



DÁIL ÉIREANN

AN BILLE UM PLEANÁIL AGUS FORBAIRT (TITHÍOCHT) AGUS UM THIONÓNTACHTAÍ CÓNAITHE, 2016 PLANNING AND DEVELOPMENT (HOUSING) AND RESIDENTIAL TENANCIES BILL 2016

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM PLEANÁIL AGUS FORBAIRT (TITHÍOCHT) AGUS UM THIONÓNTACHTAÍ CÓNAITHE, 2016 —ROGHCHOISTE

PLANNING AND DEVELOPMENT (HOUSING) AND RESIDENTIAL TENANCIES BILL 2016 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 2

1. In page 6, between lines 3 and 4, to insert the following:

“ “Act of 2015” means the Climate Action and Low Carbon Development Act 2015;”.

—Eoin Ó Broin.

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

“ “The Aarhus Convention” means the Convention on Access to Information, Public Participation In Decision-making and Access to Justice in Environmental Matters done at Aarhus, Denmark, on 25 June 1998;”.

—Eoin Ó Broin.

SECTION 3

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

“Report on the causes of delays in the construction of housing

3. The Minister for Housing, Planning, Community and Local Government is to report within three months of the enactment of the *Planning and Development (Housing) and Residential Tenancies Act 2016* on the causes of delays in the construction of housing, including—

- (a) delays caused by the hoarding of land by landowners and developers,
- (b) delays attributable to developers during the planning and pre-planning process,
- (c) delays related to tendering rules and processes in the case of local authority own development,

and on the measures needed to address them.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

4. In page 6, to delete lines 13 and 14 and substitute the following:

“ “prospective applicant” means a person who—

[SECTION 3]

- (a) is the owner of the land concerned, or
- (b) has the written consent of the owner to make an application under *section 4* in respect of that land,

and who intends to apply for permission under that section in respect of that land;”.

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

5. In page 6, line 22, after “uses” to insert “where the volume of houses to be developed is no less than 100,”.

—Eoin Ó Broin.

6. In page 6, line 26, to delete “or”.

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

7. In page 6, between lines 26 and 27, to insert the following:

“(c) development that includes developments of the type referred to in *paragraph (a)* and of the type referred to in *paragraph (b)*, or”.

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

8. In page 6, line 29, to delete “*paragraph (a) or (b)*” and substitute “*paragraph (a), (b) or (c)*”.

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

[*This is a reference to the paragraph proposed to be inserted by amendment no. 7.]

9. In page 6, to delete lines 30 to 35 and substitute the following:

“each of which may include other uses on the land, the zoning of which facilitates such use, but only if—

- (i) the cumulative gross floor area of the houses or student accommodation units, or both, as the case may be, comprises not less than 85 per cent, or such other percentage as may be prescribed, of the gross floor space of the proposed development or the number of houses or proposed bed spaces within student accommodation to which the proposed alteration of a planning permission so granted relates, and
- (ii) the other uses cumulatively do not exceed—
 - (I) 15 square metres gross floor space for each house or 7.5 square metres gross floor space for each bed space in student accommodation, or both, as the case may be, in the proposed development or to which the proposed alteration of a planning permission so granted relates, subject to a maximum of 4,500 square metres gross floor space for such other uses in any development, or
 - (II) such other area as may be prescribed, by reference to the number of houses or bed spaces in student accommodation within the proposed development or to which the proposed alteration of a planning permission so granted relates, which other area shall be subject to such other maximum area in the development as may be prescribed;”.

[SECTION 3]

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

Section opposed.

—Eoin Ó Broin, Jan O’Sullivan, Catherine Murphy, Richard Boyd Barrett, Gino Kenny,
Brid Smith, Mick Wallace, Clare Daly, Catherine Connolly, Ruth Coppinger, Mick Barry,
Paul Murphy.

SECTION 4

10. In page 7, to delete lines 15 to 17 and substitute the following:

“(iii) be so made only where the applicant for permission has fulfilled the requirements set out in *section 8*,

(iv) be in such form and contain such information as is prescribed, and

(v) be accompanied by the appropriate fee.”.

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

11. In page 7, between lines 21 and 22, to insert the following:

“(2) An application for a strategic housing development under this section, other than for the alteration of an existing planning permission granted under section 34 of the Act of 2000, may not be made by a prospective applicant who holds a planning permission for over 100 housing units in the same local authority area or in an adjoining local authority area for which a commencement notice has not been submitted to the relevant planning authority.”.

—Eoin Ó Broin, Eamon Ryan, Catherine Martin.

12. In page 7, between lines 21 and 22, to insert the following:

“(2) An application for a strategic housing development under this section, other than for the alteration of an existing planning permission granted under section 34 of the Act of 2000, may not be made by a prospective applicant who holds a planning permission for over 100 housing units in the same local authority area for which a commencement notice has not been submitted to the relevant planning authority.”.

—Eoin Ó Broin.

13. In page 7, line 23, after “Chapter” to insert “including a public consultation thereon, which shall not be less than 4 weeks in duration”.

—Eoin Ó Broin.

14. In page 7, line 25, after “review” to insert the following:

“and a summary and collation of all the responses received during the public consultation in *subparagraph (i)*”.

—Eoin Ó Broin.

[SECTION 4]

15. In page 7, between lines 29 and 30, to insert the following:

“(ii) no such order shall be made by the Minister unless it is approved by both houses of the Oireachtas, and following a further period of review and public consultation on the report provided by the Minister.”.

—Eoin Ó Broin.

16. In page 8, to delete lines 7 and 8 and substitute:

“(6) A permission granted under this Part may not be extended.”.

—Mick Wallace, Clare Daly, Catherine Connolly.

17. In page 8, line 8, to delete “as amended.” and substitute the following:

“as amended and also further to the following additional requirements:

- (a) a new screening for Environmental Impact Assessment in accordance with section 176B of the Act of 2000, in relation to the class of development under re-consideration, and/or any element of the development either individually or collectively;
- (b) the screening for appropriate assessment in relation to the class of development under re-consideration, and/or any element of the development individually or collectively;
- (c) the preparation and submission of an environmental impact statement and natura impact statement as appropriate, or where an environmental impact assessment and/or appropriate assessment was required to be undertaken as part of the original consent – the preparation and submission of an associated updated environmental impact statement and natura impact statement as appropriate;
- (d) publication of a notice in respect of any such extension conforming to normal site notification requirements specified under the relevant parts of the Act of 2000 as if the development was seeking permission in the first instance, but clearly indicating the current proposal is to seek an extension to the duration of the original permission;
- (e) facilitation of a public participation in the environmental decision making associated with the extension of duration of the original permission in accordance with the provisions of the Act of 2000 as if the development was seeking permission for the first time;
- (f) stipulation that any observations made in respect of the extension of duration shall not require the payment of any fee;
- (g) a full reconsideration of the application in accordance with the Act of 2000, as if the decision was to be made in the first instance, but with the benefit and consideration of—
 - (i) the changed environmental circumstances,
 - (ii) other developments,

[SECTION 4]

- (iii) the objectives and policies of the current County Development Plan, and
 - (iv) any other considerations relevant to the proper planning and sustainable development of the area, and compliance with wider environmental obligations;
- (h) notification that any decision relating to the extension by the planning authority can be appealed to An Bord Pleanála, as if the decision had been made on the development for the first time under section 34 or Part X of the Act of 2000, and that the decisions on screenings can be referred to the Board under section 176C of the Act of 2000, together with stipulation of the timeframes involved for any such appeal or referral, and where practical information on the process and fees involved can be found in order to recognise—
- (i) the changed environmental context now pertaining,
 - (ii) public participation obligations arising from the Aarhus Convention and normal standards of consultation provided for in the Act of 2000 in the planning process for new applications.”.”.

—Eoin Ó Broin.

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

“(7) The Derelict Sites Act 1990 is amended—

- (a) in section 8, by inserting the following subsection after subsection (9):

“(10) The register, and the process by which sites are entered onto the register, shall be made publicly available online on the local authority’s website within 4 weeks of the commencement of the *Planning and Development (Housing) and Residential Tenancies Act 2016*,

and

- (b) in section 23, by substituting “nine per cent” for “three per cent” and “five per cent” for “two per cent”.”.

—Eoin Ó Broin.

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

“(7) The Urban Regeneration and Housing Act 2015 is amended—

- (a) in section 5(2) by the deletion of “exceeding 0.05 hectares”,
- (b) in section 11(1), by the substitution of “1 October 2017” for “1 June 2018” and “1 June 2017” for “1 January 2018”,
- (c) in section 11(1)(c), by the substitution of “2017” for “2018”,
- (d) by the deletion of section 14,
- (e) in section 15(1), by the substitution of “2017” for “2018”,
- (f) in section 15(3), by the substitution of “2018” for “2019”, and

[SECTION 4]

(g) in section 16—

(i) in subsection (1), by the substitution of “5 per cent” for “3 per cent”,

(ii) by the insertion of the following subsections after subsection (2):

“(2A) Subsection (2) does not apply to a site that is owned in the course of a business that consists of dealing in or developing land.

(2B) The vacant site levy determined in accordance with subsection (1) will increase, in each subsequent year, by 1 per cent of the market value of the vacant site determined in accordance with section 12.”,

and

(iii) in subsection (2), by the deletion of paragraph (a).”.

—Eoin Ó Broin.

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

“(7) The Derelict Sites Act 1990 is amended—

(a) in section 2, by inserting the following definition:

“ ‘housing purposes’ includes—

(a) the provision by a housing authority of housing services within the meaning of section 10 of the Housing (Miscellaneous Provisions) Act 2009,

(b) the provision of housing by a body that is an approved body for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act 1992, and

(c) the provision of accommodation for students in third-level institutions in the State.”,

(b) in section 8, by inserting the following subsection after subsection (9):

“(10) The register, and the process by which sites are entered onto the register, shall be made publicly available online on the local authority’s website within 4 weeks of the commencement of the *Planning and Development (Housing) and Residential Tenancies Act 2016*,

(c) by inserting the following section after section 14:

“**14A.** A local authority may acquire by agreement or compulsorily any derelict site situated within their functional area for housing purposes after two years of the site’s registration on the register of derelict sites.”,

and

(d) in section 23, by substituting “nine per cent” for “three per cent” and “five per cent” for “two per cent”.

[SECTION 4]

—Eamon Ryan, Catherine Martin.

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

“(7) The Urban Regeneration and Housing Act 2015 is amended—

- (a) in section 5(2) by the deletion of “exceeding 0.05 hectares”,
- (b) in section 11(1), by the substitution of “1 October 2017” for “1 June 2018” and “1 June 2017” for “1 January 2018”,
- (c) in section 11(1)(c), by the substitution of “2017” for “2018”,
- (d) by the deletion of section 14,
- (e) in section 15(1), by the substitution of “2017” for “2018”,
- (f) in section 15(3), by the substitution of “2018” for “2019”,
- (g) in section 16—
 - (i) in subsection (1), by the substitution of “5 per cent” for “3 per cent”,
 - (ii) by the insertion of the following subsections after subsection (2):
 - “(2A) Subsection (2) does not apply to a site that is owned in the course of a business that consists of dealing in or developing land.
 - (2B) The vacant site levy determined in accordance with subsection (1) will increase, in each subsequent year, by 1 per cent of the market value of the vacant site determined in accordance with section 12.”,
 - (iii) in subsection (2), by the deletion of paragraph (a), and
 - (iv) by the insertion of the following subsection after subsection (8):
 - “(9) A local authority may acquire by agreement or compulsorily any vacant site situated within their functional area for housing purposes after two years of the site’s registration on the register of vacant sites.”.

—Eamon Ryan, Catherine Martin.

Section opposed.

—Eoin Ó Broin, Jan O’Sullivan, Catherine Murphy, Richard Boyd Barrett, Gino Kenny, Bríd Smith, Mick Wallace, Clare Daly, Catherine Connolly, Ruth Coppinger, Mick Barry, Paul Murphy.

SECTION 5

22. In page 8, between lines 23 and 24, to insert the following:

- “(3) (a) Any such application for consultation to the Planning Authority shall include in written and electronic format all the information which is required to be provided to the Board under *subsection (4)* and in the formats stipulated therein.
- (b) The Minister may make regulations under this part to further specify requirements in respect of this initial consultation with the planning authority,

[SECTION 5]

including requirements in relation to—

- (i) additional documentation and studies required,
 - (ii) the fees involved for such consultation,
 - (iii) additional procedural requirements for the consultation provisions for the extending of the time-periods stipulated for the consultation.
- (c) The planning authority shall ensure the public is effectively notified and consulted also in respect of this application, and shall make available for inspection, including the making available over the internet of electronic copies of all the particulars submitted to it, and shall take due account of any observations made on the application in any comments or subsequent submissions it makes in respect of the development to the Board under *section 6* of this Chapter.”.

—Eoin Ó Broin.

23. In page 8, between lines 33 and 34, to insert the following:

“(4) The failure by a planning authority to comply with the requirement to hold a consultation meeting for the purposes of section 247 of the Act of 2000 by virtue of *subsection (3)* within the time limits provided for by that subsection shall not prevent the Board from proceeding under this section to deal with the application concerned.”.

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

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

“(viii) details on the availability of public transportation to service the proposed development and how it will comply with Government policy, including on sustainable transportation as defined in “Smarter Travel A Sustainable Transport Future, A New Transport Policy for Ireland 2009-2020”;

(ix) details on the availability of public infrastructure capacity such as water and waste water to service the development, and the proximity to and availability and capacity of schools, crèches, ambulance services, fire services, hospital services, and shopping facilities, and other ancillary and social services to provide for essential infrastructural support for the proposed development in the interests of proper planning and sustainable development;”.

—Eoin Ó Broin.

25. In page 9, line 25, to delete “as are prescribed” and substitute “which shall be prescribed”.

—Eoin Ó Broin.

26. In page 9, line 25, to delete “if prescribed”.

—Eoin Ó Broin.

27. In page 9, line 30, to delete “as are prescribed” and substitute “which shall be prescribed”.

—Eoin Ó Broin.

[SECTION 5]

28. In page 9, line 31, to delete “if prescribed”.

—Eoin Ó Broin.

29. In page 9, line 35, to delete “proposed house types and design” and substitute “proposed types of houses or student accommodation units, or both, as appropriate, and their design”.

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

30. In page 9, line 39, after “provision,” to insert “where relevant,”.

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

31. In page 10, line 4, after “2000,” to insert “where relevant,”.

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

32. In page 10, line 8, after “site” to insert “or to impact on any protected species or habitat or habitat for protected species”.

—Eoin Ó Broin.

Section opposed.

—Eoin Ó Broin, Jan O’Sullivan, Catherine Murphy, Richard Boyd Barrett, Gino Kenny, Bríd Smith, Mick Wallace, Clare Daly, Catherine Connolly, Ruth Coppinger, Mick Barry, Paul Murphy.

SECTION 6

33. In page 10, to delete lines 31 and 32.

—Eoin Ó Broin.

34. In page 11, between lines 8 and 9, to insert the following:

“(iii) that for the consultation to proceed the Board requires the applicant to cause to be published in local and national newspapers approved for planning notifications in the area of the public authority or authorities concerned, a notification to the public informing them of the Boards decision stating where it can be found, and informing them that observations can be made directly to the Board on the matter and stating the timeframes for such submissions, and including such other information as may be prescribed by regulation.”.

—Eoin Ó Broin.

35. In page 11, between lines 19 and 20, to insert the following:

“(iii) copies of all submissions or observations received in respect of the application for consultation, and

(iv) details on the amount of housing in the area of the Planning Authority on which permission has already been granted together with details on the quantum under development, and the quantum not yet commenced.”.

—Eoin Ó Broin.

[SECTION 6]

36. In page 11, line 21, after “submitted” to insert the following:

“and shall—

- (I) promptly publish the records and opinions submitted on its website,
- (II) require a notification of this submission to be recorded in the weekly planning register, and
- (III) require notification of the submission to be published by the applicant in local and national newspapers approved for planning notices in the area or areas concerned.”.

—Eoin Ó Broin.

37. In page 11, to delete lines 25 to 27 and substitute the following:

“(b) to be attended by—

- (i) (I) the prospective applicant, or one or more persons on his or her behalf, or
(II) the prospective applicant and one or more persons nominated by him or her,
- (ii) the Board, and
- (iii) subject to *subsection (6)*, each planning authority in whose area the proposed strategic housing development would be situated.”.

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

38. In page 11, line 32, to delete “3 weeks” and substitute “6 weeks”.

—Eoin Ó Broin.

39. In page 11, line 36, after “concerned” to insert “and any observations received from the public or other bodies”.

—Eoin Ó Broin.

40. In page 12, line 1, after “shall” to insert “cause to be published on its website and shall”.

—Eoin Ó Broin.

41. In page 12, line 22, to delete “or” and substitute “of”.

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

42. In page 12, line 33, after “relates” to insert “, and shall cause that information to be published on its website within 3 days of the decision”.

—Eoin Ó Broin.

43. In page 12, between lines 33 and 34, to insert the following:

- “(12) The Minister shall clarify in regulation at what point a person or party may question the validity of decisions and acts in this consultation process with the planning authorities and/or the Board by way of Judicial Review, under order 84 of the Rules

[SECTION 6]

of the Superior Courts (S.I. No. 15 of 1986) in accordance with sections 50 and 50A of the Act of 2000, and shall require that notifications in respect of any such decisions in the process be published promptly following on from the decision, together with details on where practical information on the review mechanisms can be found, and stipulating the time periods pertaining to any such challenges.”.

—Eoin Ó Broin.

44. In page 12, between lines 33 and 34, to insert the following:

“(12) A person shall not question the validity of any steps taken by the Board under this section by reason only that the procedures as set out in *subsection (1), (2), (4), (5) or (7)*, as the case may be, were not completed within the time referred to in the subsection concerned.”.

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

Section opposed.

—Eoin Ó Broin, Jan O’Sullivan, Catherine Murphy, Richard Boyd Barrett, Gino Kenny, Bríd Smith, Mick Wallace, Clare Daly, Catherine Connolly, Ruth Coppinger, Mick Barry, Paul Murphy.

SECTION 7

45. In page 12, to delete lines 39 and 40, and in page 13, to delete line 1 and substitute the following:

“(I) where the development is of a class standing specified in Part 2 of Schedule 5 to the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) that does not exceed the relevant quantity, area or other limit standing specified in that Part, whether it is likely to have significant effects on the environment;”.

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

46. In page 13, line 2, after “development” to insert “, individually or in combination with another project,”.

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

47. In page 13, between lines 9 and 10, to insert the following:

“(2) Where an applicant has submitted a request for screening determinations to the Board under this Chapter, they are not obligated to submit them to the Planning Authority as stipulated in section 176A(2) of the Act of 2000.”.

—Eoin Ó Broin.

48. In page 13, line 10, after “*subsection (1)*” to insert “, which shall be accompanied by the appropriate fee,”.

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

49. In page 13, line 12, after “purpose” to insert “and the public as appropriate”.

—Eoin Ó Broin.

[SECTION 7]

50. In page 13, line 13, to delete “8 weeks” and substitute “10 weeks”.

—Eoin Ó Broin.

51. In page 13, line 26, after “concerned” to insert “, and shall cause that information to be published on its website within 3 days of the decision”.

—Eoin Ó Broin.

52. In page 13, between lines 26 and 27, to insert the following:

“(3) A person shall not question the validity of a determination by, or opinion of, the Board under this section by reason only that the procedures as set out in *subsection (2)* were not completed within the time referred to in that subsection.”.

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

53. In page 13, between lines 26 and 27, to insert the following:

“(3) No decision or opinion made under this section shall prejudice the Board in its entitlement to revisit the screening decisions made, or in the further consideration on the scope and set of information required in either an environmental impact statement or natura impact statement, or in its entitlement to seek further information if it so requires as the application for development proceeds through the planning process.”.

—Eoin Ó Broin.

Section opposed.

—Eoin Ó Broin, Jan O’Sullivan, Catherine Murphy, Richard Boyd Barrett, Gino Kenny, Bríd Smith, Mick Wallace, Clare Daly, Catherine Connolly, Ruth Coppinger, Mick Barry, Paul Murphy.

SECTION 8

54. In page 14, to delete line 5 and substitute the following:

“(II) the period of 5 weeks from the receipt by the Board of the application,”.

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

55. In page 14, line 10, after “copy),” to insert the following:

“and indicate the website where the application, and as appropriate the environmental impact statement and/or the Natura impact statement can be viewed electronically and downloaded for free,”.

—Eoin Ó Broin.

56. In page 14, to delete lines 25 to 27 and substitute the following:

“(vii) inviting the making of submissions and observations to the Board, including from the public, in accordance with the following circumstances and timeframes:

(I) in circumstances where no environmental impact assessment is required for the development, during the period referred to for the purposes of *subparagraph (iii)*;

[SECTION 8]

(II) in circumstances where an environmental impact assessment is required for the development, during a period which shall be no less than 8 weeks,

(viii) such submissions may relate to any matter of concern to the public or body being consulted arising from the proposed development and also may include observations relating to—”.

—Eoin Ó Broin.

57. In page 14, between lines 32 and 33, to insert the following:

“(viii) stating any fee required to be made in respect of any submission or observation on the development proposed, where that fee shall—

(I) not be greater than the observation fee applicable if the application had been made directly to the planning authority instead of the Board, and

(II) be payable by either cash, card, cheque and other internet-based electronic payment method to the Board which shall be specified in regulations.”.

—Eoin Ó Broin.

58. In page 15, line 27, after “may” to insert “decide to”.

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

59. In page 15, to delete lines 35 to 41, and in page 16, to delete lines 1 to 3 and substitute the following:

“(i) return to the applicant concerned—

(I) subject to *paragraph (c)*, the originals of any documents or digital devices containing the information prescribed for the purposes of *subsection (1)(a)(iv) of section 4*, any environmental impact statement or Natura impact statement, or both of those statements, as the case may be, and any information prescribed under *section 12* to accompany the application, and

(II) any fee received from the applicant for the purposes of *section 4(1)(a)(v)*,

and

(ii) give reasons to the applicant for the Board’s decision to refuse to consider the application.”.

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

60. In page 15, to delete lines 40 and 41.

—Eoin Ó Broin.

[SECTION 8]

61. In page 16, line 4, to delete “*Paragraph (b)(i)(I)*” and substitute “*Clause (I) of paragraph (b)(i)*”.

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

62. In page 16, line 9, to delete “subsection” and substitute “clause”.

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

63. In page 16, lines 13 and 14, to delete “local electoral area or areas, as the case may be” and substitute “area or areas concerned”.

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

64. In page 16, line 16, to delete “elected members” and substitute “municipal district members”.

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

65. In page 16, lines 33 and 34, to delete “each municipal district” and substitute “of the municipal district members for each municipal district”.

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

66. In page 17, lines 11 and 12, to delete “submissions or observations received as a consequence of *subsection (1)(a)(vii)*” and substitute “submissions and observations duly received by the Board in relation to the application”.

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

67. In page 17, lines 17 and 18, to delete “as a consequence of *subsection (1)(a)(vii)*” and substitute “in relation to the application”.

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

68. In page 17, lines 24 and 25, to delete “submissions and observations received by the Board as a consequence of *subsection (1)(a)(vii)*” and substitute “submissions and observations duly received by the Board in relation to the application”.

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

69. In page 18, between lines 7 and 8, to insert the following:

“(7) A person shall not question the validity of a decision of the Board under this section by reason only that the procedures as set out in *subsection (3)* were not completed within the time referred to in that subsection.”

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

Section opposed.

—Eoin Ó Broin, Jan O’Sullivan, Catherine Murphy, Richard Boyd Barrett, Gino Kenny, Brid Smith, Mick Wallace, Clare Daly, Catherine Connolly, Ruth Coppinger, Mick Barry, Paul Murphy.

SECTION 9

70. In page 18, line 20, after “information” to insert the following:

“but only where such other relevant information has been part of the

[SECTION 9]

published set of information made available with the original application, or where received subsequent to the application where it has been the subject of a further published public notification in respect of the application, and made reasonably available to the public to comment upon without the public having to incur any fee for any further observation being made”.

—Eoin Ó Broin.

71. In page 18, between lines 25 and 26, to insert the following:

“(C) any available assessment of the housing needs of people with disabilities,”.

—Eamon Ryan, Catherine Martin.

72. In page 18, between lines 37 and 38, to insert the following:

“(c) any Government policy, in particular policies pertaining to sustainable transport, namely “Smarter Travel A Sustainable Transport Future, A New Transport Policy for Ireland 2009-2020”, climate change policy and the requirements of section 15 of the Urban Regeneration and Housing Act 2015,”.

—Eoin Ó Broin.

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

“(4) For the avoidance of doubt, the Board shall be bound by the provisions of Part X and Part XAB of the Act of 2000 in respect of requirement to conduct an environmental impact assessment and appropriate assessment where appropriate to the application for development under consideration, and consistent with the Board’s policies in relation to same, and to record and evidence those assessments as part of any decision made pursuant to provisions of this Chapter.”.

—Eoin Ó Broin.

74. In page 19, line 20, after “development” to insert “, decide to”.

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

75. In page 20, line 32, to delete “vary” and substitute “extend”.

—Eoin Ó Broin.

76. In page 21, to delete lines 4 to 22.

—Eoin Ó Broin.

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

—Eoin Ó Broin, Eamon Ryan, Catherine Martin.

78. In page 21, between lines 22 and 23, to insert the following:

“(15) A person shall not question the validity of a decision of the Board under this section by reason only that the procedures as set out in *subsection (9)* were not completed within the time provided for by that subsection.

(16) The failure by the planning authority concerned to comply with the requirement to

[SECTION 9]

prepare and submit to the Board a report, under *subsection (5) of section 8*, within the time limits provided for by that subsection shall not prevent the Board from proceeding to make its decision under this section.”.

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

Section opposed.

—Eoin Ó Broin, Jan O’Sullivan, Catherine Murphy, Richard Boyd Barrett, Gino Kenny, Bríd Smith, Mick Wallace, Clare Daly, Catherine Connolly, Ruth Coppinger, Mick Barry, Paul Murphy.

SECTION 10

79. In page 21, to delete line 37 and substitute the following:

- “(a) the main reasons and considerations on which the decision is based,
- (b) where the Board grants a permission in accordance with *section 9(6)(a)*, the main reasons and considerations for contravening materially the development plan or local area plan, as the case may be, and”.

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

80. In page 21, between lines 37 and 38, to insert the following:

- “(b) a copy of the environmental impact assessment and appropriate assessment where undertaken for the development, and screening decisions for environmental impact assessment and appropriate assessment where undertaken for the development, and”.

—Eoin Ó Broin.

Section opposed.

—Eoin Ó Broin, Jan O’Sullivan, Catherine Murphy, Richard Boyd Barrett, Gino Kenny, Bríd Smith, Mick Wallace, Clare Daly, Catherine Connolly, Ruth Coppinger, Mick Barry, Paul Murphy.

SECTION 11

81. In page 22, line 17, to delete “subject to *subsections (8) and (9)*” and substitute “subject to *subsections (8), (9) and (10)*”.

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

Section opposed.

—Eoin Ó Broin, Jan O’Sullivan, Catherine Murphy, Richard Boyd Barrett, Gino Kenny, Bríd Smith, Mick Wallace, Clare Daly, Catherine Connolly, Ruth Coppinger, Mick Barry, Paul Murphy.

SECTION 12

82. In page 23, between lines 32 and 33, to insert the following:

- “(b) the proportion of the fee payable to the Board under section 144(1A)(b) of the Act of 2000 in respect of an application under *section 4* that shall, on the making a decision under *section 9* on the application, be paid by the Board to the

[SECTION 12]

planning authority or authorities concerned, as the case may be;”.

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

Section opposed.

—Eoin Ó Broin, Jan O’Sullivan, Catherine Murphy, Richard Boyd Barrett, Gino Kenny, Bríd Smith, Mick Wallace, Clare Daly, Catherine Connolly, Ruth Coppinger, Mick Barry, Paul Murphy.

SECTION 13

Section opposed.

—Eoin Ó Broin, Jan O’Sullivan, Catherine Murphy, Richard Boyd Barrett, Gino Kenny, Bríd Smith, Mick Wallace, Clare Daly, Catherine Connolly, Ruth Coppinger, Mick Barry, Paul Murphy.

SECTION 14

Section opposed.

—Eoin Ó Broin, Jan O’Sullivan, Catherine Murphy, Richard Boyd Barrett, Gino Kenny, Bríd Smith, Mick Wallace, Clare Daly, Catherine Connolly, Ruth Coppinger, Mick Barry, Paul Murphy.

SECTION 15

Section opposed.

—Eoin Ó Broin, Jan O’Sullivan, Catherine Murphy, Richard Boyd Barrett, Gino Kenny, Bríd Smith, Mick Wallace, Clare Daly, Catherine Connolly, Ruth Coppinger, Mick Barry, Paul Murphy.

SECTION 16

Section opposed.

—Eoin Ó Broin, Jan O’Sullivan, Catherine Murphy, Richard Boyd Barrett, Gino Kenny, Bríd Smith, Mick Wallace, Clare Daly, Catherine Connolly, Ruth Coppinger, Mick Barry, Paul Murphy.

SECTION 17

83. In page 25, between lines 21 and 22, to insert the following:

“Construction of section 125 (appeals, referrals and applications with which the Board is concerned) of Act of 2000 during specified period

17. Section 125 of the Act of 2000 has effect during the specified period as if the following were substituted for paragraph (b):

- “(b) (i) to the extent provided, to applications made to the Board under section 37E or section 37L,
- (ii) except where otherwise provided for by the *Planning and Development (Housing) and Residential Tenancies Act 2016*, to applications made to the Board under *section 4* of that Act, and
- (iii) to any other matter with which the Board may be concerned.”.

[SECTION 17]

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

84. In page 25, line 39, after “hearing.” to insert the following:

“In determining whether there is ‘a compelling case’ to conduct an oral hearing the Board shall include consideration of—

- (I) the complexity of technical or environmental considerations associated with the development and how an oral hearing might assist the environmental decision-making process,
- (II) local and context specific considerations,
- (III) the public interest to be served through the conduct of an oral hearing, and
- (IV) the interests of natural justice.”.

—Eoin Ó Broin.

Section opposed.

—Eoin Ó Broin, Jan O’Sullivan, Catherine Murphy, Richard Boyd Barrett, Gino Kenny, Brid Smith, Mick Wallace, Clare Daly, Catherine Connolly, Ruth Coppinger, Mick Barry, Paul Murphy.

SECTION 18

85. In page 26, between lines 28 and 29, to insert the following:

“Construction of section 144 (fees payable to Board) of Act of 2000 during specified period

18. Subsection (1A) of section 144 of the Act of 2000 has effect during the specified period—

- (a) as if in paragraph (b) “or for any strategic housing development (within the meaning of *section 3* of the *Planning and Development (Housing) and Residential Tenancies Act 2016*)” were inserted after “for any strategic infrastructure development”,
- (b) as if in paragraph (c) “or a request for a consultation under *section 5* of the *Planning and Development (Housing) and Residential Tenancies Act 2016*” were inserted after “the Act of 2001”,
- (c) as if there were inserted the following after paragraph (d):
 - “(da) a request for a determination under *section 7(1)(a)* of the *Planning and Development (Housing) and Residential Tenancies Act 2016*,”
- (d) as if in paragraph (e) “or under *section 7(1)(b)* of the *Planning and Development (Housing) and Residential Tenancies Act 2016*,” were inserted after “*section 173(3)*,”
- (e) as if there were inserted the following after paragraph (e):
 - “(ea) a request for an opinion in writing on what information will be

[SECTION 18]

required to be contained in a Natura impact statement under *section 7(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016*,”

and

(f) as if in paragraph (j) “*section 8 of the Planning and Development (Housing) and Residential Tenancies Act 2016*,” were inserted after “or 226,”.”

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

[*Acceptance of this amendment involves the deletion of section 18 of the Bill.*]

86. In page 26, between lines 28 and 29, to insert the following:

“Amendment of section 143 of Act of 2000

18. Section 143 of the Act of 2000 is amended by the deletion of subsection (1)(a) and substitution of the following:

“(1) (a) The Board shall, in performing its functions, be bound by the policies and objectives of the relevant planning authorities and relevant planning authorities' development plan and any other body which is a public authority whose functions have, or may have, a bearing on the proper planning and sustainable development of cities, towns or other areas, whether urban or rural.”.”

—Mick Wallace, Clare Daly, Catherine Connolly.

87. In page 27, lines 2, after “or 226,”” to insert the following:

“and the following were inserted after “section 48(b)”:

“In the case of a submission or observation made in respect of *section 8 of the Planning and Development (Housing) and Residential Tenancies Act 2016*, any such fee shall not exceed the fee which a party or member of the public payable in respect on the application if it were to have been submitted to the planning authority instead of to the Board prior to the introduction of the strategic housing development provisions of the *Planning and Development (Housing) and Residential Tenancies Act 2016*.”.”

—Eoin Ó Broin.

Section opposed.

—Eoin Ó Broin, Jan O’Sullivan, Catherine Murphy, Richard Boyd Barrett, Gino Kenny, Bríd Smith, Mick Wallace, Clare Daly, Catherine Connolly, Ruth Coppinger, Mick Barry, Paul Murphy.

[SECTION 19]

SECTION 19

88. In page 27, between lines 2 and 3, to insert the following:

“Construction of section 172 (requirement for environmental impact statement) of Act of 2000 during specified period

19. Subsection (1A) of section 172 of the Act of 2000 has effect during the specified period as if in paragraph (a) there were inserted the following after subparagraph (III):

“(IIIA) development to which *Chapter 1 of Part 2 of the Planning and Development (Housing) and Residential Tenancies Act 2016* relates;”.

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

Section opposed.

—Eoin Ó Broin, Jan O’Sullivan, Catherine Murphy, Richard Boyd Barrett, Gino Kenny, Bríd Smith, Mick Wallace, Clare Daly, Catherine Connolly, Ruth Coppinger, Mick Barry, Paul Murphy.

SECTION 20

89. In page 27, between lines 7 and 8, to insert the following:

“Construction of section 177R (interpretation) of Act of 2000 during specified period

20. Subsection (1) of section 177R of the Act of 2000 has effect during the specified period as if in paragraph (a) of the definition of “proposed development” there were inserted the following after subparagraph (iii):

“(iiia) development to which *Chapter 1 of Part 2 of the Planning and Development (Housing) and Residential Tenancies Act 2016* relates;”.

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

90. In page 27, between lines 7 and 8, to insert the following:

“Construction of section 191 (right to compensation) of Act of 2000 during specified period

20. Section 190 of the Act of 2000 has effect during the specified period as if in subsection (1) “or an application for permission under *section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016*” were inserted after “under Part III”.

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

91. In page 27, between lines 7 and 8, to insert the following:

“Construction of the Fourth Schedule (reasons for the refusal of permission which exclude compensation) to Act of 2000 during specified period

20. The Fourth Schedule to the Act of 2000 has effect during the specified period as if the

[SECTION 20]

following were inserted after paragraph 18:

“18A. In the case of a proposed strategic housing development (within the meaning of *Chapter 1 of the Planning and Development (Housing) and Residential Tenancies Act 2016*), the environmental impact statement or Natura impact statement, or both, submitted with the application for permission under *section 4* of that Act is or are inadequate or incomplete.”.

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

92. In page 27, line 24, to delete “a class specified” and substitute “a class standing specified”.

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

93. In page 27, line 26, to delete “or other limit specified” and substitute “or other limit standing specified”.

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

94. In page 27, line 32, to delete “section” and substitute “paragraph”.

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

95. In page 28, between lines 19 and 20, to insert the following:

“(4A) The planning authority shall consult with the public in relation to the screening determination and shall cause a notification to be made in respect of the screening, and indicate where the information on the application can be found and the timeframes and contact points for making submissions or observations.”.

—Eoin Ó Broin.

96. In page 28, lines 36 and 37, to delete “together with any fee received from the applicant,”.

—Eoin Ó Broin.

97. In page 29, line 37, to delete “section 176A(4)” and substitute “sections 176A(4), 176A(4A)”.

—Eoin Ó Broin.

98. In page 30, line 2, after “176A(4)” to insert “or 176A(4A)*”.

—Eoin Ó Broin.

[*This is a reference to the subsection proposed to be inserted by amendment no. 95.]

99. In page 30, to delete lines 16 to 21 and substitute the following:

- “(i) identifying where practical information on the mechanism for questioning the validity of the determination can be found, and
- (ii) providing information concerning referral of the determination to the Board for review under section 176C, or where the Planning Authority making the determination is the Board stating that a person may question the validity of the determination by way of an application for judicial review,

[SECTION 20]

under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with sections 50 and 50A of the Act of 2000.”.

—Eoin Ó Broin.

100.In page 30, line 27, after “subsection (4) to insert “, (4A)*”.

—Eoin Ó Broin.

*[*This is a reference to the subsection proposed to be inserted by amendment no. 95.]*

101.In page 30, line 28, to delete “3 weeks” and substitute “4 weeks”.

—Eoin Ó Broin.

102.In page 30, to delete lines 32 to 41 and, in page 31, to delete line 1 and substitute the following:

“(2) Without prejudice to section 176B, where an application was made under section 176A and no screening determination for environmental impact assessment (within the meaning of section 176A(1)) has been issued by a planning authority within the appropriate period of time provided for by section 176B(2), then—

(a) the person who made the application may—

(i) within the period of 3 weeks after the latest date by which that determination was due to be issued under section 176B(2), and

(ii) on payment to the Board of the appropriate fee,

refer the application in question to the Board (which act is in this section referred to as an ‘application referral’) for determination, and

(b) the authority concerned shall repay to the applicant the fee paid to the authority in accordance with section 176A(3).”.

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

103.In page 31, line 4, to delete “person so referring” and substitute “Board”.

—Eoin Ó Broin.

104.In page 31, line 11, to delete “section 176A(4)” and substitute “sections 176A(4), 176A(4A)*”.

—Eoin Ó Broin.

*[*This is a reference to the subsection proposed to be inserted by amendment no. 95.]*

105.In page 31, between lines 12 and 13, to insert the following:

“(4) The Board shall require the applicant to publish a notification in respect of the application for a screening decision in a local newspaper(s) approved for planning notices circulating in the area of the planning authority or authorities in which the development is proposed, and indicating where information on the application can be found, and the timeframes for making a submission or observation,

[SECTION 20]

and that no fee is required in respect of same.”.

—Eoin Ó Broin.

106.In page 31, line 23, to delete “subsection (4)” and substitute “subsections (4) and (4A)*”.

—Eoin Ó Broin.

[*This is a reference to the subsection proposed to be inserted by amendment no. 95.]

107.In page 31, lines 33 and 34, to delete “, within 4 weeks of the receipt of the further information” and substitute “and specifies the period within which the information or views concerned are required to be received by the Board, within 4 weeks of the due receipt of the further information”.

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

108.In page 31, lines 33 and 34, to delete “within 4 weeks of the receipt of the further information” and substitute the following:

“within 8 weeks of the receipt of the further information, and further to a 4 week period of public consultation in respect of the further information received”.

—Eoin Ó Broin.

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

- “(c) any person or body consulted under section 176A(4),
- (d) where section 176A(5) applies, either or both the owner and the occupier, as appropriate in the circumstances, and
- (e) any other person, requested by the Board under subsection (6)(b) to provide further information with regard to the determination review or application referral.”.

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

110.In page 32, line 10, to delete “either or both—” and substitute “and indicate where the content of the screening decisions and any associated deliberations and reports can be found—”.

—Eoin Ó Broin.

111.In page 32, line 24, after “based,” to insert “the content of the screening decisions and any associated deliberations and reports,”.

—Eoin Ó Broin.

112.In page 32, line 28, to delete “purchase and”.

—Eoin Ó Broin.

113.In page 32, to delete lines 30 to 33.

—Eoin Ó Broin.

Section opposed.

[SECTION 20]

—Jan O’Sullivan, Mick Wallace, Clare Daly, Catherine Connolly.

SECTION 21

114. In page 33, between lines 4 and 5, to insert the following:

“(b) in subsection (1)(a) of section 37 by the insertion of “and section 42” after “section 34”,”.

—Eoin Ó Broin.

115. In page 33, between lines 4 and 5, to insert the following:

“(b) in section 42—

(i) in subsection (1), by inserting “make a determination on whether to” after “particular permission,”,

(ii) after subsection (1)(d), by inserting the following:

“(e) the planning authority has undertaken a new screening for environmental impact assessment in accordance with section 176B of the Act of 2000, in relation to the class of development under reconsideration, and/or any element of the development either individually or collectively, further to receipt of the necessary information to make such an assessment from the applicant,

(f) the planning authority has undertaken a screening for appropriate assessment in relation to the class of development under reconsideration, and/or any element of the development individually or collectively, further to receipt of the necessary information to make such an assessment from the applicant,

(g) the planning authority has required the preparation and submission of an environmental impact statement and Natura impact statement as appropriate, or where an environmental impact assessment and/or appropriate assessment was required to be undertaken as part of the original consent, the preparation and submission of an associated updated environmental impact statement and Natura impact statement as appropriate,

(h) the planning authority has required publication of a notice in respect of any such extension conforming to normal site notification requirements specified under section 34 or Part X or other relevant parts of the Act of 2000, and as if the development was seeking permission in the first instance, but clearly indicating the current proposal is to seek an extension to the duration of the original permission and stipulating no fee is payable in respect of any observation or submission being made in respect of the application for the the extension of duration of the permission,

(i) the planning authority has facilitated public participation in the environmental decision making associated with the extension of duration of the original permission in accordance with the

[SECTION 21]

provisions of the Act of 2000 as if the development was seeking permission for the first time, and

- (j) the planning authority has undertaken a full reconsideration of the application in accordance with the Act of 2000, as if the decision was to be made in the first instance, but with the benefit and consideration of—
 - (i) the changed environmental circumstances,
 - (ii) other developments,
 - (iii) the objectives and policies of the current County Development Plan, and
 - (iv) any other considerations relevant to the proper planning and sustainable development of the area, and compliance with wider environmental obligations in order to recognise—
 - (I) the changed environmental context now pertaining, and
 - (II) public participation obligations arising from the Aarhus Convention and normal standards of consultation provided for in the Act of 2000 in the planning process for new applications.
- (1A) In making a decision under this section the planning authority shall promptly notify the applicant, prescribed bodies consulted and any parties making submissions or observations of the decision, and shall indicate that any decision relating to the extension by the Planning Authority may be appealed to An Bord Pleanála, under section 37 of the Act of 2000, or as if the decision had been made on the development for the first time under section 34 or Part X of the Act of 2000, and indicating that decisions on screenings can also be referred to the Board under section 176C, and stipulating the timeframes for making such an appeal and/or referrals, and where practical information on the processes can be found.”

and

- (iii) in subsection (2), by deleting “and/or may add to or vary any conditions to which the permission is already subject under section 34(4)(g).” and substituting the following:

“and/or may add to or augment any conditions to which the permission is already subject including those under section 34(4)(g).”.

—Eoin Ó Broin.

116. In page 33, line 6, to delete “in respect of”.

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

[SECTION 21]

117. In page 33, between lines 7 and 8, to insert the following:

“(c) in subsection (2) of section 176 by inserting the following after paragraph (d):

“(da) the carrying out of a screening for environmental impact assessment (within the meaning of section 176A), or a determination review or application referral (within the meaning of section 176C);”.

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

Section opposed.

—Jan O’Sullivan, Mick Wallace, Clare Daly, Catherine Connolly.

SECTION 22

118. In page 33, between lines 19 and 20, to insert the following:

“22. Section 42 of the Planning and Development Act 2000 (as amended by section 28 of the Planning and Development (Amendment) Act 2010) is amended by the insertion of the following new subsections after subsection (7):

“(8) Where expedient to do so, the development works shall be designated in phases according to the quantity of works deemed necessary by the planning authority to complete each phase.

(9) The development shall, subject to section 180 of this Act, be taken in charge by a local authority on a phased basis once each phase referred to in subsection (8) is completed consistent with the original planning permission.

(10) All works required to complete the development, either singularly or in phases and consistent with the original planning permission, shall be completed within five years.

(11) The term of any bond or security that is a condition to which permission for a development specified in this section has been subject shall be extended to a period not exceeding five years.”.

—Catherine Murphy.

[Acceptance of this amendment involves the deletion of section 22 of the Bill.]

119. In page 33, line 24, to delete “subsection (1)” and substitute “subsection (1) or (4)”.

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

120. In page 33, to delete lines 26 to 28 and substitute the following:

“(i) as regards a particular permission in respect of a development of the type referred to in subsection (1)(a)(i) that relates to 20 or more houses and in respect of which an environmental impact assessment or an appropriate assessment, or both of those assessments, were not required before the permission was granted, and”.

[SECTION 22]

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

121.In page 33, line 30, to delete “further” and substitute “make a determination on whether to”.

—Eoin Ó Broin.

122.In page 33, line 32, to delete “shall” and substitute “may”.

—Eoin Ó Broin.

123.In page 34, line 6, to delete “the date of the commencement of this section” and substitute “the day preceding the day that *section 22 of the Planning and Development (Housing) and Residential Tenancies Act 2016* comes into operation”.

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

124.In page 34, line 10, to delete “commencement of this section” and substitute “the commencement of *section 22 of the Planning and Development (Housing) and Residential Tenancies Act 2016*”.

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

125.In page 34, between lines 13 and 14, to insert the following:

- “(V) has undertaken a new screening for environmental impact assessment in accordance with section 176B of the Act of 2000, in relation to the class of development under re-consideration, and/or any element of the development either individually or collectively, further to receipt of the necessary information to make such an assessment from the applicant,
- (VI) has undertaken a screening for appropriate assessment in relation to the class of development under re-consideration, and/or any element of the development individually or collectively, further to receipt of the necessary information to make such an assessment from the applicant,
- (VII) has required the preparation and submission of an environmental impact statement and natura impact statement as appropriate, or where an environmental impact assessment and/or appropriate assessment was required to be undertaken as part of the original consent – the preparation and submission of an associated updated environmental impact statement and natura impact statement as appropriate,
- (VIII) has required publication of a notice in respect of any such extension conforming to normal site notification requirements specified under section 34 or Part X or other relevant parts of the Act of 2000, and as if the development was seeking permission in the first instance, but clearly indicating the current proposal is to seek an extension to the duration of the original permission and stipulating no fee is payable in respect of any observation or submission being made in respect of the

[SECTION 22]

application for the the extension of duration of the permission,

- (IX) has facilitated public participation in the environmental decision making associated with the extension of duration of the original permission in accordance with the provisions of the Act of 2000 as if the development was seeking permission for the first time,
- (X) has undertaken a full reconsideration of the application in accordance with the Act of 2000, as if the decision was to be made in the first instance, but with the benefit and consideration of—
 - (A) the changed environmental circumstances,
 - (B) other developments,
 - (C) the objectives and policies of the current County Development Plan, and
 - (D) any other considerations relevant to the proper planning and sustainable development of the area, and compliance with wider environmental obligations in order to recognise—
 - (1) the changed environmental context now pertaining, and
 - (2) public participation obligations arising from the Aarhus Convention and normal standards of consultation provided for in the Act of 2000 in the planning process for new applications.”,”.

—Eoin Ó Broin.

126. In page 34, to delete lines 16 and 17.

—Eoin Ó Broin.

127. In page 34, between lines 17 and 18, to insert the following:

“(2) In making a decision under this section the planning authority shall promptly notify the applicant, prescribed bodies consulted and any parties making submissions or observations of the decision, and shall indicate that any decision relating to the extension by the planning authority may be appealed to An Bord Pleanála, under section 37 of the Act of 2000, or as if the decision had been made on the development for the first time under section 34 or Part X of the Act of 2000, and indicating that decisions on screenings can also be referred to the Board under section 176C, and stipulating the timeframes for making such an appeal and/or referrals, and where practical information on the processes can be found.”.

—Eoin Ó Broin.

Section opposed.

—Jan O’Sullivan.

[SECTION 23]

SECTION 23

128. In page 34, to delete lines 24 to 31.

—Ruth Coppinger, Mick Barry, Paul Murphy.

129. In page 34, to delete lines 26 and 27.

—Eamon Ryan, Catherine Martin.

130. In page 34, line 27, after “authority” to insert “meeting”.

—Eoin Ó Broin.

131. In page 34, line 28, after “6 weeks” to insert “after the first Council meeting after the expiration of 2 weeks”.

—Eamon Ryan, Catherine Martin.

Section opposed.

—Jan O’Sullivan.

SECTION 24

132. In page 34, between lines 31 and 32, to insert the following:

“24. Section 28 of the Act of 2000 (as amended by section 2 of the Act of 2015) is amended by the deletion of subsection (1C).”.

—Eoin Ó Broin.

133. In page 34, between lines 33 and 34, to insert the following:

“24. Dáil Éireann formally declares that a housing emergency exists in the State and while this emergency continues the right of any person to remain in the dwelling in which the person currently resides will take precedence over any property right of any other person—

- (a) accordingly no court or other authority shall order the removal of the current occupant of a dwelling, or by its decisions enable such removal notwithstanding the provisions of any Act currently in force including the provisions of the Land and Conveyancing Law Reform Act 2013,
- (b) the housing emergency declared in this section can only be terminated by a vote of Dáil Éireann, and the Government including any Minister of the Government are precluded from annulling the housing emergency without approval in such a vote,
- (c) in view of the housing emergency declared here, the power of any Minister of Government to raise the market value threshold of €75,000 for single or multiple dwellings for consideration of possession of dwellings cases by the Circuit Court by activating or commencing sections of existing Acts without approval by a vote of Dáil Éireann, is cancelled.”.

—Seamus Healy.

[SECTION 27]

SECTION 27

134. In page 35, between lines 7 and 8, to insert the following:

“Amendment of section 19 of the Act of 2004

27. Section 19(2)(b) of the Act of 2004 is hereby repealed.”.

—Eoin Ó Broin, Eamon Ryan, Catherine Martin, Mick Wallace, Clare Daly,
Catherine Connolly.

135. In page 35, between lines 7 and 8, to insert the following:

“Insertion of section 19A in the Act of 2004

27. The Act of 2004 is amended by the insertion, after section 19, of the following new section:

“19A. Any subsequent setting of the rent under the tenancy by way of a review of that rent shall not be greater or less than the level of inflation as indicated in the Consumer Price Index as calculated by the Central Statistics Office at the time of the rent review.”.

—Eoin Ó Broin.

136. In page 35, between lines 7 and 8, to insert the following:

“27. The Act of 2004 is amended by the insertion, after section 19, of the following new section:

“19A. Any subsequent setting of the rent under the tenancy by way of a review of that rent shall not be greater or less than an index as decided by the Minister through regulation.”.

—Eoin Ó Broin.

137. In page 35, between lines 7 and 8, to insert the following:

“27. Section 5(1) of the Act of 2004 is amended by deleting the definition of “landlord” and substituting the following:

“ ‘landlord’ means the person for the time being entitled to receive (otherwise than as agent for another person, excepting where that person is acting as receiver) the rent paid in respect of a dwelling by the tenant thereof and, where the context so admits, includes a person who has ceased to be so entitled by reason of the termination of the tenancy;”.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith.

138. In page 35, between lines 7 and 8, to insert the following:

“27. That the Minister, within 3 months of the passing of this Bill into law, shall bring a report to the Dáil on the options available for implementing rent controls, bringing rents to affordable levels and providing security of tenure for tenants.”.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith.

139. In page 35, between lines 7 and 8, to insert the following:

“Amendment of section 19 of Act of 2004

27. Section 19 of the Act of 2004 is amended by the insertion of the following after “at that time” in subsection (1):

“Market rent is defined as the average price per square metre of a property with equivalent fittings and finish in the same municipal district or local electoral area, as applicable. The average price per square metre in a given area shall be calculated using the data gathered and published in accordance with section 151, subsection (1), paragraph (fb) (as inserted below).”.

—Mick Wallace, Clare Daly, Catherine Connolly.

140. In page 35, between lines 7 and 8, to insert the following:

“Insertion of section 19A in Act of 2004

27. The Act of 2004 is amended by the insertion, after section 19, of the following new section:

“19A. Any subsequent setting of the rent under the tenancy by way of a review of that rent shall not be greater than the level of inflation as indicated in the Consumer Price Index as calculated by the Central Statistics Office at the time of the rent review.”.

—Mick Wallace, Clare Daly, Catherine Connolly.

141. In page 35, between lines 7 and 8, to insert the following:

“Amendment of section 19 of the Act of 2004 to introduce emergency rent controls linked to the Consumer Price Index for all existing rental dwellings, both between and within tenancies

27. The Act of 2004 is amended by the substitution of the following for section 19:

“19. (1) In setting the rent under a tenancy for a dwelling that has previously been the subject of a tenancy, an amount of rent shall not be provided for that is greater than the amount of rent last set for that dwelling, whether under that tenancy or a previous tenancy, plus the rate of inflation since the rent was last set, as indicated in the latest Consumer Price Index calculated by the Central Statistics Office.

(2) In setting the rent under a tenancy for a dwelling that has not previously been the subject of a tenancy, an amount of rent shall not be provided for that is greater than the amount of rent currently charged for 3 dwellings of similar size, type and character, and situated in a comparable area, as notified to the Residential Tenancies Board.

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- (3) In this section, ‘the rent last set for that dwelling’ is a reference to the rent last notified in respect of the dwelling in question to the Residential Tenancies Board.”.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

142. In page 35, between lines 7 and 8, to insert the following:

“Report on a permanent system of rent controls and the massive expansion of social and affordable housing needed to reduce rents to affordable levels

27. The Minister for Housing, Planning, Community and Local Government is to report within three months of the enactment of the *Planning and Development (Housing) and Residential Tenancies Act 2016* on the measures needed to establish a permanent system of rent controls that in combination with a massive increase in direct build and acquisition of social and affordable housing by the State would permanently reduce rents from their current unaffordable levels.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

143. In page 35, between lines 7 and 8, to insert the following:

“Amendment of section 22(2) of the Act of 2004 to extend the notice period for new rents to 180 days

27. Section 22(2) of the Act of 2004 is amended by substituting “180 days” for “90 days”.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

144. In page 35, between lines 7 and 8, to insert the following:

“Amendment of section 19 (setting of rent above market rent prohibited) of Act of 2004

27. The Act of 2004 is amended by the insertion of the following new section after section 19:

“19A. Any subsequent increases in the level of rent under the tenancy of a dwelling shall not be greater than a rate to be set by the Minister in regulations.”.”.

—Eamon Ryan, Catherine Martin.

SECTION 28

145. In page 35, between lines 10 and 11, to insert the following:

“Amendment of section 28 of Act of 2004

28. The Act of 2004 is amended in section 28(2)(a) by the substitution of “for an indefinite period from” for “for the period of 4 years from”.”.

—Eoin Ó Broin, Eamon Ryan, Catherine Martin.

[SECTION 28]

146. In page 35, between lines 10 and 11, to insert the following:

“Amendment of section 28 of Act of 2004

28. Section 28 of the Act of 2004 is amended—

(a) in subsection (2)(a)—

(i) by the deletion of “unless paragraph (b) applies,”, and

(ii) by the substitution of “for an indefinite period from” for “for the period of 4 years from”,

(b) by the deletion of “or” after subsection (2)(a), and

(c) by the deletion of subsection (2)(b).”.

—Mick Wallace, Clare Daly, Catherine Connolly.

147. In page 35, between lines 10 and 11, to insert the following:

“Amendment of section 28 of Act of 2004

28. The Act of 2004 is amended in section 28(2)(a) by the substitution of “for a period agreed between landlord and tenant from” for “for the period of 4 years from”.

—Eamon Ryan, Catherine Martin.

Section opposed.

—Mick Wallace, Clare Daly, Catherine Connolly.

SECTION 29

148. In page 35, between lines 13 and 14, to insert the following:

“Restriction on termination of tenancies of buy-to-let dwellings

29. The Residential Tenancies Act 2004 is amended by inserting the following section after section 34:

“Restriction on termination of tenancies of buy-to-let dwellings

34A. (1) A Part 4 tenancy may not be terminated by the landlord on the ground specified in paragraph 3 of the Table to section 34 where the property to which the tenancy agreement relates is the subject of an existing investment mortgage.

(2) Subsection (1) applies to all tenancies, including a tenancy created before the coming into operation of this section.

(3) Where, immediately before the coming into operation of this section, a notice of termination has been served on a tenant in reliance upon a ground provided for in paragraph 3 of the Table to section 34, section 34 shall continue to apply to that notice as if this section had not been enacted.

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- (4) In this section, ‘investment mortgage’ means a mortgage which has been taken out as security in respect of a residential property that was not at the time of its purchase intended to serve as the principal private residence of the mortgagee, and is subsequently the subject of a tenancy agreement.”.”.

—Seamus Healy, Eoin Ó Broin.

149. In page 35, between lines 13 and 14, to insert the following:

“Amendment of section 34(b) Table 3 of the Act of 2004

29. The Act of 2004 is amended by the deletion of “3. The landlord intends, within 3 months after the termination of the tenancy under this section, to enter into an enforceable agreement for the transfer to another, for full consideration, of the whole of his or her interest in the dwelling or the property containing the dwelling.” from section 28(2)(a) of the Act of 2004.”.

—Eoin Ó Broin.

150. In page 35, between lines 13 and 14, to insert the following:

“Amendment of section 34(b) Table 3 of the Act of 2004

29. The Act of 2004 is amended by the insertion of “this provision shall not be available to any landlord whose property was purchased with a buy-to-let mortgage or whose property benefited from any section 23 tax relief or where the landlord is a professional landlord with three or more properties with tenancies registered with the Residential Tenancies Board.” at the end of section 34(b) Table 3, point 3.”.

—Eoin Ó Broin.

151. In page 35, between lines 13 and 14, to insert the following:

“Restriction on termination of certain tenancies by landlords

29. The Act of 2004 is amended in section 34 by substituting the following for paragraph 3 of the Table:

“3. The landlord intends, within 3 months after the termination of the tenancy under this section, to enter into an enforceable agreement for the transfer to another, for full consideration, of the whole of his or her interest in the dwelling or the property containing the dwelling. This paragraph does not apply to a landlord—

- (a) of a dwelling that was purchased with borrowed money for the purpose of its being let,
- (b) of a dwelling in respect of which rented residential relief (commonly known as section 23 relief) under Chapter 11 of Part 10 of the Taxes Consolidation Act 1997 is or has been claimed, or

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(c) who is landlord of three or more dwellings.”.”.

—Jan O’Sullivan.

152. In page 35, between lines 13 and 14, to insert the following:

“Restriction on termination of certain tenancies by landlords

29. Section 34 (“Grounds for termination by landlord”) of the Act of 2004 is amended in the Table to the section by deleting paragraph 3.”.

—Jan O’Sullivan.

153. In page 35, between lines 13 and 14, to insert the following:

“29. (1) Section 34(b) of the Act of 2004 is repealed.

(2) The Act of 2004 is amended by inserting the following sections after section 34:

“Restriction on termination of tenancies of buy-to-let dwellings

34A. (1) A Part 4 tenancy may not be terminated by the landlord on the ground specified in paragraph 3 of the Table to section 34 where the property to which the tenancy agreement relates is the subject of an existing investment mortgage.

(2) Subsection (1) applies to all tenancies, including a tenancy created before the coming into operation of this section.

(3) In this section, ‘investment mortgage’ means a mortgage which has been taken out as security in respect of a residential property that was not at the time of its purchase intended to serve as the principal private residence of the mortgagee, and is subsequently the subject of a tenancy agreement.

34B. (1) A Part 4 tenancy may not be terminated by the landlord on the grounds specified in paragraphs 3, 4, 5 and 6 of the Table to section 34 in areas designated by Ministerial order and for a period specified by Ministerial order to regulate the exercise of private property rights by the principles of social justice and to reconcile the exercise of those rights with the exigencies of the common good in order to prevent homelessness and economic evictions.”.”.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith.

154. In page 35, between lines 13 and 14, to insert the following:

“Amendment of section 34 of Act of 2004

28. Section 34 of the Act of 2004 is amended—

(a) by the deletion of paragraph 3 of the Table to section 34,

(b) by the deletion of “or” after subparagraph (a) and the deletion of subparagraph (b), and

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(c) by the deletion of paragraph 4 of the Table to section 34.”.

—Mick Wallace, Clare Daly, Catherine Connolly.

155. In page 35, between lines 13 and 14, to insert the following:

- “29. (1) The Act of 2004 is amended by the deletion of paragraph 3 of the Table to section 34.
- (2) Paragraph 4(b)(ii) of the Table to section 34 is amended by the substitution of “the ground specified in paragraph 1, 2 or 6 of this Table” for “the ground specified in paragraph 1, 2, 3 or 6 of this Table”.
- (3) Section 56(c)(i) is hereby repealed.
- (4) The Act of 2004 is amended by the deletion of paragraph c(i) of the Table to section 56.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

[Acceptance of this amendment involves the deletion of section 29 of the Bill.]

156. In page 35, between lines 13 and 14, to insert the following:

“Amendment of section 34 of the Act of 2004 to require landlords terminating a tenancy on the ground of needing the dwelling for occupation by the landlord or a member of the landlord’s family to pay compensation to the tenant

29. (1) The Act of 2004 is amended in paragraph 4 of the Table to section 34 by the insertion after “his or her family” of “and has paid the tenant an amount equivalent to six months’ rent in respect of the tenancy as compensation for the termination of the tenancy”.
- (2) The Act of 2004 is amended in paragraph 4 of the Table to section 34 by the insertion of the following subparagraph after subparagraph (b):

“(c) and that the landlord is obliged to pay the tenant an amount equivalent to six months’ rent in respect of the tenancy as compensation for the termination of the tenancy.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

157. In page 35, between lines 13 and 14, to insert the following:

“Amendment of section 5 (“relevant date”, “landlord”, “tenant”, “lease”, etc.) of the Act of 2004

29. Section 5(1) of the Act of 2004 is amended by deleting the definition of “landlord” and substituting the following:

“ ‘landlord’ means the person for the time being entitled to receive (otherwise than as agent for another person, excepting where that person is acting as receiver) the rent paid in respect of a dwelling by the tenant thereof and, where the context so admits, includes a person who has ceased to be so entitled by reason of the termination of the

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tenancy. For the avoidance of doubt, ‘landlord’ also means any lender, financial institution, equity fund or investment fund that has taken possession of a dwelling that is the subject of an existing tenancy but where no receiver has been appointed.”.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

158. In page 35, between lines 13 and 14, to insert the following:

“Amendment of sections 27, 28(1) and 28(3) of the Act of 2004 to extend Part 4 protections to all tenancies over two months in duration

29. (1) Section 27 of the Act of 2004 is amended by the substitution of—
- (a) “continuous period of 2 months” for “continuous period of 6 months”, and
 - (b) by the substitution of “continuous period of 2 months” for “continuous period of 6 months”.
- (2) Section 28(1) of the Act of 2004 is amended by the substitution of “continuous period of 2 months” for “continuous period of 6 months”.
- (3) Section 28(3) of the Act of 2004 is amended by the substitution of “expiry of the period of 2 months” for “expiry of the period of 6 months”.
- (4) Section 50(3) of the Act of 2004 is amended by the substitution of—
- (a) “continuous period of 2 months” for “continuous period of 6 months”, and
 - (b) by the substitution of “expiry of that period of 2 months” for “expiry of that period of 6 months”.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

159. In page 35, between lines 13 and 14, to insert the following:

“Amendment of section 28(2)(a) and section 34 of the Act of 2004 to make Part 4 tenancies indefinite

29. (1) Section 28(2)(a) of the Act of 2004 is amended by the substitution of “for an indefinite period from” for “for the period of 4 years from”.
- (2) Section 34(b) of the Act of 2004 is hereby repealed.
- (3) Chapter 4 of the Act of 2004 is hereby repealed.
- (4) Chapter 5 of the Act of 2004 is hereby repealed.
- (5) Section 55(1) is amended by the deletion of “or a further Part 4 tenancy”.
- (6) Section 55(2) is amended by—
- (a) the deletion of “Neither—” and “nor”,
 - (b) the deletion of section 55(2)(b), and
 - (c) the substitution of “shall not be regarded” for “shall be regarded”.

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(7) Section 56(1)(a) is amended by the deletion of “, or under a further Part 4 tenancy,”.

(8) Section 57(b) is amended by the deletion of “or a further Part 4 tenancy”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

160.In page 35, to delete lines 25 to 34.

—Seamus Healy.

Section opposed.

—Eoin Ó Broin, Richard Boyd Barrett, Gino Kenny, Bríd Smith, Mick Wallace, Clare Daly,
Catherine Connolly.

SECTION 30

161.In page 36, line 11, to delete “Except where subsection (3) or (4) applies, a Part 4” and substitute “A Part 4”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

162.In page 36, to delete lines 16 to 18.

—Seamus Healy.

163.In page 36, line 17, to delete “5 or more” and substitute “1 or more”.

—Eoin Ó Broin, Mick Wallace, Clare Daly, Catherine Connolly.

164.In page 36, to delete lines 20 to 34.

—Seamus Healy, Eoin Ó Broin, Mick Wallace, Clare Daly, Catherine Connolly,
Eamon Ryan, Catherine Martin.

165.In page 36, to delete lines 20 to 41, and in page 37, to delete lines 1 and 2.

—Ruth Coppinger, Mick Barry, Paul Murphy.

166.In page 36, to delete lines 22 to 25.

—Eamon Ryan, Catherine Martin.

167.In page 36, line 24, to delete “more than 20 per cent below” and substitute “more than 40 per cent below”.

—Eoin Ó Broin.

168.In page 36, line 28, to delete “or” and substitute “and”.

—Eoin Ó Broin, Eamon Ryan, Catherine Martin.

169.In page 36, to delete lines 30 to 34.

—Eamon Ryan, Catherine Martin.

Section opposed.

—Eoin Ó Broin, Richard Boyd Barrett, Gino Kenny, Bríd Smith, Ruth Coppinger,
Mick Barry, Paul Murphy.

[SECTION 31]

SECTION 31

170. In page 37, lines 6 to 8 and substitute the following:

“(2) Where appointed, the receiver of the property shall be under the same tenancy obligations as landlords as specified in Part 2, and Part 4 of the Residential Tenancies Act 2004, as amended.”.

—Mick Wallace, Clare Daly, Catherine Connolly.

171. In page 37, line 6, after “property” to insert “, or as appropriate a lender who has initiated repossession proceedings,”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

172. In page 37, line 7, to delete “Part 2 of”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

173. In page 37, to delete lines 9 to 11.

—Barry Cowen, Bobby Aylward, John Brassil, Declan Breathnach, James Browne, Mary Butler, Thomas Byrne, Jackie Cahill, Dara Calleary, Pat Casey, Shane Cassells, Jack Chambers, Lisa M. Chambers, Niall Collins, John Curran, Timmy Dooley, Sean Fleming, Pat the Cope Gallagher, Seán Haughey, Billy Kelleher, John Lahart, James Lawless, Marc MacSharry, Micheál Martin, Charlie McConalogue, Michael McGrath, John McGuinness, Aindrias Moynihan, Michael Moynihan, Eugene Murphy, Margaret Murphy O’Mahony, Darragh O’Brien, Jim O’Callaghan, Éamon Ó Cuív, Willie O’Dea, Seán Ó Feargháil, Kevin O’Keeffe, Fiona O’Loughlin, Frank O’Rourke, Anne Rabbitte, Eamon Scanlon, Brendan Smith, Niamh Smyth, Robert Troy.

SECTION 32

174. In page 37, between lines 11 and 12, to insert the following:

“Amendment of section 28 (Statutory Protection – “Part 4 Tenancy”) of Act of 2004

32. The Act of 2004 is amended in section 28(2)—

(a) in paragraph (a), by the substitution of “for an indefinite period from” for “for the period of 4 years from”, and

(b) by the insertion of the following new paragraph after paragraph (b):

“(c) where a further Part 4 tenancy has commenced on or before the commencement of this section (as amended), then subsection (2)(a) shall continue to apply to that tenancy as if subsection (1) had not been enacted.”.

—Barry Cowen, Bobby Aylward, John Brassil, Declan Breathnach, James Browne, Mary Butler, Thomas Byrne, Jackie Cahill, Dara Calleary, Pat Casey, Shane Cassells, Jack Chambers, Lisa M. Chambers, Niall Collins, John Curran, Timmy Dooley, Sean Fleming, Pat the Cope Gallagher, Seán Haughey, Billy Kelleher, John Lahart, James Lawless, Marc MacSharry, Micheál Martin, Charlie McConalogue, Michael McGrath, John McGuinness, Aindrias Moynihan, Michael Moynihan,

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Eugene Murphy, Margaret Murphy O'Mahony, Darragh O'Brien, Jim O'Callaghan, Éamon Ó Cuív, Willie O'Dea, Seán Ó Feargháil, Kevin O'Keeffe, Fiona O'Loughlin, Frank O'Rourke, Anne Rabbitte, Eamon Scanlon, Brendan Smith, Niamh Smyth, Robert Troy.

175. In page 37, between lines 14 and 15, to insert the following:

“(2) *Subsection (1)* applies to all tenancies, including a tenancy created before the coming into operation of this section.

(3) A landlord may not terminate a tenancy at the end of each four year period of a Part 4 tenancy other than by mutual agreement with the tenant or under the grounds listed in the Table to section 34.”.

—Richard Boyd Barrett, Gino Kenny, Bríd Smith.

SECTION 33

Section opposed.

—Eoin Ó Broin, Richard Boyd Barrett, Gino Kenny, Bríd Smith.

SECTION 34

176. In page 37, between lines 26 and 27, to insert the following:

“Amendment of section 67 (Period of notice for termination by landlord where tenant in default) of Act of 2004

34. Section 67 of the Act of 2004 is amended—

(a) in subsection (2)(b)(ii) by the deletion of “and the condition specified in subsection (3) is satisfied” and the substitution of “and the conditions specified in subsections (3) and (4) are satisfied”, and

(b) by the insertion of the following:

“(4) The landlord has engaged in a rent arrears resolution process with the Residential Tenancies Board, if the tenant has so requested.

(5) The ‘rent arrears resolution process’ referred to in subsection (4) in this section is to be established by ministerial order following consultation with the Residential Tenancies Board and tenants’ representatives not later than 6 months after the enactment of the *Planning and Development (Housing) and Residential Tenancies Act 2016*.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

177. In page 37, between lines 26 and 27, to insert the following:

“Report on measures needed to ensure security of tenure for sub-letters and licensees

34. The Minister for Housing, Planning, Community and Local Government is to report within three months of the enactment of the *Planning and Development (Housing) and Residential Tenancies Act 2016* on the measures needed to ensure security of tenure for

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sub-letters and licensees.”.

—Ruth Coppinger, Mick Barry, Paul Murphy.

Section opposed.

—Eoin Ó Broin.

SECTION 35

178.In page 38, line 3, to delete “one member” and substitute “two members”.

—Eoin Ó Broin.

179.In page 38, line 3, to delete “one member” and substitute “three members”.

—Eoin Ó Broin.

Section opposed.

—Eoin Ó Broin, Mick Wallace, Clare Daly, Catherine Connolly.

SECTION 40

180.In page 40, between lines 11 and 12, to insert the following:

“Amendment of Act of 2004 to provide obligation on Minister to provide annual Exchequer grant to Residential Tenancies Board

40. Section 174 of the Act of 2004 is amended by substitution of “The Minister shall” for “The Minister may”.”.

—Barry Cowen, Bobby Aylward, John Brassil, Declan Breathnach, James Browne, Mary Butler, Thomas Byrne, Jackie Cahill, Dara Calleary, Pat Casey, Shane Cassells, Jack Chambers, Lisa M. Chambers, Niall Collins, John Curran, Timmy Dooley, Sean Fleming, Pat the Cope Gallagher, Seán Haughey, Billy Kelleher, John Lahart, James Lawless, Marc MacSharry, Micheál Martin, Charlie McConalogue, Michael McGrath, John McGuinness, Aindrias Moynihan, Michael Moynihan, Eugene Murphy, Margaret Murphy O’Mahony, Darragh O’Brien, Jim O’Callaghan, Éamon Ó Cuív, Willie O’Dea, Seán Ó Feargháil, Kevin O’Keeffe, Fiona O’Loughlin, Frank O’Rourke, Anne Rabbitte, Eamon Scanlon, Brendan Smith, Niamh Smyth, Robert Troy.

SECTION 41

181.In page 41, between lines 5 and 6, to insert the following:

“Provision to establish borrowing framework for certain groups of Institutes of Technology

41. (1) An Institute of Technology may borrow money by means of bank overdraft or otherwise and may guarantee or underwrite a loan taken or borrowing undertaken by a person or a body of persons.

(2) Borrowing, guaranteeing and underwriting under *subsection (1)* shall be in accordance with a framework which shall be agreed from time to time between the certain groups of Institutes of Technology, whose memberships shall be specified by

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the Minister for Education and Skills, and the Department of Education and Skills, following consultation by the Department of Education and Skills with the Minister of Education and Skills and the Minister for Finance.”.

—Barry Cowen, Bobby Aylward, John Brassil, Declan Breathnach, James Browne, Mary Butler, Thomas Byrne, Jackie Cahill, Dara Calleary, Pat Casey, Shane Cassells, Jack Chambers, Lisa M. Chambers, Niall Collins, John Curran, Timmy Dooley, Sean Fleming, Pat the Cope Gallagher, Seán Haughey, Billy Kelleher, John Lahart, James Lawless, Marc MacSharry, Micheál Martin, Charlie McConalogue, Michael McGrath, John McGuinness, Aindrias Moynihan, Michael Moynihan, Eugene Murphy, Margaret Murphy O’Mahony, Darragh O’Brien, Jim O’Callaghan, Éamon Ó Cuív, Willie O’Dea, Seán Ó Feargháil, Kevin O’Keeffe, Fiona O’Loughlin, Frank O’Rourke, Anne Rabbitte, Eamon Scanlon, Brendan Smith, Niamh Smyth, Robert Troy.

Section opposed.

—Catherine Murphy, Richard Boyd Barrett, Gino Kenny, Bríd Smith.