

**GENERAL SCHEME
OF
PLANNING AND DEVELOPMENT (AMENDMENT) (LSRD) BILL 2021**

ARRANGEMENT OF HEADS

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PRELIMINARY AND GENERAL

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PART I

PRELIMINARY AND GENERAL

This Part contains provisions normally included in legislation in relation to short title, collective citation, construction, interpretation, the making regulations, and construction of enactments.

Head 1: Short title, construction, collective citation and commencement

Provide that:

(1) This Bill may be cited as the Planning and Development (Amendment) (LSRD) Bill 2021.

(2) This Bill and the Planning and Development Acts 2000 to 2021 may be cited together as the Planning and Development Acts 2000 to 2021 and shall be read together as one.

(3) This Bill shall come into operation on such day or days as the Minister for Housing, Local Government and Heritage may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes and different provisions.

Explanatory note

This Head contains the standard provisions about short title and collective citation for a listing of acts included or previously included in the collective citation.

It also provides for the coming into operation of the provisions of the Act. It will allow different provisions and any consequential repeals to be brought into operation on different days.

Head 2: Interpretation

Provide that:

In this Act –

“Principal Act” means the Planning and Development Act 2000;

“Act of 2016” means the Planning and Development (Housing) and Residential Tenancies Act 2016;

“Minister” means the Minister for Housing, Local Government and Heritage.

Explanatory note

This is a standard provision to set out definitions and interpretations for terms used in this General Scheme of Bill.

Head 3: Regulations

Provide that:

- (1) The Minister may make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed or to be the subject of regulations or for the purpose of enabling any provisions to have full effect.

- (2) Every regulation under this Act shall be laid before each House of the Oireachtas as soon as may be after it has been made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Explanatory note

This Head enables the Minister to make regulations in relation to any prescribed matter in this Act.

PART 2

AMENDMENT OF THE PLANNING AND DEVELOPMENT ACT 2000

This Part provides for amendments to the planning application process in respect of large scale residential developments.

Head 4: Amendment of section 2 (Interpretation) of the Principal Act

Provide that:

Section 2 of the Principal Act is amended by the insertion of the following definitions:

“final consultation meeting” means a meeting to which *section 247A* relates;

“gross floor space” for the purposes of large scale residential development, means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions), disregarding:

- (a) any floor space provided for the parking of vehicles by persons occupying or using the building or buildings,
- (b) any ancillary residential services, including child care facilities,

where such floor space is incidental to the primary purpose of the building;

“large scale residential development” means—

- (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 contains developments of the type referred to in *paragraph (a)* and of the type referred to in *paragraph (b)*, or
- (d) the alteration of an existing planning permission granted under section 34 (other than under subsection (3A)) or section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, 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 the cumulative gross floor space of the houses or student accommodation units, or both, as the case may be, comprises not less than 70 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;

'student accommodation'—

(a) means a building or part thereof used or to be used to accommodate students whether or not provided by a relevant provider (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012), and that is not for use—

(i) as permanent residential accommodation, or

(ii) subject to paragraph (b), as a hotel, hostel, apart-hotel or similar type accommodation,

and

(b) includes residential accommodation that is used as tourist or visitor accommodation but only if it is so used outside of academic term times.

Explanatory note

This Head provides for specific definitions of key terms used in the General Scheme, including the replacement of the term “strategic housing development” (SHD) with “large scale residential development” (LSRD). The LSRD definition is largely unchanged from the previous SHD definition - i.e. developments of 100 housing units or more, or student accommodation developments comprising 200 bed spaces or more, or a combination of same - with one exception whereby the new LSRD arrangements will allow up to 30% of the gross floor space of the proposed development to be for commercial use, instead of the 15% cap under the SHD

arrangements. Other new definitions include “final consultation meeting”, “gross floor space” and “student accommodation”.

Head 5: Consultations before making an application for a large scale residential development

Provide that:

A new section 34D is inserted in the Principal Act.

Section 34D

- (1) Subject to subsection (6), a person who proposes to apply for permission for a large scale residential development shall, before making the application in accordance with section 34, make a request to the planning authority for a final consultation meeting with the planning authority in relation to the proposed large scale residential development and any such request shall comply with section 247A of the Principal Act.
- (2) Such a person as referred to in subsection (1) is referred to subsequently in this section and section 247A as a “prospective applicant”.
- (3) In subsection (2), “prospective applicant” means a person who—
 - (a) is the owner of the land concerned, or
 - (b) has the written consent of the owner to make an application under section 34 in respect of that land;and who intends to apply for permission under that section in respect of that land.
- (4) An application for permission for a large scale residential development under section 34 shall only be made to a planning authority where, following consultations under section 247A, the prospective applicant has received an opinion from the planning authority under that section.

(5) A prospective applicant for a large scale residential development shall, prior to making a request to the planning authority under subsection (1), have consulted the planning authority in whose area the proposed development would be situated and for that purpose section 247 of the Principal Act applies.

(6) Where an application for permission is being made in relation to a large scale residential development that is located in a strategic development zone:

(a) section 170 shall apply to such an application;

(b) sections 34D and 247A shall not apply to such an application.

Explanatory note

The purpose of Head 6 is to provide for a focused time-bound mandatory pre-application consultation process in relation to large scale residential developments (LRSDs) between the prospective applicant and the relevant planning authority prior to the submission of a planning application for a LRSD proposal, largely modelled on the arrangements that were provided for under the Strategic Housing Development (SHD) arrangements contained in the Planning and Development (Housing) and Residential Tenancies Act 2016. These new tailored pre-application consultation arrangements in relation to LRSDs are designed to identify and tease out issues at an early stage, improve the quality and the efficiency of the application process for such developments and are a core element of returning decision making on such large scale applications to the local planning authorities.

The Head provides that prior to making an application for planning permission for a LRSD under section 34 of the Principal Act, the prospective applicant must first engage by way of pre-application consultation under section 247 of the Principal Act with the relevant local planning authority in whose areas the proposed development would be situated. Following the section 247 consultations, the applicant must request a “final consultation meeting” and receive an opinion from the planning authority under the new section 247A (see Head 6) before proceeding to planning application stage.

An exception to these new arrangements relates to where an application for permission for a housing development is located within a Strategic Development Zone (SDZ), in which situation the application shall be directly submitted to the local planning authority in accordance with section 170 of the Principal Act, wherein the pre-application consultation procedures provided for in sections 247 and 247A shall not apply. In such cases, no appeal against the decision of the planning authority may be made to the Board, as is the norm.

Head 6: Final consultation meeting for a large scale residential development

Provide that:

A new section 247A is inserted in the Principal Act:

- (1) Following consultation(s) under section 247, a prospective applicant shall request a final consultation meeting with the planning authority in whose area the proposed development would be situated under this section.

- (2) A request to the planning authority by a prospective applicant to hold a final consultation meeting under this section shall be in writing and shall include—
 - (a) the following:
 - (i) the name and address of the prospective applicant;
 - (ii) a site location plan sufficient to identify the land;
 - (iii) a brief description of the nature and purpose of the development and of its possible effects on the environment;
 - (iv) a draft layout plan of the proposal;
 - (v) details of the pre-application consultations that may have taken place with prescribed bodies or the public;
 - (vi) such further information as may be prescribed;
 - (vii) such other information, drawings or representations as the prospective applicant may wish to provide or make available,

 - and

 - (b) the appropriate fee.

- (3) A prospective applicant shall submit to the planning authority at the time of the request any further prescribed documentation to be discussed at the final consultation meeting.

- (4) The planning authority shall convene a final consultation meeting within 4 weeks of receipt of the prospective applicant's request, to be attended by the planning authority, the prospective applicant or his/her representative, or both, and planning authority officials who have sufficient level of relevant knowledge and expertise in the matter concerned.
- (5) The planning authority on receipt of the request, may issue the documentation received, or parts thereof, to any relevant prescribed bodies that in the opinion of the planning authority may have relevant observations in relation to the proposed development.
- (6) The failure of a prescribed body to respond to a request under subsection 5 shall not prevent the planning authority from proceeding under section 247A to deal with the request concerned.
- (7) The planning authority may, at its discretion, consult with any person who may have information that is relevant for the purposes of consultations relating to a proposed development under this section.
- (8) The planning authority shall be required, within 4 weeks of the holding of the final consultation meeting, to form, and issue to the prospective applicant, an opinion as to whether the documents submitted for the final consultation meeting constitute a reasonable basis for making an application for permission for the proposed development.
- (9) The planning authority shall in appropriate cases, set out in the opinion issued under subsection (8) its advice as to any issues that need to be addressed in the relevant documents that could result in them constituting a reasonable basis for making an application for permission.
- (10) An opinion issued under subsection 9 shall be valid for 1 year from the date of issue of that opinion.

- (11) Following receipt of an opinion from the planning authority, the prospective applicant may proceed to apply for permission for the proposed development under section 34 of the Principal Act.
- (12) Neither the holding of a consultation under section 247 or a final consultation meeting under section 247A, nor the forming of an opinion under this section, shall prejudice the performance by the planning authority of its respective functions under the Principal Act or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.
- (13) The planning authority shall keep a record of any consultations or request for consultations under this section that relate to a proposed large scale residential development, including the names of those who participated in the consultations or request for consultations, and a copy of such record shall be placed and kept with the documents to which any application in respect of that proposed development relates which shall only be made public when a planning application in respect of the proposed development is made under section 34.
- (14) A person shall not question the validity of any action taken or opinion formed by the planning authority under this section.
- (15) A member or official of a planning authority is guilty of an offence if he or she takes or seeks any favour, benefit or payment, direct or indirect (on his or her own behalf or on behalf of any other person or body), in connection with any consultation entered into or any advice given under this section.
- (16) Without prejudice to the generality of subsection (2)(a)(vi), the matters that may be the subject of regulations under that subparagraph may include but shall not be limited to a brief description of—

(a) the proposed types of houses and/ or student accommodation units and their design, including proposed internal floor areas, housing density, plot ratio, site coverage, building heights, proposed layout and aspect,

- (b) public and private open space provision, landscaping, play facilities, pedestrian permeability, vehicular access and parking provision, where relevant,
- (c) the provision of ancillary services, where required, including child care facilities,
- (d) any proposals to address or, where relevant, integrate the proposed development with surrounding land uses,
- (e) any proposals to provide for services infrastructure (including water, wastewater and cabling, including broadband provision), and any phasing proposals,
- (f) proposals under Part V of this Act, where relevant,
- (g) details of protected structures or archaeological monuments included in the Record of Monuments and Places, where relevant, and
- (h) any aspect of the proposed development likely to have significant effects on the environment or significant effects on a European site.

(17) The Minister may make regulations to provide for such matters of procedure and administration as appear to the Minister to be necessary or expedient in respect of matters to which this section relates, including-

- (a) items which may be considered at the final consultation meeting, and
- (b) the conducting of the final consultation meeting and the forming an opinion under this section.

Explanatory note

This Head supplements the pre-existing provisions in section 247 of the Principal Act requiring the holding of pre-application consultations between a developer/prospective applicant and a planning authority in respect of a housing development of more than 10 units prior to the submission of a planning application in respect of such proposed development. In addition to the requirement that pre-application consultations be undertaken under section 247 in respect of such proposed developments, this Head specifically provides that in the case of LSRDs, a further

process shall be required to be undertaken involving the holding of a “final consultation meeting” between the afore-mentioned parties for the purpose of forming an opinion, and providing such opinion to the prospective applicant, regarding any issues that need to be addressed in the relevant documents that could result in them constituting a reasonable basis for making an application for permission under section 34.

The Head further sets out the general procedural arrangements, actions and timeframes for the “final consultation meeting” required to be completed prior to the prospective applicant making a LSRD planning application. It outlines the required documentation and information (to be further prescribed in supplementary regulations) that must be submitted by the prospective applicant at the time of making the request to the planning authority in this connection, also setting a 4 week timeframe for the planning authority to arrange the “final consultation meeting” and a further 4 week period after the holding of the “final consultation meeting” to issue an opinion on any issues that need to be addressed in order that the relevant documents discussed at the meeting could result in them constituting a reasonable basis for making an application for permission in respect of the LSRD proposal. It should be noted that on completion of the pre-application consultation process, a LSRD planning application can be submitted to the relevant planning authority in the normal manner under section 34 of the Principal Act with no legislative change being required in this regard.

Head 7: Amendments to section 247 of the Principal Act (pre-application consultations)

Provide that:

(1) Section 247(5) of the Principal Act is substituted by the following:

“The planning authority shall keep a record in writing of any consultations or request for consultations under this section that relate to a proposed development, including the names of those who participated in the consultations or request for consultations, and a copy of such record shall be placed and kept with the documents to which any application in respect of that proposed development relates which shall only be made public when a planning application in respect of the proposed development is made under section 34.”.

(2) A new subsection (7) is inserted after section 247(6) of the Principal Act:

“(7) The Minister may make regulations to provide for such matters of procedure and administration as appear to the Minister to be necessary or expedient in respect of matters to which this section relates.”.

Explanatory note

This Head provides for amendments to section 247 of the Principal Act to be consistent with the relevant wording used in the new section 247A in relation to the keeping of records of pre-application consultation meetings. It also provides a general regulation making power in respect of section 247 consultations. For the purposes of this Act, the power would be used for prescribing documentation or information to be provided by a prospective applicant in advance of a consultation under section 247 for a LSRD proposal and the timeline for submitting same.

Head 8: Amendments regarding further information in section 33 of the Principal Act

Provide that:

A new paragraph (ga) be inserted in section 33(2) of the Principal Act:

- (i) requiring planning authorities, in respect of an application for a large scale residential development which is the subject of an opinion issued under section 247A of the Principal Act, to be limited to only requesting certain prescribed further information in respect of the application, and
- (ii) limiting the number of further information requests that may be requested by a planning authority in respect of an application for a large scale residential development which is the subject of an opinion issued under section 247A of the Principal Act.

Explanatory note

This Head amends the regulation making powers in section 33 of the Principal Act to allow the Minister to prescribe the specific issues which can be addressed by way of further information requests to a prospective applicant in respect of an application for permission for a LSRD. It also provides that the Minister may limit the number of further information requests that may be sought by a planning authority in relation to a planning application for a LRSD.

Head 9: Timeframe for determining appeals on large scale residential developments (insertion of new section 126A in Principal Act)

Provide that:

A new section 126A is inserted in the Principal Act:

- (1) Notwithstanding section 126, in the case of an appeal in relation to a large scale residential development, the Board shall make its decision on such an appeal under section 37—
 - (a) where no oral hearing is held, within 16 weeks beginning on the day the appeal was lodged with the Board or within such other period as may be prescribed under subsection (2),
 - (b) where an oral hearing is held, within such period as may be prescribed.
- (2) The Minister may by regulations extend the period referred to in subsection (1)(a), where it appears to him or her to be necessary, by virtue of exceptional circumstances, to do so and, for so long as the regulations are in force, this section shall be construed and have effect in accordance therewith.
- (3) Where it appears to the Board that it would not be possible or appropriate, because of the particular circumstances of the matter with which the Board is concerned, to determine the matter within the period referred to in subsection (1), the Board shall, by notice in writing served on the applicant for permission, any planning authority involved and any other person who submitted submissions or observations in relation to the matter before the expiration of that period, inform the authority and those persons of the reasons why it would not be possible or appropriate to determine the matter within that period and shall specify the date before which the Board intends that the matter shall be determined.
- (4) Where a notice has been served under subsection (4), the Board shall take all such steps as are open to it to ensure that the matter is determined before the date specified in the notice.

- (5) Where the Board has failed to make a decision in relation to an appeal on a large scale residential development within the period specified in subsection (1)(a) or as may be prescribed under subsection (1)(b) or (2) as appropriate and becomes aware, whether through notification by the applicant or otherwise, that it has so failed, the Board shall proceed to make the decision notwithstanding that the period has expired.
- (6) The Board shall include in each report made under section 118 of the Principal Act, a statement of the number of matters which the Board has determined within each of the periods referred to in paragraphs (a) and (b) of subsection (1) together with such other information as to the time taken to determine such matters as the Minister may direct.
- (7) A person shall not question the validity of a decision of the Board under this section by reason only that the procedures as set out in subsection (1) were not completed within the time provided for by that subsection or that the procedures set out in subsection (3) were not completed.

Explanatory note

This Head provides that the maximum timeframe for the determination of an appeal by An Bord Pleanála against a decision of planning authority in respect of a large scale residential development shall be 16 weeks, save where it is determined by the Board that an oral hearing should be held. It also provides that where it appears to the Board that it will not be possible to determine an appeal within the prescribed 16 weeks, the Board shall notify the relevant planning authority or any persons who made submissions or observations in relation to the appeal of the reasons why it is not possible to determine the appeal within the specified timeframe and specify a new date by which the appeal shall be determined. It further provides that a person shall not question the validity of a decision by the Board on the basis that it was not determined within the prescribed 16 week timeframe or that the necessary notification of a late decision to the relevant planning authority or to any persons who made submissions or observations on the appeal were not issued as required.

Head 10: Consequential amendments further to Head 9

The Principal Act is amended by:

(1) in subsection (6) of section 37 by inserting the following after paragraph (h):

“(ha) Where leave to appeal is granted under this subsection, paragraph (a) of subsection (1) of section 126A shall apply subject to the modification that the reference therein to 16 weeks shall be construed as a reference to 12 weeks.”.

(2) in section 104(2) by the insertion of “ 126A,” after “126,”.

(3) in section 104(2A) by the insertion of “ 126A,” after “126,”.

(4) in section 262(4) by the insertion of “ 126A(2),” after “126(4),”.

Explanatory note

This Head provides for minor consequential amendments to a number of sections of the Principal Act further to the provisions in Head 8.

Head 11: Amendment of section 246 (fees payable to planning authority) of the Principal Act

Provide that:

Section 246(1)(d)(ii) of the Principal Act is amended to include a reference to section 247A after the reference to section 247.

Explanatory note

Section 246 of the Principal Act already provides that the Minister can set different fees in relation to cases of different classes or descriptions and applications for permission under Part 3 of the Principal Act, as well as for section 247 consultations and section 176A determinations relating to EIA screening.

Accordingly, the pre-existing regulation making powers in the Principal Act can be used by the Minister to set specific fees for LSRD planning applications under section 34, LSRD consultations under section 247 and EIA screening under section 176A. This Head will extend those regulation making powers to enable the Minister to set fees for the new section 247A “final consultation meeting” in relation to an LSRD proposal between the planning authority and the prospective applicant.

Head 12: Amendment of the Fourth Schedule (reasons for the refusal of permission which exclude compensation) to the Principal Act

Provide that:

The Fourth Schedule to the Principal Act is amended by substituting the following for paragraph 18A:

“18A. In the case of a proposed strategic housing development (within the meaning of Chapter 1 of the Planning and Development (Housing) and Residential Tenancies Act 2016) or an application for permission under section 34 of this Act, the environmental impact assessment report or Natura impact statement, or both, submitted with the application for permission is or are inadequate or incomplete.”.

Explanatory note

Paragraph 18A was inserted in the Fourth Schedule to the Principal Act to provide for the exclusion from entitlement to compensation further to the refusal of an application for planning permission in respect of SHD proposals under the 2016 Act for the reason that the environmental impact assessment report or Natura impact statement, or both, as submitted with the SHD planning application were inadequate or incomplete.

This Head will extend this provision to planning applications generally under section 34 of the Principal Act, including LSRD applications, while also maintaining it for SHD applications yet to be decided under the 2016 Act.

Head 13: Transitional provisions and other miscellaneous and consequential amendments

Provide that:

- (1) A request for a pre-application consultation under section 5 of the Act of 2016 in respect of a proposed development shall not be made to the Board after [29 October 2021 – contingent on the earlier enactment of the Bill].
- (2) Subject to subsection (1), a planning application under section 4 of the Act of 2016 in respect of a proposed development shall not be made to the Board after [25 February 2022 – contingent on the earlier enactment of the Bill].
- (3) Notwithstanding subsection (2), where an applicant has on or before 29 October 2021 received an opinion from the Board under section 6 of the Act of 2016, a planning application under section 4 of the Act of 2016 in respect of the proposed development shall not be made to the Board after [31 December 2021 – contingent on the earlier enactment of the Bill].
- (4) Where an applicant has on or before 29 October 2021 made a request for a pre-application consultation under section 5 of the Act of 2016 and the relevant process has not been determined by that date, s/he may decide to continue with that process or make a request to the relevant planning authority for a pre-planning consultation under section 247 of the Principal Act.
- (5) Further to subsection (2), where an applicant has on or before 25 February 2022 submitted an application under section 4 of the Act of 2016 and the relevant process has not been determined, s/he may decide, not later than 8 weeks after submitting the relevant application, to continue with that process or withdraw from that process and make a request to the relevant planning authority for a pre-planning consultation under section 247 of the Principal Act.
- (6) Further to subsections (4) and (5), where an applicant decides to make a request for a pre-planning consultation in respect of a proposed large scale

residential development under section 247 of the Principal Act, s/he shall, prior to engaging with the planning authority in respect of such proposed development, withdraw any undetermined pre-application consultation request under section 5 of the Act of 2016 or planning application under section 4 of the Act of 2016, in respect of the same development.

- (7) Where an applicant decides to make a request for a pre-planning consultation in respect of a proposed large scale residential development under section 247 of the Principal Act, s/he shall not make an application under section 4 of the Act of 2016 in respect of the same development.
- (8) An opinion issued by the Board under section 6 of the Act of 2016 shall not be taken into account by a planning authority for the purposes of a pre-application consultation in respect of a large scale residential development under sections 247 or 247A.
- (9) Where a person withdraws a request for a pre-planning consultation or a planning application under subsection (6), the Board shall refund to the person concerned any fees paid in respect of such undetermined pre-application consultation or planning application.
- (10) On receipt of a request for a pre-application consultation under section 247 of the Principal Act in relation to an application which seeks to amend a permission in respect of large scale residential development granted under section 34 of the Principal Act or a strategic housing development granted under section 9 of the Act of 2016, the planning authority may, at its absolute discretion, determine that, having regard to the nature, scale and limited effects of the proposed amendments, that sections 34D, 247 and 247A of the Principal Act do not apply in respect of the application.

Explanatory note

This Head provides for necessary transitional provisions and other miscellaneous and consequential amendments in relation to the expiry of the SHD arrangements and their replacement by the new LSRD arrangements. In this regard, it provides as follows –

- (i) the last date for submitting a request to the Board for a pre-application consultation in respect of a SHD proposal shall be 29 October 2021 (contingent on the earlier enactment of the Bill);
- (ii) further to the completion of the pre-application consultation process at (i) above, the last date for submitting a subsequent planning application to the Board in respect of a SHD proposal shall be 25 February 2022 (contingent on the earlier enactment of the Bill);
- (iii) notwithstanding (ii), where an applicant – further to a pre-application consultation - has received an opinion from the Board in relation to a proposed SHD development on or before 29 October 2021, the last date for submitting a planning application to the Board in respect of said development shall be 31 December 2021 (contingent on the earlier enactment of the Bill);
- (iv) where an applicant has made a request for a pre-application consultation in respect of a SHD proposal on or before 29 October 2021 and the process has not been concluded, s/he may decide to continue with that process or initiate the new LSRD procedures by making a request for a pre-application consultation with the relevant planning authority under section 247 of the Principal Act;
- (v) further to (ii) above, where a planning application for a SHD proposal has been submitted to the Board by 25 February 2022, the applicant may decide, no later than 8 weeks after submitting the planning application, to continue with the SHD application process or initiate the LSRD process by making a request for a pre-application consultation with the relevant planning authority under section 247 of the Principal Act;
- (vi) further to (iv) and (v), where a person decides to initiate the LSRD process by requesting a section 247 pre-application consultation with the relevant planning authority, s/he shall, prior to engaging with the relevant planning authority, withdraw any undetermined SHD pre-application consultation request or SHD planning application;

- (vii) where an applicant decides to initiate the LSRD process by making a request for a section 247 pre-application consultation in respect of a proposed development, s/he shall not submit a SHD application to the Board in respect of the same development (this to avoid the possibility of submitting dual LSRD and SHD applications);
- (viii) an opinion issued by the Board under the SHD pre-application consultation process in respect of a proposed development shall not be taken into account by the relevant planning authority for the purposes of a pre-application consultation under the LSRD process;
- (ix) where a SHD pre-application consultation request or planning application is withdrawn under (vi) above, the Board shall refund any fees paid in respect of any such undetermined pre-application consultation request or planning application;
- (x) where a LSRD pre-application consultation request is made to a planning authority in relation to a proposed amendment to a LSRD or SHD planning permission, the planning authority may, at its absolute discretion, determine that - having regard to the nature, scale and limited effect of the proposed amendments - further pre-application consultations under either the LSRD or SHD arrangements do not need to be undertaken in respect of the proposed amendments to the planning permission in question.