relates to development specified in paragraph (a), (b) or (c),

each of which may include other uses on the land, the zoning of which facilitates such use, but only if—

- (i) the cumulative gross floor area of the houses or student accommodation units, or both, as the case may be, comprises not less than 85 per cent, or such other percentage as may be prescribed, of the gross floor space of the proposed development or the number of houses or proposed bed spaces within student accommodation to which the proposed alteration of a planning permission so granted relates, and

- (ii) the other uses cumulatively do not exceed—

- (I) 15 square metres gross floor space for each house or 7.5 square metres gross floor space for each bed space in student accommodation, or both, as the case may be, in the proposed development or to which the proposed alteration of a planning permission so granted relates, subject to a maximum of 4,500 square metres gross floor space for such other uses in any development, or
- (II) such other area as may be prescribed, by reference to the number of houses or bed spaces in student accommodation within the proposed development



or to which the proposed alteration of a planning permission so granted relates, which other area shall be subject to such other maximum area in the development as may be prescribed.

***Student accommodation*** has the meaning provided for by section 13 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

***House*** is defined in section 2 of the Planning and Development Act 2000, as amended, to include apartments, as follows:

“ a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building” .