



DÁIL ÉIREANN

**AN BILLE UM PLEANÁIL AGUS FORBAIRT (LEASÚ), 2016
PLANNING AND DEVELOPMENT (AMENDMENT) BILL 2016**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

DÁIL ÉIREANN

AN BILLE UM PLEANÁIL AGUS FORBAIRT (LEASÚ), 2016 —ROGHCHOISTE

PLANNING AND DEVELOPMENT (AMENDMENT) BILL 2016 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 1

1. In page 5, between lines 20 and 21, to insert the following:

“(2) This Act, other than *Part 4* and *Schedule 3* at reference numbers 12 to 18, and the Planning and Development Acts 2000 to 2016 may be cited together as the Planning and Development Acts 2000 to 2017 and shall be construed together as one.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

2. In page 5, line 21, to delete “*Part 14* and *section 2*” and substitute “*section 2* and *Part 4* and where otherwise expressly provided for”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

SECTION 2

3. In page 5, between lines 26 and 27, to insert the following:

“ “Act of 2016” means the Planning and Development (Housing) and Residential Tenancies Act 2016;”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

4. In page 5, line 27, to delete “Minister for the Environment, Community and Local Government” and substitute “Minister for Housing, Planning, Community and Local Government”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

SECTION 4

5. In page 7, between lines 11 and 12, to insert the following:

“(c) have regards to human rights and equality as required by section 42 of the Irish Human Rights and Equality Commission Act 2014 in the carrying out of their functions.”.

—Róisín Shortall, Catherine Murphy.

6. In page 7, line 34, after “assess” to insert “and make legally binding determinations on”.

—Eoin Ó Broin.

[SECTION 4]

7. In page 8, line 2, to delete “observations and” and substitute “observations,”.

—Eoin Ó Broin.

8. In page 8, line 3, to delete “to planning authorities and regional assemblies,” and substitute “to planning authorities, regional assemblies or the Minister”.

—Eoin Ó Broin.

9. In page 8, line 7, to delete “observations and” and substitute “observations,”.

—Eoin Ó Broin.

10. In page 8, line 8, to delete “recommendations,” and substitute “recommendations or legally binding determinations”.

—Eoin Ó Broin.

11. In page 8, between lines 10 and 11, to insert the following:

“(c) to conduct investigations into allegations of planning corruption, impropriety or negligence so as to make findings of fact which can be used by the relevant authorities to prosecute breaches of law. The Office shall have the legal power to secure any documentation and to call any witnesses which it deems relevant to the conduct of any such investigation.”.

—Eoin Ó Broin.

12. In page 8, between lines 15 and 16, to insert the following:

“(e) to review and report on the performance by planning authorities of their enforcement functions under Part VIII.”.

—Eamon Ryan.

13. In page 8, between lines 34 and 35, to insert the following:

“(ii) the exercise of enforcement functions under Part VIII;”.

—Eamon Ryan.

14. In page 9, line 24, after “assemblies” to insert “in respect of”.

—Eamon Ryan.

15. In page 9, between lines 24 and 25, to insert the following:

“(i) the effective exercise of planning enforcement functions under Part VIII.”.

—Eamon Ryan.

16. In page 10, between lines 21 and 22, to insert the following:

“(b) the national transition objective established in the Climate Action and Low Carbon Development Act 2015,”.

—Eamon Ryan.

[SECTION 4]

17. In page 10, between lines 27 and 28, to insert the following:

“(d) the National Biodiversity Action Plan,”.

—Eamon Ryan.

18. In page 10, between lines 27 and 28, to insert the following:

“(d) the All-Ireland National Pollinator Plan,”.

—Eamon Ryan.

19. In page 10, between lines 33 and 34, to insert the following:

“(iii) the Water Framework Directive,”.

—Eamon Ryan.

20. In page 10, between lines 33 and 34, to insert the following:

“(iii) EU Directives on air quality,”.

—Eamon Ryan.

21. In page 10, between lines 33 and 34, to insert the following:

“(iii) the Floods Directive,”.

—Eamon Ryan.

22. In page 15, line 14, to delete “(2) Where” and substitute “(3) Where”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

23. In page 22, line 23, to delete “and assess, at least at a strategic level” and substitute “, assess and where appropriate make legally binding determinations”.

—Eoin Ó Broin.

24. In page 23, between lines 10 and 11, to insert the following:

“(b) consistency with the national transition objective established in the Climate Action and Low Carbon Development Act 2015;”.

—Eamon Ryan.

25. In page 23, between lines 10 and 11, to insert the following:

“(b) consistency with the Water Framework Directive;”.

—Eamon Ryan.

26. In page 23, between lines 10 and 11, to insert the following:

“(b) consistency with the Floods Directive;”.

—Eamon Ryan.

27. In page 23, between lines 10 and 11, to insert the following:

“(b) consistency with the National Biodiversity Plan;”.

[SECTION 4]

—Eamon Ryan.

28. In page 23, between lines 10 and 11, to insert the following:

“(b) consistency with the All-Ireland Pollinator Plan;”.

—Eamon Ryan.

29. In page 23, between lines 10 and 11, to insert the following:

“(b) consistency with EU Directives on air quality;”.

—Eamon Ryan.

30. In page 24, to delete line 6 and substitute “as soon as practicable following submission to the members of the authority.”.

—Eamon Ryan.

31. In page 25, between lines 16 and 17, to insert the following:

“(a) where the Office issues a binding determination the Minister shall, pursuant to section 1, issue a notice for the purposes of subsections (3) and (4) of that section in line with the determination,”.

—Eoin Ó Broin.

32. In page 25, lines 28 and 29, to delete “Department of the Environment, Community and Local Government” and substitute “Department of Housing, Planning, Community and Local Government”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

33. In page 27, lines 34 and 35, to delete “Department of the Environment, Community and Local Government” and substitute “Department of Housing, Planning, Community and Local Government”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

34. In page 27, line 37, to delete “and assess, at least at a strategic level” and substitute “, assess and where appropriate make legally binding determinations”.

—Eoin Ó Broin.

35. In page 29, between lines 41 and 42, to insert the following:

“(a) where the Office issues a binding determination the Minister shall, pursuant to section 1, issue a notice for the purposes of subsections (3) and (4) of that section in line with the determination,”.

—Eoin Ó Broin.

36. In page 30, lines 11 and 12, to delete “Department of the Environment, Community and Local Government” and substitute “Department of Housing, Planning, Community and Local Government”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

[SECTION 4]

37. In page 32, lines 17 and 18, to delete “Department of the Environment, Community and Local Government” and substitute “Department of Housing, Planning, Community and Local Government”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

38. In page 32, line 21, to delete “and assess, at a strategic level” and substitute “, assess and where appropriate make legally binding determinations”.

—Eoin Ó Broin.

39. In page 32, between lines 35 and 36, to insert the following:

“(b) consistency with the national transition objective established in the Climate Action and Low Carbon Development Act 2015;”.

—Eamon Ryan.

40. In page 32, between lines 35 and 36, to insert the following:

“(b) consistency with the Water Framework Directive;”.

—Eamon Ryan.

41. In page 32, between lines 35 and 36, to insert the following:

“(b) consistency with the Floods Directive;”.

—Eamon Ryan.

42. In page 32, between lines 35 and 36, to insert the following:

“(b) consistency with the National Biodiversity Plan;”.

—Eamon Ryan.

43. In page 32, between lines 35 and 36, to insert the following:

“(b) consistency with the All-Ireland Pollinator Plan;”.

—Eamon Ryan.

44. In page 32, between lines 35 and 36, to insert the following:

“(b) consistency with EU Directives on air quality;”.

—Eamon Ryan.

45. In page 35, between lines 3 and 4, to insert the following:

“(a) where the Office issues a binding determination the Minister shall, pursuant to section 1, issue a notice for the purposes of subsections (3) and (4) of that section in line with the determination;”.

—Eoin Ó Broin.

[SECTION 4]

46. In page 35, lines 15 and 16, to delete “Department of the Environment, Community and Local Government” and substitute “Department of Housing, Planning, Community and Local Government”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

47. In page 37, line 9, to delete “plan or, if appropriate, to constitute the strategy” and substitute “regional spatial and economic strategy or, if appropriate, to constitute that strategy”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

48. In page 37, lines 18 and 19, to delete “Department of the Environment, Community and Local Government” and substitute “Department of Housing, Planning, Community and Local Government”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

49. In page 37, between lines 19 and 20, to insert the following:

“31AS. (1) The Minister, pursuant to section 31P(1)(c) shall bring forward legislation to provide a statutory framework enabling the Office as required under its functions.

- (2) This legislation must include facilities for investigations to be carried out on foot of complaints from the Office, the Minister or any other individual or body who believes that an act of corruption, impropriety or negligence has occurred.”.

—Eoin Ó Broin.

50. In page 38, between lines 38 and 39, to insert the following:

“(c) is failing to achieve a desirable level of compliance with planning law in its area through the exercise of its enforcement functions in Part VIII.”.

—Eamon Ryan.

51. In page 38, between lines 38 and 39, to insert the following:

“(c) is failing to adequately exercise its functions under section 208.”.

—Eamon Ryan.

52. In page 40, between lines 22 and 23, to insert the following:

“(b) may not be achieving a desirable level of compliance with planning law in its area through the exercise of its enforcement functions in Part VIII.”.

—Eamon Ryan.

53. In page 40, to delete lines 35 to 37 and substitute the following:

“then the Office shall decide to undertake an examination or to prepare a report on the preliminary examination (including any recommendations) and, where an examination is undertaken, prepare a

[SECTION 4]

report on the examination (including any recommendations) and, accordingly, the Office shall as it considers it appropriate in the circumstances—”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

54. In page 40, line 38, to delete “the report” and substitute “the report concerned”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

55. In page 40, line 40, to delete “the report” and substitute “the report concerned”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

SECTION 7

56. In page 43, between lines 34 and 35, to insert the following:

“Amendment of section 7 (planning register) of Principal Act

7. Section 7 of the Principal Act is amended in subsection (2) by substituting the following for paragraph (e):

“(e) the complete decision of the planning authority in respect of any such application, including any conditions imposed and the date of the decision, together with such further points of detail as are agreed, or deemed to have been agreed, under section 34(5), between the planning authority and the person carrying out the development,”. ”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

57. In page 44, line 12, after “planning” to insert “and sustainable development”.

—Eamon Ryan.

58. In page 45, line 6, to delete “promotion” and substitute “establishment”.

—Eamon Ryan.

59. In page 45, line 7, to delete “promotion” and substitute “implementation”.

—Eamon Ryan.

60. In page 45, line 8, after “emissions” to insert the following:

“in order to achieve the national transition objective established in the Climate Action and Low Carbon Development Act 2015”.

—Eamon Ryan.

61. In page 45, between lines 9 and 10, to insert the following:

“(f) consistency with the Water Framework Directive;”.

—Eamon Ryan.

[SECTION 7]

62. In page 45, between lines 9 and 10, to insert the following:

“(f) consistency with the Floods Directive;”.

—Eamon Ryan.

63. In page 45, between lines 9 and 10, to insert the following:

“(f) consistency with the National Biodiversity Plan;”.

—Eamon Ryan.

64. In page 45, between lines 9 and 10, to insert the following:

“(f) consistency with the All-Ireland Pollinator Plan;”.

—Eamon Ryan.

65. In page 45, between lines 9 and 10, to insert the following:

“(f) consistency with EU Directives on air quality;”.

—Eamon Ryan.

SECTION 9

66. In page 46, between lines 23 and 24, to insert the following:

“Amendment of section 28 (Ministerial guidelines) of Principal Act

9. Section 28 of the Principal Act (as amended by section 2 of the Planning and Development (Amendment) Act 2015) is amended by deleting subsection (1C).”.

—Eamon Ryan.

67. In page 46, to delete lines 34 to 38 and substitute the following:

“(ka) facilitating the making and processing by electronic means of—

(i) planning applications, appeals, referrals, applications for approval, submissions and consents under this Act, and

(ii) the payment of fees, the issuing of decisions and setting out of requirements to which subparagraph (i) relates;”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

SECTION 10

68. In page 47, between lines 1 and 2, to insert the following:

“10. Section 34 of the Principal Act is amended by inserting the following after subsection (2):

“(2A) A planning authority shall, unless a derogation from the provisions of the Water Framework Directive has been granted, refuse permission for any project which may cause a deterioration of the status of a body of surface water or where it jeopardises the attainment of good surface water status or of good ecological potential and good surface water chemical status by the date laid down by the Water Framework

[SECTION 10]

Directive.”.”.

—Eamon Ryan.

69. In page 47, to delete line 3 and substitute the following:

“10. (1) Section 34 of the Principal Act is amended in subsection (2)(a) by deleting “and” in subparagraph (v) and by inserting the following after subparagraph (v):

“(va) previous developments by the applicant which have not been satisfactorily completed,

(vb) previous convictions against the applicant for non-compliance with this Act, the Building Control Act 2007 or the Fire Services Act 1981, and”.

(2) Section 34 of the Principal Act is amended in subsection (4)(g) by substituting “the giving and maintaining of adequate security” for “the giving of adequate security”.

(3) Section 34 of the Principal Act is amended in subsection (6)—”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

SECTION 11

70. In page 47, between lines 21 and 22, to insert the following:

“Amendment of section 38 (availability of documents relating to planning applications) of Principal Act

11. Section 38 of the Principal Act is amended by substituting the following for subsection (1) other than paragraphs (a) to (e):

“(1) Where a planning authority gives its decision in respect of a planning application the following documents shall be made available by the authority within 3 working days by placing the documents on its website, and may also make available such documents both in electronic form and for inspection and purchase by members of the public during office hours:”.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

71. In page 47, to delete lines 23 and 24 and substitute the following:

“11. (1) Section 48 (which relates to development contributions) of the Principal Act is amended—

(a) in subsection (3A) (inserted by the Urban Regeneration and Housing Act 2015) by substituting the following for paragraph (b);

“(b) where the development comprises houses and one or more of those houses has not been rented, leased, occupied or sold,”

and

(b) by substituting the following for subsection (3B) (as so inserted):

[SECTION 11]

“(3B) Where a development referred to in subsection (3A) comprises houses one or more of which has not been rented, leased, occupied or sold the planning authority shall apply the change in the basis for the determination of the contribution referred to in that subsection only in respect of any house or houses that have not been rented, leased, occupied or sold.

(2) Section 48 (which relates to development contributions) of the Principal Act is amended in subsection (17)—”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

SECTION 12

72. In page 47, after line 37, to insert the following:

“Amendment of section 144 (fees payable to Board) of Principal Act

12. Section 144 of the Principal Act is amended in subsection (1A) (inserted by the Planning and Development (Amendment) Act 2010) by inserting the following paragraph after paragraph (a)—

“(aa) an appeal to the Board under Part 2 of the Urban Regeneration and Housing Act 2015;”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

SECTION 13

73. In page 48, between lines 3 and 4, to insert the following:

“Amendment of section 170 (application for development in strategic development zone) of Principal Act

13. Section 170 of the Principal Act is amended in subsection (3) by substituting “site or sites to which a planning scheme made under section 169 applies” for “strategic development zone”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

74. In page 48, between lines 3 and 4, to insert the following:

“Amendment of section 177S (Competent Authority) of Principal Act

14. Section 177S of the Principal Act is amended in subsection (2) by inserting the following paragraph after paragraph (a):

“(aa) in relation to a draft National Planning Framework, the Minister.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

[SECTION 13]

75. In page 48, between lines 3 and 4, to insert the following:

“Amendment of section 177T (Natura impact report and Natura impact statement) of Principal Act

15. Section 177T of the Principal Act is amended in subsection (3) by inserting the following paragraph after paragraph (a):

“(aa) as respects a draft National Planning Framework, the Minister.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

76. In page 48, between lines 3 and 4, to insert the following:

“Amendment of section 180 (taking in charge of estates) of Principal Act

16. Section 180 of the Principal Act is amended—

(a) in subsection (1) by substituting “not later than 6 months after being so requested” for “as soon as may be”,

(b) in subsection (2)(a) by substituting “4 years” for “seven years”,

(c) in subsection (2A)(a)(i) by substituting “4 years” for “seven years”,

(d) in subsection (2A) by inserting the following after paragraph (b):

“(c) The initiation of procedures under section 11 of the Roads Act 1993 shall not preclude the planning authority concerned from pursuing, under the *Planning and Development Acts 2000 to 2017* or otherwise, a developer for the costs incurred by that authority in respect of works undertaken on a development to enable it to be taken in charge by that authority.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

77. In page 48, between lines 3 and 4, to insert the following:

“Amendment of section 247 (consultations in relation to proposed development) of Principal Act

17. Section 247 of the Principal Act is amended—

(a) in subsection (1) by substituting “Subject to subsection (1A), a person who has an interest in land” for “A person who has an interest in land”,

(b) by inserting the following after subsection (1):

“(1A) (a) Subject to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016, prior to making an application to a planning authority or authorities under section 34 in respect of a development that—

(i) consists of or includes either or both residential development of more than 10 housing units or non-residential development of

[SECTION 13]

more than 1,000 square metres gross floor space, or

- (ii) such other development as may be prescribed,
 - a prospective applicant shall have consulted the appropriate planning authority or authorities in whose area or areas the proposed development would be situated, comprising at least one meeting, and for that purpose—
 - (I) subject to paragraph (b), section 247 applies, with any necessary modifications to those consultations, and
 - (II) those consultations shall have regard to so much of Part V as would be relevant to proposals that include housing development.
- (b) Consultations under section 247 in relation to proposed development referred to in paragraph (a) shall be held within 4 weeks of the date of receipt by the planning authority, or planning authorities, as the case may be, of a request by the prospective applicant for such a consultation, unless the prospective applicant requests that the period be extended by a specified period, in which case—
 - (i) the period shall be extended by the planning authority, or planning authorities, as the case may be, by such specified period upon the first such request, and
 - (ii) the period may be extended, at the discretion of the planning authority or planning authorities, as the case may be, by such specified period upon a second or subsequent such request.
- (c) The failure by a planning authority to comply with the requirement to hold a consultation meeting for the purposes of section 247 by virtue of paragraph (b) within the time limits provided for by that paragraph shall not prevent the prospective applicant, after the expiration of the period specified in that paragraph, from making an application to a planning authority or authorities under section 34 to which the request for a consultation under paragraph (a) relates.
- (d) The Minister may by regulations prescribe for such matters of procedure and administration as appear to the Minister to be necessary or expedient in respect of requests to which paragraph (a) relate and may be so prescribed in respect of different classes of such requests.
- (e) Without prejudice to the generality of paragraph (d), regulations under that paragraph may make provision for the following—
 - (i) the manner in which requests under paragraph (a) are to be made to planning authorities,

[SECTION 13]

- (ii) requiring planning authorities to acknowledge in writing the receipt of requests under paragraph (a),
- (iii) requiring any person making a request under paragraph (a) to furnish to the planning authority concerned any specified types of drawings, plans, documents or other information in relation to that request.
- (f) For the purposes of this subsection ‘gross floor space’ means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions), disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to the primary purpose of the building.”,

and

- (c) in subsection (5) by inserting “or request for consultations” after “consultations” in both places where it occurs.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

78. In page 48, between lines 3 and 4, to insert the following:

“Amendment of section 248 (information to be provided in electronic form) of Principal Act

18. Section 248 of the Principal Act is amended—

- (a) in subsection (2)(c) by deleting “, if the person to whom the document or other information is required or permitted to be given consents to the information being given in that form”, and
- (b) in subsection (5) after “electronic form” to insert “, and may deal with applications, appeals and referrals by electronic means.”.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

79. In page 48, between lines 3 and 4, to insert the following:

“Amendment of section 179 of Principal Act

13. Section 179 of the Principal Act is amended by inserting the following after subsection (2):

- “(2A) The regulations to be made under subsection (2) shall provide that the information to be made available in accordance with subsection (2)(b) (ii) and subsection (2)(c) shall be at least as detailed as that which would be required for a planning application for the same development.”.”.

—Eamon Ryan.

[SECTION 13]

80. In page 48, between lines 3 and 4, to insert the following:

“Amendment of section 208 of Principal Act

13. Section 208 of the Principal Act is amended in subsection (1) by inserting the following after “development plan”:

“or local area plan”.

—Eamon Ryan.

81. In page 48, between lines 3 and 4, to insert the following:

“Amendment of section 208 of Principal Act

13. Section 208 of the Principal Act is amended in subsection (1) by deleting:

“in force on the commencement of this section”.

—Eamon Ryan.

SECTION 15

82. In page 48, between lines 30 and 31, to insert the following:

“Amendment of section 3 (definitions (Chapter 1)) of Act of 2016

15. (1) Section 3 of the Act of 2016 is amended—

(a) by inserting the following definition after the definition of “consultation meeting”:

“ ‘gross floor space’ means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions), disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to the primary purpose of the building;”,

and

(b) in the definition of “strategic housing development” by substituting “gross floor space” for “gross floor area” in paragraph (i).

(2) This section comes into operation upon the passing of this Act.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

83. In page 48, between lines 30 and 31, to insert the following:

“Amendment of section 5 (request for consultations before making application under section 4) of Act of 2016

16. (1) Section 5 of the Act of 2016 is amended—

(a) in subsection (4) by deleting “with the application concerned” and substituting “with the request concerned”, and

[SECTION 15]

(b) in subsection (8)(a) by substituting “gross floor spaces” for “internal floor areas”.

(2) This section comes into operation upon the passing of this Act.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

84. In page 48, between lines 30 and 31, to insert the following:

“Amendment of section 6 (consideration of request under section 5 by Board and consultations) of Act of 2016

17. (1) Section 6 of the Act of 2016 is amended—

(a) in subsection (1)(b) by substituting “under this section” for “under paragraph (a)”;

(b) in subsection (5)(a) by substituting “notification under subsection (4)(a)” for “receipt by the Board of the request under section 5(1)”, and

(c) in subsection (7) by deleting “the” before “those meetings”.

(2) This section comes into operation upon the passing of this Act.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

85. In page 48, between lines 30 and 31, to insert the following:

“Amendment of section 8 (requirements relating to application for permission under section 4) of Act of 2016

18. (1) Section 8 of the Act of 2016 is amended—

(a) in subsection (1)(a)(iv) by substituting in clause (I) “plan, or” for “plan, and”, and

(b) in subsection (3)(c)(iii) by deleting “prospective”.

(2) This section comes into operation upon the passing of this Act.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

86. In page 48, between lines 30 and 31, to insert the following:

“Amendment of section 12 (regulations (sections 4 to 10)) of Act of 2016

19. (1) Section 12 of the Act of 2016 is amended in subsection (2) by substituting the following for paragraph (c):

“(c) the making available for inspection by members of the public, at the offices of the Board or the relevant planning authority or authorities in whose area or areas the development will be situated, and in electronic form, of any specified documents, particulars, plans or other information with respect to applications under section 4;”.

(2) This section comes into operation upon the passing of this Act.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

87. In page 48, between lines 30 and 31, to insert the following:

“Amendment of section 28 (amendment, etc., of section 42 (power to extend appropriate period) of Act of 2000) of Act of 2016

20. (1) Section 28 of the Act of 2016 is amended in subsection (2) (which provides for a construction of section 42 of the Principal Act)—

- (a) by substituting “the day preceding the day that section 28(2)” for “the day preceding the day that section 28” where it occurs in the construction so provided,
- (b) by substituting “expires on or after the date of commencement of section 28(2)” for “has not expired on the date of the commencement of section 28” where it occurs in the construction so provided, and
- (c) by substituting “within the prescribed period” for “prior to the end of the expiration of the period by which the appropriate period was extended” where it occurs in the construction so provided.

(2) This section comes into operation upon the passing of this Act.”.

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

88. In page 48, between lines 32 and 33, to insert the following:

“15. The requirement for social housing provision shall raise from 10 per cent to 20 per cent within new developments.”.

—Róisín Shortall, Catherine Murphy.

89. In page 48, between lines 32 and 33, to insert the following:

“15. That where a property subject to a repossession order is a buy-to-let property a rent receiver would be appointed in place of a receiver to ensure tenants remain in-situ.”.

—Róisín Shortall, Catherine Murphy.

NEW SECTION

90. In page 48, after line 37, to insert the following:

“PART 5

FURTHER MISCELLANEOUS AMENDMENTS

Amendments to Part 1 of Act of 2000

16. The Act of 2000 is amended by inserting the following into the Table to section 1A—

“DIRECTIVE 2011/92/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment

[NEW SECTION]

(codification)

DIRECTIVE 2014/52/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment”.”.

—Eoin Ó Broin.

91. In page 48, after line 37, to insert the following:

“Amendments to Screening for environmental impact assessment

16. The Act of 2000 is amended—

(a) in section 176A(3) by substituting the following for paragraph (e):

“(e) any such other information as is required under Directive 2011/92/EU as amended by Directive 2014/52/EU where such information shall be prescribed by the Minister, and any additional information which may be prescribed by the Minister,”,

(b) in section 176A(4), by substituting “the authority may do either or both” for “the authority shall”,

(c) in section 176A(4) to insert the following paragraph after paragraph (b):

“(c) consult with the public, and consider any views of that body and shall publish the application for screening determination for environmental impact assessment (within the meaning of section 176A(1)) on both—

(i) its website, and

(ii) in a newspaper circulating in the area where the proposed development would be situated,

together with a notice, stating—

(I) where and when the full application can be found and inspected,

(II) inviting submissions from the public, and

(III) stating what fee if any is required to make a submission,

and the notice shall specify the period within which submissions are required to be received by the authority, where such period should not be less than 4 weeks,”,

(d) in section 176A(7) by deleting “together with any fee received from the applicant”.”.

—Eoin Ó Broin.

[NEW SECTION]

92. In page 48, after line 37, to insert the following:

“Amendments to “Screening for environmental impact assessment”

16. The Act of 2000 is amended in section 176B(5) as follows—

(a) in subparagraph (i), by inserting the following after clause (IV):

“(V) any person who made a submission on the application,

(VI) any person with sufficient interest and standing on the application,

and the notice shall also specify where the following information can be found on the planning authority’s website—

(A) the planning authority’s reasons for that decision, and

(B) information concerning referral of the determination to the Board for review under section 176C, where the planning authority concerned is not the Board,

and the planning authority shall provide this information on its website within 2 days of the screening determination,”

(b) by substituting the following for subparagraph (ii):

“(ii) where the planning authority is the Board, stating that a person may question the validity of any determination by the Board of the said screening determination, by way of application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with sections 50 and 50A of the Act of 2000, either before or following the final determination by the Board of the application for a screening determination, or any subsequent final determination on the application for development, and.””.

—Eoin Ó Broin.

93. In page 48, after line 37, to insert the following:

“Amendments to “Review of screening determination for environmental impact assessment and referral of application for screening for environmental impact assessment”

16. The Act of 2000 is amended in section 176(C)(9) by inserting the following after paragraph (b):

“and the Board shall publish the determination on its website, together with details on where the reasons and considerations on which its determination was based can be found on its website, and details on how these records are available for purchase and inspection during office hours.””.

94. In page 48, after line 37, to insert the following:

“Amendment to section 42 (power to extend appropriate period)

16. Section 42 of the Act of 2000 is amended by inserting after paragraph (aa) (inserted by the Planning and Development (Housing) and Residential Tenancies Act 2016), the following—

“and

(ab) where it is determined that no environmental impact assessment and/or an appropriate assessment are required at the time of the application for an extension of the appropriate period following a screening determination made by the Planning Authority and in accordance with the relevant provisions of the Act of 2000, including sections 176A, 176B and where appropriate 176C, in light of the changed environmental circumstances and conditions and cumulative impacts pertaining at the period now in question.””.

—Eoin Ó Broin.

95. In page 48, after line 37, to insert the following:

“Amendment to section 42

16. (1) Section 42 of the Act of 2000 is amended in subsection (1) by substituting “On application to it in that behalf a planning authority shall” for “On application to it in that behalf a planning authority may”.

(2) Section 42 of the Act of 2000 is amended in subsection (1) by inserting the following after paragraph (d)—

“(e) the planning authority has required the applicant to issue a notification in local newspapers circulating widely in the area of the proposed development, the application for extension of duration of the appropriate period, and indicating the public may make submissions on the application as if the application was being made in the first instance in accordance with section 176A of the Act of 2000,

(f) following notification by the planning authority to bodies prescribed under the Act of 2000 for a development of this type,

(g) following consideration by the planning authority of submissions and observations received under paragraphs (e) and (f) above and the application itself and a determination then of the application as if it was being considered for the first time under section 176A of the Act of 2000, and

[NEW SECTION]

- (h) any such determination shall be notified as if it was determined for the first time, but stating clearly that the determination is in respect of an extension of the appropriate period, and shall also state how the determination may be appealed to the Board.”.”.

—Eoin Ó Broin.

96. In page 48, after line 37, to insert the following:

“PART 5

AMENDMENTS TO THE PLANNING AND DEVELOPMENT (HOUSING) AND RESIDENTIAL TENANCIES ACT 2016

Amendments to Part 2

16. Section 3 of the Act of 2016 is amended in the definition of “strategic housing development” by substituting “use, or for a mixture of residential and other uses, where the quantum of houses or accommodation units is not less than 100 units,” for “use or for a mixture of residential and other uses,”.”.

—Eoin Ó Broin.

97. In page 48, after line 37, to insert the following:

“Amendment to section 7(1)(a), and consequential amendment to sections 7(2), 7(3) and section 22.

16. (1) Section 7(1)(a) of the Act of 2016 is amended by inserting the following after subparagraph (ii)—

“(iii) any determination under this part shall be made in accordance with sections 176B and 176C, and the Board shall provide for consultation with the public, interested bodies, and the owner, occupier as if the application for determination had been made under section 176A.”.

- (2) Section 7 of the Act of 2016 is amended by repealing subsections (2) and (3).”.

—Eoin Ó Broin.

98. In page 48, after line 37, to insert the following:

“16. Section 28 of the Act of 2016 is amended by repealing subsection (2).”.

—Eoin Ó Broin.

SCHEDULE 1

99. In page 52, to delete lines 2 to 5 and substitute the following:

“

[SCHEDULE 1]

		(a) make available on the website of the Department of Housing, Planning, Community and Local Government a direction under subsection (16), and
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”

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

100. In page 53, to delete lines 40 to 43 and substitute the following:

“

		(a) make available on the website of the Department of Housing, Planning, Community and Local Government a direction under subsection (16), and
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”

—An tAire Tithíochta, Pleanála, Pobail agus Rialtais Áitúil.

SCHEDULE 4

101. In page 63, to delete lines 37 to 44 and substitute the following:

“

		“(aa) A chief executive’s report prepared for the purposes of paragraph (a) shall be published on the website of the planning authority concerned as soon as practicable following its preparation.”
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”

—Eamon Ryan.

102. In page 64, to delete lines 1 to 9 and substitute the following:

“

		“(aa) A chief executive’s report prepared for the purposes of paragraph (a) shall be published on the website of the planning authority concerned as soon as practicable following submission to the members of the authority under paragraph (a).”
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”

—Eamon Ryan.

[SCHEDULE 4]

103. In page 64, to delete lines 11 to 19 and substitute the following:

“

		“(aa) A chief executive’s report prepared for the purposes of paragraph (a) shall be published on the website of the planning authority concerned as soon as practicable following submission to the members of the authority under paragraph (a).”
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”

—Eamon Ryan.

104. In page 67, to delete lines 2 to 10 and substitute the following:

“

		“(aa) A chief executive’s report prepared for the purposes of paragraph (a) shall be published on the website of the planning authority concerned as soon as practicable following submission to the members of the authority under paragraph (a).”
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”

—Eamon Ryan.

105. In page 67, to delete lines 12 to 21 and substitute the following:

“

		“(ia) A chief executive’s report prepared for the purposes of subparagraph (i) shall be published on the website of the planning authority concerned as soon as practicable following submission to the members of the authority under subparagraph (i).”
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”

—Eamon Ryan.

[SCHEDULE 4]

106. In page 69, to delete lines 2 to 9 and substitute the following:

“

		“(ka) A chief executive’s report prepared for the purposes of paragraph (k) shall be published on the website of the planning authority concerned as soon as practicable following submission to the members of the authority under paragraph (k).”
--	--	---

”

—Eamon Ryan.

TITLE

107. In page 5, line 14, after “2000” to insert “, and the Planning and Development (Housing) and Residential Tenancies Act 2016,”.

—Eoin Ó Broin.