

**Headed Item 15**  
**Local Authority Housing Developments**  
**Temporary Planning Exemption**

**Meeting of South Dublin County Council**  
**11<sup>th</sup> April 2023**

# Part 8 Process (Prior to Temporary Exemption)

Developments carried out by Local Authority referred to as 'Part 8' development (Part 8 of [Planning and Development Regulations 2001, as amended](#), sets out procedure for carrying out such developments, such as construction of houses, roads, community centres etc.)

- This consultation procedure requires that notice of the proposed development is given in an approved newspaper and that a site notice is erected on the land on which the proposed development would be situated.
- Public consultation period of 6 weeks with a further 8 weeks for Chief Executive's Report and then a further 6 weeks for a decision by the Council.
- CE report contains a list of submissions, summary of issues raised , the Chief Executive's response and recommends whether or not the proposed development should be proceeded with.
- Requires resolution of the Council to proceed or modify the proposal or not to proceed with the development.

# New Measures

Dec 2023: Planning and Development and Foreshore (Amendment) Act, 2022

March 2023: Planning & Development (Section 179A) Regulations, 2023

Temporary, time-bound exemption from local authority own development 'Part 8' process in S179 of Planning and Development Act 2000, for housing developments to allow for accelerated delivery of social, affordable and cost-rental housing by local authorities in strictly defined circumstances:

- **land is owned by the Council** (or another specified State Body) and is **zoned for residential development**;
- proposed **development does not materially contravene the development plan** and is in accordance with the Council's housing strategy;
- **land is serviced or will be serviced** with the necessary supporting infrastructure or facilities within the timeframe of the development;
- the proposed development is **not required to undergo environmental impact assessment (EIA) or appropriate assessment (AA)**; and
- works in question are **commenced by no later than 31 December 2024**.

## Part 8 Process

Week 1: Site & newspaper notices & plans displayed

Week 6: Closing date for receipt of submissions

Week 14: Chief Executive's Report

Week 20: Council decision on whether to proceed, modify or not proceed with development

## Temporary S179A Process

Engagement in advance with elected members

Week 1: Site & newspaper notices & plans displayed

Week 8: Proceed with development

# Use of Temporary Exemption

- ‘Housing Development’ (s.179A(5) of the Act): construction of any house(s) and construction of associated roads, pumping stations, drainage, water, open space, community, car parking & other works to serve those houses.
- Certain housing developments are now classed as exempted development: **cannot use existing ‘Part 8’ process where proposed development meets S179A criteria.**
- Temporary exemption applies to all relevant sites that are **zoned for residential purposes**, or for mixed use including residential. (If zoning objective does not include residential use, standard ‘Part 8’ applies.)
- Proposed developments can include **social and/or affordable housing** & there is **no minimum site size.**
- **No provision for public participation**—notification by site & newspaper notices only.
- Any social & affordable housing developments which **do not meet the criteria** set out within Section 179A of the Act **or are not commenced by end 2024** will be **subject to ‘Part 8’** (or ‘Part 10’) process in the normal manner.

## Elected Members

**CE must inform elected members prior to site notice or newspaper notice.**

**Early engagement** recommended to fully inform elected members prior to site/newspaper notice and before final decision to undertake the development.

Note elected members' key role in establishing suitable sites for the zoning of land for residential development through approval of development plan/LAPs.

Members retain 'Part 8' approval powers for all other Council development proposals

## Notice of New Developments

**Site notice/newspaper notice must be published 8 weeks prior to commencement of housing development to include:**

- location, townland or address, nature & extent of proposed housing development
- that plans/particulars are available for inspection online and in Council offices
- indicate screening determinations for EIA and AA &
- reference judicial review option

Site notice must be maintained in situ for at least 8 weeks (Article 81A(7))

Council must notify prescribed public bodies

# Environmental Assessment & Screening

All housing development projects seeking to utilise the exemption under S179A should be **screened for Environmental Impact Assessment and Appropriate Assessment** as appropriate

**Exemption will not apply to development(s) requiring either EIA or AA.** If EIAR and/or NIS required, housing development does not comply with S179A and the normal 'Part 10' process is required.

## Reporting

Under S39A(1), the Council is now required to **report quarterly to the Minister** on use of exemption under S179A of the Act on the number of:

- The number of proposed, commenced and completed housing developments using the use of exemption under S179A, and,
- the number of houses under each category.

SDCC will also **report to Housing SPC and full Council quarterly.**

# Proposed Developments

Site	Proposed Tenure	No. of Homes	Initial Design to Area Committee	Publish Plans	Indicative Start on Site
Rossfield	Social	≤ 11	2022	Q2 2023	Q4 2023
Deansrath/Melrose	Social (age friendly)	24	2022	Q2 2023	Q4 2023
Owendoher Haven	Traveller accomm.	9	2022	Q2 2023	Q1 2024
Alpine Heights	Social (age friendly)	13	Feb 2023	Q3 2023	Q1 2024
Sarsfield Pk, Lucan	Social (age friendly)	≤ 6	April 2023	Q3 2023	Q1 2024
Stocking Lane	Social	32	Feb 2023	Q3 2023	Q1 2024
Oldcastle Park	Traveller accomm., social & affordable	130	2022	Q3 2023	Q2 2024
Castlefield	Social & affordable	34	Feb 2023	Q3 2023	Q2 2024
Kishogue Park	Traveller accomm.	15	March 2023 (full Council)	Q2 2023	Q2 2024
Kilcarbery 2	Social & affordable	80	April 2023	Q3 2023	Q3 2024