



An Bille um Pleanáil agus Forbairt, 2020
Planning and Development Bill 2020

Mar a tionscnaíodh

As initiated



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Emergency Measures in the Public Interest (Covid-19) Act 2020 (No. 2)

Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 (No. 1)

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AN BILLE UM PLEANÁIL AGUS FORBAIRT, 2020
PLANNING AND DEVELOPMENT BILL 2020

Bill

entitled

An Act to amend section 11 of the Planning and Development Act 2000; to provide, in connection with the crisis occasioned by the spread of the disease known as Covid-19, for the disregard, during such period or periods as are specified by order or orders of the Government made in the public interest, of certain periods of time mentioned in the Planning and Development Act 2000 and certain other enactments; and to provide for matters connected therewith. 5
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WHEREAS the disease known as Covid-19 continues to present a serious risk to public health, and the transmission thereof has proven difficult to prevent;

WHEREAS it continues to be necessary for the State to be in a position to respond quickly to surges in transmission of the disease by the adoption of extraordinary measures and safeguards aimed at containing that disease and preventing, minimising and reducing the risk of infection of persons with the disease; 15

WHEREAS it is necessary to put in place contingency measures in order to ensure the continued effective operation of certain enactments during any period or periods when such surges in transmission occur or such extraordinary measures and safeguards are in effect; 20

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act “Principal Act” means the Planning and Development Act 2000.

Amendment of section 11 of Principal Act

2. Section 11 of the Principal Act is amended by the substitution, in subsection (3), of the following paragraph for paragraph (b): 25

“(b) Without prejudice to the generality of paragraph (a), a planning authority—

- (i) shall consult with members of the public in such manner (which may include the holding of a public meeting) as it considers appropriate, and invite submissions in writing from members of the public, in relation to a proposed development plan, and
- (ii) may invite oral submissions from members of the public in relation to a proposed development plan.”. 5

Emergency periods

- 3. (1) An emergency period shall be disregarded when calculating an appropriate period, a specified period or any other period of time mentioned in a relevant enactment to which that emergency period applies by virtue of an order under *subsection (2)*. 10
- (2) Subject to this section, the Government may, from time to time and at the request of the Minister for Housing, Local Government and Heritage made—
 - (a) after consultation with the Minister for Health, and
 - (b) with the consent of the Minister for Public Expenditure and Reform,
 by order specify such period (in this section referred to as an “emergency period”) for the purposes of this section as the Government considers appropriate. 15
- (3) (a) An order under *subsection (2)* may specify—
 - (i) an emergency period in respect of one or more than one relevant enactment, and
 - (ii) different emergency periods in respect of different relevant enactments. 20
 (b) An order under *subsection (2)* may specify—
 - (i) an emergency period in respect of one or more than one administrative area, and
 - (ii) different emergency periods in respect of different administrative areas.
- (4) The Government shall not make an order under *subsection (2)* unless they are satisfied that the making of such order is in the public interest having regard to— 25
 - (a) the nature and potential effect of Covid-19 on individuals, society and the State,
 - (b) the need to eliminate or reduce the threat to public health of Covid-19,
 - (c) the policies and objectives of the Government relating to the protection of the public from Covid-19, 30
 - (d) the need to mitigate the adverse economic effects resulting from the spread of Covid-19 and the measures adopted to prevent its spread, and
 - (e) the need to eliminate or reduce the impact of Covid-19, and the measures adopted to prevent its spread, on the effective performance of functions under those enactments. 35
- (5) (a) The Government shall not make an order under *subsection (2)* unless they are satisfied that the making of such order is in the public interest having regard to the need—

- (i) in the case of sections 4(4), 6 and 17(6) of the Act of 1990 or any instrument thereunder, to—
 - (I) ensure the effective operation of that Act, and
 - (II) protect the health, safety and welfare of occupants of, and visitors to, buildings and persons for the time within the curtilage or immediate vicinity of buildings, 5
 and
- (ii) in the case of any other relevant enactment, to ensure—
 - (I) the effective operation of such enactment, and
 - (II) proper planning and sustainable development. 10
- (b) This subsection is in addition to, and not in substitution for, *subsection (4)*.
- (6) An order under this section shall not specify an emergency period that expires after the day on which Part 3 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020 ceases to have effect by virtue of subsection (3) of section 2 of that Act. 15
- (7) For the avoidance of doubt, the Government may make an order under *subsection (2)* in respect of a relevant enactment notwithstanding the expiration of an emergency period specified in respect of that enactment by an earlier such order.
- (8) Every order under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 20
- (9) In this section—
 - “Act of 1990” means the Building Control Act 1990; 25
 - “administrative area” has the meaning assigned to it by the Local Government Act 2001;
 - “Covid-19” has the meaning assigned to it by the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020;
 - “relevant enactment” means— 30
 - (a) sections 4(4), 6 and 17(6) of the Act of 1990,
 - (b) the Derelict Sites Act 1990,
 - (c) the Principal Act,
 - (d) Part 2 of the Urban Regeneration and Housing Act 2015,
 - (e) Chapter 1 of Part 2 of the Planning and Development (Housing) and Residential Tenancies Act 2016, 35
 - (f) an instrument under any of the foregoing enactments, or
 - (g) a provision of any such enactment or instrument.

Short title and collective citations

4. (1) This Act may be cited as the Planning and Development Act 2020.
- (2) The Planning and Development Acts 2000 to 2019, section 9 of the Emergency Measures in the Public Interest (Covid-19) Act 2020, Part II of the European Union (Waste Water Discharge) Regulations 2020 (S.I. No. 214 of 2020) and this Act may be cited together as the Planning and Development Acts 2000 to 2020. 5
- (3) The Building Control Acts 1990 to 2014 and *section 3* may be cited together as the Building Control Acts 1990 to 2020.
- (4) The Derelict Sites Act 1990 and *section 3* may be cited together as the Derelict Sites Act 1990 and 2020. 10

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú alt 11 den Acht um Pleanáil agus Forbairt, 2000; do dhéanamh socrú, i dtaca leis an ngéarchéim arb é leathadh an ghalair ar a dtugtar Covid-19 faoi deara í, maidir le neamhaird a thabhairt, le linn cibé tréimhse nó tréimhsí a shonrófar le hordú nó le horduithe ón Rialtas arna ndéanamh ar mhaithe le leas an phobail, ar thréimhsí áirithe ama a luaitear san Acht um Pleanáil agus Forbairt, 2000 agus in achtacháin áirithe eile; agus do dhéanamh socrú i dtaobh nithe a bhaineann leis an méid sin.

*An Seanadóir Ríona Uí Dhochartaigh a thíolaic
thar ceann an Aire Tithíochta, Rialtais Áitiúil agus
Oidhreacht,*

13 Samhain, 2020

BILL

(as initiated)

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*Presented by Senator Regina Doherty on behalf of
the Minister for Housing, Local Government and
Heritage,*

13th November, 2020

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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