



DÁIL ÉIREANN

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

**LEASUITHE A RINNE AN SEANAD
AMENDMENTS MADE BY THE SEANAD**

DÁIL ÉIREANN

AN BILLE UM PLEANÁIL AGUS FORBAIRT (LEASÚ), 2016 [BILLE DÁIL ARNA LEASÚ AG AN SEANAD]

PLANNING AND DEVELOPMENT (AMENDMENT) BILL 2016 [DÁIL BILL AMENDED BY THE SEANAD]

*Leasuithe a rinne an Seanad
Amendments made by the Seanad*

*[The page and line references in this list of amendments
are to the text of the Bill as passed by Dáil Éireann]*

SECTION 1

1. In page 5, to delete lines 21 to 23 and substitute 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 2017 may be cited together as the *Planning and Development Acts 2000 to 2018* and shall be construed together as one.”.

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2. In page 6, to delete line 3 and substitute the following:

““Minister” means Minister for Housing, Planning and Local Government;”.

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3. In page 8, line 34, to delete “and”.
4. In page 9, to delete lines 3 and 4 and substitute following:

“(v) in so far as relates to planning matters to which paragraph (f) relates,

and

(j) to evaluate and assess strategic transport plans made by the National Transport Authority in accordance with section 12 of the Dublin Transport Authority Act 2008 and to issue a notice as provided for by subsection (10) of that section.”.

5. In page 9, line 16, to delete “Planning and Development Acts 2000 to 2015” and substitute “*Planning and Development Acts 2000 to 2018*”.
6. In page 9, line 22, to delete “Planning and Development Acts 2000 to 2015” and substitute “*Planning and Development Acts 2000 to 2018*”.
7. In page 12, line 35, to delete “Planning and Development Acts 2000 to 2015” and substitute “*Planning and Development Acts 2000 to 2018*”.
8. In page 13, to delete lines 6 to 9 and substitute the following:

“**31W.** (1) Subject to this section, the Planning Regulator shall be appointed by

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the Minister and shall hold office upon and subject to such terms and conditions (including terms and conditions relating to remuneration and superannuation) as the Minister may determine with the consent of the Minister for Public Expenditure and Reform.”.

9. In page 16, to delete lines 7 to 14.
10. In page 16, line 38, to delete “under section 31AC or otherwise.”
11. In page 17, to delete lines 6 to 43, and in page 18, to delete lines 1 to 7 and substitute the following:

“Members of staff of Office to be civil servants

31AC. A member of the staff of the Office of the Planning Regulator shall be a civil servant (within the meaning of the Civil Service Regulation Act 1956) in the Civil Service of the State.”.

12. In page 22, lines 2 and 3, to delete “provision of statutory observations or submissions” and substitute “provision of observations, submissions or recommendations in accordance with this Act”.
13. In page 23, to delete line 16 and substitute the following:

“(c) relevant guidelines for planning authorities made under section 28, including the consistency of development plans with any specific planning policy requirements specified in those guidelines;”.
14. In page 25, lines 31 and 32, to delete “Department of Housing, Planning, Community and Local Government” and substitute “Department of Housing, Planning and Local Government”.
15. In page 27, line 17, to delete “shall” and substitute “shall, subject to subsection (16)*”.

[*This is a reference to the subsection proposed to be inserted by amendment 18.]
16. In page 27, to delete lines 23 to 25 and substitute the following:

“(11) From the adoption of a development plan—

(a) such provisions as—

(i) are required to be included in a development plan by virtue of a direction issued by the Minister under section 31, and

(ii) are not so included,

shall be deemed to be included in that development plan, and

(b) such provisions of the development plan as do not comply with a direction so issued shall be deemed not to be included in that development plan.”.

17. In page 27, lines 37 and 38, to delete “Department of Housing, Planning, Community and Local Government” and substitute “Department of Housing, Planning and Local Government”.
18. In page 27, between lines 38 and 39, to insert the following:

“(16) (a) Where the giving of a direction by the Minister in accordance

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with subsection (9) would require the making of a material alteration to a development plan, the Minister shall, not later than 3 weeks after the making of the recommendation by the Office under that subsection—

- (i) publish a notice of the material alteration that would be so required in at least one newspaper circulating in the administrative area of the local authority that prepared the development plan, and
 - (ii) send a copy of that notice to the planning authority concerned, the regional assembly concerned, the Office, the Board and the prescribed authorities.
- (b) The Minister shall, before giving a direction in accordance with subsection (9), determine—
- (i) whether or not a strategic environmental assessment or an appropriate assessment is required to be carried out as respects a material alteration to a development plan that would be required in order to comply with the direction, and
 - (ii) where he or she determines that a strategic environmental assessment or an appropriate assessment is so required, the period that it would take to carry out such strategic environmental assessment or appropriate assessment.
- (c) Where the Minister makes a determination under paragraph (b) that a strategic environmental assessment or an appropriate assessment is required to be carried out as respects a material alteration to a development plan that would be required in order to comply with the direction, he or she shall publish a notice of that determination in at least one newspaper circulating in the administrative area of the local authority that prepared the development plan concerned.
- (d) A copy of the determination under paragraph (b) and a copy of the proposed material alteration to the development plan concerned shall, for a period of not less than 4 weeks from the date of the determination, be made available for inspection—
- (i) by members of the public at such place and at such times as are specified in the notice referred to in paragraph (c), and
 - (ii) on the internet website of the Minister and the internet website of the planning authority concerned.
- (e) A notice to which paragraph (c) applies shall—
- (i) state that a determination under paragraph (b) has been made for the purposes of giving a direction in accordance with subsection (9),
 - (ii) specify the place at which and times during which copies of the

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determination under paragraph (b) and the proposed material alteration to the development plan concerned will be made available for inspection by members of the public,

- (iii) state that such copies will be available for inspection on the internet website of the Minister and the internet website of the planning authority concerned,
- (iv) invite written submissions or observations with respect to the proposed material alteration or a strategic environmental assessment or appropriate assessment required to be carried out by virtue of the said determination to be made to the Minister before the expiration of such period as specified in the notice, and
- (v) that any such submissions or observations shall be taken into account by the Minister in giving a direction in accordance with subsection (9).
- (f) The Minister shall carry out a strategic environmental assessment, appropriate assessment, or both, of the proposed material alteration of the development plan within the period determined by the Minister in accordance with paragraph (b).
- (g) The Minister shall, not later than 8 weeks after the publication of a notice under paragraph (c), prepare a report on any submissions or observations received in accordance with that notice.
- (h) A report under paragraph (g) shall—
 - (i) specify the persons who made submissions or observations in accordance with the notice under paragraph (c),
 - (ii) provide a summary of those submissions and observations, and
 - (iii) set out the response of the Minister to those submissions and observations.
- (i) The Minister shall, in setting out his or her response to submissions or observations in accordance with the notice under paragraph (c), take account of the following:
 - (i) the proper planning and sustainable development of the area to which the proposed development plan is intended to apply,
 - (ii) the duties under statute of the local authority within whose administrative area the proposed development plan is intended to apply,
 - (iii) the necessity of ensuring that the proposed development plan will be consistent with—
 - (I) the national and regional development objectives set out in the National Planning Framework and the regional spatial

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and economic strategy,

(II) specific planning policy requirements specified in guidelines under section 28(1), and

(III) policies or objectives for the time being of the Government or of any Minister of the Government.”.

19. In page 30, lines 15 and 16, to delete “Department of Housing, Planning, Community and Local Government” and substitute “Department of Housing, Planning and Local Government”.

20. In page 32, line 1, to delete “shall” and substitute “shall, subject to subsection (16)*”.

*[*This is a reference to the subsection proposed to be inserted by amendment 23.]*

21. In page 32, to delete lines 7 to 9 and substitute the following:

“(11) From the adoption of a local area plan—

(a) such provisions as—

(i) are required to be included in the local area plan by virtue of a direction issued by the Minister under section 31, and

(ii) are not so included,

shall be deemed to be included in that local area plan, and

(b) such provisions of the local area plan as do not comply with a direction so issued shall be deemed not to be included in that local area plan.”.

22. In page 32, lines 21 and 22, to delete “Department of Housing, Planning, Community and Local Government” and substitute “Department of Housing, Planning and Local Government”.

23. In page 32, between lines 22 and 23, to insert the following:

“(16) (a) Where the giving of a direction by the Minister in accordance with subsection (9) would require the making of a material alteration to a local area plan, the Minister shall, not later than 3 weeks after the making of the recommendation by the Office under that subsection—

(i) publish a notice of the material alteration that would be so required in at least one newspaper circulating in the administrative area of the local authority that prepared the local area plan, and

(ii) send a copy of that notice to the planning authority concerned, the regional assembly, the Office, the Board and the prescribed authorities.

(b) The Minister shall, before giving a direction in accordance with subsection (9), determine—

(i) whether or not a strategic environmental assessment or an appropriate assessment is required to be carried out as respects a

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- material alteration to a local area plan that would be required in order to comply with the direction, and
- (ii) where he or she determines that a strategic environmental assessment or an appropriate assessment is so required, the period that it would take to carry out such strategic environmental assessment or appropriate assessment.
- (c) Where the Minister makes a determination under paragraph (b) that a strategic environmental assessment or an appropriate assessment is required to be carried out as respects a material alteration to a local area plan that would be required in order to comply with the direction, he or she shall publish a notice of that determination in at least one newspaper circulating in the administrative area of the local authority that prepared the local area plan concerned.
- (d) A copy of the determination under paragraph (b) and a copy of the proposed material alteration to the local area plan concerned shall, for a period of not less than 4 weeks from the date of the determination, be made available for inspection—
- (i) by members of the public at such place and at such times as are specified in the notice referred to in paragraph (c), and
 - (ii) on the internet website of the Minister and the internet website of the planning authority concerned.
- (e) A notice to which paragraph (c) applies shall—
- (i) state that a determination under paragraph (b) has been made for the purposes of giving a direction in accordance with subsection (9),
 - (ii) specify the place at which and times during which copies of the determination under paragraph (b) and the proposed material alteration to the local area plan concerned will be made available for inspection by members of the public,
 - (iii) state that such copies will be available for inspection on the internet website of the Minister and the internet website of the planning authority concerned,
 - (iv) invite written submissions or observations with respect to the proposed material alteration or a strategic environmental assessment or appropriate assessment required to be carried out by virtue of the said determination to be made to the Minister before the expiration of such period as specified in the notice, and
 - (v) that any such submissions or observations shall be taken into account by the Minister in giving a direction in accordance with subsection (9).

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- (f) The Minister shall carry out a strategic environmental assessment, appropriate assessment, or both, of the proposed material alteration of the local area plan within the period determined by the Minister in accordance with paragraph (b).
- (g) The Minister shall, not later than 8 weeks after the publication of a notice under paragraph (c), prepare a report on any submissions or observations received in accordance with that notice.
- (h) A report under paragraph (g) shall—
 - (i) specify the persons who made submissions or observations in accordance with the notice under paragraph (c),
 - (ii) provide a summary of those submissions and observations, and
 - (iii) set out the response of the Minister to those submissions and observations.
- (i) The Minister shall, in setting out his or her response to submissions or observations in accordance with the notice under paragraph (c), take account of the following:
 - (i) the proper planning and sustainable development of the area to which the proposed local area plan is intended to apply,
 - (ii) the duties under statute of the local authority within whose administrative area the proposed local area plan is intended to apply,
 - (iii) the necessity of ensuring that the proposed local area plan will be consistent with—
 - (I) the national and regional development objectives set out in the National Planning Framework and the regional spatial and economic strategy,
 - (II) specific planning policy requirements specified in guidelines under section 28(1), and
 - (III) policies or objectives for the time being of the Government or of any Minister of the Government.”.

24. In page 35, lines 18 and 19, to delete “Department of Housing, Planning, Community and Local Government” and substitute “Department of Housing, Planning and Local Government”.

25. In page 37, line 4, to delete “shall” and substitute “shall, subject to subsection (16)*”.

[*This is a reference to the subsection proposed to be inserted by amendment 28.]

26. In page 37, to delete lines 10 to 13 and substitute the following:

“(11) From the adoption of a regional spatial and economic strategy—

- (a) such provisions as—
 - (i) are required to be included in the regional spatial and economic

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strategy by virtue of a direction issued by the Minister under section 31A, and

(ii) are not so included,

shall be deemed to be included in that regional spatial and economic strategy, and

(b) such provisions of the regional spatial and economic strategy as do not comply with a direction so issued shall be deemed not to be included in that regional spatial and economic strategy.”.

27. In page 37, lines 22 and 23, to delete “Department of Housing, Planning, Community and Local Government” and substitute “Department of Housing, Planning and Local Government”.

28. In page 37, between lines 23 and 24, to insert the following:

“(16) (a) Where the giving of a direction by the Minister in accordance with subsection (9) would require the making of a material alteration to a regional spatial and economic strategy, the Minister shall, not later than 3 weeks after the making of the recommendation by the Office under that subsection—

(i) publish a notice of the material alteration that would be so required in at least one newspaper circulating in the administrative areas of the local authorities to which the regional spatial and economic strategy applies, and

(ii) send a copy of that notice to the planning authorities concerned, the regional assembly concerned, the Office, the Board and the prescribed authorities.

(b) The Minister shall, before giving a direction in accordance with subsection (9), determine—

(i) whether or not a strategic environmental assessment or an appropriate assessment is required to be carried out as respects a material alteration to a regional spatial and economic strategy that would be required in order to comply with the direction, and

(ii) where he or she determines that a strategic environmental assessment or an appropriate assessment is so required, the period that it would take to carry out such strategic environmental assessment or appropriate assessment.

(c) Where the Minister makes a determination under paragraph (b) that a strategic environmental assessment or an appropriate assessment is required to be carried out as respects a material alteration to a regional spatial and economic strategy that would be required in order to comply with the direction, he or she shall publish a notice of that determination in at least one newspaper circulating in the administrative areas of the local authorities to which the proposed

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regional spatial and economic strategy is intended to apply.

- (d) A copy of the determination under paragraph (b) and a copy of the proposed material alteration to the regional spatial and economic strategy concerned shall, for a period of not less than 4 weeks from the date of the determination, be made available for inspection—
 - (i) by members of the public at such place and at such times as are specified in the notice referred to in paragraph (c), and
 - (ii) on the internet website of the Minister, the internet website of the regional assembly concerned and the internet websites of the planning authorities to which the proposed regional spatial and economic strategy concerned is intended to apply.
- (e) A notice to which paragraph (c) applies shall—
 - (i) state that a determination under paragraph (b) has been made for the purposes of giving direction in accordance with subsection (9),
 - (ii) specify the place at which and times during which copies of the determination under paragraph (b) and the proposed material alteration to the regional spatial and economic strategy concerned will be made available for inspection by members of the public,
 - (iii) state that such copies will be available for inspection on the internet website of the Minister and the internet website of the planning authorities to which the proposed regional spatial and economic strategy concerned is intended to apply,
 - (iv) invite written submissions or observations with respect to the proposed material alteration or a strategic environmental assessment or appropriate assessment required to be carried out by virtue of the said determination to be made to the Minister before the expiration of such period as specified in the notice, and
 - (v) that any such submissions or observations shall be taken into account by the Minister in giving a direction in accordance with subsection (9).
- (f) The Minister shall carry out a strategic environmental assessment, appropriate assessment, or both, of the proposed material alteration of the regional spatial and economic strategy within the period determined by the Minister in accordance with paragraph (b).
- (h) The Minister shall, not later than 8 weeks after the publication of a notice under paragraph (c), prepare a report on any submissions or observations received in accordance with that notice.
- (i) A report under paragraph (h) shall—

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- (i) specify the persons who made submissions or observations in accordance with the notice under paragraph (c),
 - (ii) provide a summary of those submissions and observations, and
 - (iii) set out the response of the Minister to those submissions and observations.
- (j) The Minister shall, in setting out his or her response to submissions or observations in accordance with the notice under paragraph (c), take account of the following:
- (i) the proper planning and sustainable development of the administrative areas of the local authorities to which the proposed regional spatial and economic strategy is intended to apply,
 - (ii) the duties under statute of the local authorities within whose administrative areas the proposed regional spatial and economic strategy is intended to apply,
 - (iii) the necessity of ensuring that the proposed regional spatial and economic strategy will be consistent with—
 - (I) the national and regional development objectives set out in the National Planning Framework,
 - (II) specific planning policy requirements specified in guidelines under section 28(1), and
 - (III) policies or objectives for the time being of the Government or of any Minister of the Government.”.

29. In page 42, between lines 40 and 41, to insert the following:

- “(4) A public body may, for the purposes of a review or examination under section 31AS, 31AT or 31AU, disclose information, records or documents (including personal data within the meaning of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016¹) in its possession to the Office relating to matters that are the subject of that review or examination.
- (5) In this section—
- ‘company’ has the meaning assigned to it by the Companies Act 2014;
 - ‘public body’ means—
 - (a) a Department of State,
 - (b) the Office of the Comptroller and Auditor General,
 - (c) the Office of the Ombudsman,
 - (d) a local authority (within the meaning of the Local Government Act 1941),

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- (e) a body (other than a company) established by or under statute,
- (f) a company established pursuant to a power conferred by or under an enactment, and financed wholly or partly by—
 - (i) moneys provided, or loans made or guaranteed, by a Minister of the Government, or
 - (ii) the issue of shares held by or on behalf of a Minister of the Government,
- or
- (g) a company, a majority of the shares in which are held by or on behalf of a Minister of the Government.”.

¹ OJ No. L119, 4.5.2016, p.1

30. In page 43, line 33, to delete “by the Office of the Planning Regulator” and substitute “and prosecuted by the Planning Regulator”.

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31. In page 44, between lines 9 and 10, to insert the following:

“Amendment of section 2 of Principal Act

7. Subsection (1) of section 2 of the Principal Act is amended, in paragraph (b) of the definition of “strategic infrastructure development”, by substituting “subsection (3) or (6) of section 226” for “226(6)”.

32. In page 44, between lines 9 and 10, to insert the following:

“Amendment of section 4 of Principal Act

8. Section 4 of the Principal Act is amended, in subsection (1), by substituting the following paragraph for paragraph (ia):

“(ia) development (other than development consisting of the provision of access to a national road within the meaning of the Roads Act 1993) that consists of—

(I) the construction, maintenance or improvement of a road (other than a public road) that serves a forest or woodland, or

(II) works ancillary to such construction, maintenance or improvement;”.

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33. In page 44, between lines 18 and 19, to insert the following:

“Amendment of section 10 of Principal Act

10. Section 10 of the Principal Act is amended—

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- (a) in subsection (1A), by inserting “and with specific planning policy requirements specified in guidelines under subsection (1) of section 28” after “regional spatial and economic strategy”, and
- (b) in paragraph (a) of subsection (2A), by inserting “and with the specific planning policy requirements specified in guidelines under subsection (1) of section 28” after “regional spatial and economic strategy”.

34. In page 44, between lines 18 and 19, to insert the following:

“Amendment of section 10 (content of development plans) of Principal Act

11. Section 10 of the Principal Act is amended by deleting subsections (1B) and (1C).”.

35. In page 44, between lines 18 and 19, to insert the following:

“Amendment of section 11 (preparation of draft development plan) of Principal Act

12. Section 11 of the Principal Act is amended by substituting the following for subsection (1):

“(1) (a) Not later than 4 years after the making of a development plan, a planning authority shall, subject to paragraph (b), give notice of its intention to review its existing development plan and to prepare a new development plan for its area.

(b) For the purpose of enabling the incorporation of the National Planning Framework and a regional spatial and economic strategy into a development plan—

(i) where notice of a development plan review to be given in accordance with paragraph (a) is prior to the making of the relevant regional spatial and economic strategy, then notice of the review shall be deferred until not later than 13 weeks after the relevant regional spatial and economic strategy has been made,

(ii) where a development plan review referred to in paragraph (a) has commenced and a draft plan has not been submitted to the members of the planning authority concerned in accordance with subsection (5)(a) prior to the making of the relevant regional spatial and economic strategy, then the review process shall be suspended until not later than 13 weeks after the making of the relevant regional spatial and economic strategy,

(iii) where notice of a development plan review to be given in accordance with paragraph (a) would, but for this subparagraph, be more than the period of 26 weeks after the making of the relevant regional spatial and economic strategy, then each planning authority concerned shall, within that period, either—

(I) give notice of a development plan variation in accordance

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with section 13, or

(II) give notice of a development plan review.”.”.

36. In page 44, between lines 18 and 19, to insert the following:

“Amendment of section 11B (development plans for new administrative areas to be provided for) of Principal Act

13. Section 11B of the Principal Act is amended by inserting the following after subsection (1):

“(1A) Where a planning authority to which subsection (1) relates has not commenced the preparation of a development plan in accordance with this section before the initial making of the relevant regional spatial and economic strategy, then the reference in that subsection to ‘within 12 months of the making of regional planning guidelines that take into account the amalgamation of the administrative areas concerned’ shall be read as a reference to ‘no later than 26 weeks after the making of the initial regional spatial and economic strategy that takes into account the amalgamation of the administrative areas concerned’.”.”.

37. In page 44, between lines 18 and 19, to insert the following:

“Amendment of section 12 of Principal Act

14. Section 12 of the Principal Act is amended—

(a) by inserting the following subsection:

“(2A) The Minister or the Office of the Planning Regulator may, in relation to a draft development plan, make such recommendations as the Minister or that Office, as the case may be, considers appropriate.”,

(b) in subsection (4), by—

(i) substituting the following subparagraph for subparagraph (ii) of paragraph (b):

“(ii) provide a summary of—

(I) the recommendations, submissions and observations made by the Minister, where the notice under paragraph (a) of subsection (2) was sent before the establishment of the Office of the Planning Regulator,

(II) the recommendations, submissions and observations made by the Office of the Planning Regulator, and

(III) the submissions and observations made by any other persons,

in relation to the draft development plan in accordance with this section,”,

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and

(ii) inserting the following paragraph:

“(ba) A report prepared and submitted in accordance with paragraph (a) shall contain a summary of the observations, submissions and recommendations made by the Office of the Planning Regulator under section 31AM to the planning authority concerned.”,

(c) in paragraph (aa) of subsection (5), by—

(i) inserting “or from the Office of the Planning Regulator made to that planning authority under section 31AM” after “under this section”, and

(ii) inserting “the Office of the Planning Regulator and” after “shall so inform”,

(d) in subsection (8), by substituting the following subparagraph for subparagraph (ii) of paragraph (b):

“(ii) provide a summary of—

(I) the recommendations, submissions and observations made by the Minister, where the notice under paragraph (a) of subsection (2) was sent before the establishment of the Office of the Planning Regulator,

(II) the recommendations, submissions and observations made by the Office of the Planning Regulator, and

(III) the submissions and observations made by any other persons,

in relation to the draft development plan in accordance with this section,”,

and

(e) by inserting the following subsection:

“(18) In this section ‘statutory obligations’ includes, in relation to a local authority, the obligation to ensure that the development plan is consistent with—

(a) the national and regional development objectives specified in—

(i) the National Planning Framework, and

(ii) the regional spatial and economic strategy,

and

(b) specific planning policy requirements specified in guidelines under subsection (1) of section 28.”.

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38. In page 44, between lines 18 and 19, to insert the following:

“Amendment of section 13 of the Principal Act

15. Section 13 of the Principal Act is amended by inserting the following subsection after subsection (1):

“(1A) (a) The members of a planning authority may at any time, for stated reasons, submit a resolution to the manager of the planning authority requesting him or her to prepare a report on a proposal by them to initiate a process to consider the variation of the development plan which for the time being is in force where three quarters of the members of that authority have approved such a resolution,

(b) the manager of a planning authority shall submit a report further to a request under paragraph (a) to the elected members within four weeks of the adoption of the resolution.”.

39. In page 44, between lines 18 and 19, to insert the following:

“Amendment of section 13 of Principal Act

16. Section 13 of the Principal Act is amended—

(a) by inserting the following subsection:

“(3A) The Minister or the Office of the Planning Regulator may, in relation to a proposed variation of a development plan, make such recommendations as the Minister or that Office, as the case may be, considers appropriate.”,

(b) in subsection (4), by—

(i) substituting the following subparagraph for subparagraph (ii) of paragraph (b):

“(ii) provide a summary of—

(I) the recommendations, submissions and observations made by the Minister, where the notice under paragraph (a) of subsection (2) was sent before the establishment of the Office of the Planning Regulator,

(II) the recommendations, submissions and observations made by the Office of the Planning Regulator, and

(III) the submissions and observations made by any other persons,

in relation to the draft development plan in accordance with this section,”,

and

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(c) by inserting the following subsection:

“(14) In this section ‘statutory obligations’ includes, in relation to a local authority, the obligation to ensure that the development plan is consistent with—

(a) the national and regional development objectives specified in—

(i) the National Planning Framework, and

(ii) the regional spatial and economic strategy,

and

(b) specific planning policy requirements specified in guidelines under subsection (1) of section 28.””.

40. In page 44, between lines 18 and 19, to insert the following:

“Amendment of section 20 of Principal Act

17. Section 20 of the Principal Act is amended—

(a) by inserting the following subsection:

“(1A) The Minister or the Office of the Planning Regulator may, in relation to a local area plan, make such recommendations as the Minister or that Office, as the case may be, considers appropriate.”,

(b) in subsection (3), by—

(i) substituting the following clause for clause (II) of subparagraph (ii) of paragraph (c):

“(II) provide a summary of—

(A) the recommendations, submissions and observations made by the Minister, where the notice under paragraph (a) of subsection (2) was sent before the establishment of the Office of the Planning Regulator,

(B) the recommendations, submissions and observations made by the Office of the Planning Regulator, and

(C) the submissions and observations made by any other persons,

in relation to the draft local area plan in accordance with this section,”,

and

(ii) substituting the following subparagraph for subparagraph (ii) of paragraph (l):

“(ii) provide a summary of—

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- (I) the recommendations, submissions and observations made by the Minister, where the notice under paragraph (a) of subsection (2) was sent before the establishment of the Office of the Planning Regulator,
 - (II) the recommendations, submissions and observations made by the Office of the Planning Regulator, and
 - (III) the submissions and observations made by any other persons,
- in relation to the draft local area plan in accordance with this section,”

and

(c) by inserting the following subsection:

- “(5) In this section ‘statutory obligations’ includes, in relation to a local authority, the obligation to ensure that the local area plan is consistent with—
- (a) the objectives of the development plan,
 - (b) the national and regional development objectives specified in—
 - (i) the National Planning Framework, and
 - (ii) the regional spatial and economic strategy,
- and
- (c) specific planning policy requirements specified in guidelines under subsection (1) of section 28.””.

41. In page 46, to delete lines 26 to 29 and substitute the following:

- “(8) The Government shall submit the draft of the revised or new National Planning Framework, together with the Environmental Report and Appropriate Assessment Report to a vote of each House of the Oireachtas before it is published and will be bound by that vote.”.

42. In page 46, line 34, to delete “revised.”” and substitute the following:

“revised.

- (10) The Government shall cause a copy of an annual review of the revised or new National Planning Framework to be laid before each House of the Oireachtas for consideration and debate and shall cause a copy to be sent to the relevant Oireachtas Committee.
- (11) In this section ‘Appropriate Assessment Report’ includes that the Public Spending Code (2013) appraisal toolkit and value for money criteria be followed and implemented, prior to any announcement, in respect of all relevant public spending decisions under the auspices of the National Planning Framework.

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- (12) In this section ‘relevant Oireachtas Committee’ means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas to which has been duly assigned the role of examining matters relating to environment and planning (other than the Committee of Public Accounts or the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann) or a sub-committee of such a relevant Oireachtas Committee.”.”.

SECTION 10

43. In page 47, between lines 3 and 4, to insert the following:

“Amendment of section 28 of Principal Act

20. Section 28 of the Principal Act is amended by—

- (a) substituting the following subsection for subsection (1C):

“(1C) Without prejudice to the generality of subsection (1), guidelines under that subsection may contain specific planning policy requirements with which planning authorities, regional assemblies and the Board shall, in the performance of their functions, comply.”.

and

- (b) inserting the following subsection:

“(1D) A strategic environmental assessment or an appropriate assessment shall, as the case may require, be conducted in relation to a draft of guidelines proposed to be issued under subsection (1).”.”.

44. In page 47, between lines 3 and 4, to insert the following:

“Amendment of section 31 of Principal Act

21. Section 31 of the Principal Act is amended, in subsection (1), by—

- (a) substituting the following paragraph for paragraph (a):

“(a) a planning authority, in making a development plan, a variation of a development plan, a local area plan or an amendment to a local area plan (in this section referred to as a ‘plan’) has failed to—

- (i) implement a recommendation made to the planning authority by—

(I) the Minister under section 12, 13 or 20, or

(II) the Office of the Planning Regulator under section 31AM or 31AO,

or

- (ii) take account of any submission or observation made to the

[SECTION 9]

planning authority by—

(I) the Minister under section 12, 13 or 20, or

(II) the Office of the Planning Regulator under section 31AM or 31AO,”

(b) inserting the following paragraph:

“(ba) a plan is not consistent with—

(i) the national and regional development objectives set out in the National Planning Framework and the regional spatial and economic strategy, or

(ii) specific planning policy requirements specified in guidelines issued by the Minister under subsection (1) of section 28,”

(c) substituting the following subsection for subsection (3):

“(3) (a) The Minister may, following the making of a recommendation by the Office of the Planning Regulator under subsection (9) of section 31AN or subsection (9) of section 31AP, give a direction under this section to a planning authority in relation to a plan.

(b) The Minister shall, before giving a direction under this section to a planning authority, issue a notice in writing to the planning authority of his or her intention to give such direction and such notice shall not be issued after the expiration of 4 weeks from the making of a plan by the planning authority.””.

SECTION 15

45. In page 50, between lines 29 and 30, to insert the following:

“Revocation or modification of planning permission for certain reasons

27. The Principal Act is amended by inserting the following section:

“44A. (1)The Minister may, upon the request of the Minister for Justice and Equality, the Minister for Foreign Affairs and Trade or the Minister for Defence and with the approval of the Government, make an order revoking or modifying a grant of permission under this Act if he or she is satisfied that—

(a) the carrying out of the development to which the grant of permission relates is likely to be harmful to—

(i) the security or defence of the State, or

(ii) the State’s relations with other states,

and

(b) the revocation or modification concerned is necessary in the public interest.

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- (2) The Minister may, before making an order under this section, consult with—
- (a) the planning authority that granted the permission concerned,
 - (b) the person to whom the permission was granted, or
 - (c) any other person who, in the opinion of the Minister, is likely to be materially affected by the making of such order,
- but shall not so consult if he or she considers that to do so would be harmful to the security or defence of the State or to the State's relations with other states.
- (3) This section shall apply to permissions whether granted before, on or after the passing of the *Planning and Development (Amendment) Act 2018*.
- (4) Where an order is made under this section, the planning authority that granted the permission to which the order relates shall, within such period as may be specified in the order, serve—
- (a) a notice in writing on—
 - (i) the person to whom the permission concerned was granted, and
 - (ii) any other person specified in the order,informing him or her of the revocation or modification effected by the order, and
 - (b) a notice in writing—
 - (i) in the case of development commenced but not completed, on any person carrying out the development in respect of which the permission was granted, or on whose behalf such development is being carried out, requiring him or her to cease the development and restore the land, on which the development concerned is being carried out, to the condition it was in before the development commenced, or
 - (ii) in the case of development completed, on any person who carried out the development, or on whose behalf the development was carried out, requiring him or her to restore the land, on which the development concerned was carried out, to the condition it was in before the development was commenced.
- (5) A person on whom a notice is served under paragraph (b) of subsection (4) shall comply with the notice.
- (6) (a) The Minister shall, as soon as practicable after the making of an order under this section, give a copy of the order to the planning authority that granted the permission to which the order relates.
- (b) A planning authority shall, as soon as practicable after the copy of

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an order has been given to it in accordance with paragraph (a), give a copy of the order to—

- (i) the person to whom the permission to which the order applies was granted, and
 - (ii) any other person the Minister may direct.
- (7) A permission to which an order under this section applies shall, upon the making of the order, stand revoked or modified, as may be appropriate, in accordance with the order.
- (8) Any development carried out in contravention of an order under this section shall be an unauthorised development.
- (9) Where the Minister makes an order revoking an order under this section—
- (a) the second-mentioned order shall, for all purposes, be deemed never to have been made, and the register shall be amended accordingly, and
 - (b) the period between the making of the second-mentioned order and the first-mentioned order shall not be reckonable for the purpose of calculating the period since the granting of the permission.
- (10) The Minister shall not, in relation to a permission, make an order under this section if the period since the grant of the permission exceeds 5 years.
- (11) The making of an order under this section shall be recorded in the register as soon as may be after it is made.
- (12) (a) Any proceedings before a court relating to an order under this section shall be heard *in camera*.
- (b) A court before which proceedings relating to an order under this section are heard shall take all reasonable precautions to prevent the disclosure—
 - (i) to the public, or
 - (ii) where the court considers it appropriate, to any party to the proceedings,of any evidence given or document submitted for the purposes of the proceedings, the disclosure of which, could reasonably be considered to be harmful to the security or defence of the State or to the State's relations with other states.
 - (c) Without prejudice to the generality of paragraph (b), precautions referred to in that paragraph may include—
 - (i) the prohibition of the disclosure of such evidence or documentation as the Court may determine, and

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- (ii) the hearing, in the absence of any person or persons including any party to the proceedings, of any evidence or the examination of any witness or document that, in the opinion of the Court, could reasonably be considered to be harmful to the security or defence of the State or to the State's relations with other states."."

SECTION 16

46. In page 51, between lines 19 and 20, to insert the following:

“Amendment of section 50B of Principal Act

29. Section 50B of the Principal Act is amended—

- (a) in paragraph (a) of subsection (1), by—

- (i) substituting “statutory provision” for “law of the State”,
- (ii) deleting “or” in clause (II),
- (iii) substituting “applies, or” for “applies; or” in clause (III), and
- (iv) inserting the following clause after clause (III):

“(IV) paragraph 3 or 4 of Article 6 of the Habitats Directive; or”,

and

- (b) inserting the following subsection:

“(6) In this section ‘statutory provision’ means a provision of an enactment or instrument under an enactment.”."

SECTION 18

47. In page 51, between lines 28 and 29, to insert the following:

“Amendment of section 169 of Principal Act

32. Section 169 of the Principal Act is amended—

- (a) in subsection (8), by inserting “any specific planning policy requirements contained in guidelines under subsection (1) of section 28,” after “the provisions of the housing strategy,” and

- (b) by inserting the following subsection:

“(8A) (a) A planning scheme that contains a provision that contravenes any specific planning policy requirement in guidelines under subsection (1) of section 28 shall be deemed to have been made, under paragraph (b) of subsection (4) of section 169, subject to the deletion of that provision.

- (b) Where a planning scheme contravenes a specific planning policy requirement in guidelines under subsection (1) of section 28 by omission of a provision in compliance with that requirement, the

[SECTION 18]

planning scheme shall be deemed to have been made under paragraph (b) of subsection (4) of section 169 subject to the addition of that provision.”.”.

SECTION 23

48. In page 53, between lines 13 and 14, to insert the following:

“Amendment of section 195 of Principal Act

38. Section 195 of the Principal Act is amended by inserting the following subsection:

“(3) This section shall apply to an order made under section 44A subject to—

- (a) the modification that references to planning authority shall be construed as references to the Minister, and
- (b) any other necessary modifications.”.”.

SECTION 24

49. In page 53, between lines 17 and 18, to insert the following:

“Amendment of section 246 of Principal Act

40. Section 246 of the Principal Act is amended—

(a) in subsection (1) by substituting the following paragraph for paragraph (b):

“(b) the payment to planning authorities of prescribed fees in relation to the making of submissions or observations respecting applications for permission referred to in paragraph (a), with the exception of local authority members who are exempt from all fees in relation to the making of submissions or observations respecting applications for permission referred to in paragraph (a), insofar as it concerns applications made within the local authority members’ local electoral area.”.”.

50. In page 53, between lines 17 and 18, to insert the following:

“Amendment of section 246 of Principal Act

41. Section 246 of the Principal Act is amended—

(a) in subsection (1), by substituting the following paragraph for paragraph (d):

“(d) the payment—

- (i) to local authorities of prescribed fees in relation to applications for grants of licences under section 231 or certificates of safety under section 239, and
- (ii) to planning authorities of prescribed fees in relation to any consultation or advice under section 247, and”.

[SECTION 24]

and

(b) in subsection (3), by substituting the following paragraphs for paragraph (a):

“(a) Where, under regulations under this section, a fee is—

(i) payable to a planning authority by an applicant in respect of an application to which paragraph (a) or (e) of subsection (1) applies, or

(ii) payable to a local authority in respect of an application to which subparagraph (i) of paragraph (d) of that subsection applies,

a decision in relation to the application shall not be made until the fee is paid.

(aa) Where, under regulations under this section, a fee is payable to a planning authority by a person in respect of—

(i) a request to which paragraph (c) of subsection (1) applies, or

(ii) a consultation or advice to which subparagraph (ii) of paragraph (d) of that subsection applies,

the planning authority shall not—

(I) give the declaration, or

(II) provide the consultation or advice,

as may be appropriate, until the fee is paid.”.”.

51. In page 53, between lines 17 and 18, to insert the following:

“Exemption from fees for submissions and observations by councillors on planning applications

42. Section 246 of the Planning and Development Act 2000 is amended by inserting the following new subsection after subsection (1):

“(1A) Regulations under subsection (1) shall not apply to the making of a submission or observation to a planning authority, respecting an application for permission referred to in paragraph (a) of that subsection, where the person by whom the submission or observation is made is an elected member of the planning authority concerned.”.”.

SECTION 28

52. In page 55, after line 38, to insert the following:

“Amendment of Fourth Schedule (reasons for the refusal of permission which exclude compensation) to Principal Act

47. The Fourth Schedule to the Principal Act is amended by inserting the following paragraph after paragraph 23:

[SECTION 28]

“23A.(1)The proposed development is by an applicant associated with a previous development (whether or not such previous development was within the functional area of the planning authority to which the proposed development relates) which—

- (a) in the opinion of the planning authority in whose functional area the previous development is situated, has not been satisfactorily completed in the ordinary course of development, or
- (b) the estate to which the previous development relates has not been taken in charge by the local authority concerned because the estate has not been completed to the satisfaction of that authority.

(2) In this paragraph ‘associated’, in relation to a previous development, means a development under the *Planning and Development Acts 2000 to 2018* to which section 180 relates and in respect of which the development has not been satisfactorily completed or taken in charge by the local authority concerned due to the actions (whether of commission or omission) of—

- (a) the applicant for the proposed development,
- (b) a partnership of which the applicant is or was a member and which, during the membership of that applicant, carried out a development pursuant to a previous permission, carried out a substantial unauthorised development or has been convicted of an offence under this Act,
- (c) a registered society under the Industrial and Provident Societies Acts 1893 to 2014 that—
 - (i) carried out a development pursuant to a previous permission,
 - (ii) carried out a substantial unauthorised development, or
 - (iii) has been convicted of an offence under this Act,

or, during any period to which subclause (i) or (ii) relates or to which any conviction under subclause (iii) relates, the registered society was, during that period, controlled by the applicant—

- (I) where, pursuant to section 15 of the Friendly Societies Industrial and Provident Societies (Miscellaneous Provisions) Act 2014, ‘control’ has the same meaning as in section 220(5) of the Companies Act 2014, or
 - (II) as a shadow director within the meaning of section 2(1) of the Companies Act 2014,
- (d) where the applicant for the proposed development is a

[SECTION 28]

company—

- (i) the company concerned is related to a company (within the meaning of section 2(10) of the Companies Act 2014) which carried out a development pursuant to a previous permission, carried out a substantial unauthorised development or has been convicted of an offence under this Act, or
- (ii) the company concerned is under the same control as a company that carried out a development referred to in subparagraph (1) where ‘control’ has the same meaning as in section 220(5) of the Companies Act 2014,

or

- (e) a company that carried out a development pursuant to a previous permission, carried out a substantial unauthorised development or has been convicted of an offence under this Act, which company is controlled by the applicant—
 - (i) where ‘control’ has the same meaning as in section 220(5) of the Companies Act 2014, or
 - (ii) as a shadow director within the meaning of section 2(1) of the Companies Act 2014.”.”.

SECTION 29

53. In page 56, between lines 12 and 13, to insert the following:

“Amendment of Seventh Schedule to Principal Act

49. The Seventh Schedule to the Principal Act is amended by inserting the following:

“Communications and Data Infrastructure

5. Development comprising the following:

A facility consisting of one or more than one structure, the combined gross floor space of which exceeds 10,000 square metres, used primarily for the storage, management and dissemination of data, and the provision of associated electricity connections infrastructure.”.”.

54. In page 56, between lines 22 and 23, to insert the following:

“(b) by inserting the following definition:

“ ‘shared accommodation’ means a building or part thereof used for the provision of residential accommodation consisting of—

- (a) communal living and kitchen facilities and amenities shared by the residents, and
- (b) bedrooms rented by the residents,

[SECTION 29]

but does not include student accommodation or a building, or part thereof, used for the provision of accommodation to tourists or visitors;”,

(c) in the definition of “strategic housing development”—

(i) by inserting the following paragraph after paragraph (b):

“(ba) development—

(i) consisting of shared accommodation units that, when combined, contain 200 or more bed spaces, and

(ii) on land the zoning of which facilitates the provision of shared accommodation or a mixture of shared accommodation thereon and its application for other uses;”,

(ii) by substituting the following paragraph for paragraph (c):

“(c) development that contains developments of the type to which all of the foregoing paragraphs, or any two of the foregoing paragraphs, apply, or”,

(iii) by inserting “, (ba)” after “(b)” in paragraph (d),

(iv) in paragraph (i), by—

(I) substituting “houses, student accommodation units, shared accommodation units or any combination thereof” for “houses or student accommodation units, or both, as the case may be;”, and

(II) by inserting “or shared accommodation” after “within student accommodation”,

(v) by substituting “or shared accommodation” for “, or both, as the case may be;” in clause (I) of paragraph (ii), and

(vi) by inserting “or shared accommodation” after “student accommodation” in clause (II) of paragraph (ii),

(d) by inserting the following definition:

“ ‘student accommodation’—

(a) means a building or part thereof used or to be used to accommodate students whether or not provided by a relevant provider (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012), and that is not for use—

(i) as permanent residential accommodation, or

(ii) subject to paragraph (b), as a hotel, hostel, apart-hotel or similar type accommodation,

and

(b) includes residential accommodation that is used as tourist or visitor accommodation but only if it is so used outside of academic term

[SECTION 29]

times;”, ”.

SECTION 30

55. In page 56, to delete line 32 and substitute the following:

“(b) in subsection (8), by—

- (i) substituting “, student accommodation units or shared accommodation units” for “or student accommodation units, or both, as appropriate,”, and
- (ii) substituting “gross floor spaces” for “internal floor spaces”.

SECTION 32

56. In page 57, between lines 8 and 9, to insert the following:

“(i) by substituting the following subparagraph for subparagraph (i):

“(i) specifying the location of the proposed development and containing a brief description of the proposed development, including a description—

- (I) of the number of houses, student accommodation units or shared accommodation units of which the proposed development is intended to consist, and
- (II) in the case of student accommodation units or shared accommodation units, of—
 - (A) the combined number of bed spaces of which the proposed development is intended to consist, and
 - (B) any other uses to which those units are intended to be put,”.

SECTION 35

57. In page 57, between lines 30 and 31, to insert the following:

“Amendment of section 13 of Act of 2016

56. Section 13 of the Act of 2016 is amended by the deletion of paragraph (d).”.

58. In page 57, lines 33 to 35, to delete all words from and including “(1) Section” in line 33 down to and including line 35, and in page 58, to delete lines 1 to 8 and substitute the following:

“(1) Section 28 of the Act of 2016 is amended by substituting the following for subsection (1) (which provides for an amendment of section 42 of the Principal Act):

“(1) Section 42 of the Act of 2000 is amended—

(a) in subsection (1) by substituting the following for paragraph (a):

‘(a) (i) the authority is satisfied that—

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

[SECTION 35]

(II) an environmental impact assessment or an appropriate assessment, or both of those assessments, was or were not required before the permission was granted,

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

(IV) the development will be completed within a reasonable time,’

and

(b) by substituting the following for subsection (4):

‘(4) A decision to extend the appropriate period of a permission shall be made not more than twice under this section and a planning authority shall not further extend the appropriate period. Where a second decision to extend an appropriate period is made under this section, the combined duration of the 2 extensions of the appropriate period shall not exceed 5 years.’”.

SECTION 36

59. In page 58, between lines 11 and 12, to insert the following:

“Definition

58. In this Part “Act of 2015” means the Urban Regeneration and Housing Act 2015.”.

60. In page 58, between lines 11 and 12, to insert the following:

“Amendment of section 23 of Derelict Sites Act 1990

59. Section 23 of the Derelict Sites Act 1990 is amended by—

(a) substituting the following subsection for subsection (3):

“(3) The amount of the derelict sites levy shall—

(a) in respect of the local financial year prescribed in accordance with subsection (1), be such amount as is equal to 3 per cent of the market value of urban land concerned,

(b) in respect of any subsequent local financial year falling before the year 2020, be such amount as is equal to—

(i) 3 per cent of the said market value, or

(ii) such other percentage (not exceeding 3 per cent) of the said market value as may stand prescribed for the time being,

and

(c) in respect of the local financial year 2020 or any subsequent local financial year, be such amount as is equal to—

[SECTION 36]

- (i) 7 per cent of the said market value, or
- (ii) such other percentage (not exceeding 7 per cent) of the said market value as may stand prescribed for the time being.”,

and

- (b) substituting the following subsection for subsection (4):

“(4) Where it is proposed to make regulations under subsection (3), a draft of the regulations shall be laid before each House of the Oireachtas not later than 3 months before the beginning of the year in which it is proposed that the regulations would come into operation, and the regulations shall not be made unless a resolution approving the draft is made by each such House.”.

61. In page 58, between lines 11 and 12, to insert the following:

“Amendment of section 12 (transport strategy) of Dublin Transport Authority Act 2008

60. Section 12 of the Dublin Transport Authority Act 2008 is amended—

- (a) in subsection (8) by substituting “the Minister for Housing, Planning and Local Government, the Office of the Planning Regulator,” for “the Minister for the Environment, Heritage and Local Government,”,
- (b) in subsection (10) by substituting “the Authority shall send a copy of that draft to the regional authorities within the GDA and to the Office of the Planning Regulator and those regional authorities and that Office shall” for “the Authority shall send a copy of that draft to the regional authorities within the GDA and those regional authorities shall”, and
- (c) in subsection (12)—
 - (i) by inserting “or from the Office of the Planning Regulator under that subsection,” after “from the regional authorities within the GDA under subsection (10),”,
 - (ii) by inserting “or of the Office of the Planning Regulator so given,” after “the advice of the regional authorities given under subsection (10),”, and
 - (iii) by substituting “shall inform in writing the regional authorities or that Office, as appropriate,” for “shall inform the regional authorities in writing”.

62. In page 58, between lines 11 and 12, to insert the following:

“Amendment of section 4 of Environment (Miscellaneous Provisions) Act 2011

61. Section 4 of the Environment (Miscellaneous Provisions) Act 2011 is amended—

- (a) in subsection (1), by—
 - (i) inserting “, notice” after “lease” in paragraph (a), and
 - (ii) inserting “, notice” after “lease” in paragraph (b),

[SECTION 36]

and

(b) in subsection (4), by—

(i) substituting “Planning and Development Act 2000,” for “Planning and Development Act 2000.” in paragraph (n),

(ii) inserting the following paragraphs:

“(o) a consent to a plan or project for which a screening for appropriate assessment is required under regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), and

(p) a consent or notice under regulation 43 of those regulations.”.”.

NEW SECTION

63. In page 58, after line 16, to insert the following:

“Amendment of section 5 of Act of 2015

63. Section 5 of the Act of 2015 is amended, in paragraph (a) of subsection (1), by substituting the following subparagraph for subparagraph (iii):

“(iii) the site, or the majority of the site is—

(I) vacant or idle, or

(II) being used for a purpose that does not consist solely or primarily of the provision of housing or the development of the site for the purpose of such provision, provided that the most recent purchase of the site occurred—

(A) after it became residential land, and

(B) before, on or after the commencement of *section 63** of the *Planning and Development (Amendment) Act 2018*.”.”.

[*This is a reference to the section proposed to be inserted by this amendment.]

64. In page 58, after line 16, to insert the following:

“Vacant site levy

64. The Act of 2015 is amended by substituting the following section for section 16:

“16. (1) The amount of the vacant site levy shall—

(a) in respect of the year 2018, be such amount as is equal to 3 per cent of the market value of the vacant site determined in accordance with section 12, and

(b) in respect of the year 2019 and every subsequent year thereafter, be such amount as is equal to—

[NEW SECTION]

- (i) 7 per cent, or
 - (ii) such other percentage (not exceeding 7 per cent) as may stand prescribed, for the time being, by regulations,
of the market value of the vacant site determined in accordance with section 12.
- (2) The Minister shall, in prescribing a percentage for the purpose of subparagraph (ii) of paragraph (b) of subsection (1), have regard to changes in the value of property and the Residential Property Price Index published by the Central Statistics Office.
- (3) Where regulations under subparagraph (ii) of paragraph (b) of subsection (1) are proposed to be made, a draft of the regulations shall be laid before each House of the Oireachtas not later than 3 months before the beginning of the year in which it is proposed that the regulations shall come into operation, and the regulations shall not be made unless a resolution approving the draft is passed by each such House.”.”.

65. In page 58, after line 16, to insert the following:

“Miscellaneous amendments of Act of 2015

65. The Act of 2015 is amended—

- (a) in section 3, by deleting the following:
“ ‘prescribe’ means prescribe by regulations;”,
- (b) in paragraph (d) of section 8, by inserting “by regulations” after “prescribe”,
- (c) in section 9, by—
 - (i) substituting “was not a vacant site” for “, or a majority of the site, was not vacant or idle” in subsection (2), and
 - (ii) substituting “a vacant site” for “vacant or idle” in subsection (3),
- (d) in subsection (2) of section 18, by substituting the following paragraph for paragraph (a):
“(a) the site was no longer a vacant site on 1 January in the year concerned, or”,
and
- (e) by substituting the following section for section 25:
“25. (1) The Minister may make regulations for the purposes of this Part.
(2) Without prejudice to the generality of subsection (1), regulations under this section may make provision in relation to—
 - (a) the establishment and maintenance of the register under section 6,

[NEW SECTION]

- (b) the procedure for the making of an entry in the register under section 7,
 - (c) the procedure for the cancellation of an entry in the register,
 - (d) the form of notice to be given under section 7, 9, 11, 12, 13 or 18,
 - (e) the form of a demand for payment under section 15,
 - (f) the form of a receipt or certificate under section 21.
- (3) Regulations under this Part may contain such incidental, supplemental and consequential provisions as appear to the Minister to be necessary or expedient.
- (4) Every regulation (other than a regulation under subparagraph (ii) of paragraph (b) of subsection (1) of section 16) or order under this Part shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation or order is passed by either such House within the next 21 days on which that House sits after the regulation or order is laid before it, the regulation or order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”.”.

66. In page 58, after line 16, to insert the following:

“PART 5

MARINE SPATIAL PLANS

Interpretation

66. (1) In this Part—

“Act of 2006” means the Sea-Fisheries and Maritime Jurisdiction Act 2006;

“coastal waters” means, in relation to the State—

- (a) surface water on the landward side of a line, every point of which is at a distance of one nautical mile on the seaward side from the nearest point of the baseline (within the meaning of section 85 of the Act of 2006), and
- (b) the outer limit of those bodies of surface water in the vicinity of river mouths that are partly saline in character as a result of their proximity to surface water referred to in paragraph (a) and that are substantially influenced by freshwater flows;

“company” has the meaning assigned to it by the Companies Act 2014;

“Directive” means Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014¹ establishing a framework for marine spatial planning;

“enactment” has the meaning assigned to it by the Interpretation Act 2005;

[NEW SECTION]

“marine spatial plan” has the meaning assigned to it by *section 69**;

“maritime area” means—

- (a) the foreshore within the meaning of the Foreshore Act 1933,
- (b) the territorial seas within the meaning of Part 3 of the Act of 2006,
- (c) the exclusive economic zone within the meaning of Part 3 of the Act of 2006,
- (d) any area of the sea bed or subsoil outside the said foreshore, territorial seas and exclusive economic zone over which the State has rights for the purposes of exploration thereof and exploitation of natural resources, and
- (e) coastal waters;

“Minister” means the Minister for Housing, Planning and Local Government;

“North-East Atlantic marine region” means the marine region to which the Convention for the Protection of the Marine Environment of the North-East Atlantic, done at Paris on 22 September 1992, applies;

“public body” means—

- (a) a Minister of the Government,
- (b) a local authority within the meaning of the Local Government Act 2001,
- (c) a body (other than a company) established by or under an enactment,
- (d) a company established pursuant to a power conferred by or under an enactment, and financed wholly or partly by—
 - (i) moneys provided, or loans made or guaranteed, by a Minister of the Government, or
 - (ii) the issue of shares held by or on behalf of a Minister of the Government.

- (2) A word or expression used in this Part that is also used in the Directive shall have the meaning that it has in the Directive.”.

¹ *OJ No. L257 of 28.8.2014, p.135*

[*This is a reference to the section proposed to be inserted by amendment 69.]

67. In page 58, after line 16, to insert the following:

“Competent authority

67. The Minister shall be the competent authority for the purposes of the Directive.”.

68. In page 58, after line 16, to insert the following:

“Application of Part

68. (1) This Part shall apply to the maritime area.

(2) This Part shall not apply to those parts of the maritime area to which a development

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plan, a local area plan, the national planning framework, a regional spatial and economic strategy, a guideline or a directive under Part II of the Principal Act applies.

- (3) This Part shall not apply to activities that relate solely to defence or national security.”.

69. In page 58, after line 16, to insert the following:

“Marine spatial plans

69. (1) The Minister shall, following the carrying out of a process of marine spatial planning, prepare and publish a plan (in this Part referred to as a “marine spatial plan”) for the maritime area in accordance with this Part and the Directive.

- (2) The objectives of the marine spatial plan shall be—
- (a) to analyse and organise activities in the maritime area for the purpose of achieving ecological, economic and social priorities,
 - (b) to establish a national strategy for Government in relation to the strategic planning and sustainable development in the maritime area,
 - (c) to apply an ecosystem based approach for the purpose of supporting proper planning and sustainable development in the maritime area, and
 - (d) to encourage the colocation of relevant activities and developments in the maritime area.
- (3) The Minister may prepare—
- (a) one marine spatial plan for the entire of the maritime area,
 - (b) different marine spatial plans for different parts of the maritime area, or
 - (c) a marine spatial plan referred to in *paragraph (a)* and different marine spatial plans referred to in *paragraph (b)*.
- (4) The Minister shall, in the performance of his or her functions under this section—
- (a) give consideration to the matters specified in paragraph 1 of Article 5 of the Directive, and
 - (b) aim to contribute to the matters specified in paragraph 2 of Article 5.
- (5) A marine spatial plan shall identify the matters specified in paragraph 1 of Article 8 of the Directive and the Minister shall, when making a marine spatial plan, ensure compliance with paragraph 2 of that Article.
- (6) Marine spatial plans for the time being in force shall be known collectively as the National Marine Planning Framework.”.

70. In page 58, after line 16, to insert the following:

“Requirements of marine spatial planning

70. (1) The Minister shall, for the purpose of marine spatial planning and the preparation of a

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marine spatial plan—

- (a) comply, or ensure compliance, with the requirements of paragraphs 1 and 2 of Article 6, and Articles 10, 11 and 12, of the Directive, and
 - (b) take account of circumstances particular to the North-East Atlantic marine region.
- (2) The Minister shall, not later than 6 years after publication of the most recent National Marine Planning Framework, carry out a review thereof and, following the completion of the review, either—
- (a) prepare and publish in accordance with this Part and the Directive a new National Marine Planning Framework replacing the first-mentioned National Marine Planning Framework, or
 - (b) in circumstances where he or she decides not to prepare and publish a new National Marine Planning Framework, prepare and publish a statement setting out the reasons why he or she has decided not to do so.”.

71. In page 58, after line 16, to insert the following:

“Public participation on marine spatial plans

71. The Minister shall make arrangements to ensure compliance by the State with the requirements of Article 9 of the Directive.”.

72. In page 58, after line 16, to insert the following:

“Strategic environmental assessment and appropriate assessment

72. The Minister shall, in the preparation of a National Marine Planning Framework, ensure that the National Marine Planning Framework does not contravene the following acts of the institutions of the European Union, or any provision of an Act of the Oireachtas or instrument under an Act of the Oireachtas enacted or made for the purpose of giving effect to any such act:

- (a) Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001¹ on the assessment of the effects of certain plans and programmes on the environment;
- (b) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009¹ on the conservation of wild birds;
- (c) Council Directive 92/43/EEC of 21 May 1992¹ on the conservation of natural habitats and of wild fauna and flora.”.

¹ OJ No. L197 of 21.7.2001, p.30

¹ OJ No. L20 of 26.1.2010, p.7

¹ OJ No. L20 of 26.1.2010, p.7

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73. In page 58, after line 16, to insert the following:

“Laying of marine spatial plans before each House of Oireachtas

73. (1) Where the Minister proposes to make a marine spatial plan, he or she shall lay a draft of the plan, together with the Environmental Report and Appropriate Assessment Report in respect thereof, before each House of the Oireachtas, and shall not make the plan until a resolution approving of the draft has been passed by each such House.
- (2) The Minister shall, in the making of a marine spatial plan, have regard to any resolution, report or recommendation of any committee of both Houses of the Oireachtas or either such House in so far as such resolution, report or recommendation relates to a draft laid before each such House in accordance with *subsection (1)*.”.

74. In page 58, after line 16, to insert the following:

“Compliance by public bodies

74. (1) A public body shall adopt such measures as—
- (a) are consistent with its functions, and
 - (b) necessary to secure the objectives of the National Marine Planning Framework.
- (2) In this section “functions” includes—
- (a) the formulation of any policy, programme or plan in relation to development or activity, or proposed development or activity, in the maritime area,
 - (b) the giving of any consent or approval, or the grant or issue of licences, certificates or other like documents, under any enactment for the purposes of any such development or activity, or any such proposed development or activity,
 - (c) the regulation of any such development or activity.”.

75. In page 58, after line 16, to insert the following:

“Directions of Minister

75. (1) The Minister may give a direction to a public body to adopt such measures as are specified in the direction relating to—
- (a) the implementation of marine spatial planning,
 - (b) compliance with a marine spatial plan, or
 - (c) compliance with the State’s obligation under the Directive.
- (2) A direction under this section shall be in writing and may apply to one or more than one public body.
- (3) A public body to whom a direction under this section is given shall comply with the direction.

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(4) In this section “public body” does not include the Minister.”.

76. In page 58, after line 16, to insert the following:

“Revocation

76. (1) The Regulations of 2016 are revoked.

(2) In this section “Regulations of 2016” means the European Union (Framework for Marine Spatial Planning) Regulations 2016 (S.I. No. 352 of 2016).”.

SCHEDULE 1

77. In page 61, to delete lines 4 and 5 and substitute the following:

“
| | | (d) where relevant, to the National
| | | Transport Authority.”
”

78. In page 62, to delete lines 2 to 5 and substitute the following:

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

79. In page 62, to delete line 38 and substitute the following:

“
| | | (c) to the National Transport Authority.”
”

80. In page 63, to delete lines 40 to 43 and substitute the following :

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

TITLE

81. In page 5, line 5, to delete “Planning and Development Acts 2000 to 2015” and substitute “*Planning and Development Acts 2000 to 2018*”.

82. In page 5, lines 14 and 15, to delete “and to provide for connected matters” and substitute the following:

“; to amend the Derelict Sites Act 1990; to give effect to Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014¹ establishing a framework for marine spatial planning; and to provide for matters connected therewith”.

¹ OJ No. L257 of 28.8.2014, p.135