



## **DÁIL ÉIREANN**

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

**LEASUITHE TUARASCÁLA  
REPORT AMENDMENTS**

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# DÁIL ÉIREANN

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

### PLANNING AND DEVELOPMENT (AMENDMENT) BILL 2016 —REPORT

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#### *Leasuithe Amendments*

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1. In page 6, between lines 8 and 9, to insert the following:

“4. The Minister shall, within six months of the passing of this Act, lay before the Houses of the Oireachtas a report on the Government’s compliance with the European Union’s Environmental Impact Assessment Directives and the Aarhus Convention.”.

—Eoin Ó Broin.

2. In page 6, between lines 10 and 11, to insert the following:

#### **“Planning Regulator powers**

4. The Principal Act is amended by the substitution of the following for section 31:

#### **“Planning Regulator directions regarding development plans**

31. (1) Where the Planning Regulator is of the opinion that—

- (a) a planning authority, in making a development plan, a variation of a development plan, or a local area plan (in this section referred to as a ‘plan’) has ignored, or has not taken sufficient account of submissions or observations made by the Minister to the planning authority under section 12, 13 or 20,
- (b) in the case of a plan, the plan fails to set out an overall strategy for the proper planning and sustainable development of the area,
- (c) the plan is not in compliance with the requirements of this Act, or
- (d) if applicable, having received a submission prepared under section 31C or 31D (inserted by section 95 of the Act of 2008) that a plan of a planning authority in the Greater Dublin Area (GDA) is not consistent with the transport strategy of the National Transport Authority,

the Planning Regulator may in accordance with this section, for stated reasons, direct a planning authority to take such specified measures as he or she may require in relation to that plan.

(2) Where the Planning Regulator issues a direction under this section the

planning authority, notwithstanding anything contained in Chapter I or II of this Part, shall comply with that direction and the manager or elected members shall not exercise a power or perform a function conferred on them by this Act in a manner that contravenes the direction so issued.

- (3) Before he or she issues a direction under this section, the Planning Regulator shall issue a notice in writing to a planning authority no later than 4 weeks after a plan is made.
- (4) The notice referred to in subsection (3) shall, for stated reasons, inform the planning authority of—
  - (a) the forming of the opinion referred to in subsection (1),
  - (b) the intention of the Planning Regulator to issue a direction (a draft of which shall be contained in the notice) to the planning authority to take certain measures specified in the notice in order to ensure that the plan is in compliance with the requirements of this Act and, in the case of a plan, sets out an overall strategy for the proper planning and sustainable development of the area,
  - (c) those parts of the plan that by virtue of the issuing of the notice under this subsection shall be taken not to have come into effect, been made or amended under subsection (6), and
  - (d) if applicable, requiring the planning authority to take measures specified in the notice to ensure that the plan is in compliance with the transport strategy of the Dublin Transport Authority.
- (5) The Planning Regulator shall furnish a copy of the notice referred to in subsection (3) to the manager and Cathaoirleach of the planning authority, where there is a regional spatial and economic strategy in force for the area of the planning authority, to the regional assembly concerned and, where relevant, to the Dublin Transport Authority.
- (6)
  - (a) Notwithstanding section 12(17), 13(11) or 20(4A), a plan shall not have effect in accordance with those sections in relation to a matter contained in the plan which is referred to in a notice under subsection (3).
  - (b) If a part of a plan proposed to be replaced under section 12, 13 or 20 contains a matter that corresponds to any matter contained in that plan which is referred to in a notice under subsection (3), that part shall not, save where subsection (17) applies, cease to have effect in respect of that matter.
- (7) No later than 2 weeks after receipt of the notice issued by the Planning Regulator under subsection (3), the manager of the planning authority shall publish notice of the draft direction in at least one newspaper circulating in the area of the development plan or local area plan, as the case may be, which shall state—

- (a) the reasons for the draft direction,
  - (b) that a copy of the draft direction may be inspected at such place or places as are specified in the notice during such period as may be so stated (being a period of not more than 2 weeks), and
  - (c) that written submissions or observations in respect of the draft direction may be made to the planning authority during such period and shall be taken into consideration by the Planning Regulator before he or she directs the planning authority pursuant to this section.
- (8) No later than 4 weeks after the expiry of the period referred to in subsection (7)(b), the manager shall prepare a report on any submissions or observations received under subsection (7)(c) which shall be furnished to the Planning Regulator and the elected members of the planning authority.
- (9) The report referred to in subsection (8) shall—
- (a) summarise the views of any person who made submissions or observations to the planning authority,
  - (b) summarise the views of and recommendations (if any) made by the elected members of the planning authority,
  - (c) summarise the views of and recommendations (if any) made by the regional assembly,
  - (d) make recommendations in relation to the best manner in which to give effect to the draft direction.
- (10) The elected members of the planning authority may make a submission to the Planning Regulator in relation to the notice issued by him or her under subsection (3) at any time up to the expiry of the period of time referred to in subsection (7)(b).
- (11) The Planning Regulator shall consider the report furnished under subsection (8) and any submissions made to him or her under subsection (10) and—
- (a) where he or she believes that no material amendment to the draft direction is required, or that further investigation is not necessary in order to clarify any aspect of the report or submissions, he or she may decide, no later than 3 weeks after the date of receipt of the report under subsection (8), for stated reasons—
    - (i) to issue the direction referred to in subsection (4)(b) with or without minor amendments, or
    - (ii) not to issue the direction referred to in subsection (4)(b),
- or

- (b) where he or she believes that—
  - (i) a material amendment to the draft direction may be required,
  - (ii) further investigation is necessary in order to clarify any aspect of the report furnished under subsection (8) or submissions made under subsection (10), or
  - (iii) it is necessary for any other reason,he or she may, for stated reasons, appoint an inspector no later than 3 weeks after the date of receipt of the report under subsection (8).
- (12) The inspector appointed under subsection (11)(b) shall be a person who, in the opinion of the Planning Regulator, has satisfactory experience and competence to perform the functions required of him or her pursuant to this section and shall be independent in the performance of his or her functions.
- (13) The inspector appointed under subsection (11)(b) having regard to the stated reasons for his or her appointment—
  - (a) shall review the draft direction, the report furnished under subsection (8) and submissions made under subsection (10),
  - (b) shall consult with the manager and elected members of the planning authority,
  - (c) may consult with the regional assembly and persons who made submissions under subsection (7)(c), and
  - (d) shall no later than 3 weeks after he or she was appointed, furnish a report containing recommendations to the Planning Regulator.
- (14) Copies of the report of the inspector referred to in subsection (13)(d) shall be furnished as quickly as possible by the Planning Regulator to the manager and elected members of the planning authority, the regional assembly and persons who made submissions under subsection (7)(c).
- (15) The persons who have been furnished with the report of the inspector referred to in subsection (13)(d) may make a submission to the Planning Regulator in relation to any matter referred to in the report no later than 10 days after the receipt by them of the report.
- (16) No later than 3 weeks (or as soon as may be during such period extending that 3 week period as the Planning Regulator may direct) after receipt of the report of the inspector referred to in subsection (13)(d), or any submissions made to him or her under subsection (15), the Planning Regulator, having considered the report, recommendations or submissions, as the case may be, shall decide for stated reasons—
  - (a) to issue the direction referred to in subsection (4)(b),

- (b) not to issue the direction referred to in subsection (4)(b), or
- (c) to issue the direction referred to in subsection (4)(b), which has been amended by the Planning Regulator to take account of any of the matters referred to in subparagraphs (i) or (ii) as the Planning Regulator considers appropriate:
  - (i) recommendations contained in the report of the inspector referred to in subsection (13)(d), or
  - (ii) any submissions made pursuant to subsection (15).
- (17) The direction issued by the Planning Regulator under subsection (16) is deemed to have immediate effect and its terms are considered to be incorporated into the plan, or, if appropriate, to constitute the plan.
- (18) The Planning Regulator shall cause a copy of a direction issued under subsection (16) to be laid before each House of the Oireachtas.
- (19) As soon as may be after a direction is issued to a planning authority under subsection (16), the planning authority shall make the direction so issued available for inspection by members of the public, during office hours of the authority, at the offices of the authority, and may also make the direction available by placing it on the authority's website or otherwise in electronic form.
- (20) The Planning Regulator shall publish or cause to be published in such manner as he or she considers appropriate directions issued under subsection (16).”.”.

—Mick Wallace, Clare Daly.

3. In page 6, between lines 10 and 11, to insert the following:

“4. The Principal Act is amended by the substitution of the following for section 31A:

“31A. (1)Where the Planning Regulator is of the opinion that—

- (a) a regional assembly, or assemblies, as the case may be, in making the regional spatial and economic strategy has ignored, or has not taken sufficient account of submissions or observations made by the Planning Regulator to the regional assembly or assemblies under section 24 or 26,
- (b) the regional spatial and economic strategy fails to provide a long-term strategic planning and economic framework for the development of the region or regions, as the case may be, in respect of which it is made, in accordance with the principles of proper planning and sustainable development and the economic policies and objectives of the Government,
- (c) the regional spatial and economic strategy is not in compliance with the requirements of this Act, or

(d) if applicable, in relation to a regional assembly or assemblies whose regional area or part thereof is in the Greater Dublin Area (GDA), that the guidelines are not consistent with the transport strategy of the National Transport Authority,

the Planning Regulator may, in accordance with this section, for stated reasons direct a regional assembly or assemblies, as the case may be, to take such specified measures as he or she may require in relation to that plan.

- (2) Where the Planning Regulator issues a direction under this section the regional assembly or regional assemblies, as the case may be, notwithstanding anything contained in Chapter III of this Part, shall comply with that direction and the manager or members shall not exercise a power or perform a function conferred on them by this Act in a manner that contravenes the direction so issued.
- (3) Before he or she issues a direction under this section, the Planning Regulator shall issue a notice in writing to a regional assembly or regional assemblies, as the case may be, no later than 4 weeks after the strategy or strategies are made.
- (4) The notice referred to in subsection (3) shall, for stated reasons, inform the regional assembly or regional assemblies, as the case may be, of—
  - (a) the forming of the opinion referred to in subsection (1),
  - (b) the intention of the Planning Regulator to issue a direction (a draft of which shall be contained in the notice) to the regional assembly, or assemblies, as the case may be, to take certain measures specified in the notice in order to ensure that the regional spatial and economic strategy is in compliance with the requirements of this Act and to provide a long-term strategic planning and economic framework for the development of the region, or regions, as the case may be, in accordance with the principles of proper planning and sustainable development policies and objectives of the Government,
  - (c) the part of the regional spatial and economic strategy that by virtue of the issuing of the notice shall be taken not to have come into effect, and
  - (d) if applicable, requiring the regional assembly or assemblies, as the case may be, to take measures specified in the notice to ensure that the plan is in compliance with the transport strategy of the National Transport Authority.
- (5) The Planning Regulator shall furnish a copy of the notice referred to in subsection (3) to the regional assembly, or assemblies, as the case may be, and the National Transport Authority.



- (6) (a) Notwithstanding anything contained in Chapter III, or any matter prescribed thereunder, a regional spatial and economic strategy shall not have effect in accordance with that Chapter in relation to a matter contained in the strategy which is referred to in a notice under subsection (3).
  - (b) If a part of the strategy proposed to be replaced under section 26 contains a matter that corresponds to any matter contained in the strategy which is referred to in a notice under subsection (3), that part shall not, save where subsection (17) applies, cease to have effect in respect of that matter.
- (7) No later than 2 weeks after receipt of the notice issued by the Planning Regulator under subsection (3), the director of the regional assembly, or assemblies, as the case may be, shall publish notice of the draft direction in at least one newspaper circulating in the area of the regional assembly, or assemblies, as the case may be, which shall state—
- (a) the reasons for the draft direction,
  - (b) that a copy of the draft direction may be inspected at such place or places as are specified in the notice during such period as may be so stated (being a period of not more than 2 weeks), and
  - (c) that written submissions or observations in respect of the draft direction may be made to the regional assembly, or assemblies, as the case may be, during such period and shall be taken into consideration by the Planning Regulator before he or she directs the regional assembly, or assemblies, as the case may be, pursuant to this section.
- (8) No later than 4 weeks after the expiry of the period referred to in subsection (7)(b), the director shall prepare a report on any submissions or observations received under subsection (7)(c) which shall be furnished to the Planning Regulator and the members of the regional assembly, or assemblies, as the case may be.
- (9) The report referred to in subsection (8) shall—
- (a) summarise the views of any person who made submissions or observations to the regional assembly, or assemblies, as the case may be,
  - (b) summarise the views of and recommendations (if any) made by the members of the regional assembly, or assemblies, as the case may be,
  - (c) make recommendations in relation to the best manner in which to give effect to the draft direction.
- (10) The members of the regional assembly, or assemblies, as the case may

be, may make a submission to the Planning Regulator in relation to the notice issued by him or her under subsection (3) at any time up to the expiry of the period of time referred to in subsection (7)(b).

(11) The Planning Regulator shall consider the report furnished under subsection (8) and any submissions made to him or her under subsection (10) and—

(a) where he or she believes that no material amendment to the draft direction is required, or that further investigation is not necessary in order to clarify any aspect of the report or submissions, he or she may decide, no later than 3 weeks after the date of receipt of the report under subsection (8), for stated reasons—

(i) to issue the direction referred to in subsection (4)(b) with or without minor amendments, or

(ii) not to issue the direction referred to in subsection (4)(b),

or

(b) where he or she believes that—

(i) a material amendment to the draft direction may be required,

(ii) further investigation is necessary in order to clarify any aspect of the report furnished under subsection (8) or submissions made under subsection (10), or

(iii) it is necessary for any other reason,

he or she may, for stated reasons, appoint an inspector no later than 3 weeks after the date of receipt of the report under subsection (8).

(12) The inspector appointed under subsection (11)(b) shall be a person who, in the opinion of the Planning Regulator, has satisfactory experience and competence to perform the functions required of him or her pursuant to this section and shall be independent in the performance of his or her functions.

(13) The inspector appointed under subsection (11)(b) having regard to the stated reasons for his or her appointment—

(a) shall review the draft direction, the report furnished under subsection (8) and submissions made under subsection (10),

(b) shall consult with the regional assembly, or assemblies, as the case may be,

(c) may consult with persons who made submissions under subsection (7)(c), and

(d) shall no later than 3 weeks after he or she was appointed, furnish a report containing recommendations to the Planning Regulator.

- (14) Copies of the report of the inspector referred to in subsection (13)(d) shall be furnished as quickly as possible by the Planning Regulator to the regional assembly, or assemblies, as the case may be, and persons who made submissions under subsection (7)(c).
- (15) The persons who have been furnished with the report of the inspector referred to in subsection (13)(d) may make a submission to the Planning Regulator in relation to any matter referred to in the report no later than 10 days after the receipt by them of the report.
- (16) No later than 3 weeks (or as soon as may be during such period extending that 3 week period as the Planning Regulator may direct) after receipt of the report of the inspector referred to in subsection (13)(d), or any submissions made to him or her under subsection (15), the Planning Regulator, having considered the report, recommendations or submissions, as the case may be, shall decide for stated reasons—
  - (a) to issue the direction referred to in subsection (4)(b),
  - (b) not to issue the direction referred to in subsection (4)(b), or
  - (c) to issue the direction referred to in subsection (4)(b), which has been amended by the Planning Regulator to take account of any of the matters referred to in subparagraphs (i) or (ii) as the Planning Regulator considers appropriate:
    - (i) recommendations contained in the report of the inspector referred to in subsection (13)(d); or
    - (ii) any submissions made pursuant to subsection (15).
- (17) The direction issued by the Planning Regulator under subsection (16) is deemed to have immediate effect and its terms are considered to be incorporated into the regional spatial and economic strategy, or, if appropriate, to constitute the strategy.
- (18) The Planning Regulator shall cause a copy of a direction issued under subsection (16) to be laid before each House of the Oireachtas.
- (19) As soon as may be after a direction is issued to a regional assembly or assemblies, as the case may be, the authority or authorities shall make the direction so issued available for inspection by members of the public, during office hours of the authority, at the offices of the authority, and may also make the direction available by placing it on the authority's website or otherwise in electronic form.
- (20) The Planning Regulator shall publish or cause to be published in such manner as he or she considers appropriate directions issued under subsection (16).”.”.

—Mick Wallace, Clare Daly.

4. 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.”.

—Barry Cowen, Pat Casey.

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

—Eoin Ó Broin.

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

—Barry Cowen, Pat Casey.

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

“and  
(v) strategic transport plans drafted by a transport authority,”.

—Barry Cowen, Pat Casey.

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

—Eoin Ó Broin.

9. In page 8, line 8, after “recommendations” to insert “or legally binding determinations”.

—Eoin Ó Broin.

10. In page 8, line 8, to delete “authorities and” and substitute “authorities,”.

—Eoin Ó Broin.

11. In page 8, line 8, to delete “assemblies,” and substitute “assemblies or the Minister”.

—Eoin Ó Broin.

12. In page 8, line 12, to delete “and”.

—Eoin Ó Broin.

13. In page 8, line 13, to delete “recommendations,” and substitute “recommendations or legally binding determinations”.

—Eoin Ó Broin.

14. 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.”.

—Eoin Ó Broin.

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

—Barry Cowen, Pat Casey.

16. In page 10, to delete lines 21 to 30.

—Mick Wallace, Clare Daly.

17. In page 10, between lines 30 and 31, to insert the following:

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

—Eamon Ryan.

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

“(iii) the Water Framework Directive.”.

—Eamon Ryan.

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

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

—Eamon Ryan.

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

“(iii) the Floods Directive.”.

—Eamon Ryan.

21. In page 12, to delete lines 5 to 11.

—Mick Wallace, Clare Daly.

22. In page 12, to delete lines 18 to 20 and substitute the following:

“31U.(1)The Office shall conduct, at such intervals as it thinks fit, reviews of its organisation and of the systems and procedures used by it in relation to the performance of its functions.”.

—Mick Wallace, Clare Daly.

23. In page 12, to delete lines 21 and 22.

—Mick Wallace, Clare Daly.

24. In page 12, to delete lines 23 to 28.

—Mick Wallace, Clare Daly.

25. In page 12, to delete lines 29 and 30.

—Mick Wallace, Clare Daly.

26. In page 12, to delete lines 31 to 38.

—Mick Wallace, Clare Daly.

27. In page 13, to delete lines 1 to 4.

—Mick Wallace, Clare Daly.

28. In page 23, line 11, after “section 10” to insert “and, in particular, subsection (2)(n) of that section in relation to climate change”.

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

29. In page 23, between lines 11 and 12, to insert the following:

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

—Eamon Ryan.

30. In page 23, between lines 11 and 12, to insert the following:

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

—Eamon Ryan.

31. In page 23, between lines 11 and 12, to insert the following:

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

—Eamon Ryan.

32. In page 23, between lines 11 and 12, to insert the following:

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

—Eamon Ryan.

33. In page 23, to delete lines 29 and 30.

—Mick Wallace, Clare Daly.

34. In page 25, to delete lines 1 to 3 and substitute the following:

“(c) as a consequence of paragraphs (a) and (b), the use by the Regulator of his or her functions to issue a direction under section 31 would be merited,”.

—Mick Wallace, Clare Daly.

35. In page 25, to delete lines 4 to 15 and substitute the following:

“then the Office shall, no later than 4 weeks after the development plan or the variation to the development plan is made—

- (i) take such steps as to rectify the matter in a manner that, in the opinion of the Office, will ensure that the development plan, or the development plan as varied by the planning authority, sets out an overall strategy for proper planning and sustainable

development, and

- (ii) a proposed draft of a direction to which paragraph (c) would relate shall be made available by the Office on its website.”.

—Mick Wallace, Clare Daly.

**36.** In page 25, to delete lines 16 to 41, to delete page 26, and in page 27, to delete lines 1 to 36 and substitute the following:

“**31AN.**(1)When the Office issues a notice under section 31AM, the Planning Regulator shall proceed, pursuant to section 31\*, to issue a notice for the purposes of subsections (3) and (4) of that section.

(2) Where the Planning Regulator issues a notice under section 31\* for the purposes of subsections (3) and (4) of that section—

- (a) the notice shall specify that the report of the chief executive on the submissions on the draft direction shall be made to the Office, and
- (b) the chief executive shall act accordingly.

(3) The Office shall consider the report of the chief executive on the submissions, together with any submission made under section 31(10)\*, and shall recommend to the Planning Regulator that he or she issue the direction with or without minor amendments or where the Office is of the opinion 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 chief executive’s report.

(4) An inspector appointed under subsection (4) shall—

- (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.

(5) The inspector—

- (a) shall review the draft direction, the report of the chief executive furnished and any submissions made,
- (b) shall consult with the chief executive and elected members of the planning authority,
- (c) may consult with the regional assembly and 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.
- (6) Copies of the report of the inspector under subsection (6) shall—
  - (a) be furnished without delay by the Office to the chief executive and, where relevant, to the regional assembly, and
  - (b) be made available electronically, in such manner as the Office considers appropriate in the circumstances, to persons who made submissions.
- (7) 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.
- (8) 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 Planning Regulator 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;
    - (ii) any submissions made,and, where paragraph (a) or (c) applies and the Planning Regulator agrees with the recommendation, then he or she shall issue the direction under section 31\* with or without minor amendments.
- (9) A copy of the recommendations to the Planning Regulator under subsection (9), the report of the inspector and any submissions made shall be made available on the website of the Office and be sent to the relevant planning authority.
- (10) The direction issued by the Planning Regulator under section 31\* is deemed to have immediate effect and its terms are considered to be



incorporated into the plan or, if appropriate, to constitute the plan.

- (11) The Minister shall cause a copy of a direction issued to be laid before each House of the Oireachtas.
- (12) As soon as may be after a direction is issued to a planning authority under this section, the planning authority shall make the direction so issued available to members of the public, during normal office hours of the authority, at the offices of the authority, and may also make the direction available by placing it on the website of the planning authority or otherwise in electronic form.
- (13) A copy of the direction issued by the Planning Regulator under section 31\* shall be copied to the Office and made available on its website.
- (14) The Minister shall publish a copy of the direction issued under section 31\* on the website of the Department of Housing, Planning, Community and Local Government.”.

—Mick Wallace, Clare Daly.

[\*This is a reference to the section proposed to be inserted by amendment No. 2.]

**37.** In page 28, to delete lines 17 and 18.

—Mick Wallace, Clare Daly.

**38.** In page 29, to delete lines 25 to 39 and substitute the following:

“(c) as a consequence of paragraphs (a) and (b), the use by the Planning Regulator of his or her functions to issue a direction under section 31\* would be merited,

then the Planning Regulator shall, no later than 4 weeks after the local area plan has been made, amended or revoked, as the case may be—

- (i) 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 that the local area plan, or the local area plan as varied by the planning authority, sets out an overall strategy for proper planning and sustainable development, and
- (ii) send to the Minister a proposed draft of a direction to which paragraph (c) would relate.

(8) A copy of the proposed draft issued to the Minister under subsection (7) shall be made available by the Office on its website.”.

—Mick Wallace, Clare Daly.

[\*This is a reference to the section proposed to be inserted by amendment No. 2.]

**39.** In page 29, lines 41 and 42, to delete all words from and including “(1) The” in line 41 down to and including line 42, and in page 30, to delete lines 1 to 18.

—Mick Wallace, Clare Daly.

40. In page 30, to delete lines 19 to 28 and substitute the following:

- “(3) Where the Planning Regulator issues a notice under section 31\* for the purposes of subsections (3) and (4) of that section—
- (a) the notice shall specify that the chief executive’s report on the submissions on the draft direction shall be made to the Office, and
  - (b) the chief executive shall act accordingly.
- (4) The Office shall consider the chief executive’s report on the submissions, together with any submission made under section 31(10)\*, and shall recommend to the Planning Regulator that he or she issue the direction with or without minor amendments or where the Office is of the opinion that—”.

—Mick Wallace, Clare Daly.

[\*This is a reference to the section proposed to be inserted by amendment No. 2.]

41. In page 31, to delete lines 24 to 39 and substitute the following:

- “(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 Planning Regulator 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;
    - (ii) any submissions made,
- and, where paragraph (a) or (c) applies and the Planning Regulator agrees with the recommendation, then he or she shall issue the direction under section 31\* with or without minor amendments.”.

—Mick Wallace, Clare Daly.

[\*This is a reference to the section proposed to be inserted by amendment No. 2.]

42. In page 32, to delete lines 4 to 6 and substitute the following:

- “(11) The direction issued by the Planning Regulator under section 31\* is deemed to have immediate effect and its terms are considered to be incorporated into the plan or, if appropriate, to constitute the plan.”.

—Mick Wallace, Clare Daly.

[\*This is a reference to the section proposed to be inserted by amendment No. 2.]

43. In page 32, to delete lines 15 and 16 and substitute the following:

“(14) A copy of the direction issued by the Planning Regulator under section 31\* shall be copied to the Office and made available on its website.”.

—Mick Wallace, Clare Daly.

[\*This is a reference to the section proposed to be inserted by amendment No. 2.]

44. In page 32, line 36, after “section 23” to insert “and, in particular, subsection (2)(c)(viii) of that section in relation to climate change”.

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

45. In page 32, between lines 36 and 37, to insert the following:

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

—Eamon Ryan.

46. In page 32, between lines 36 and 37, to insert the following:

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

—Eamon Ryan.

47. In page 32, between lines 36 and 37, to insert the following:

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

—Eamon Ryan.

48. In page 32, between lines 36 and 37, to insert the following:

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

—Eamon Ryan.

49. In page 33, to delete lines 7 and 8.

—Mick Wallace, Clare Daly.

50. In page 34, to delete lines 22 to 30 and substitute the following:

“(c) as a consequence of paragraphs (a) and (b), the use by the Planning Regulator of his or her functions under section 31\* would be merited,

then no later than 4 weeks after the regional spatial and economic strategy is made, the Planning Regulator shall 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—”.

—Mick Wallace, Clare Daly.

[\*This is a reference to the section proposed to be inserted by amendment No. 2.]

51. In page 34, to delete lines 41 and 42 and substitute the following:

“(8) A notice shall be issued outlining the decision undertaken in subsection (7) and shall be made available by the office on its website.”.

—Mick Wallace, Clare Daly.

52. In page 35, lines 2 to 21, to delete all words from and including “(1) The” in line 2 down to and including line 21.

—Mick Wallace, Clare Daly.

53. In page 35, to delete lines 22 to 32 and substitute the following:

“(3) Where the Planning Regulator 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 regional assembly concerned on the submissions on the draft direction shall be made to the Office, and

(b) the director of the regional assembly shall act accordingly.

(4) The Office shall consider the report of the director of the regional assembly concerned on the submissions, together with any submission made under section 31A(10)\* and shall recommend to the Planning Regulator that he or she issue the direction with or without minor amendments or where the Office believes that—”.

—Mick Wallace, Clare Daly.

[\*These are references to the section proposed to be inserted by amendment No. 3.]

54. In page 36, to delete lines 26 to 39 and substitute the following:

“(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 Planning Regulator 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;

(ii) any submissions made,

and, where paragraph (a) or (c) applies and the Planning Regulator agrees with”.

—Mick Wallace, Clare Daly.

55. In page 37, to delete lines 3 to 20 and substitute the following:

- “(10) A copy of the recommendations issued to the Planning Regulator under subsection (9), the report of the inspector and any submissions made shall be made available on the website of the Office and be sent to the relevant regional assembly.
- (11) The direction issued by the Planning Regulator under section 31A\* is deemed to have immediate effect and its terms are considered to be incorporated into the regional spatial and economic strategy or, if appropriate, to constitute that strategy.
- (12) The Minister, on foot of a report from the Planning Regulator, shall cause a copy of the Planning Regulator’s direction issued to be laid before each House of the Oireachtas.
- (13) As soon as may be after a direction is issued to a regional assembly under this section, the regional assembly shall make the direction so issued available by placing it on the website of the assembly.
- (14) A copy of the direction issued by the Planning Regulator under section 31A\* shall be copied to the Office and made available on its website.
- (15) The Minister shall publish a copy of the direction issued by the Planning Regulator under section 31A\* on the website of the Department of Housing, Planning, Community and Local Government.”.

—Mick Wallace, Clare Daly.

[\*This is a reference to the section proposed to be inserted by amendment No. 3.]

56. In page 37, between lines 20 and 21, 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,
- (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 Greater Dublin Area (GDA) relates, consistency with regional spatial and economic strategies and the transport strategy of the National Transport Authority;
  - (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 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 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,
    - (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—
  - (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) 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;
    - (ii) any submissions made, and, where paragraph (a) or (c) applies, the Minister agrees with.”.

—Barry Cowen, Pat Casey.

**57.** In page 37, to delete lines 31 to 42.

—Mick Wallace, Clare Daly.

**58.** In page 38, to delete lines 6 to 10 and substitute the following:

- “(5) Within such period of time as the Office shall specify, having regard to the nature, size and complexity of a draft report and any issue of urgency associated with its finalisation, the planning authority concerned, or the Board, as the case may be, may make submissions or observations to the Office on the draft report.”.

—Mick Wallace, Clare Daly.

**59.** In page 38, to delete lines 20 to 32.

—Mick Wallace, Clare Daly.

**60.** In page 38, between lines 39 and 40, to insert the following:

- “(c) may not be exercising its enforcement functions under Part VIII appropriately to ensure compliance in its administrative area with the *Planning and Development Acts 2000 to 2017*, including enforcement consequent on the issue to it of any policy directive under section 29 for the purpose of such compliance,”.

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

**61.** In page 38, between lines 39 and 40, to insert the following:

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

—Eamon Ryan.

**62.** In page 38, line 40, to delete “(c) may” and substitute “(d) may”.

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

**63.** In page 39, line 1, to delete “(d) may” and substitute “(e) may”.

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

**64.** In page 39, line 3, to delete “(e) may” and substitute “(f) may”.

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

**65.** In page 39, line 5, to delete “(f) may” and substitute “(g) may”.

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

**66.** In page 39, to delete lines 22 to 26 and substitute the following:

“(4) Within such period of time as the Office shall specify, having regard to the nature, size and complexity of a draft report and any issue of urgency associated with its finalisation, the planning authority concerned, or the Board, as the case may be, may make submissions or observations to the Office on the draft report.”.

—Mick Wallace, Clare Daly.

**67.** In page 39, to delete lines 36 to 42, and in page 40, to delete lines 1 to 6.

—Mick Wallace, Clare Daly.

**68.** In page 41, to delete lines 9 to 19.

—Mick Wallace, Clare Daly.

**69.** In page 45, between lines 23 and 24, to insert the following:

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

—Eamon Ryan.

**70.** In page 45, between lines 23 and 24, to insert the following:

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

—Eamon Ryan.

**71.** In page 45, between lines 23 and 24, to insert the following:

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

—Eamon Ryan.

**72.** In page 46, between lines 3 and 4, to insert the following:

“(c) shall publish a report evaluating the Framework on key performance metrics, that shall be outlined in advance by the Framework.”.

—Barry Cowen, Pat Casey.

73. In page 46, between lines 36 and 37, 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 2015, is amended by the deletion of subsection (1C).”.

—Eamon Ryan.

74. In page 47, between lines 4 and 5, to insert the following:

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

“(ia) requiring planning authorities to ensure that any interventions made by elected members in respect of specific planning applications are noted on the planning application file and that the file is made available for public inspection on the planning authority’s website;”.

—Barry Cowen, Pat Casey.

75. In page 47, between lines 22 and 23, to insert the following:

“(2) Section 34 of the Principal Act is amended in subsection (3) by substituting “the applicant, and” for “the applicant.” in paragraph (b) and by inserting the following after paragraph (b):

“(c) where an application for permission relates to a residential development comprising 10 or more houses—

(i) any information available to the planning authority, or furnished to it by the applicant, concerning implementation by the applicant of any housing development in the previous 5 years, and

(ii) an assessment by the planning authority of the likelihood of the proposed development being implemented within the appropriate period sought, being the appropriate period within the meaning provided for by section 40(3).”.

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

76. In page 47, between lines 22 and 23, to insert the following:

“(2) Section 34 of the Principal Act is amended by inserting the following new subsection 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.”.”.

—Eamon Ryan.

77. In page 47, between lines 24 and 25, to insert the following:

“(3) Section 34 of the Principal Act is amended by substituting the following for subsection (5):

“(5) The conditions under subsection (1) may provide that points of detail relating to a grant of permission be agreed between the planning authority and the person carrying out the development and, accordingly—

(a) where for that purpose that person has submitted to the planning authority concerned such points of detail, then that authority shall, within 8 weeks of those points being so submitted, or such longer period as may be agreed between them in writing, either—

(i) reach agreement with that person on those points, or

(ii) where that authority and that person cannot so agree on those points, that authority may—

(I) advise that person accordingly in writing, or

(II) refer the matter to the Board for its determination,

and, where clause (I) applies, that person may, within 4 weeks of being so advised, refer the matter to the Board for its determination,

or

(b) where none of the events referred to in subparagraph (i) or in clause (I) or (II) of subparagraph (ii) occur within those 8 weeks or such longer period as may have been so agreed, then that authority shall be deemed to have agreed to the points of detail as so submitted.”.”.

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

78. In page 48, between lines 5 and 6, to insert the following:

“(5) Section 34 of the Principal Act is amended by the insertion of the following new subsection after subsection (12A):

“(12AA) For the purposes of subsection (12) a planning authority may consider an application in respect of an unauthorised development for screening for environmental impact assessment in accordance with section 126 of the Principal Act and where the development is deemed not likely to have significant effects on the environment such that an environmental impact assessment is not required an application for retention may be considered by the planning authority.”.”.

79. In page 48, between lines 5 and 6, to insert the following:

**“Amendment of section 35 (refusal of planning permission for past failures to comply) of Principal Act**

12. Section 35 of the Principal Act is amended in subsection (7) by inserting the following after paragraph (b):

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

- (I) where, pursuant to section 15 of the Friendly Societies and 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.”.

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

80. In page 48, between lines 15 and 16, to insert the following:

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

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

—Richard Boyd Barrett, Bríd Smith, Gino Kenny.

81. In page 48, between lines 15 and 16, to insert the following:

**“Power to vary appropriate period, etc.**

13. (1) The Principal Act is amended by substituting the following for section 41:

**“Power to vary appropriate period**

41. (1) Without prejudice to the powers conferred on them by this Part to grant a permission to develop land for a limited period only, in deciding to grant a permission under section 34, 37, 37G or 37N, a planning authority or the Board, as may be appropriate, may, having regard to the nature and extent of the relevant development and any other material consideration, specify the period during which the permission is to have effect, being a period—

(a) in the case of all development requiring permission, of not less than 2 years, and

(b) in the case of residential development requiring permission, of not more than 10 years,

and where the planning authority or the Board exercises, or refuses to exercise, the power conferred on it by this section, the exercise or refusal shall be regarded as forming part of the relevant decision of the authority or the Board under section 34, 37, 37G or 37N.

(2) Where an application for permission relates to a residential development comprising 10 or more houses—

(a) material considerations in subsection (1) may include any information available to the planning authority or furnished to it by the applicant concerning implementation by the applicant of any housing development in the previous 5 years, and

(b) an assessment by the planning authority of the likelihood of the proposed development being implemented within the appropriate period sought, being the appropriate period within the meaning provided for by section 40(3).”.

(2) Section 42A of the Principal Act is repealed.”.

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

82. In page 48, between lines 15 and 16, to insert the following:

**“Amendment of section 42 (power to extend appropriate period) of Principal Act**

13. Section 42 (which relates to power to extend appropriate period) of the Principal Act is amended—

(a) in subsection (1) by substituting “On application to it in that behalf a planning authority may” for “On application to it in that behalf a planning authority shall”,

(b) by inserting the following after paragraph (aa), inserted by section 28 of the Planning and Development (Housing) and Residential Tenancies Act 2016:

“and

(ab) where it is determined that no environmental impact assessment

and/or an appropriate assessment are required at the time of the application for an extension of the appropriate period, following a screening determination made by the Planning Authority and in accordance with the relevant provisions of the Act of 2000, including sections 176A, 176B and where appropriate 176C, in light of the changed environmental circumstances and conditions and cumulative impacts pertaining at the period now in question.”,

- (c) in subsection (1A), inserted by section 28 of the Planning and Development (Housing) and Residential Tenancies Act 2016, by inserting “with the exception of 1(ab),” after “subsection (1) or (4),” and
- (d) by deleting subsection (8), inserted by section 28 of the Planning and Development (Housing) and Residential Tenancies Act 2016.”.

—Eoin Ó Broin.

**83.** In page 49, between lines 15 and 16, to insert the following:

**“Amendment of section 176A (application for screening for environmental impact assessment) of Principal Act**

- 16.** Section 176A of the Principal Act is amended in subsection (7)(a) by deleting “together with any fee received from the applicant,”.”.

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

**84.** In page 49, between lines 15 and 16, to insert the following:

**“Amendment of section 176C (review of screening determination for environmental impact assessment and referral of application for screening for environmental impact assessment) of Principal Act**

- 17.** Section 176C of the Principal Act is amended—

- (a) by inserting the following subsection after subsection (9):

“(9A) Following the notification by the Board under subsection (8), the Board shall publish its determination and the main reasons and considerations on which its determination was based, along with a notice referred to in subsection (9), on its website.”,

and

- (b) in subsection (10) by substituting the following for paragraph (c):

- (c) make the record, and the main reasons and considerations on which its determination was based, available on its website and available for purchase and inspection during office hours,”.”.

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



85. In page 49, between lines 15 and 16, to insert the following:

**“Amendment of section 176A (screening for environmental impact assessment) of Principal Act**

16. Section 176A of the Principal Act, inserted by section 26 of the Planning and Development (Housing) and Residential Tenancies Act 2016, is amended in subsection (4) by inserting the following new paragraph after paragraph (b):

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

(i) its website, and

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

together with a notice, stating—

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

(II) inviting submissions from the public, and

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

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

—Eoin Ó Broin.

86. In page 49, between lines 24 and 25, to insert the following:

**“Amendment of section 179 (local authority own development) of Principal Act**

18. Section 179 of the Principal Act is amended by inserting the following new 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.”.”.

—Eamon Ryan.

87. In page 49, to delete lines 27 and 28 and substitute the following:

“(a) in subsection (1)—

(i) by substituting “Subject to subsection (7), where a development” for “Where a development”, and

(ii) by substituting “not later than 6 months after being so requested” for “as soon as may be”.

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

**88.** In page 49, between lines 29 and 30, to insert the following:

“(c) in subsection (2)(b) to insert “, or a condition attached to a permission under section 9(4) of the Planning and Development (Housing) and Residential Tenancies Act 2016” after “section 34(4)(g)”.

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

**89.** In page 49, between lines 30 and 31, to insert the following:

“(d) in subsection (2A)(b) to insert “, or a condition attached to a permission under section 9(4) of the Planning and Development (Housing) and Residential Tenancies Act 2016” after “section 34(4)(g)”.

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

**90.** In page 50, line 2, to delete “authority.” and substitute the following:

“authority.”,

(e) by inserting the following after subsection (6):

“(7) This section applies to that part of a development for which permission is granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016 that relates to the construction of houses and the provision of—

(a) new roads, open spaces or car parks, or

(b) sewers, water mains or service connections, within the meaning of the Water Services Act 2007,

relating to such houses and references to ‘development’ in other provisions of this section shall be read accordingly.”.

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

**91.** In page 50, to delete lines 4 to 6 and substitute the following:

“**19.** Section 208 of the Principal Act is amended in subsection (1)—

(a) by inserting the following after “development plan”:

“or local area plan”,

and

(b) by deleting “in force on the commencement of this section”.

—Eamon Ryan.

92. In page 52, between lines 28 and 29, to insert the following:

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

24. 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 2017* 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 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.”.”.

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

93. In page 52, between lines 28 and 29, to insert the following:

**“Construction of Fifth Schedule (conditions which may be imposed, on the granting of permission to develop land, without compensation) to Principal Act**

25. (1) The Act of 2016 is amended by inserting the following section after section 25:

**“Construction of Fifth Schedule (conditions which may be imposed, on the granting of permission to develop land, without compensation) to Act of 2000 during specified period**

25A. The Fifth Schedule to the Act of 2000 has effect during the specified period as if in paragraph 1 ‘or section 9(4) of the Planning and Development (Housing) and Residential Tenancies Act 2016’ were inserted after ‘section 34(4)(g)’.”.

- (2) Section 1(3) of the Act of 2016 (which relates to commencement of provisions of that Act) applies to the commencement of the amendment provided for by subsection (1).”.

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

94. In page 53, between lines 19 and 20, to insert the following:

**“Amendment of section 7 (requests to Board after consultation meeting has been held) of Act of 2016**

27. Section 7(3) of the Act of 2016 is repealed.”.

—Eoin Ó Broin.

95. In page 53, to delete line 23 and substitute the following:

“(a) in subsection (1)—

(i) by substituting “plan, or” for “plan, and” in paragraph (a)(iv)(I), and

(ii) by substituting “appropriate authority” for “prescribed authority” in paragraph (c),

and”.

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

96. In page 53, between lines 25 and 26, to insert the following:

**“Amendment of section 10 (supplemental provisions to section 9) of Act of 2016**

28. (1) Section 10 of the Act of 2016 is amended in subsection (2) by substituting the following for paragraph (a):

“(a) The Board shall publish on its website both a notice and a copy of a decision under section 9.”.

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

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

97. In page 54, to delete lines 3 to 14 and substitute the following:

“29. (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,’

(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.’”.

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

(a) by substituting “the day preceding the day that section 28(2)” for “the day preceding the day that section 28” where it occurs in the construction so provided,

(b) by substituting “expires on or after the date of commencement of section 28(2)” for “has not expired on the date of the commencement of section 28” where it occurs in the construction so provided, and

(c) by substituting “within such period as may be prescribed” for “prior to the end of the expiration of the period by which the appropriate period was extended” where it occurs in the construction so provided.

(3) This section comes into operation on the passing of this Act.”.

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

**98.** In page 56, to delete lines 20 to 44, to delete pages 57 to 59, and in page 60, to delete lines 1 to 4.

—Mick Wallace, Clare Daly.