



**SEANAD ÉIREANN**

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

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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## AN BILLE UM PLEANÁIL AGUS FORBAIRT (LEASÚ), 2016

### —AN COISTE

## PLANNING AND DEVELOPMENT (AMENDMENT) BILL 2016

### —COMMITTEE STAGE

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#### *Leasuithe Amendments*

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*\*Government amendments are denoted by an asterisk*

#### 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.”.

#### SECTION 2

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

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

#### SECTION 4

3. In page 6, between lines 25 and 26, to insert the following:

“ ‘Strategic Transport Plan’ is a transport plan drafted by a transport authority;

‘transport authority’ means either the National Transport Authority or Transport Infrastructure Ireland as defined in the Dublin Transport Authority Act 2008 and the Public Transport Regulation Act 2009 as amended.”.

—*Senator Jennifer Murnane O'Connor.*

4. In page 7, line 40, after “assess” to insert “and make legally binding determinations on”.

—*Senators Máire Devine, Pádraig Mac Lochlainn, Paul Gavan, Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile.*

5. In page 8, line 4, to delete “and”.

—*Senator Jennifer Murnane O'Connor.*

6. In page 8, line 5, after “strategies,” to insert the following:

“and

(v) strategic transport plans drafted by a transport authority;”.

—*Senator Jennifer Murnane O'Connor.*

[SECTION 4]

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

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

—*Senators Máire Devine, Pádraig Mac Lochlainn, Paul Gavan, Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile.*

\*8. In page 8, line 34, to delete “and”.

9. In page 8, line 39, after “Part II” to insert “as well as strategic transport plans drafted by a transport authority”.

—*Senator Jennifer Murnane O'Connor.*

\*10. In page 9, to delete lines 3 and 4 and substitute the 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.”.

\*11. In page 9, line 16, to delete “Planning and Development Acts 2000 to 2015” and substitute “*Planning and Development Acts 2000 to 2018*”.

\*12. In page 9, line 22, to delete “Planning and Development Acts 2000 to 2015” and substitute “*Planning and Development Acts 2000 to 2018*”.

13. In page 10, between lines 39 and 40, to insert the following:

“(iii) the Water Framework Directive,”.

—*Senator Grace O'Sullivan.*

14. In page 10, between lines 39 and 40, to insert the following:

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

—*Senator Grace O'Sullivan.*

15. In page 10, between lines 39 and 40, to insert the following:

“(iii) the Floods Directive,”.

—*Senator Grace O'Sullivan.*

[SECTION 4]

- \*16. In page 12, line 35, to delete “Planning and Development Acts 2000 to 2015” and substitute “*Planning and Development Acts 2000 to 2018*”.
- \*17. 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”.
- \*18. 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”.
- \*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, lines 21 and 22, to delete “Department of Housing, Planning, Community and Local Government” and substitute “Department of Housing, Planning and Local Government”.
- \*21. 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”.
- \*22. 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”.
- 23. In page 37, between lines 23 and 24, to insert the following:

**“Evaluation and assessment by Office of matters relating to strategic transport planning**

**31ARA.(1)**The Office shall evaluate and assess, at a strategic level—

- (a) a notice given under subsection (2) of section 24 by either the NTA or TII to that Office for the purposes of that section of the intention of the regional assembly to make a strategic transport plan, and
  - (b) a notice and a copy of the draft of the strategic transport plan sent to the Office under subsection (4)(a) of section 24 by the regional assembly concerned for the purpose of that section, and the Office may make such submissions or observations as provided for by section 24.
- (2) In assessing and evaluating any requirement to which subsection (1) relates, the Office shall endeavour to ensure that, where appropriate, it addresses the legislative and policy matters relating to the following:
- (a) matters generally within the scope of section 23;
  - (b) consistency with the regional spatial and economic strategies and the National Planning Framework (or, where appropriate, 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 they are made, in accordance with the principles of proper planning and sustainable development;
  - (c) relevant guidelines for planning authorities made under section 28;
  - (d) policy directives issued under section 29;
  - (e) in respect of a regional assembly or local authorities to which the

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Greater Dublin Area (GDA) relates, consistency with regional spatial and economic strategies and the transport strategy of the National Transport Authority; and

- (f) such other matters as the Minister may prescribe under section 262 or otherwise prescribe.
- (3) In making observations or submissions for the purposes of the provisions referred to in subsection (1), or observations or submissions in respect of any evaluation or assessment to which subsection (2) relates, the Office shall—
- (a) make observations and recommendations to the regional assembly concerned in relation to the Office's evaluation and assessments as it considers necessary to ensure effective co-ordination of national, regional and local planning requirements by the relevant regional assembly, and
  - (b) send to the Minister a copy of any such observations or submissions, together with any recommendations made.
- (4) The report of the director of the regional assembly prepared for the members of the regional assembly under Chapter III of Part II shall, in so far as it relates to the preparation of the draft regional spatial and economic strategy—
- (a) summarise the issues raised in the submissions or observations, including recommendations, made by the Office in relation to the Office's evaluation and assessments under subsection (1),
  - (b) outline the recommendations of the director of the regional assembly in relation to the manner in which those issues and recommendations should be addressed, taking account of—
    - (i) the National Planning Framework (or, where appropriate, 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, and
    - (ii) the principles of proper planning and sustainable development, and
  - (c) make the report available on the website of the regional assembly.
- (5) The transport authority shall notify the Office within 5 working days of the making of a regional spatial and economic strategy and send a copy of the strategy where the regional assembly—
- (a) decides not to comply with any recommendations made in the relevant report of the Office, or
  - (b) otherwise make the strategy in such a manner as to be inconsistent with any recommendations made by the Office, then the director of

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the transport authority shall inform the Office accordingly in writing, which notice shall state the reasons for the decision of the regional assembly.

- (6) Where paragraph (a) or (b) of subsection (5) applies, the Office shall consider whether or not the strategy as made by the regional assembly is, in its opinion, consistent with any recommendations made by the Office.
- (7) Where subsequent to any consideration for the purposes of subsection (6), the Office is of the opinion that—
  - (a) the regional and spatial economic strategy has not been made in a manner consistent with the recommendations of the Office,
  - (b) that the decision of the transport authority concerned results in the making of a regional spatial and economic strategy that is inconsistent with the National Planning Framework (or, where appropriate, 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, and not in accordance with the principles of proper planning and sustainable development, and
  - (c) as a consequence of paragraphs (a) and (b), the use by the Minister of his or her functions under section 31 would be merited, then the Office shall issue, no later than 4 weeks after the regional spatial and economic strategy is made, a notice to the Minister containing—
    - (i) recommendations that the Minister exercise his or her function to take such steps as to rectify the matter in a manner that, in the opinion of the Office, will ensure the strategy is made consistent with—
      - (I) the National Planning Framework (or, where appropriate, the National Spatial Strategy), and
      - (II) 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, and is in accordance with the principles of proper planning and sustainable development,and
    - (ii) a proposed draft of a direction to which paragraph (c) would relate.
- (8) A copy of the notice issued to the Minister under subsection (7) shall be made available by the office on its website.

**Consequential provisions to section 31ARA**

**31ARB.(1)**The Minister shall consider the recommendations of the Office in the

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notice under section 31AQ and—

- (a) the Minister shall consult with the Minister for Transport, Tourism and Sport and consider their views on the directions of the Office,
  - (b) where the Minister agrees with the opinion of the Office as expressed in the notice issued under section 31AQ(7), then the Minister shall proceed, pursuant to section 31A, to issue a notice for the purposes of subsections (3) and (4) of that section, or
  - (c) where the Minister does not so agree with the Office, then the Minister shall—
    - (i) prepare a statement in writing of his or her reasons for not agreeing,
    - (ii) cause that statement to be laid before each House of the Oireachtas, and
    - (iii) as soon as practicable, make that statement available on the website of the Department of Housing, Planning, Community and Local Government.
- (2) As soon as practicable after a statement has been prepared under subsection (1)(b), the Minister shall cause a copy of it to be sent to the Office and to the transport authority concerned and the Office and that regional assembly shall, as soon as practicable thereafter, make it available on their respective websites.
- (3) Where the Minister issues a notice under section 31A for the purposes of subsection (3) or (4) of that section—
- (a) the notice shall specify that the report of the director of the NTA or TII concerned on the submissions on the draft direction shall be made to the Office, and
  - (b) the director of the NTA or TII shall act accordingly.
- (4) The Office shall consider the report of the director of the NTA or TII concerned on the submissions, together with any submission made under section 31A(10) and shall recommend to the Minister that he or she issue the direction with or without minor amendments or where the Office believes that—
- (a) a material amendment to the draft direction may be required,
  - (b) further investigation is necessary in order to clarify any aspect of the report furnished or submissions made, or
  - (c) it is necessary for any other reason, then the Office may, for stated reasons, appoint a person to be an inspector no later than 3 weeks after the date of receipt of the director's report.
- (5) The inspector appointed, under subsection (4), shall—

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- (a) be a person who, in the opinion of the Office, has satisfactory experience and competence to perform the functions required of him or her under this section, and
  - (b) be independent in the performance of those functions.
- (6) The inspector—
- (a) shall review the draft direction, the report of the director of the transport authority furnished and any submissions made,
  - (b) shall consult with the director and members of the transport authority,
  - (c) may consult with any persons who made submissions, and
  - (d) shall no later than 3 weeks after he or she was appointed, furnish a report containing recommendations to the Office.
- (7) Copies of the report of the inspector under subsection (6) shall—
- (a) be furnished without delay by the Office to the director of the NTA or TII, and
  - (b) be made available electronically, in such manner as the Office considers appropriate in the circumstances, to persons who made submissions.
- (8) Any person to whom a copy of the report of the inspector has been furnished or made available may make a submission to the Office in relation to any matter referred to in the report no later than 10 days after—
- (a) where subsection (7)(a) applies, the report was furnished to him or her, or
  - (b) where subsection (7)(b) applies, the report was made available to him or her.
- (9) No later than 3 weeks (or as soon as may be during such period extending that 3 week period as the Office may decide) after receipt of the report of the inspector, or of any submissions made to him or her, the Office, having considered the report, recommendations or submissions, as the case may be, shall recommend to the Minister for stated reasons—
- (a) to issue the direction,
  - (b) not to issue the direction, or
  - (c) to issue the direction, which has been amended by the Office to take account of any of the following matters as the Office considers appropriate:
    - (i) recommendations contained in the report of the inspector; and

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- (ii) any submissions made, and, where paragraph (a) or (c) applies, the Minister agrees with.”.

—*Senator Jennifer Murnane O'Connor.*

SECTION 7

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

**“Amendment of section 2 of Principal Act**

7. Section 2 of the Principal Act is amended by the insertion of the following definition:

“ ‘planner’ and ‘planning consultant’ means a person who is:

- (a) a corporate member or fellow of the Irish Planning Institute; or
- (b) a person who has been permitted access to pursue the profession of planner pursuant to Article 5 of S.I. No. 139/2008 - Recognition of Professional Qualifications (Directive 2005/36/EC) Regulations, 2008.”.

—*Senator James Reilly.*

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

**“Amendment of section 2 of Principal Act**

7. Section 2 of the Principal Act is amended by the insertion of the following definition:

“ ‘satisfactory completion’ includes compliance of all houses with the Building Regulations.”.

—*Senator Grace O’Sullivan.*

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

**“Insertion of section 2 into Principal Act**

7. The Principal Act is amended by the insertion of the following new section after section 2:

“2A. Planning authorities, the Office of the Planning Regulator, the Government, and other public authorities in the exercise of their functions under this Act, shall ensure consistency with the National Transition Objective established in the Climate Action and Low Carbon Development Act 2015.”.

—*Senator Grace O’Sullivan.*

[SECTION 7]

\*27. In page 44, between lines 18 and 19, to insert the following:

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

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

\*28. In page 44, between lines 18 and 19, to insert the following:

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

9. 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 with section 13, or

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

[SECTION 7]

\*29. 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**

10. 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’.”.

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

**“Amendment of section 13 of Principal Act**

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

“(1A) The initiation of a variation under this section shall be a reserved function.”.

—*Senators Grace O’Sullivan, Victor Boyhan.*

SECTION 8

31. In page 45, between lines 31 and 32, to insert the following:

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

—*Senator Grace O’Sullivan.*

32. In page 45, between lines 31 and 32, to insert the following:

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

—*Senator Grace O’Sullivan.*

33. In page 45, between lines 31 and 32, to insert the following:

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

—*Senator Grace O’Sullivan.*

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

“(8) The government shall submit the final draft of the National Planning Framework together with the Environmental Report and Appropriate Assessment Report for the amendment and approval by each House of the Oireachtas, and only after that approval can the National Planning Framework be considered to be on a statutory footing.”.

[SECTION 8]

—*Senators Máire Devine, Pádraig Mac Lochlainn, Paul Gavan, Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile.*

35. In page 46, line 28, after “approval” to insert “by vote”.

—*Senator Jennifer Murnane O'Connor.*

SECTION 9

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

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

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

—*Senator Grace O'Sullivan.*

SECTION 11

37. In page 47, between lines 29 and 30, to insert the following:

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

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

—*Senator Grace O'Sullivan.*

38. In page 48, between lines 6 and 7, to insert the following:

“(4) Section 34 of the Principal Act is amended by the insertion of the following after subsection (4):

“(4A) The conditions referred to under subsection (4)(f) and (g) above shall be imposed in all permissions where the development includes the construction of 2 or more dwelling units.”.”.

—*Senator Grace O'Sullivan.*

SECTION 13

39. In page 49, after line 38, to insert the following:

“(2) Section 38 of the Principal Act, as amended by the Planning and Development (Amendment) Act 2010, is amended by inserting the following new subsection after subsection (1A):

“(1B) Prior to the Planning Authority giving its decision in respect of a planning application, the applicant shall disclose any donation of any

[SECTION 13]

amount in monetary terms or other form to any political party or individual representative in any county council or to a member of Dáil Éireann that was made prior to the planning application and this information shall be made publicly available by the Authority.”.”.

—*Senators Máire Devine, Pádraig Mac Lochlainn, Paul Gavan, Rose Conway-Walsh, Fintan Warfield, Niall Ó Donnghaile.*

SECTION 21

40. In page 52, between lines 18 and 19, to insert the following:

**“Amendment of section 179 of Principal Act**

22. Section 179 of the Principal act is amended by insertion of the following subsection after subsection (2):

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

—*Senator Grace O’Sullivan.*

SECTION 23

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

“and, by the deletion of the following:

“in force on the commencement of this section”.”.

—*Senator Grace O’Sullivan.*

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

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

24. 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.”.”.

—*Senators Kevin Humphreys, Aodhán Ó Riordáin.*

[SECTION 23]

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

**“Amendment of section 246 of Principal Act**

24. 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.”.

—*Senators Victor Boyhan, Grace O’Sullivan.*

SECTION 27

\*44. 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**

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

“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,

[SECTION 27]

- (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 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

[SECTION 27]

- (ii) as a shadow director within the meaning of section 2(1) of the Companies Act 2014.”.”.

#### SECTION 35

\*45. 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,
- (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.’.”.

46. In page 58, line 9, to delete “This” where it firstly occurs and substitute “Section 28 of the Act of 2016 and this”.

—*Senator Grace O’Sullivan.*

\*47. In page 58, between lines 11 and 12, to insert the following:

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

36. 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,”,

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- (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”.

SCHEDULE 1

**\*48.** In page 61, to delete lines 4 and 5 and substitute the following:

“

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

**\*49.** 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
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”

**\*50.** In page 62, to delete line 38 and substitute the following:

“

		(c) to the National Transport Authority.”
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”

**\*51.** 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]

TITLE

- \*52.** In page 5, line 5, to delete “Planning and Development Acts 2000 to 2015” and substitute “*Planning and Development Acts 2000 to 2018*”.