



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

Meabhrán Míitheach agus Airgeadais
Explanatory and Financial Memorandum



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

EXPLANATORY AND FINANCIAL MEMORANDUM

Purpose of the Bill

The purpose of this Bill is to make exceptional provision for emergency measures in light of the present Covid-19 pandemic to ensure that the necessary protections are in place to safeguard the operation of the planning and building control systems.

Provisions of the Bill

Section 1 of the Bill provides a definition for the “Principal Act”, which means the Planning and Development Act 2000 in this Bill.

Section 2 of the Bill will amend section 11(3)(b) of the Planning and Development Act 2000 to replace the mandatory requirement to hold public meetings in relation to a proposed development plan, with the obligation for planning authorities to consult with members of the public in such manner as it considers appropriate and to invite submissions in writing from members of the public, in relation to a proposed development plan. This may include the holding of a public meeting.

The urgent requirement for this proposal is to avoid barriers to progressing development plans during the pandemic, in the event of any current or future temporary prohibition on holding public meetings, by allowing the planning authority to take whatever steps it deems necessary (such as public/ newspaper notices, online communication, and which may include the holding of a public meeting) to ensure the public are consulted in compliance with the principles of the Aarhus Convention, which includes public participation in decision-making in environmental matters.

This permanent proposal will not only make the necessary and urgent adjustments for any restrictions resulting from current or future waves of Covid-19 infection, but will also establish greater flexibility in the planning system in the long term, in line with the modernisation agenda, which will improve accessibility and inclusiveness of this statutory process, including through online communication approaches.

Section 3 of the Bill contains a measure to allow the Government to make ‘emergency period’ orders, during the period of the Covid-19 pandemic. These ‘emergency periods’, if made by the Government, would extend certain statutory periods applying under the Planning and Development Acts and Building Control Acts. This proposal is urgently required so that the integrity of the planning regime, especially its public participation elements, and certain decision making and enforcement systems of the building control regime, are not compromised, in the event that further waves of Covid-19 infections may necessitate a further period

of more restrictive travel constraints, or indeed may critically impact on the operation of individual planning or building control authorities.

This measure broadly mirrors the recently expended section 251A of the Planning and Development Act 2000, as inserted by section 9 of the Emergency Measures in the Public Interest (Covid-19) Act 2020 (Number 2 of 2020), which was in turn modelled on similar provisions in section 251 of the Planning and Development Act 2000 that covers the Christmas period. However, the present provision includes new flexibilities not contained in Section 251A, namely:

1. More than one ‘emergency period’ order may be made within the confined operative period for this Bill, which is presently due to end on 9 June 2021, by virtue of it being linked to the operation of Part 3 of the Health (Preservation and Protection and other Emergency Measures in the Public Interest) Act 2020;
2. Emergency orders can now be applied not only to the whole country, but to specific administrative areas as required; and
3. The Government (at the request of the Minister) may choose which statutory periods, in which specific legislative provision, they require to extend rather than applying the extension to all periods under the Planning Acts and the specified provisions of the Building Control Acts.

Section 4 of the Bill provides the short title and collective citations to the Bill.

Financial Implications

There are no financial implications for the Exchequer arising from this Bill.

*An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta,
Samhain, 2020.*