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**AN BILLE UM PLEANÁIL AGUS FORBAIRT  
(BEARTA AERÁIDE) (LEASÚ), 2021  
PLANNING AND DEVELOPMENT  
(CLIMATE EMERGENCY MEASURES) BILL 2021**

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**EXPLANATORY MEMORANDUM**

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**Purpose of the Bill**

The purpose of the Bill is to ensure that climate related commitments and targets are considered by planning authorities in relation to planning applications for fossil fuel infrastructure and high energy usage Data centres. The Bill also seeks to ensure LNGs (Liquefied Natural Gas) terminals and other fossil fuel infrastructure are removed from the seventh schedule to the Planning and Development Act 2000. The Bill seeks to ensure that developments such as LNGs and other fossil fuel related projects cannot make applications directly to An Bord Pleanála. The Bill also seeks to ensure that the Board have regard to the State's climate targets and commitments and the levels of CO<sub>2</sub> in the atmosphere.

**Financial implications**

There are no financial costs incurred by the Exchequer in implementing the Bill.

**Key provisions of the Bill**

The Bill is a response to the global climate emergency and seeks to advance the State's climate policy by restricting future developments in fossil fuel infrastructure and the proliferation of high energy usage Data centres. The Bill requires An Bord Pleanála to consider certain criteria such as the State's climate targets and commitments while also ensuring all planning authorities restrict other fossil fuel infrastructure and Data centre building while the current climate emergency continues.

*Section 1* of the Bill clarifies that the Principal Act is the Planning and Development Act 2000.

*Section 2* of the Bill amends section 34 of the principal act to place a clear restriction on all planning authorities in relation to the building of new or expansion of existing fossil fuel infrastructure and Data Centres during the period of the Climate Emergency. It also sets out what related infrastructure is not included in these restrictions,

*Section 3* of the Bill amends section 37A of the Principal Act by stating that the Board must ensure proposed developments are consistent with the State's Climate targets and commitments, specifically the national climate objective and other items. It also defines the Emergency Period during which these restrictions operate as being the period in which the Dail has declared a Climate Emergency and while global levels of CO<sub>2</sub> remain above 350 ppm.

**Section 4** of the Bill amends section 37B of the Principal Act by allowing for the Board to consult with the Environmental Protection Agency (EPA) as to whether a project under consideration is consistent with the various criteria including the State's climate targets and commitments.

**Section 5** of the Bill amends section 182C (application for approval of strategic gas infrastructure development) of the Principal Act, by specifying that the Board should have consideration of specific criteria including the impact on global levels of CO<sub>2</sub> that may result from any such proposed development.

**Section 6** of the Bill amends the seventh schedule to the Principal Act by removing several prospective infrastructural developments from that schedule, including Liquefied Natural Gas Terminals (LNGs).

**Section 7** contains the short title, collective citation and commencement.

The Schedule to this Bill itemises the developments proposed to be removed from the list of Strategic Infrastructural Developments in the Principal Act.

*Deputies Bríd Smith, Gino Kenny, Richard Boyd Barret and Paul Murphy,  
Meitheamh, 2021.*