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**An Bille um Pleanáil agus Forbairt (Leasú) (Uimh. 2),  
2017**

**Planning and Development (Amendment) (No. 2) Bill  
2017**

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*Meabhrán Mínitheach*  
*Explanatory Memorandum*

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PLANNING AND DEVELOPMENT (AMENDMENT) (NO. 2) BILL  
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**MEABHRÁN MÍNITHEACH  
EXPLANATORY MEMORANDUM**

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**Background**

Pillar 3 of the Government's Action Plan for Housing and Homelessness - Rebuilding Ireland included a commitment to amend the Planning and Development Act 2000 to enable a second extension of duration of planning permissions for certain housing developments, which normally last for five years.

*Section 42* of the Planning and Development Act 2000 (as amended) currently allows the duration of a planning permission to be extended once, subject to the satisfaction of specified criteria.

Due to the economic recession of recent years, the resulting downturn in construction activity and slow pace of sales, many approved housing developments have not been capable of being built out within the timeframe of their original permissions, even where these benefitted from an extension of duration.

Recognising the imperatives around boosting housing supply to implement Rebuilding Ireland and the additional timescales and costs associated with re-applying for planning permission to complete substantially commenced developments, section 28 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (the 2016 Act) amended the extension of duration provisions.

*Section 28* of the 2016 Act provided:

1. A permanent change to section 42 of the 2000 Act providing that extensions of durations would no longer apply where environmental impact assessment (EIA) or appropriate assessment (AA) was required in respect of the original planning permission; and
2. A temporary change to section 42 of the 2000 Act providing that a second extension of duration of planning permission could be approved for a development of 20 homes or more in certain circumstances and where development had substantially commenced within the original permission period.

Due to the construction of section 28 with these two separate provisions, it was not possible to specifically commence the second provision above

to assist in implementing Rebuilding Ireland without also commencing the first, which is intended at a later date.

This matter was to have been addressed by way of amendments to the Planning and Development (Amendment) Bill 2016 to enable the second part of section 28 to be commenced immediately, however due to unforeseen delays in the legislative process, this Bill is unlikely to be enacted before the Oireachtas Summer Recess.

Consequently, the only guaranteed means of addressing the extension of duration provisions before the Oireachtas summer recess 2017 is by means of this fast-track standalone Bill.

Moreover, during the consideration of amendments to section 28 of the Planning and Development (Housing) and Residential Tenancies Act 2016 proposed under the Planning and Development (Amendment) Bill 2016, a further issue came to light in relation to housing providers not being able to avail of a second extension of duration in cases where the development had substantially commenced but had done so within the period of any extended planning permission as opposed to the original planning permission period.

Without legislative amendment, this issue would have resulted in affected housing providers, who had substantially commenced development in an extended period not being able to apply for a second extension of duration and having to cease work until they obtained a new permission, as opposed to projects that had substantially commenced within the original planning permission period being able to avail of a second extension.

The intention of the action under Rebuilding Ireland was to remove unnecessary procedural blockages for housing projects that had substantially commenced, regardless of whether they had commenced within the original planning permission period or a subsequent extended period, thereby aiding the Government's actions on housing supply.

This provision will apply only to projects that have substantially commenced and will not apply to projects that have not commenced so as to discourage the hoarding of permissions without delivery of homes.

The indications are that there are a substantial number of commenced housing projects throughout the country that could be further built out without further delay if the amending legislation and relevant commencement arrangements are expedited.

### **Provisions**

*Section 1* proposes to delete section 28(2)(a) and substitute new text to address the issues above.

*Section 2* contains standard provisions of a general nature dealing with such matters as short title, collective citation and construction.

As the Act contains no commencement provision, the Act will come into force upon the signature of the President. Thereafter, the new extension of duration process will be commenced by the Minister and will be accompanied by enabling regulations.

*An Roinn Tithíochta, Pleanála, Pobail agus Rialtais Áitiúil,  
Iúil, 2017*