

Applicant undertakes residential development, does Part V apply?

If an applicant is considering applying for planning permission for a development of **4 or fewer houses or a development on land of less than 0.10 hectare** then they may be able to obtain an exemption certificate by applying to the planning authority before they apply for planning permission (section 97(3) of Planning and Development Acts 2000-2020). There is no provision in legislation to apply for an exemption certificate after planning permission has been applied for or granted.

In addition, as set out in section 96(13) of Planning and Development Acts 2000-2020:

Part V does not apply to applications for permission for -
• developments consisting of the provision of houses by an Approved Housing Body for social housing and/or affordable housing, where the AHB is the applicant.
• the conversion of an existing building or the reconstruction of a building to create one or more dwellings provided that at least 50% of the external fabric is retained.
• the carrying out of works to an existing house.
• development of houses under a Part V agreement.

The options to comply with Part V are as follows:

Section 96(3)(a) Planning and Development Act 2000 - 2020
• Transfer of land. This is the default option for the applicant as emphasised by section 96(3)(g)
Section 96(3)(b) Planning and Development Act 2000 - 2020
• Building and transfer of houses.
• Transfer of houses off-site.
• Grant of a lease of houses on or off-site
• A combination of transfer of land under section 96(3)(a) and options under section 96(3)(b).
• A combination of 2 or more of the options under section 96(3)(b)

Changes to Part V under the Affordable Housing Act 2021

The Affordable Housing Act 2021 made a number of changes to Part V. It reduced the number of houses from 9 or fewer to 4 or fewer units for an exemption certificate and also uses the date of land purchase / Planning permission to determine Part V Liability. These changes came into operation on 3 September 2021.

Information provided in this graphic is for illustrative purposes and broad guidance. For specific information please refer to the text of the Affordable Housing Act 2021 as published by the Oireachtas

Changes to Part V

Part V of the Planning and Development Acts 2000 to 2020 has been amended by the Affordable Housing Act 2021.

Main Changes:

These changes to Part V primarily apply to **land purchased on or after 1 August 2021**. Any new planning permissions for housing development on that land will have a **20% Part V requirement**.

A **10% Part V requirement** will apply where **land already has planning permission** or was purchased between 1 September 2015 and 31 July 2021 and planning permission is granted before 31 July 2026.

Land where the changes to Part V requirement apply

20% Part V requirement

At least half of the Part V provision must be used for social housing support

The remainder can be used for affordable housing, which can be affordable purchase, cost rental or both.

Land where the transition arrangements apply

10% Part V requirement

All of the Part V provision must be used for social housing support

All of the land or equivalent value gain under Part V must be used for social housing support.

Other important changes:

There will be a Part V requirement on any land granted planning permission for the development of housing (irrespective of zoning).

The legislation has been updated to bring clarity to the availability of arbitration at any stage in the Part V negotiations.

The 'Market value' of land for the purpose of Part V is now defined as the open market value on the date of the grant of planning permission.

An applicant for planning permission for developments of 4 houses or fewer can apply for an exemption certificate from Part V.

Pre-planning Part V - information provided by the applicant.

The first step in the pre-planning consultation process relating to Part V is for applicants to supply the planning authority with information about the proposed development. The following template provides a checklist of the pre-planning Part V information required of applicants. This should be emailed to partv@sdublincoco.ie with all attachments for consideration. We will require proof of date of land purchase to determine Part V liability for all sites.

SUPPLEMENTARY PRE-PLANNING FORM PART V

Subject to Contract/Contract Denied & subject to necessary statutory approvals

Points to note before filling in this form:

- SDCC's preference is to acquire all Part V units on site – this should be factored into the planning application
- Part V proposals should generally comprise of a mix and distribution of unit types in line the with the overall schedule of accommodation, noting the Council's particular need for one-, two- and four-bedroom units (and generally excluding studio apartments)
- Part V Units should, where possible, be distributed evenly throughout the site to maximise social integration and community sustainability. A detailed rationale should be included where proposals do not provide for such integration.
- Expressions of interest from AHBs will only be considered by SDCC when the Part V has been agreed. AHBs will be appointed by SDCC in accordance with the AHB protocol.
- Part V must be agreed prior to commencement of development in accordance with s.96 of Planning & Development Act 2000 as amended.
- Any subsequent potential or proposed changes/updates to the information provided herein, especially relating to phasing plan and delivery dates of units, should be notified immediately to the Council's Part V section.

Planning & Site Details

Planning Ref No/Pre-Planning Ref No	
Final Grant Date (if applicable)	
Proposed Development Location include site location map (Attachment 1)	
Name of Owner	
Name of Developer/Contractor (where different to Owner)	
Proof of Site Ownership & Date of Purchase (Attachment 2)	
Site Folio Number(s)	
Name and Contact Details (including email address) for Part V negotiations	

Details of proposed development

Proposed Development Description	
Number of residential units in development Please provide full schedule of accommodation in tabular format. (Attachment 3)	
Number & type of non-residential units within the development	
Car parking provision (Including proposed no. of spaces per unit etc.)	
Indicative costs for all units, highlighting proposed costs for Part V units (Attachment 4)	
Proposed tenure of the development (build-to-rent/build-to-sell?) If build-to-rent, provide details of communal facilities available to tenants and commentary on whether and how Part V units may be excluded from communal facilities?	
Part V PROPOSAL	
Proposed method of fulfilling Part V obligation within the development (s.96 P&D Act 2000 as amended)	
Part V percentage liability (see guidance attached)	
Part V unit numbers proposed for social housing	
Part V unit numbers proposed for affordable housing where applicable	
Site layout map with Part V units identified (Attachment 5)	
Provide details of proposed units suitable (for adaptation) for persons with medical needs (SDCC require approximately 7% of all Part V units to be suitable for persons with medical need)	
How many ground-floor, level access units are included in the Part V proposal?	
Provide projected construction commencement & completion dates and proposed schedule of delivery	

If proposed to deliver Part V units in phases, complete the table below and also provide a phasing map clearly identifying the proposed Part V units (**Attachment 6**)

Part V PROGRAMME & UNIT MIX (Social / Affordable)

Year	2024	2025	2026	2027	2028
Number of proposed social units					
Number of proposed affordable units					

Breakdown of Unit Mix for Part V Social

Type	1-bed	2-bed	3-bed	4-bed	5-Bed	Medical Needs %	Overall %
House							
Apartment							
Duplex							
Bungalow							
Other							

Area/Size of unit

Type	1-bed	2-bed	3-bed	4-bed	5-Bed	Medical Needs %	Overall %
House							
Apartment							
Duplex							
Bungalow							
Other							

Breakdown of Unit Mix for Part V Affordable if applicable

Type	1-bed	2-bed	3-bed	4-bed	5-Bed	Medical Needs %	Overall %
House							
Apartment							
Duplex							
Bungalow							
Other							

Area/Size of unit							
Type	1-bed	2-bed	3-bed	4-bed	5-Bed	Medical Needs %	Overall %
House							
Apartment							
Duplex							
Bungalow							

(1)Signature:	
Print Position:	
Date:	

Email completed form and attachments for the attention of Administrative Officer, Part V Unit to partv@sdublincoco.ie

It should be noted that all Part V agreements are subject to funding from the Dept of Housing, Local Government and Heritage and collateral warranties are to be carried by the main contractor together with their subcontractors

(1) Electronic signatures are accepted.