



An Bille um Pleanáil agus Forbairt (Leasú), 2016
Planning and Development (Amendment) Bill 2016

Meabhrán Mínitheach
Explanatory Memorandum



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

EXPLANATORY MEMORANDUM

Background

The Planning and Development (Amendment) Bill 2016 gives legislative effect to the remaining planning-related recommendations of the *Final Report of the Tribunal of Inquiry into Certain Planning Matters and Payments (Mahon Tribunal)* which was published on 22 March 2012. It provides for the establishment of an independent planning regulator and the placing of the national planning framework (successor to the national spatial strategy) on a statutory footing. It provides other required updates to the Planning and Development Act 2000 to deliver greater transparency, efficiency and integrity in the planning system. The Bill, which contains 15 Sections in 4 Parts, together with 4 Schedules, sets out the necessary provisions to give effect to these measures and to related matters.

Overview

The overarching objective of the Bill is to provide for the implementation of the planning-related recommendations of the Mahon Tribunal, including in particular the establishment of the independent Office of the Planning Regulator (OPR), whose key functions will be to:

- evaluate and assess local authority development plans, variations to development plans, local area plans and regional spatial and economic strategies and to make statutory observations and recommendations on the content of such plans and strategies to the relevant local authorities and regional assemblies to ensure that a plan or strategy sets out an overall strategy for the proper planning and development of the area concerned
- undertake reviews of the organisation and systems and procedures used by planning authorities and An Bord Pleanála in relation to the performance of their functions under the Planning Acts, and
- undertake research and conduct programmes of education and training in respect of proper planning and sustainable development.

The function of the independent Office of the Planning Regulator in relation to making recommendations on local plans and regional strategies provides the power to make recommendation to the Minister to exercise the powers of Ministerial Direction to ensure a plan or strategy sets out an overall strategy for proper planning and sustainable development. Where the Minister agrees with the recommendation of the OPR, the Minister will issue a notice of intent, including a draft direction as provided by the OPR to the relevant local authority or assembly. Where the Minister does not agree with the recommendation of the Regulator, the Minister is

required to explain the reasons and lay such reasons before the Houses of the Oireachtas while publishing them on the Department's website.

In addition, the Bill provides for the implementation of other planning-related recommendations of the Mahon Tribunal, establishing a legislatively defined approach to the development of a successor strategy to the 2002 National Spatial Strategy, to be known as the National Planning Framework (NPF). Specific provision is made in this regard on the procedures to be followed in the development of a new framework, including public consultation and participation in the process, for periodic review of the framework every six years, as well as for the obtaining of Oireachtas approval of the national planning framework or any revised framework.

Other provisions in the Bill largely emanate from a combination of other Mahon Tribunal planning recommendations and specific actions required to be implemented under the Government's Construction 2020 Strategy as follows:

- the publication of submissions on local area plans and development plans and the Chief Executive's report on such submissions on the website of the relevant planning authority
- the forwarding of any proposed grants of planning permission which would contravene materially a development plan or a local area plan to the relevant regional assembly for any observations
- the removal of an overlap between development contributions for water infrastructure being paid for through planning permission conditions to local authorities, and the separate collection of water infrastructure costs by Irish Water from developers under the provisions of the Water Services Act 2014
- the provision that the location of new licensed premises can be regulated, consolidated, restricted or controlled by means of the objectives indicated in local authority development plans
- the provision of legislative underpinning for electronic planning to facilitate the introduction of online planning applications, appeals and payments
- the requirement for planning authorities to provide data and/or information for databases or national planning systems as may be specified by the Minister (eg. Myplan.ie which is the Department of the Environment, Community and Local Government's public information website on development plans, local area plans etc.), and
- the provision for the payment of reduced fees, or no fees, by elected members when making submissions on applications for planning permissions, and the noting of such representations on the relevant planning file.

Schedules 1 to 4 provide for miscellaneous and consequential amendments associated with the foregoing provisions.

PART 1

PRELIMINARY AND GENERAL

Sections 1 to 3 contain standard provisions of a general nature dealing with such matters as short title, commencement, interpretation, and provision for expenses.

PART 2

OFFICE OF THE PLANNING REGULATOR

Section 4 provides for amendment to the Planning and Development Act 2000 to insert –

- a new Part IIB
- (comprising new Chapters I to IV incorporating new sections 31K to 31AX)
- to provide for the Office of the Planning Regulator (OPR).

New Chapter I on *Preliminary and general* includes new Section 31K.

Section 31K provides for the definitions of certain terms used in new Part IIB.

New Chapter II on *Establishment, Organisation, Staffing etc* includes new Sections 31L to 31AL

Section 31L provides for the appointment by Order of the Minister of the establishment day of new Part IIB.

Section 31M provides for the establishment day of the independent OPR.

Section 31N provides for the Chief Executive of the Office to be known as the Planning Regulator who shall be a corporation sole with perpetual succession and an official seal and with power to sue and be sued, to acquire, hold and dispose of land or an interest in land, and to acquire, hold and dispose of any other property. It also provides for the performance of functions and the administration and business of the Office.

Section 31O provides for authentication of the seal of the Planning Regulator together with judicial notice to be taken of it, and of documents sealed by it. It also provides for contracts and instruments entered into by the Office by authorised persons.

Section 31P provides for the functions to be performed by the OPR. The statutory evaluation, assessment and observation function of the Minister on development plans, variations of development plans, local area plans and regional spatial and economic strategies will be undertaken by the OPR although the Minister will remain a statutory consultee.

In cases where a plan or strategy as made is not consistent with observations and recommendations of the OPR thus not constituting a plan or strategy for proper planning and sustainable development of the area in the OPR's opinion, it provides that the OPR will inform the Minister.

It provides for functions –

- to conduct research, including research at the request of the Minister and to arrange education and training programmes in planning
- to review the performance of the functions by the Board and planning authorities
- to oversee the delivery of effective planning services to the public by planning authorities
- to report annually on the performance of its own functions
- to prepare a strategy statement
- to make any observations, as appropriate, in relation to planning legislation, guidelines or guidance, and directive or directions issued by the Minister, and

- additional functions as may be specified in Ministerial Order.

In performing its functions, OPR shall take account of the objective of contributing to proper planning and sustainable development and the optimal functioning of planning under the Planning and Development Acts 2000 to 2015.

Section 31Q provides that the OPR shall conduct education and training programmes for members of planning authorities and regional assemblies and members of staff of these authorities in respect of roles and matters relating to proper planning and sustainable development. The OPR will also conduct research, and may enter into arrangements with qualified persons to provide services.

Section 31R provides for the independence of OPR in the carrying out of functions, and for the authorisation of staff to perform such functions.

Section 31S provides for the OPR to have regard to other public policy issues in the performance of its functions, such as government policies, objectives, the public interest, the National Planning Framework and relevant acts / directives of the European Union.

Section 31T provides for the OPR preparing a strategy statement within 6 months of establishment and thereafter every 6 years to include the objectives and priorities for each principal activity, the manner to assess performance at each activity, human resource activity, organisational structure (including corporate support) and other relevant matters.

Section 31U provides for the review of the organisation and the systems and procedures used by the OPR in relation to the performance of its functions including as the Minister may direct.

Section 31V provides for consultations between the Minister and OPR on matters relating to the functions of the OPR.

Section 31W provides for the appointment and term of office of the Planning Regulator. The Planning Regulator is appointed by the Minister, after selection by the Public Appointments Service, subject to the approval of the Government to hold office in a full-time capacity for a term of 5 years and may be re-appointed by the Minister for a second term or subsequent term of office, and that the Regulator shall not serve more than 2 terms of office. It provides that the term of office shall cease on the Planning Regulator attaining the age of 65 years unless the Planning Regulator is either—

- a new entrant (within the meaning of the Public Service Superannuation (Miscellaneous Provisions) Act 2004) appointed on or after 1 April 2004, or
- a Scheme member (within the meaning of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012, then the requirement under this subsection to vacate office on grounds of age shall not apply.

Section 31X provides for transitional provisions before establishment day, where the Minister may request a competition to select a candidate for nomination by the Minister for Government approval to be appointed as Planning Regulator.

Section 31Y provides for the resignation or removal from office and a Planning Regulator may resign by giving notice in writing to the Minister of his or her intention to resign or be removed from office by the Government in certain circumstances.

Section 31Z provides that the Planning Regulator may appoint up to 3 persons as directors to perform such functions as are duly assigned to them, and may appoint additional Directors subject to the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform. It also provides that the Planning Regulator shall designate a Director as deputy Planning Regulator who shall assume and carry out the functions of the Planning Regulator in the absence of the Planning Regulator or when the Planning Regulator position is vacant.

Section 31AA provides for the appointment of staff to the OPR and the payment of remuneration and allowances for such staff.

Section 31AB provides for the ceasing of the position held by a Planning Regulator or a member of staff of the Office where either are nominated, elected or co-opted as a member of the Oireachtas, a planning authority or the European parliament.

Section 31AC provides for the making of a superannuation scheme in respect of the Planning Regulator and staff of the OPR.

Section 31AD provides for the prohibition on the disclosure of information relating to functions of the OPR.

Section 31AE provides that neither the Planning Regulator or a former Regulator nor a present or former member of staff of the OPR is liable for damages for performing their functions unless shown to have been done in bad faith.

Section 31AF provides that the Minister may, in relation to the annual programme of expenditure by the OPR, make grants of amounts (as he or she may fix) to the OPR out of moneys provided by the Oireachtas.

Section 31AG provides for the accounts and audit of the accounts of the OPR.

Section 31AH provides for the preparation of an annual report on the performance of the functions and principal activities of the OPR during the preceding year and such other matters as the Minister may specify and copies of the report will be laid before each House of the Oireachtas and copied to the relevant Oireachtas Committee. It also provides that the Planning Regulator may be called before the relevant Oireachtas Committee in relation to its annual report.

Section 31AI provides that the Minister may provide services (including services of staff) to the OPR and the OPR may avail of such services. It also provides that the Minister may make available to the Planning Regulator, on a request being made by the Regulator, premises, equipment, services and other resources as is necessary to provide in particular the corporate services function on behalf of the OPR as the OPR may determine from time to time in consultation with the Minister and the Minister for Public Expenditure and Reform.

It also provides that the Minister may provide for the provision of services as set out above, subject to the agreement with the relevant Chief Executive(s) of any public body under the Minister's aegis, including local authorities.

Section 31AJ provides that the OPR may engage consultants or advisers to assist in the performance of its functions, and pay their fees. The OPR will have to outline in its annual report the names of any persons engaged in this regard.

Section 31AK provides for the OPR to charge fees in respect of the reasonable costs arising in respect of the provision or undertaking of

any training and research programmes (and other services, subject to the approval of the Minister).

Section 31AL provides for the adoption of a code of conduct by the OPR, subject to the approval of the Minister, with which the Planning Regulator and any of its staff must comply.

New Chapter III on *Evaluation and Assessment carried out by OPR* includes new Sections 31AM to 31AR.

Section 31AM provides for the OPR to evaluate and assess, at least at a strategic level, development plans and, variations to development plans at all statutory stages of the plan making process to ensure the plans as made address the legislative and policy requirements as set out in the Bill.

The OPR will submit observations and recommendations at all stages of the development planning process to the relevant planning authority and submit copies to the Minister.

The Chief Executive's report prepared for the elected members in respect of the relevant stages of the development planning process will summarise the issues, outline recommendations and will be web-published.

A regional assembly will send a copy of any observations or submissions it makes to a planning authority at all statutory stages of the plan making process to the OPR.

A planning authority shall notify the OPR (within 5 working days) where, in the opinion of the Chief Executive, the planning authority made the plan in such a manner as to be inconsistent with any observations or recommendations made by the OPR, and state the reasons for the decision of the planning authority. Where the OPR is of the opinion that the plan as made does not set out an overall strategy for proper planning and sustainable development, the OPR shall (within 4 weeks of the making of the plan or variation) issue a notice to the Minister with recommendations that the Minister uses his/her powers of ministerial direction to ensure the plan or variation sets out an overall strategy for proper planning and sustainable development and including providing a draft direction. A copy of the notice issued to the Minister will be made available on the website of the OPR.

Section 31AN provides for consequential provisions whereby the Minister either agrees or disagrees with the notice from the OPR and where the Minister disagrees with the notice from the OPR, the Minister shall state his or her reasons and lay such reasons before the Houses of the Oireachtas and make the stated reasons available on the Department's website.

In addition a copy of the Minister's stated reasons will be copied to the OPR and the relevant planning authority and made available on the website of the OPR and of the relevant planning authority.

Where the Minister agrees with the notice of the OPR, the Minister will proceed to issue the draft direction under section 31 of the Planning and Development Act taking account of the draft direction submitted by the OPR. The Bill sets out the detailed procedures that ensue.

Section 31AO provides that the OPR will evaluate and assess, at least at a strategic level, local area plans and amendment to local area plans at all statutory stages of the plan making process to ensure that the plans as made address the legislative and policy requirements as set out in the Bill.

The OPR will submit observations and recommendations at all stages of the local area planning process to the relevant planning authority and submit copies to the Minister.

The Chief Executive's report prepared for the elected members in respect of the relevant stages of the local area planning process summarise the issues, outline recommendations and will be web-published.

A planning authority shall notify the OPR where, in the opinion of the Chief Executive, the planning authority made the plan in such a manner as to be inconsistent with any observations or recommendations made by the OPR, and state the reasons for the decision of the planning authority.

Where the OPR is of the opinion that the plan as made is inconsistent with the relevant development plan and does not set out an overall strategy for proper planning and sustainable development, the OPR shall (within 4 weeks of the making of the plan or amendment) issue a notice to the Minister with recommendations that the Minister uses his/her powers of ministerial direction to ensure the plan or amendment sets out an overall strategy for proper planning and sustainable development and include providing a draft direction. A copy of the notice issued to the Minister will be made available on the website of the OPR.

Section 31AP provides for consequential amendments whereby the Minister either agrees or disagrees with the notice from the OPR and where the Minister disagrees with the notice from the OPR, the Minister shall state his or her reasons and lay such reasons before the Houses of the Oireachtas and make them available on the Department's website. In addition a copy of the Minister's stated reasons will be copied to the OPR and the relevant planning authority and made available on the website of the OPR and the relevant planning authority.

Where the Minister agrees with the notice of the OPR, the Minister will proceed to issue the draft direction under section 31 of the Planning and Development Act taking account of the draft direction submitted by the OPR. The Bill sets out detailed procedures that ensue.

Section 31AQ provides that the OPR will evaluate and assess at a strategic level, regional spatial and economic strategies at all stages of the strategy making process to ensure that the strategies as made address the legislative and policy requirements as set out in the Bill.

The OPR will submit observations and recommendations at all stages of the regional spatial and economic strategy process to the relevant regional assembly and submit copies to the Minister.

The Report of the Regional Assembly Director, prepared for the members in respect of the relevant stages of the regional strategy process, will:

- summarise the issues raised in the submissions / recommendations made by OPR,
- outline the recommendations of the Director in relation to the manner in which those issues and recommendations should be addressed, taking account of the National Spatial Strategy and the long-term strategic planning framework for the development of the region or regions, as the case may be, in respect of which it is made, in accordance with the principles of proper planning and sustainable development, and
- be made available on the website of the regional assembly.

A regional assembly shall notify the OPR where, in the opinion of its Director, the regional assembly made the strategy in such a manner as to be inconsistent with any observations or recommendations made by the OPR, and state the reasons for the decision of the regional assembly.

Where the OPR is of the opinion that the strategy as made does not set out a strategy that is in compliance with the Planning Act, and is inconsistent with the National Planning Framework and the long-term strategic planning framework for the development of the region or regions, as the case may be, in respect of which they are made, in accordance with the principles of proper planning and sustainable development, the OPR shall (within 4 weeks of the making of the strategy) issue a notice to the Minister with recommendations and that the Minister uses his/her powers of ministerial direction to ensure the strategy sets out a long-term strategic planning framework for the development of the region in accordance with the principles of proper planning and sustainable development and include providing a draft direction. A copy of the notice issued to the Minister will be made available on the website of the OPR.

Section 31AR provides for consequential provisions whereby the Minister either agrees or disagrees with the notice from the OPR and where the Minister disagrees with the notice from the OPR, the Minister shall state his or her reasons and lay such reasons before the Houses of the Oireachtas and make the reasons available on the Department's website. In addition, a copy of the Minister's stated reasons will be copied to the OPR and the relevant regional assembly and made available on the website of the OPR and the relevant regional assembly.

Where the Minister agrees with the notice of the OPR, the Minister will proceed to issue the draft direction under section 31A of the Planning and Development Act. The Bill sets out detailed procedures that ensue.

New Chapter IV *Review of Planning Functions* includes new Sections 31AS to 31AX.

Section 31AS provides that the OPR may conduct a review of a planning authority or An Bord Pleanála in respect of their systems and procedures used in the performance of their functions under the Planning and Development Act. An authorised person may be appointed for the purposes of a review. The planning authority under review, the Board or the Minister may make a submission or observation on a draft review report received from the OPR and the OPR has to review any submission of observations made before finalising a review report which has to be published on the OPR website. A recommendation relating to a planning authority in the review report may include a recommendation that the Minister consider exercising his or her function under the following:

- to issue section 28 guidelines
- to issue a section 29 policy directive
- to give a directive under subsection 255(2)
- to appoint a Commissioner under subsection 255(4) to carry out and have full responsibility for all or any one or more of the functions of the planning authority concerned.

Section 31AT provides for the Minister to request the OPR to undertake a review of the organisation and the systems and procedures used by a planning authority in relation to the performance of functions where the Minister has formed the opinion that a planning authority -

- may not be carrying out its functions in accordance with the requirements under this Act
- is not in compliance with guidelines issued under section 28, a directive issued under section 29, or a direction issued under section

- may be applying inappropriate standards of administrative practice or otherwise contrary to fair or sound administration in the conduct of its functions
- may be applying systemic discrimination in the conduct of its functions
- may be operating in a manner whereby there is impropriety or risks of corruption in the conduct of its functions, or
- may be operating in a manner whereby there are serious diseconomies or inefficiencies in the conduct of its functions.

Section 31AU provides that the OPR may examine complaints made by any person to the Office or where requested by the Minister in respect of a planning authority where such complaint relates to the organisation of the authority and of the systems and procedures used by it in relation to the performance of its functions under the Act.

It also provides that where the OPR has formed the opinion, having carried out a preliminary examination of such a complaint, that an examination into the complaint would be warranted and the planning authority concerned:

- may not be carrying out its functions in accordance with the Act
- is not in compliance with guidelines, a directive or a direction
- may be applying inappropriate standards of administrative practice or otherwise contrary to fair or sound administration
- may be applying systemic discrimination
- may be operating in a manner whereby there is impropriety or the risk of corruption or there are serious diseconomies or inefficiencies in the conduct of its functions

then the OPR shall prepare a report on the preliminary examination, including any recommendations, and the OPR shall as it considers appropriate in the circumstances submit the report, to the planning authority or the Minister or to both, or to one or more of the following:

- the Ombudsman
- the Standards in Public Office Commission
- the Garda Síochána
- such other State authority as may be prescribed.

A recommendation by the OPR in a preliminary examination report relating to a planning authority may include a recommendation that the Minister consider exercising his or her functions on:

- issuing guidelines, a policy directive or directive under the Planning Act;
- appointing a Commissioner to carry out and have full responsibility for all or any one or more of the functions of the planning authority under the Planning Act.

The OPR may also, having carried out a preliminary examination, cease to examine the complaint.

The OPR may also, decide not to carry out an examination of a complaint. Reasons are set out in the Bill.

Section 31AV provides for information, records or documents to be made available to the OPR as part of a review or examination and for a duty on a

planning authority or the Board and their staff to comply with requests for information and records and cooperate with the OPR.

Section 31AW provides that the OPR may appoint an authorised person to carry out a review or examination and the planning authority or the Board shall supply such information relating to the performance of its functions as he or she may from time to time request.

It provides powers to an authorised person to enter and inspect any land or premises or structure (other than a dwelling) which is owned, used, controlled or managed by a planning authority or the Board and to be afforded every facility and co-operation by the planning authority (its Chief Executive and staff) or the Board including the giving of information which he or she may reasonably require and shall have access to all documents, records or information which he or she may reasonably require.

Section 31AX provides that any person who obstructs or impedes or refuses to comply with a request of the OPR or an authorised person acting in the exercise of the functions conferred commits an offence and is liable on summary conviction to a Class C fine or, at the discretion of the Court, to imprisonment for a term not exceeding 6 months or to both. Summary proceedings for an offence under this Section may be brought by the OPR.

PART 3

MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS TO THE PLANNING AND DEVELOPMENT ACT 2000

Section 5 provides for miscellaneous and consequential amendments to Part II of the Principal Act as provided for in *Schedule 1* relating to the OPR.

Section 6 provides for miscellaneous and consequential amendments to the Principal Act as provided for in *Schedule 2* relating to the Chief Executive of a local authority in place of a Manager of a planning authority. This arises from changes made by the Local Government Reform Act 2014.

Section 7 provides for a legislative basis for the development of a National Planning Framework or a successor to the National Spatial Strategy. It provides for a new Chapter IIA (new Sections 20A to 20C) in the Principal Act.

Section 20A provides that the National Spatial Strategy as amended, shall be known as the National Planning Framework.

Section 20B provides that the objectives of the National Planning Framework (NPF) will be to establish a broad national plan for the Government in relation to the strategic planning of urban and rural areas, to secure balanced regional development, and to secure the co-ordination of regional spatial and economic strategies and city and county development plans.

Section 20C provides that the Government will have to prepare and publish a NPF and keep it under review. It provides that the lifetime of the NPF shall be between 10 and 20 years although as part of a 6 yearly process the Government shall revise or replace with a new one while publishing an explanation statement where it decides not to revise it and give an indication of a date by which it will be revised.

The NPF will provide for the identification of nationally strategic development requirements such as:

- indication of national infrastructure priorities to address the strategic development requirements

- promotion of coordination of development between the terrestrial and marine sectors
- conservation of the environment and its amenities, including the landscape and archaeological, architectural and natural heritage
- promotion of sustainable settlement and transportation strategies in urban and rural areas including the promotion of measures to reduce anthropogenic greenhouse gas emissions and to address the necessity of adaptation to climate change.

Provision will have to be made for public consultation including with regional assemblies, local authorities, An Bord Pleanála, prescribed bodies and the Northern Ireland Department for Regional Development.

The preparation of the framework shall be subject to provisions of relevant EU Environmental Directives including the Strategic Environmental Assessment (SEA) and Habitats (Appropriate Assessment) Directive.

The Government shall submit the draft of the revised or new framework, together with the Environmental Report and Appropriate Assessment Report for the approval of each House of the Oireachtas before it is published and the Government shall have regard to any resolution or report of, or any committee of, the Oireachtas in finalising the NPF.

It also provides for amendments substituting NPF for the National Spatial Strategy where referenced in the Principal Act as provided for in *Schedule 3* of this Bill.

Section 8 provides for the publication of submissions and observations received in respect of the pre-draft development plan issues paper, the draft development plan, variation to the development plan and local area plan process including material alterations, on the planning authorities' websites through amendments provided for in *Schedule 4*.

Section 9 provides that the Minister may make regulations to provide for a waiving or reduction of a fee for submissions or observations by an elected member on planning applications, and also provides to facilitate e-planning by clarifying that planning authorities/the Board may accept electronic applications/appeals and may deal with the applications/appeals by electronic means. It also provides that planning authorities must provide information for databases or national planning systems (e.g. www.myplan.ie).

Section 10 provides that copies of the notice by a planning authority on a proposed grant of planning permission that would contravene materially the development plan or local area plan would be sent to the relevant regional assembly in order that they can make submissions or observations as regards the making of such decision and send to the OPR for information once made.

Section 11 removes a current overlap between development contributions for water infrastructure being paid through planning permission conditions to local authorities, and the separate collection of water infrastructure costs by Irish Water from developers under the provisions of the Water Services Act 2014. It re-defines "public infrastructure" to make the necessary separation.

Section 12 provides for a technical amendment to the Principal Act by correcting a reference in Section 162(2) of the Planning and Development Act 2000, as amended, relating to "Evidence of Permission" in enforcement cases.

Section 13 provides that the information available to the Minister in deciding whether or not to appoint a Commissioner will include any information or recommendation from the OPR and the Minister then has the discretion to act or not to act on that information or recommendation.

Section 14 amends the First Schedule of the Principal Act relating to discretionary objectives in a development plan by including a provision allowing for the location of new licensed premises to be regulated, consolidated, restricted or controlled by means of the objectives indicated in local authority development plans.

PART 4

AMENDMENT TO THE WATER SERVICES (NO. 2) ACT 2013

Section 15 amends section 33 of the Water Services (No. 2) Act 2013 relating to a water services strategic plan prepared by Irish Water to provide that Irish Water, in preparing a water services strategic plan, shall have regard to proper planning and sustainable development in line with any development plans within the meaning of the Planning and Development Act 2000 (as amended), in particular the core strategy of the development plan.

SCHEDULE 1

Schedule 1 provides for miscellaneous and consequential amendments to the Principal Act

SCHEDULE 2

Schedule 2 provides for miscellaneous and consequential amendments to the Principal Act relating to Chief Executive of Local Authorities.

SCHEDULE 3

Schedule 3 provides for miscellaneous and consequential amendments to the Principal Act and to other legislation including the Water Services Act 2007, the Dublin Transport Authority Act 2008, the Dublin Transport Regulation Act 2009 and the Water Services (No.2) Act 2013 relating to the National Planning Framework and to the National Spatial Strategy.

SCHEDULE 4

Schedule 4 provides for amendments to the Principal Act regarding publication on the website of a planning authority of certain submissions and observations, and reports of the Chief Executive regarding the planning process.

*Department of the Environment, Community and Local Government,
January, 2016*