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*Number 9 of 2025*

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**Planning and Development (Amendment) Act 2025**

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## **PLANNING AND DEVELOPMENT (AMENDMENT) ACT 2025**

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[2025.]

*Planning and Development  
(Amendment) Act 2025.*

[No. 9.]

ACTS REFERRED TO

Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024 (No. 7)

Local Government Act 2001 (No. 37)

Planning and Development (Housing) and Residential Tenancies Act 2016 (No. 17)

Planning and Development Act 2000 (No. 30)

Planning and Development Act 2024 (No. 34)

Planning and Development Acts 2000 to 2023

Urban Regeneration and Housing Act 2015 (No. 33)





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*Number 9 of 2025*

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## **PLANNING AND DEVELOPMENT (AMENDMENT) ACT 2025**

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An Act to amend the Planning and Development Act 2024, the Planning and Development Act 2000 and certain other enactments; and to provide for matters connected therewith. [23rd July, 2025]

**Be it enacted by the Oireachtas as follows:**

### **PART 1**

#### **PRELIMINARY AND GENERAL**

##### **Short title, collective citations and commencement**

1. (1) This Act may be cited as the Planning and Development (Amendment) Act 2025.
- (2) The Principal Act and this Act (other than *Part 3*) may be cited together as the Planning and Development Acts 2024 and 2025.
- (3) The Planning and Development Acts 2000 to 2023 and *Part 3* may be cited together as the Planning and Development Acts 2000 to 2025.
- (4) This Act (other than *Part 2*) shall come into operation on such day or days as the Minister for Housing, Local Government and Heritage may by order or orders appoint, either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or provisions.
- (5) *Part 2* shall come into operation on the day immediately following the date of the passing of this Act.

##### **Definitions**

2. In this Act—

“Act of 2000” means the Planning and Development Act 2000;

“Principal Act” means the Planning and Development Act 2024.

## PART 2

## AMENDMENT OF PRINCIPAL ACT

**Amendment of section 2 of Principal Act**

3. Section 2 of the Principal Act is amended by the substitution of the following definition for the definition of “architectural conservation area”:

“ ‘architectural conservation area’ means—

- (a) a place, area, group of structures or townscape to which an objective referred to in section 331 applies, or
- (b) an architectural conservation area (within the meaning of the Act of 2000) to which an objective in a development plan under the Act of 2000—
  - (i) that continues in force by virtue of section 68, or
  - (ii) prepared, or varied, in accordance with section 69, applies;”.

**Amendment of section 27 of Principal Act**

4. Section 27 of the Principal Act is amended by the substitution of the following subsection for subsection (2):

“(2) A guideline (other than a specific planning policy requirement referred to in subsection (1C) of section 28 of the Act of 2000) that continues in force by virtue of subsection (1) shall have effect as if it were National Planning Policy Guidance and, accordingly, references in this Act to National Planning Policy Guidance shall be construed as including references to such a guideline.”.

**Amendment of section 30 of Principal Act**

5. Section 30 of the Principal Act is amended by the substitution of the following subsections for subsections (1) and (2):

- “(1) (a) A regional assembly shall, not later than 6 months after the date of the coming into operation of subsection (6) of section 21, commence a review of any regional spatial and economic strategy for its region for the time being in force.
- (b) A regional assembly shall, not later than 6 months after the publication of a revised or new National Planning Framework by the Government under Chapter 2, commence a review of any regional spatial and economic strategy for its region for the time being in force.



- (2) (a) A regional assembly shall, upon completion of a review of a regional spatial and economic strategy in accordance with paragraph (a) of subsection (1), make a new regional spatial and economic strategy in accordance with section 32.
- (b) A regional assembly shall, upon completion of a review of a regional spatial and economic strategy in accordance with paragraph (b) of subsection (1)—
  - (i) make a new regional spatial and economic strategy in accordance with section 32,
  - (ii) revise the existing regional spatial and economic strategy in accordance with section 32, or
  - (iii) make a determination that no new regional spatial and economic strategy or revision is required and publish a statement explaining the reasons for that determination.”.

**Amendment of section 35 of Principal Act****6.** Section 35 of the Principal Act is amended by—

- (a) the substitution of the following subsection for subsection (2):

“(2) (a) A local authority whose functional area is within the region of a regional assembly shall, not later than 3 years after either—

- (i) the first making of a regional spatial and economic strategy under this Chapter, or
- (ii) the first revision of a regional spatial and economic strategy continued in force by virtue of section 41,

prepare, and submit to that regional assembly, a report setting out progress made by the local authority in supporting the objectives of the regional spatial and economic strategy applicable to the functional area of that local authority.

- (b) A local authority whose functional area is within the region of a regional assembly shall, not later than 3 years after the preparation of a monitoring report in accordance with subsection (4), prepare, and submit to that regional assembly, a report setting out progress made by the local authority in supporting the objectives of the regional spatial and economic strategy applicable to the functional area of that local authority.”,

and

- (b) the substitution of the following subsection for subsection (3):

“(3) (a) A regional assembly may, not later than 3 years after either—

- (i) the first making of a regional spatial and economic strategy under this Chapter, or
  - (ii) the first revision of a regional spatial and economic strategy continued in force by virtue of section 41,  
  
request any person referred to in paragraph (b) of subsection (1) of section 31 to prepare, and submit to the regional assembly, a report setting out progress made by that person in supporting the objectives of the regional spatial and economic strategy applicable to that person.
- (b) A regional assembly may, not later than 3 years after the preparation of a monitoring report in accordance with subsection (4), request any person referred to in paragraph (b) of subsection (1) of section 31 to prepare, and submit to the regional assembly, a report setting out progress made by that person in supporting the objectives of the regional spatial and economic strategy applicable to that person.”.

**Amendment of section 41 of Principal Act**

7. Section 41 of the Principal Act is amended by the substitution of the following subsection for subsection (2):

“(2) A regional spatial and economic strategy that continues in force by virtue of subsection (1) shall have effect as if it were a regional spatial and economic strategy made under this Chapter and, accordingly, references in this Act to a regional spatial and economic strategy shall be construed as including references to a regional spatial and economic strategy that so continues in force.”.

**Amendment of section 56 of Principal Act**

8. Section 56 of the Principal Act is amended, in subsection (2), by the substitution of “a development plan (other than a development plan continued in force under subsection (1) of section 68 or a development plan prepared, or varied, in accordance with section 69)” for “a development plan”.

**Amendment of section 60 of Principal Act**

9. Section 60 of the Principal Act is amended by the substitution of the following subsection for subsection (10):

“(10) Any provision relating to the preservation of a public right of way contained in a development plan—

- (a) continued in force under section 68, or
- (b) prepared, or varied, in accordance with section 69,

may be included in a subsequent development plan made under this Act without the necessity to comply with this section.”.

**Amendment of section 63 of Principal Act**

**10.** Section 63 of the Principal Act is amended by the insertion of the following subsection:

“(18) (a) This section (other than an excluded provision) shall apply to—

- (i) the making of a variation to a development plan that continues in force by virtue of subsection (1) of section 68, and
- (ii) the making of a variation to a development plan prepared, or varied, in accordance with section 69,

as it applies to the making of a variation to a development plan made under this Chapter, as if—

(I) in subsection (6)—

(A) ‘any variation of the development plan’ were substituted for ‘the development plan or any part or provision thereof’, and

(B) ‘the variation’ were substituted for ‘the development plan or part or provision thereof’ in paragraph (i),

(II) in subsection (10), ‘any variation of the development plan’ were substituted for ‘the development plan or development plan as varied, as the case may be’,

(III) in paragraph (a) of subsection (14), ‘paragraphs (b) to (e)’ were substituted for ‘paragraphs (a) to (e)’, and

(IV) in paragraph (a) of subsection (15), ‘paragraphs (b) to (e)’ were substituted for ‘paragraphs (a) to (e)’.

(b) In this subsection ‘excluded provision’ means—

- (i) paragraphs (g) and (i) of subsection (3),
- (ii) subsections (4) and (5), and
- (iii) paragraph (a) of subsection (10).”.

**Amendment of section 64 of Principal Act**

**11.** Section 64 of the Principal Act is amended by the insertion of the following subsection:

“(15) This section shall apply to—

- (a) a development plan that continues in force by virtue of subsection (1) of section 68, and

- (b) a development plan prepared, or varied, in accordance with section 69,

as it applies to a development plan made under this Chapter, as if, in subsection (10), ‘paragraphs (b) to (e) of subsection (10) of section 63’ were substituted for ‘paragraphs (a) to (e) of subsection (10) of section 63’.”.

#### **Amendment of section 65 of Principal Act**

- 12.** Section 65 of the Principal Act is amended by the insertion of the following subsection:

“(18) This section shall apply to—

- (a) a development plan that continues in force by virtue of subsection (1) of section 68, and
- (b) a development plan prepared, or varied, in accordance with section 69,

as it applies to a development plan made under this Chapter, as if—

- (i) in subsection (3), ‘paragraphs (b) to (e) of subsection (10) of section 63’ were substituted for ‘paragraphs (a) to (e) of subsection (10) of section 63’,
- (ii) in subparagraph (i) of paragraph (d) of subsection (4), ‘paragraphs (b) to (e) of subsection (10) of section 63’ were substituted for ‘paragraphs (a) to (e) of subsection (10) of section 63’, and
- (iii) in subsection (16), ‘paragraphs (b) to (e) of subsection (10) of section 63’ were substituted for ‘paragraphs (a) to (e) of subsection (10) of section 63’ in each place that the latter occurs.”.

#### **Amendment of section 68 of Principal Act**

- 13.** Section 68 of the Principal Act is amended by the substitution of the following subsection for subsection (2):

“(2) A development plan that continues in force by virtue of subsection (1) shall have effect as if it were a development plan made under this Chapter and, accordingly, references in this Act to a development plan shall be construed as including references to a development plan that so continues in force.”.

#### **Continued operation of certain Parts of Act of 2000 for purposes of certain notices**

- 14.** The Principal Act is amended by the substitution of the following section for section 69:

“**69.** (1) Where a notice of intention to review an existing development plan and prepare a new development plan is given under subsection (1) of

section 11 of the Act of 2000 before the commencement of the repeal of Part II of the Act of 2000 by section 6—

- (a) Parts II and XAB, and Chapter III of Part IIB, of the Act of 2000 shall, on and after that repeal, continue to apply and have effect for the purposes of that notice,
- (b) that existing development plan may, subject to the said Parts II and XAB and the said Chapter III, be reviewed on or after that repeal, and
- (c) such new development plan may, subject to the said Parts II and XAB and the said Chapter III, be prepared on or after that repeal,

and any such new development plan prepared in accordance with this subsection shall have effect as if it were a development plan made under this Chapter and, accordingly, references in this Act to a development plan shall be construed as including references to such new development plan.

- (2) Where a planning authority proposes to make a variation of a development plan under section 13 of the Act of 2000 and, before the commencement of the repeal of Part II of that Act by section 6, the planning authority complies with subsections (2) and (3) of the said section 13—

- (a) Parts II and XAB, and Chapter III of Part IIB, of the Act of 2000, shall, on and after that repeal, continue to apply and have effect for the purposes of—
  - (i) the notice sent under paragraph (a) of the said subsection (2), and
  - (ii) the notice published under paragraph (b) of that subsection, and
- (b) that variation may, subject to the said Parts II and XAB and the said Chapter III, be made on or after that repeal,

and any development plan under the Act of 2000 varied in accordance with this subsection shall have effect as if it were a development plan made under this Chapter and, accordingly, references in this Act to a development plan shall be construed as including references to such development plan as so varied.

- (3) Subsections (3), (4) and (5) of section 68 shall apply to a development plan prepared or varied in accordance with this section as they apply to a development plan continued in force by virtue of that section, as if—

- (a) in subsection (3), ‘a development plan prepared, or varied, in accordance with section 69’ were substituted for ‘a development plan continued in force under subsection (1)’, and
- (b) in subsection (5), ‘a development plan prepared, or varied, in accordance with section 69’ were substituted for ‘a development plan continued in force under subsection (1)’.”.

**Amendment of section 81 of Principal Act****15.** Section 81 of the Principal Act is amended—

- (a) by the insertion of the following subsection:

“(1A) Notwithstanding the repeal of section 20 of the Act of 2000 by section 6, a local area plan to which subsection (8) applies shall remain in force until—

- (a) the expiration of such period as is specified in the plan, or
  - (b) the first making of a development plan under Chapter 5 in respect of the functional area to which the plan relates,
- whichever occurs sooner.”,

- (b) in subsection (2), by the substitution of “subsection (1) or (1A)” for “subsection (1)”,

- (c) in subsection (6), by the substitution of “subsection (1) or (1A)” for “subsection (1)”,

- (d) by the insertion of the following subsection:

“(6A) Notwithstanding the repeal of Part II, Part XAB or Chapter III of Part IIB of the Act of 2000 by section 6, the said Parts II and XAB and that Chapter shall continue to apply and have effect in relation to a local area plan for the time being in force by virtue of subsection (1) or (1A).”,

- (e) in subsection (7), by—

- (i) the substitution of “to which subsection (1) or (1A) applies” for “continued in force under subsection (1)” where it first occurs, and

- (ii) the substitution of the following paragraph for paragraph (c):

“(c) a provision of a development plan—

- (i) continued in force under subsection (1) of section 68, or
  - (ii) prepared, or varied, in accordance with section 69,
- that provision of that development plan shall take precedence.”,

and

(f) by the insertion of the following subsections:

- “(8) Where a planning authority complies with paragraphs (a) and (b) of subsection (3) of section 20 of the Act of 2000 before the commencement of the repeal of Part II of that Act—
- (a) Parts II and XAB, and Chapter III of Part IIB, of that Act shall, on and after such repeal, continue to apply and have effect for the purposes of—
- (i) the notice sent under subparagraph (i) of the said paragraph (a), and
- (ii) the notice published under subparagraph (ii) of that paragraph, and
- (b) the planning authority may, subject to the said Parts II and XAB and that Chapter, make the local area plan concerned, or make the amendment or revocation concerned, on or after such repeal.
- (9) References in this Act (other than Parts 3 and 6 and Chapter 3 of Part 18) to an urban area plan shall be construed as including references to a local area plan made under section 20 of the Act of 2000 for the time being in force by virtue of this section.”.

#### **Amendment of section 180 of Principal Act**

**16.** Section 180 of the Principal Act is amended by—

(a) the substitution of the following subsection for subsection (9):

- “(9) This section applies to—
- (a) a permission, other than—
- (i) retention permission,
- (ii) retrospective consent,
- (iii) an extension of the duration of a permission under Chapter 5, or
- (iv) outline permission within the meaning of section 96, and
- (b) a permission or approval under the Act of 2000 deemed to be a permission under this Act by virtue of section 188, other than—
- (i) permission for retention of development under the Act of 2000, or
- (ii) outline permission for development granted under section 34 of the Act of 2000 upon an application referred to in subsection (1) of section 36 of that Act.”.

and

(b) the substitution of the following subsection for subsection (10):

“(10) (a) This section also applies to relevant permission in respect of which Act of 2000 judicial review proceedings are brought before, on or after the date of the coming into operation of this section, subject to the following modifications:

- (i) references to Part 9 judicial review proceedings shall be construed as references to Act of 2000 judicial review proceedings; and
- (ii) references to permission shall be construed as references to relevant permission.

(b) Where Act of 2000 judicial review proceedings have concluded, the notice under subsection (1) shall be accompanied by a declaration by the person who proposes to carry out the development concerned that the development did not substantially commence before the conclusion of those proceedings.

(c) For the purposes of the application of this section to Act of 2000 judicial review proceedings, a development has not substantially commenced by reason only of the commencement of works for the maintenance, security or protection of the land or maritime site on which the development is proposed to be situated.

(d) In this subsection—

‘Act of 2000 judicial review proceedings’ means judicial review proceedings brought in accordance with section 50 leave, and includes proceedings so brought by virtue of the operation of section 303;

‘relevant permission’ means—

(i) a permission, other than—

(I) retention permission,

(II) retrospective consent,

(III) an extension of the duration of a permission under Chapter 5, or

(IV) outline permission within the meaning of section 96,

(ii) permission or approval under the Act of 2000 (whether or not deemed to be a permission under this Act by virtue of section 188), other than—

(I) permission for retention of development under the Act of 2000,



- (II) outline permission for development granted under section 34 of the Act of 2000 upon an application referred to in subsection (1) of section 36 of that Act,
  - (III) permission or approval under the Act of 2000 for development that has substantially commenced before the conclusion of the Act of 2000 judicial review proceedings concerned,
  - (IV) permission or approval under the Act of 2000 that has expired, or
  - (V) permission or approval under the Act of 2000—
    - (A) in respect of which the Act of 2000 judicial review proceedings concerned have concluded, and
    - (B) in respect of which there has been a failure to comply with paragraph (b),
- or
- (iii) permission under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, other than—
    - (I) permission under that section for development that has substantially commenced before the conclusion of the Act of 2000 judicial review proceedings concerned,
    - (II) permission under that section that has expired, or
    - (III) permission under that section—
      - (A) in respect of which the Act of 2000 judicial review proceedings concerned have concluded, and
      - (B) in respect of which there has been a failure to comply with paragraph (b);
- ‘section 50 leave’ has the meaning assigned to it by section 50A of the Act of 2000.”.

#### **Amendment of section 242 of Principal Act**

- 17.** Section 242 of the Principal Act is amended by the substitution of the following subsection for subsection (12):

- “(12) A housing strategy within the meaning of Part V of the Act of 2000 included in a development plan under Part II of that Act that—
- (a) continues in force by virtue of section 68, or
  - (b) was prepared, or varied, in accordance with section 69,

shall, until the replacement of that development plan in accordance with Part 3, constitute the housing strategy of the planning authority in respect of whose functional area the development plan applies and, accordingly, references in this Act to a housing strategy shall be construed as including references to a housing strategy to which this subsection applies.”.

**Application of section 50B of Act of 2000 to decisions under Principal Act**

**18.** Section 303 of the Principal Act is amended by—

(a) the substitution of the following subsection for subsection (3):

“(3) (a) Section 50B of the Act of 2000 shall apply and have effect in relation to a decision or an act of a local authority (including in its capacity as a planning authority) or the Commission under this Act as it applies and has effect in relation to a decision or an act of a local authority or the Commission under the Act of 2000.

(b) This subsection shall cease to have effect upon the coming into operation of Chapter 2.”,

and

(b) the substitution of the following subsection for subsection (4):

“(4) This section (other than subsection (3)) shall cease to have effect upon the coming into operation of Chapter 1.”.

**Amendment of section 306 of Principal Act**

**19.** Section 306 of the Principal Act is amended by the substitution of the following subsection for subsection (5):

“(5) Sections 54 and 55 of the Act of 2000 shall, on and after the repeal of those sections by section 6, continue to apply and have effect in relation to a record of protected structures included in—

(a) a development plan continued in force by virtue of section 68, and

(b) a development plan prepared, or varied, in accordance with section 69.”.

**Amendment of section 355 of Principal Act**

**20.** Section 355 of the Principal Act is amended, in subsection (2), by the substitution of “section 177” for “subsection 177”.

**Amendment of section 410 of Principal Act**

**21.** Section 410 of the Principal Act is amended, in subparagraph (ii) of paragraph (c) of

subsection (1), by the substitution of “Commission for Regulation of Utilities” for “Commission for Energy Regulation”.

**Amendment of section 423 of Principal Act**

22. Section 423 of the Principal Act is amended, in subparagraph (ii) of paragraph (c) of subsection (1), by the substitution of “Commission for Regulation of Utilities” for “Commission for Energy Regulation”.

**Amendment of section 603 of Principal Act**

23. Section 603 of the Principal Act is amended, in subsection (5), by the deletion of “prepared in accordance with Part 7”.

**Amendment of section 608 of Principal Act**

24. Section 608 of the Principal Act is amended by the deletion of “prepared in accordance with Part 7”.

**Amendment of section 614 of Principal Act**

25. Section 614 of the Principal Act is amended, in subsection (2), by the deletion of “prepared in accordance with Part 7”.

**Amendment of section 626 of Principal Act**

26. Section 626 of the Principal Act is amended by the substitution of the following paragraph for paragraph (c):

“(c) an application under subsection (1) or (1A) of section 42 of the Act of 2000 made before the repeal of the provision concerned,”.

**PART 3****AMENDMENT OF ACT OF 2000 AND OTHER ENACTMENTS****Amendment of section 7 of Act of 2000**

27. Section 7 of the Act of 2000 is amended, in subsection (2), by the insertion of the following paragraph:

“(ja) particulars of any permission standing modified in accordance with section 44B,”.

**Amendment of section 42 of Act of 2000**

28. Section 42 of the Act of 2000 is amended—

(a) in subsection (1), by the substitution of “but subject to subsections (1B) and (8)” for “but subject to subsection (8)”,

(b) by the insertion of the following subsections:

“(1A) Where development consisting of, or including, one or more than one house in respect of which permission was granted has not commenced within the appropriate period, a planning authority shall, subject to subsection (8), extend the appropriate period by such additional period (not exceeding 3 years) as the planning authority considers requisite to enable the development concerned to be completed, provided that—

(a) an application is made (in accordance with such regulations under this Act as apply to such an application)—

(i) before, but not earlier than 2 years before, the end of the appropriate period, and

(ii) not later than 6 months after the date on which *section 28* of the *Planning and Development (Amendment) Act 2025* comes into operation,

to the planning authority for an extension of the appropriate period, and

(b) the authority is satisfied that the development will be completed within a reasonable time.

(1B) A person shall not be entitled to make an application under subsection (1) if the appropriate period in respect of the permission concerned was, at any time, extended under subsection (1A).”,

(c) in subsection (2), by the substitution of “subsection (1) or (1A)” for “subsection (1)”,

(d) in subsection (4), by the insertion of “under subsection (1)” after “permission”,

(e) by the insertion of the following subsections:

“(4A) Where a planning authority has extended the appropriate period in relation to a permission under subsection (1A), that planning authority may, subject to subsections (4B), (4C), (7A) and (8), extend the appropriate period by such further additional period as the planning authority considers requisite to enable the development concerned to be completed, provided that—

(a) an application is made (in accordance with such regulations under this Act as apply to such an application) before, but not earlier than 2 years before, the end of the appropriate period to the planning authority for a further extension of the appropriate period, and

(b) the planning authority is satisfied that the development will be completed within a reasonable time.

(4B) A person shall not be entitled to make an application under subsection (4A) if the appropriate period in respect of the permission concerned was already extended under that subsection.

(4C) The aggregate of the extensions of the appropriate period under subsections (1A) and (4A) shall not exceed 5 years.”,

(f) by the insertion of the following subsection:

“(7A) A planning authority shall not grant an extension under subsection (4A) unless it is satisfied that—

(a) the development to which the permission relates was commenced before the expiration of the appropriate period sought to be extended,

(b) substantial works were carried out pursuant to the permission during that period, and

(c) the development will be completed within a reasonable time.”,

and

(g) by the insertion of the following subsections:

“(9) An extension of the appropriate period under subsection (1A) shall cease to have effect if the development to which the extension relates is not commenced before the expiration of the period of 18 months from the date on which *section 28 of the Planning and Development (Amendment) Act 2025* comes into operation.

(10) In this section ‘permission’ includes permission under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016.”.

### **Amendment of Part III of Act of 2000**

**29.** Part III of the Act of 2000 is amended by the insertion of the following section:

#### **“Modification of permission for residential development**

**44B.** (1) The holder of a permission for residential development may apply to the relevant authority who granted the permission for a certificate certifying that a proposed modification (which may include the removal or modification of a condition attached to the permission) of the permission is a permitted modification.

(2) An application under subsection (1) shall be in the prescribed form and shall be accompanied by—

(a) such revised plans and drawings, and

(b) such other documentation and information,

as may be prescribed.

- (3) A relevant authority may, for the purpose of the performance of its functions under this section, require the holder of a permission who has made an application under subsection (1) to provide the relevant authority with such additional documentation and information as the relevant authority considers appropriate, including documentation and information necessary to enable the relevant authority to carry out a screening for appropriate assessment or a screening for environmental impact assessment of the proposed modification.
- (4) Subject to subsections (5) and (6), a relevant authority shall, not later than—
  - (a) 8 weeks after receiving an application under subsection (1), or
  - (b) 4 weeks after receiving additional documentation or information pursuant to a requirement under subsection (3),whichever occurs later, issue a certificate certifying that the proposed modification concerned is a permitted modification.
- (5) A relevant authority shall not issue a certificate under this section in respect of a permission if—
  - (a) the development for which the permission was granted has already commenced,
  - (b) an appropriate assessment or environmental impact assessment in relation to the proposed modification of the permission is required,
  - (c) the applicant for the certificate fails or refuses to comply with a requirement under subsection (3), or
  - (d) in the case of a proposed modification of permission for development in a strategic development zone, the proposed modification would cause the number of dwellings in that strategic development zone to exceed the number permitted by a planning scheme under section 169.
- (6) A relevant authority shall not issue a certificate under this section in respect of a permission unless—
  - (a) the application under subsection (1) is made before the expiration of 2 years from the passing of the *Planning and Development (Amendment) Act 2025*, and
  - (b) it is satisfied that the proposed modification of the permission to which the application relates would, if made, be a permitted modification.
- (7) Where a relevant authority issues a certificate under subsection (4) in respect of a permission, the permission shall, on and from the date on which the certificate is issued, stand modified in accordance with the

terms of the proposed modification, and references in this section to modified permission shall be construed accordingly.

- (8) Development carried out in accordance with a modified permission shall not be unauthorised development.
- (9) The modified permission concerned shall be attached to the certificate under subsection (4).
- (10) (a) A relevant authority shall, as soon as may be after a certificate is issued under subsection (4), publish in a newspaper circulating generally within the State or the functional area of the relevant authority—
  - (i) a notice—
    - (I) of the issuing of the certificate,
    - (II) of the making of any determination in relation to a screening for appropriate assessment or environmental impact assessment, and
    - (III) stating that the modified permission concerned is available for inspection—
      - (A) on the relevant authority's internet website, and
      - (B) at its offices during normal business hours,
  - and
  - (ii) a copy of the certificate,

and shall also make copies of the certificate, modified permission and any such determination available for inspection by members of the public at its offices during normal business hours.

  - (b) A relevant authority shall, not later than 3 working days after a certificate is issued under subsection (4), publish on its internet website—
    - (i) a notice of the issuing of the certificate,
    - (ii) a copy of the certificate,
    - (iii) a copy of any determination referred to in clause (II) of subparagraph (i) of paragraph (a), and
    - (iv) a copy of the modified permission concerned.
- (11) A notice under subsection (10) shall include such other information (if any) as may be prescribed.
- (12) For the avoidance of doubt, there shall be no appeal to the Commission from a decision of a planning authority to issue a certificate under subsection (4).

- (13) The Minister may make regulations for the purposes of this section.
- (14) The purpose of this section is to facilitate and encourage expedited construction of greater numbers of dwellings in apartment complexes than permitted under permissions already granted, taking account of—
- (a) the acute shortage of residential accommodation in the State,
  - (b) the rise in homelessness in the State,
  - (c) the rise in the cost of—
    - (i) residential rental accommodation, and
    - (ii) house and apartment purchase prices,in the State.
- (15) In this section—
- ‘guidelines’ means the Planning Design Standards for Apartments, Guidelines for Planning Authorities 2025 made by the Minister on 8 July 2025 under section 28;
- ‘permission’ includes a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016;
- ‘permitted modification’ means, in relation to a permission—
- (a) a modification relating to—
    - (i) the mixture of apartments of different classes in the proposed development, or
    - (ii) the proportion of apartments of a particular class to apartments of another class in the proposed development,subject to the exceptions specified in specific planning policy requirement 1 of the guidelines,
  - (b) a modification relating to the floor areas of the apartments in the proposed development subject to the minimum floor area requirements specified in specific planning policy requirement 2 of the guidelines,
  - (c) a modification relating to the number of walls in each apartment in the proposed development that will have windows, subject to the minimum requirement in relation thereto specified in paragraph (i) of specific planning policy requirement 3 of the guidelines,
  - (d) a modification relating to the internal height of each apartment in the proposed development measured from floor to ceiling, subject to the minimum requirement in relation thereto specified in specific planning policy requirement 4 of the guidelines,



- (e) a modification relating to the number of lifts or stairways in the proposed development, or
- (f) any modification of a permission consisting of the carrying out of other works (including works to footpaths, boundaries, gardens and balconies) necessary for the purposes of any of the foregoing modifications or to ensure access to the development consequent upon the completion of the development;

‘relevant authority’ means—

- (a) a planning authority, or
- (b) the Commission;

‘residential development’ means development consisting of, or primarily consisting of, the construction of a dwelling or dwellings, including a house or houses and an apartment complex.”.

#### **Amendment of section 144 of Act of 2000**

- 30.** Section 144 of the Act of 2000 is amended, in subsection (1A), by the insertion of the following paragraph:

“(l) an application under section 44B;”.

#### **Amendment of section 246 of Act of 2000**

- 31.** Section 246 of the Act of 2000 is amended, in subsection (1), by the substitution of the following paragraph for paragraph (a):

“(a) the payment to planning authorities of prescribed fees in relation to applications—

- (i) for permission under Part III,
- (ii) for extensions or further extensions under section 42, or
- (iii) under section 44B;”.

#### **Amendment of Local Government Act 2001**

- 32.** (1) Schedule 14A of the Local Government Act 2001 is amended, in Part 2, by the insertion of the following:

“

12A	A decision in relation to the amendment of a local area plan that by virtue of section 81 of the Act of 2024 continues in force on and after the repeal of Part II of the Act of 2000.	Section 81 of the Act of 2024
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”.

- (2) Schedule 7 of the Principal Act is amended by the deletion of that part of the amendment of Part 2 of Schedule 14A of the Local Government Act 2001 specified in the said Schedule 7 consisting of the following:

“

12A	A decision in relation to the making, amendment or revocation of an urban area plan, a priority area plan or a coordinated area plan.	Section 74, 75 or 76 of the Act of 2024
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### **Amendment of Urban Regeneration and Housing Act 2015**

- 33.** (1) Section 3 of the Urban Regeneration and Housing Act 2015 is amended by the insertion of the following definition:

“ ‘core strategy’ means a core strategy in—

(a) a development plan—

(i) continued in force by virtue of section 68 of the Act of 2024, or

(ii) prepared, or varied, in accordance with section 69 of that Act,

or

(b) an integrated overall strategy under section 43 of that Act;”.

- (2) Schedule 7 of the Principal Act is amended by the deletion of that part of the amendment of section 3 of the Urban Regeneration and Housing Act 2015 specified in that Schedule consisting of the insertion of the definition of “core strategy”.

### **Amendment of Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024**

- 34.** (1) Section 29 of the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024 is amended, in subsection (1), by the substitution of the following definition for the definition of “Limerick City and County Development Plan”:

“ ‘Limerick City and County Development Plan’ means a development plan relating to Limerick for the time being in force—

(a) made under Chapter 5 of Part 3 of the Act of 2024,

(b) continued in force by virtue of section 68 of the Act of 2024, or

(c) prepared, or varied, in accordance with section 69 of the Act of 2024;”.

- (2) Schedule 7 of the Principal Act is amended by the deletion of that part of the amendment of subsection (1) of section 29 of the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024 specified in that Schedule

consisting of the amendment of the definition of “Limerick City and County Development Plan”.

**Construction of references in Act of 2000**

**35.** (1) An unrepealed provision and any instrument under an unrepealed provision shall—

- (a) on and after the coming into operation of the repeal of Part II of the Act of 2000 by section 6 of the Principal Act, and
- (b) pending the coming into operation of the repeal of the said provision under subsection (3) of section 1 of the Principal Act,

apply subject to the following modifications:

- (i) references in that unrepealed provision or instrument to the National Planning Framework shall be construed as references to the National Planning Framework within the meaning of the Principal Act;
  - (ii) references in that unrepealed provision or instrument to guidelines under section 28 of the Act of 2000 shall be construed as including references to National Planning Policy Guidance within the meaning of the Principal Act;
  - (iii) references in that unrepealed provision or instrument to specific planning policy requirements shall be construed as references to National Planning Policies and Measures within the meaning of the Principal Act;
  - (iv) references in that unrepealed provision or instrument to a regional spatial and economic strategy shall be construed as including references to a regional spatial and economic strategy within the meaning of the Principal Act;
  - (v) references in that unrepealed provision or instrument to a development plan shall be construed as including references to a development plan within the meaning of the Principal Act.
- (2) In this section “unrepealed provision” means a provision of the Act of 2000, the repeal of which by section 6 of the Principal Act has not, for the time being, come into operation.