



# **SEANAD ÉIREANN**

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

**LEASUITHE ARNA nDÉANAMH i gCOISTE  
AMENDMENTS MADE IN COMMITTEE**

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# SEANAD ÉIREANN

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

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*Leasuithe arna ndéanamh i gCoiste  
Amendments made in Committee*

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

### SECTION 1

1. In page 5, lines 21 to 23 deleted and the following substituted:

“(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, line 3 deleted and the following substituted:

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

### SECTION 4

3. In page 8, line 34, “and” deleted.

4. In page 9, lines 3 and 4 deleted and the following substituted:

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

and

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

5. In page 9, line 16, “Planning and Development Acts 2000 to 2015” deleted and “*Planning and Development Acts 2000 to 2018*” substituted.
6. In page 9, line 22, “Planning and Development Acts 2000 to 2015” deleted and “*Planning and Development Acts 2000 to 2018*” substituted.
7. In page 12, line 35, “Planning and Development Acts 2000 to 2015” deleted and “*Planning and Development Acts 2000 to 2018*” substituted.
8. In page 25, lines 31 and 32, “Department of Housing, Planning, Community and Local Government” deleted and “Department of Housing, Planning and Local Government” substituted.

[SECTION 4]

9. In page 27, lines 37 and 38, “Department of Housing, Planning, Community and Local Government” deleted and “Department of Housing, Planning and Local Government” substituted.
10. In page 30, lines 15 and 16, “Department of Housing, Planning, Community and Local Government” deleted and “Department of Housing, Planning and Local Government” substituted.
11. In page 32, lines 21 and 22, “Department of Housing, Planning, Community and Local Government” deleted and “Department of Housing, Planning and Local Government” substituted.
12. In page 35, lines 18 and 19, “Department of Housing, Planning, Community and Local Government” deleted and “Department of Housing, Planning and Local Government” substituted.
13. In page 37, lines 22 and 23, “Department of Housing, Planning, Community and Local Government” deleted and “Department of Housing, Planning and Local Government” substituted.

SECTION 8

14. In page 44, between lines 18 and 19, the following inserted:

**“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).”.

15. In page 44, between lines 18 and 19, the following inserted:

**“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

[SECTION 8]

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.”.”.

16. In page 44, between lines 18 and 19, the following inserted:

**“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’.”.”.

SECTION 24

17. In page 53, between lines 17 and 18, the following inserted:

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

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

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

[SECTION 24]

18. In page 53, between lines 17 and 18, the following inserted:

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

28. 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.”.

SECTION 28

19. In page 55, after line 38, the following inserted:

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

33. 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,

(b) a partnership of which the applicant is or was a member and which, during the membership of that applicant, carried out a

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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.”.”.

[SECTION 35]

SECTION 35

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

“(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.’”.

SECTION 36

21. In page 58, between lines 11 and 12, the following inserted:

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

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

- (a) in subsection (8) by substituting “the Minister for Housing, Planning and Local Government, the Office of the Planning Regulator,” for “the Minister for the Environment, Heritage and Local Government,”,
- (b) in subsection (10) by substituting “the Authority shall send a copy of that draft to the regional authorities within the GDA and to the Office of the Planning Regulator and those regional authorities and that Office shall” for “the Authority shall send a copy of that draft to the regional authorities within the GDA and



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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

22. In page 61, lines 4 and 5 deleted and the following substituted:

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

23. In page 62, lines 2 to 5 deleted and the following substituted:

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

24. In page 62, line 38 deleted and the following substituted:

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

25. In page 63, lines 40 to 43 deleted and the following substituted:

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

TITLE

26. In page 5, line 5, “Planning and Development Acts 2000 to 2015” deleted and “*Planning and Development Acts 2000 to 2018*” substituted.