



Oifig an Runaí Aire

Office of the Minister of State

29th June 2021

Ms. Neasa Hourigan T.D.

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Dear Neasa,

I refer to your recent correspondence in relation to Build to Rent developments in Dublin, which was forwarded by Minister Darragh O'Brien.

As you may be aware, Chapter 5 of the *Design Standards for New Apartments – Guidelines for Planning Authorities* addresses the relatively new and emerging 'build-to-rent' sector (BTR) and sets out a number of key distinct characteristics of this type of accommodation and the relevant planning requirements. Build-to-rent projects are usually a single entity investment for long term rental undertaking, comprising individual residential units within the development that are not sold off separately for private ownership and/or subsequent sub-letting individually, which is a key difference from the traditional housing development model. The guidelines provide for planning permission for specific build-to-rent developments to be sought from a planning authority.

Where such a planning permission is applied for, the proposed development must also include the provision of dedicated amenities and facilities specifically for residents in terms of communal recreational space and work spaces as well as a range of other support services such as laundry facilities, concierge and management.

The Programme for Government identifies the need to avoid over-concentration of particular housing types in areas, by requiring local authorities to complete housing need and demand assessments to inform delivery of an appropriate mix of housing typologies to cater for the needs of disparate household types and sizes. I am satisfied that there is room for BTR, as envisaged and as provided for in the planning guidelines, while at the same time ensuring that safeguards are in place to protect first time buyers and owner-occupiers.

Build to Rent development forms a relatively small proportion of all planning applications lodged. As of February 2021, 48,397 residential units in total have been approved under the Strategic Housing Development process, comprising 12,991 Houses, 27,624 Apartments and 7,782 Build-to-Rent units. Build-to-Rent makes up just



16% of the total residential units approved under the SHD process. The amount of approved Build-to-Rent developments therefore is small.

That said, there is a clear need to create more mixed, more dynamic and more sustainable cities and towns that carefully employ the delivery of a range of house and apartment types to tackle issues of urban sprawl and respond to wider demographic trends that include smaller households.

In relation to the Dublin Housing Supply Coordination Task Force, the returns are compiled jointly by the four Dublin local authorities on a quarterly basis. This data is assembled from what is available from the existing planning IT systems operated by each local authority and integrated into a set of consistent returns. The returns are intended to give a strategic position on housing (split between housing and apartment units) that are permitted and those under construction in Dublin. These systems used do not currently facilitate extracting details in relation to BTR, Co-living or student accommodation. The Department is working on a long-term reform of planning application data to ensure such data consistently the future by the local authorities. However, details of new purpose built student accommodation is monitored quarterly by the Higher Education Policy and Reform section of the Department of Further and Higher Education, Research, Innovation and Science.

Due to their scale the majority of BTR, student accommodation and Co-living developments apply for planning permission via the SHD process directly to An Bord Pleanála. Details indicated in recent Parliamentary Question 23683/21 of 11th May 2021 indicated that from the commencement of the new SHD arrangements in 2017 up until end March 2021, the Board had received 308 SHD applications and had decided 265 cases. The Board had granted permission in 192 cases in respect of a total of 49,291 housing units (comprising 12,991 houses, 27,816 apartments and 8,484 build to rent), as well as 769 shared accommodation units and 12,173 student bed spaces under the SHD arrangements. I understand that the remaining 73 cases decided have either been refused by the Board or are developments which were originally granted by the Board but set aside as a result of a judicial review.

In terms of accessibility of BTR developments, the Building Regulations 1997-2019 set out minimum standards for the design and construction of buildings and works to ensure the health and safety of people in and around such buildings. In this context, the Building Regulations (Part M Amendment) Regulations 2010, and the accompanying Technical Guidance Document M – Access and Use (2010), which came into effect on 1 January 2012, set out the minimum statutory requirements that a building must achieve in respect of access. Where works are carried out in accordance with TGD M, this will, prima facie, indicate compliance with Part M of the Second Schedule of the Building Regulations.



Part M of the Building Regulations aims to foster an inclusive approach to the design and construction of the built environment. While the Part M requirements may be regarded as a statutory minimum level of provision, the accompanying technical guidance encourages building owners and designers to have regard to the design philosophy of universal design and to consider making additional provisions where practicable and appropriate.

Part M aims to ensure that all new dwellings are visitable and specifies the minimum standard, which includes provision for:

- an accessible approach route to the dwelling,
- a level threshold at the main entrance,
- door widths of sufficient width for a wheelchair user,
- circulation routes, corridors of sufficient width for a wheelchair user,
- a WC at entry level suitable for a wheelchair user, and
- switches & sockets at an accessible height.

I trust this clarifies the position.

Yours sincerely,

Peter Burke T.D.

Minister for Planning and Local Government

Please note: I am a Designated Public Official under the Regulation of Lobbying Act, 2015