

Joint Committee on Housing, Local Government & Heritage
Leinster House,
Dublin 2,
D02 XR20

[Sent by email: jchlgh@oireachtas.ie]

9th February 2022

Re: General Scheme of the Housing and Planning and Development Bill 2019

A Chara,

The Irish Planning Institute (IPI) appreciates the invitation to make a submission to the Joint Oireachtas Committee on Housing, Local Government and Heritage on the General Scheme of the Housing and Planning and Development Bill 2019. The IPI made a submission on the same Head of Bill to the Department of Housing, Local Government and Heritage in January 2020. Given the changed planning policy and legislative context since the Bill was released for consultation in 2019, the Institute strongly believes the Bill should now be abandoned. In addition, the Institute is concerned that the proposed changes are inconsistent with access to law and environmental justice. The Institute believes the legislation is outdated and ill-informed for the following reasons:

1. Introduction of Large-scale Residential Development

The Institute is mindful that the introduction of Strategic Housing Development (SHD) has led to an increase in Judicial Reviews. This is, in part, related to the diminution of third-party rights in the SHD process, which resulted in Judicial Review being used as a de facto third party right of appeal. The introduction of LRD is welcomed and will go a long way in rebalancing the Planning System by restoring an important local planning function and allowing An Bord Pleanála to resume its valued and important role in the appeals process for larger-scale residential developments. Additionally, the new LRD process should be closely monitored to establish its effect on Judicial Review numbers and type, before any legislative changes are proposed in this area.

2. Planning Reform

The Institute is concerned that the Bill's proposed changes are premature in the context of the ongoing Attorney General's Planning Reform Review. Any proposed changes to the Judicial Review system should be considered and embedded in the broader reform of the planning system.

3. Evidence-Base Underpinning Changes

The IPI is concerned with the lack of evidence underpinning the proposed amendments, and the rationale behind some amendments appear unjustified and unsubstantiated. In addition, no analysis has been conducted to demonstrate that the proposed amendments would reduce planning delays and provide greater efficiency and certainty in legal decision-making. The IPI believes that a thorough analysis of judicial review of planning processes should now be undertaken to evaluate the applicability of any proposed changes in the legislation.

The Institute considers it vital that we encourage, rather than reduce, public engagement and community involvement in all stages of the planning process. Public and community awareness and education will play a major role in this mission, and will encourage earlier and more effective engagement in crucial plan-making stages. If the Institute can be of further assistance, please do not hesitate to contact me.

Yours sincerely,



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