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**AN BILLE RIALTAIS ÁITIÚIL (PLEANÁIL AGUS
FORBAIRT) (LEASÚ) (UIMH. 2), 1997
LOCAL GOVERNMENT (PLANNING AND
DEVELOPMENT) (AMENDMENT) (NO. 2) BILL, 1997**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Short title, commencement and collective citation.
 2. Interpretation.
 3. Amendment of Act of 1963.
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Acts Referred to

Local Government (Planning and Development) Act, 1963	1963, No. 28
Local Government (Planning and Development) Acts, 1963 to 1993	
Ethics in Public Office, 1995	1995, No. 22



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LOCAL GOVERNMENT (PLANNING AND
DEVELOPMENT) (AMENDMENT) (NO. 2) BILL, 1997

BILL

entitled

AN ACT TO AMEND AND EXTEND THE LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) This Act may be cited as the Local Government (Planning and Development) (Amendment) Act, 1997. Short title, commencement and collective citation.

(2) This Act shall come into operation on the day that is six months from the date of its enactment.

(3) The Local Government (Planning and Development) Acts, 1963 to 1993, and this Act may be cited together as the Local Government (Planning and Development) Acts, 1963 to 1997.

2.—(1) In this Act— Interpretation.

(a) “the Act of 1963” means the Local Government (Planning and Development) Act, 1963, and

(b) a reference to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any subsequent enactment including this Act.

(2) Any question as to whether a person is connected with another shall be determined in accordance with section 2 (2) of the Ethics in Public Office Act, 1995.

3.—The Act of 1963 shall be amended as follows: Amendment of Act of 1963.

(a) in section 25 (2) (which sets out matters for which the Minister may make provision in planning regulations), by the addition of the following paragraph after paragraph (g):

“(h) requiring any applicants to submit information as to whether, in respect of permissions previously granted to those applicants, or to connected persons,

for the development of land, such developments had been carried out and completed in accordance with any conditions subject to which such permissions had been granted.”,

and

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- (b) in section 26 (1) (which sets out matters which an authority is restricted to considering in deciding an application made in accordance with the permission regulations), by the addition of the following proviso to that subsection:

“Provided that, nothing in this subsection shall require a 10
planning authority to grant a permission in circumstances,
where, having regard to information furnished to it under
paragraph (h) of section 25 (2), the authority is satisfied,
on reasonable grounds, that there is a real and substantial
risk that the development in respect of which permission 15
is sought would not be carried out and completed within
a reasonable period of time and in accordance with any
conditions to which it might reasonably be made subject
or to which it is proposed that it be made subject.”.



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EXPLANATORY MEMORANDUM

This Bill amends the Local Government (Planning and Development) Act, 1963 by providing that an application for planning permission may be denied if the applicant (or a connected person) has failed to complete works that were a condition of the granting of planning permission for a previous development by them.

It will also allow the Minister to make regulations requiring an applicant to provide information in relation to previous applications, and whether or not they were completed in accordance with the conditions attached to them.

This Bill provides a simple mechanism to enable planning authorities to tackle “rogue” developers who have previously failed to properly complete work in new housing estates — whether by failing to complete them in a reasonable time or by failing to complete them at all.

*Na Seanadóirí Seán Ó Riain, Seosamh Mac Coistealbha, Pádraig Ó Gallchóir agus Caitlín Ní Mheára,
Samhain, 1997.*