



# **DÁIL ÉIREANN**

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## **AN BILLE UM PLEANÁIL AGUS FORBAIRT AGUS UM IMEALL TRÁ (LEASÚ), 2022 PLANNING AND DEVELOPMENT AND FORESHORE (AMENDMENT) BILL 2022**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# DÁIL ÉIREANN

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## AN BILLE UM PLEANÁIL AGUS FORBAIRT AGUS UM IMEALL TRÁ (LEASÚ), 2022 —AN COISTE

### PLANNING AND DEVELOPMENT AND FORESHORE (AMENDMENT) BILL 2022 —COMMITTEE STAGE

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#### *Leasuithe Amendments*

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#### SECTION 1

1. In page 5, to delete lines 19 to 22 and substitute the following:

“(4) This Act, other than *section 6* and *Part 3*, shall come into operation on such day or days as the Minister for Housing, Local Government and Heritage may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes and different provisions.

- (5) Prior to the commencement of *section 6*, the Minister shall—

- (a) make a proposal for the establishment of an open, competitive and transparent system to which any member of the public can apply, and where such considerations shall inform the system which is to be established under section 106(2) of the Act of 2000 (inserted by *section 6*), and
- (b) lay such proposal before both Houses of the Oireachtas, and facilitate a debate in each such House on such a proposal, and *section 6* shall not be commenced until the proposal as drafted, or as amended, is approved by each such House.”.

—Cian O’Callaghan, Bríd Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

2. In page 5, between lines 22 and 23, to insert the following:

“(5) Each amendment to the Act of 2000 effected by this Act shall continue in operation for 18 months from the coming into operation of the amendment concerned, and shall thereupon stand repealed.”.

—Ivana Bacik, Ged Nash.

#### SECTION 3

3. In page 5, after line 26, to insert the following:

#### **“Amendment of section 4 of Act of 2000**

3. Section 4(1) of the Act of 2000 is amended by the insertion of the following paragraph after paragraph (f):

[SECTION 3]

“(fa) development to which section 179A applies;”.’.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

4. In page 5, after line 26, to insert the following:

**“Amendment of section 102 of Act of 2000**

3. Section 103 of the Act of 2000 is amended by the substitution of the following subsection for subsection (2):

“(2) (a) The Board shall perform the functions assigned to it by this Act.

(b) The Board and every member and officer of the Board shall be independent in the performance of his, her or its functions.”.’.”.

—Ivana Bacik, Ged Nash.

5. In page 6, line 8, after “concerned” to insert the following:

“, while always maintaining a balance of expertise, experience across the Board and particular focus on ecological expertise and experience and environmentally sustainable development”.

—Cian O’Callaghan, Brid Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

6. In page 6, between lines 16 and 17, to insert the following:

“(c) by the insertion of the following subsection after subsection (2):

“(2A) Such orders made by the Minister under subsection (2) shall require approval by motion of both Houses of the Oireachtas.”.’.”.

—Cian O’Callaghan.

7. In page 6, to delete line 17.

—Cian O’Callaghan.

8. In page 6, to delete line 17 and substitute the following:

“(c) by the substitution of the following subsection for subsection (3):

“(3) Where an order is proposed to be made under subsection (2), a draft of the order, together with a report outlining—

(a) the rationale and necessity for the changes in the numbers of Board members proposed, and

(b) how balance or perspectives and expertise within the configuration of the Board is being maintained, particularly in respect of expertise and experience in ecology and environmentally sustainable development,

shall both be laid before each House of the Oireachtas, and the order shall not be made until a resolution approving of the draft order has

[SECTION 3]

been passed by each such House, following a debate in each such House of no less than 30 minutes considering the report and the draft order,”.”.

—Cian O’Callaghan, Bríd Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

**9.** In page 6, between lines 17 and 18, to insert the following:

“(d) by the substitution of the following subsection for subsection (3):

“(3) Where an order is proposed to be made under subsection (2), together with a draft of the order, a report outlining the rationale and necessity for the changes proposed and how balance within the configuration of the Board is being maintained, shall both be laid before each House of the Oireachtas, and the order shall not be made until a resolution approving of the draft order has been passed by each such House, following a debate in each such House of no less than 30 minutes considering the report and the draft order.”.”.

—Cian O’Callaghan.

**10.** In page 6, to delete lines 18 to 34 and substitute the following:

“(d) by the substitution of the following subsection for subsection (4):

“(4) (a) Notwithstanding subsection (2), where the Minister is of the opinion that one, or more than one, additional ordinary member should be appointed as a matter of urgency due to the number of applications, appeals, referrals or other matters with which the Board is concerned, the Minister may, subject to paragraphs (b), (c) and (d), appoint a suitably qualified person on a temporary basis, but in the interests of maintaining clear independence of the Board, such persons shall not include a person who are or were within a previous 12 month period been formerly, established civil servants for the purposes of the Civil Service Regulation Acts 1956 to 2005 or established public servants in the state agencies.

(b) A person shall not be appointed to be an ordinary member under this subsection for a term in excess of 12 months.

(c) The Minister shall appoint not more than 4 persons under this subsection at any one time, and the number of ordinary members appointed under this subsection or under section 108 shall not exceed one half of the total number of ordinary members at any one time.

(d) Where appointments are being proposed under paragraph (a), such appointments shall be made further to either a public call for applications or from a call for nominations from the system

[SECTION 3]

prescribed under section 106.”.”.

—Cian O’Callaghan, Brid Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

11. In page 6, lines 24 to 30, to delete all words from and including “and” in line 24 down to and including line 30 and substitute the following:

“, (c) and (d)\*, appoint a suitably qualified person on a temporary basis, but in the interests of maintaining clear independence of the Board, such persons shall not include persons who are or were within a previous 12 month period been formerly, established civil servants for the purposes of the Civil Service Regulation Acts 1956 to 2005 or established public servants in the State agencies,”.”.

—Cian O’Callaghan.

*[This is a reference to a paragraph proposed to be inserted by amendment No. 14.]*

12. In page 6, lines 27 and 28, to delete “or employees of the Board”.

—Cian O’Callaghan.

13. In page 6, to delete lines 31 to 34.

—Cian O’Callaghan.

14. In page 6, between lines 34 and 35, to insert the following:

“(iii) by the insertion of the following paragraph after paragraph (c):

“(d) where appointments are being proposed under paragraph (a), such appointments shall be made further to either a public call for applications or from a call for nominations from the panel system prescribed under section 106.”.”.

—Cian O’Callaghan.

SECTION 4

15. In page 6, between lines 36 and 37, to insert the following:

“(a) in subsection (2), by the substitution of the following paragraph for paragraph (c):

“(c) the Chief Commissioner of the Irish Human Rights and Equality Commission,”.”.

—Cian O’Callaghan, Brid Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

16. In page 6, between lines 38 and 39, to insert the following:

“(b) in subsection (10), by the insertion of the following paragraph after paragraph (a):

“(aa) is, or who has in the previous 12 months been, established civil servants for the purposes of the Civil Service Regulation Acts 1956

[SECTION 4]

to 2005 or established public servants in State agencies,””.

—Cian O’Callaghan, Brid Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

SECTION 5

17. In page 7, to delete lines 3 to 19 and substitute the following:

- “**105A.** (1) Where no chairperson stands appointed under section 105 the Government may, subject to subsections (2) and (3), appoint an interim chairperson for a period of not more than 6 months, from persons who—
- (a) are, or were formerly, established civil servants for the purposes of the Civil Service Regulation Acts 1956 to 2005, established public servants in State agencies or employees of the Board,
  - (b) who has been in such a position for no less than 10 years prior to their appointment as interim chairperson, and
  - (c) who is demonstrably and in the opinion of the Government, a suitably qualified person to perform the role and function.
- (2) Notwithstanding the temporary nature of an appointment under subsection (1) the Government shall require that person to perform the function so as to preserve the independence of the Board and independence from Government.
- (3) Notwithstanding subsections (1) and (3), a person appointed to be the Interim chairperson under this section shall cease to hold office on the appointment of a chairperson by the Government under section 105.
- (4) Subsections (11), (13), (14) and (15) of section 105 shall apply to an interim chairperson appointed under subsection (1).
- (5) A person appointed to be the interim chairperson under this section who ceases to hold office in accordance with subsection (1) may be re-appointed by the Government for one term if nominated by the Committee in subsection (2) of section 105, in accordance with section 105.””.

—Cian O’Callaghan, Brid Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

18. In page 7, lines 7 and 8, to delete “or employees of the Board”.

—Cian O’Callaghan.

19. In page 7, between lines 10 and 11, to insert the following:

- “(1A) Notwithstanding subsection (1), an individual who is or within the preceding one year was employed by the Department of Housing, Local Government and Heritage shall not be eligible for appointment

[SECTION 5]

under subsection (1).”.

—Cian O’Callaghan.

SECTION 6

**20.** In page 7, to delete lines 21 to 41, and in page 8, to delete lines 1 to 27 and substitute the following:

**“6.** Section 106 of the Act of 2000 is amended by the substitution of the following subsections for subsections (1) to (12):

**“106.** (1) The Minister shall appoint the ordinary members of the Board as follows:

- (a) 3 members at least shall be appointed from amongst persons nominated for such appointment by such organisations that, in the Minister’s opinion, are representative of persons whose professions or occupations relate to physical planning, engineering and architecture as may be prescribed;
- (b) 2 members shall be appointed from amongst persons nominated for such appointment by such organisations that, in the Minister’s opinion, are concerned with economic development, the promotion of and carrying out of development, the provision of infrastructure or the development of land or otherwise connected with the construction industry as may be prescribed;
- (c) 2 members shall be appointed from among persons nominated for such appointment by such—
  - (i) organisations that, in the Minister’s opinion, are representative of the interests of local government,
  - (ii) bodies representing farming, and
  - (iii) trade unions,as may be prescribed;
- (d) 2 members shall be appointed from among persons nominated for such appointment by such—
  - (i) organisations that, in the Minister’s opinion, are representative of persons concerned with representing social and ethnic diversity of Irish society and equality considerations,
  - (ii) voluntary bodies and bodies having charitable objects,
  - (iii) bodies that, in the Minister’s opinion, have a special interest or expertise in matters relating to rural and local community development, the promotion of the Irish language or the promotion of heritage, the arts and culture,
  - (iv) bodies that are representative of people with disabilities, and



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- (v) bodies that are representative of young people,  
as may be prescribed;
  - (e) 4 members shall be appointed from among persons nominated for such appointment by such—
    - (i) organisations that, in the Minister's opinion, are representative of persons concerned with the protection and preservation of the built and natural environment and of amenities,
    - (ii) organisations that, in the Minister's opinion, are representative of persons concerned with and having expertise in climate science,
    - (iii) organisations that, in the Minister's opinion, are representative of persons concerned with and having expertise in the protection of water and marine resources, and
    - (iv) organisations that in the Minister's opinion, are representative of persons concerned with landscape and archaeology,and the Minister shall prescribe at least 3 organisations for the purposes of this paragraph;
  - (f) one member who, in the Minister's opinion, has satisfactory experience, competence or qualifications as respects issues relating to the environment and sustainability.
- (2) The Minister shall prescribe at least 2 organisations for the purposes of each of paragraphs (a) to (d) of subsection (1).
- (3) Where the Minister decides to appoint one or more members to the Board pursuant to an order under section 104(2), the Minister shall initiate an expedited procedure seeking nominations from the bodies or organisations prescribed under subsection (1).
- (4) An organisation prescribed for the purposes of paragraph (a), (b), (c), (d) or (e) of subsection (1), shall, whenever so requested by the Minister, nominate such number of candidates for consideration by the Minister for a number of places as ordinary members of the Board as may be specified in the request and the Minister shall require that in preparing such nominations that the bodies or organisations shall commit to—
- (a) organising conduct an open and transparent competitive process to—
    - (i) publicly inviting applications from the public of suitably qualified persons for consideration as a nomination as an ordinary Board member from such bodies or organisations as such candidates apply to, and
    - (ii) assess the suitability of such candidates seeking their

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nomination,

and

- (b) providing when nominating a candidate or candidates as the case may be in response to a request from the Minister under this section—
  - (i) the reasons why such candidates are suitable for the appointment,
  - (ii) a recommendation on which candidate should be appointed as an ordinary member, and
  - (iii) confirmation that the requirements of paragraph (a) of subsection (4) have been complied with.
- (5) Except in the case of an appointment pursuant to subsection (1)(f) or a re-appointment under subsection (12) and subject to subsection (6) and section 108(4), the Minister shall not appoint a person to be an ordinary member unless the person was nominated pursuant to a request under subsection (4) in relation to that appointment.
- (6) The Minister in appointing ordinary members of the Board at all times under this section, shall ensure, that—
  - (a) the ordinary members of the Board who the Minister then appoints are persons who, have satisfactory and demonstrable expertise or knowledge and experience of—
    - (i) planning,
    - (ii) environmentally sustainable development,
    - (iii) architecture,
    - (iv) archaeology,
    - (v) built heritage,
    - (vi) cultural heritage,
    - (vii) marine ecology,
    - (viii) terrestrial ecology,
    - (ix) climate science,
    - (x) water,
    - (xi) hydrology,
    - (xii) hydrogeology,
    - (xiii) air quality,
    - (xiv) engineering,

[SECTION 6]

- (xv) landscape,
  - (xvi) the Irish language,
  - (xvii) understanding of environmental law, and
  - (xviii) experience of organisational governance,
  - (b) an appropriate balance of expertise and experience is achieved across the areas identified in paragraph (a),
  - (c) there is an equitable balance across genders,
  - (d) no more than 60 per cent of the Board shall be of the male gender,
  - (e) diverse perspectives capable of representing the ethnic and societal diversity within Irish society are included within the Board, and
  - (f) a report on the rationale for the selection of such appointments, and how the balance of the Board is preserved with such appointment is laid before each House of the Oireachtas and that such appointments not be made until a resolution approving them is passed by each such House.
- (7) Where—
- (a) pursuant to a particular request under subsection (4), an organisation refuses or fails to nominate any candidate, or
  - (b) the Minister decides not to appoint as an ordinary member any candidate nominated by the organisations pursuant to a particular request under that subsection,
- then—
- (i) the Minister shall make a further request and shall appoint as an ordinary member a person who was among those nominated pursuant to such further request, or
  - (ii) shall require the Committee provided under section 105 to execute the process provided for save that the process shall be for the appointment of an ordinary board member not the chair of the Board.
- (8) To ensure the currency and validity of the bodies included for the purposes of subsection (1) the Minister shall—
- (a) in the month of January of each year, write to each of the bodies prescribed in accordance with subsection (1) requesting they confirm their continued existence and active operation, within one month of receipt of the Minister's letter,
  - (b) where no response is received from a body or organisation to a request under paragraph (a) confirming their continued existence and active operation, the Minister shall as soon as may be,

[SECTION 6]

prescribe another body as a replacement for that body or organisation, so as to ensure and maintain the currency and validity of the panel system under section (1), and

- (c) the Minister shall inform any body or organisation impacted by proposal to remove them under paragraph (b) and they may request to be considered also when the Minister is considering updating the prescribed bodies to avoid any unjust or unfair replacements.
- (9) Where a request is made under subsection (4), failure or refusal by the organisation of whom the request is made to nominate the number of candidates specified in the request shall not preclude the appointment as an ordinary member of a person who was nominated in relation to that appointment either by the organisation or by any other organisation in the same paragraph of subsection (1).
- (10) The Minister may make regulations as regards—
  - (a) the period within which the Minister is to be informed in accordance with subsection (4), and
  - (b) any other matter necessary for the purposes of this section.
- (11) A person who is, for the time being—
  - (a) entitled under the Standing Orders of either House of the Oireachtas to sit therein,
  - (b) a member of the European Parliament,
  - (c) a member of a local authority, or
  - (d) is, or who has in the previous 12 months been, established civil servants for the purposes of the Civil Service Regulation Acts 1956 to 2005 or established public servants in State agencies,shall be disqualified from being appointed as an ordinary member.
- (12) Each of the ordinary members shall be appointed in a whole-time capacity and shall not at any time during his or her term of office hold any other office or employment in respect of which emoluments are payable.
- (13) Subject to section 108(4)(b), an ordinary member shall hold office for such term (not exceeding 5 years) as shall be specified by the Minister when appointing him or her to office and may be re-appointed by the Minister for a second term of office provided that a person has secured a current nomination from a body prescribed under subsection (1).
- (14) (a) An ordinary member may resign his or her membership by letter addressed to the Minister and the resignation shall take effect on and from the date of the receipt of the letter by the Minister.

[SECTION 6]

- (b) A person shall vacate the office of ordinary member on attaining the age of 75 years or, where a higher age is prescribed by order under section 3A(2) of the Public Service Superannuation (Miscellaneous Provisions) Act 2004 for the purposes of that Act, that age but, where the person is a new entrant (within the meaning of that Act) appointed on or after 1 April 2004, the requirement to vacate office on grounds of age shall not apply.”.”.

—Cian O’Callaghan, Brid Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

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

“(a) by the insertion of the following subsection after subsection (1):

“(1A) To ensure the currency and validity of the bodies included for the purposes of subsection (1), the Minister shall—

- (a) in the month of January of each year, write to each of the bodies prescribed in accordance with subsection (1) requesting they confirm their continued existence and active operation, within one month of receipt of the Minister’s letter,
- (b) where no response is received from a body or organisation to a request under paragraph (a) confirming their continued existence and active operation, the Minister shall as soon as may be, prescribe another body as a replacement for that body or organisation, so as to ensure and maintain the currency and validity of the panel system under subsection (1), and
- (c) the Minister shall inform any body or organisation impacted by proposal to remove them under paragraph (b) and they may request to be considered also when the Minister is considering updating the prescribed bodies to avoid any unjust or unfair replacements.”.”.

—Cian O’Callaghan.

**22.** In page 7, to delete lines 22 to 32 and substitute the following:

“(a) by the substitution of the following subsection for subsection (1):

“(1) The Minister in appointing ordinary members of the Board at all times under this Part, shall ensure, in so far as is practicable, that—

- (a) the ordinary members of the Board are persons who, have satisfactory and demonstrable expertise or knowledge and experience of—
  - (i) planning,
  - (ii) environmentally sustainable development,
  - (iii) architecture,
  - (iv) archaeology,

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- (v) built heritage,
- (vi) cultural heritage,
- (vii) marine ecology,
- (viii) terrestrial ecology,
- (ix) climate science,
- (x) water,
- (xi) air quality,
- (xii) engineering,
- (xiii) landscape,
- (xiv) hydrology,
- (xv) hydrogeology,
- (xvi) the Irish language,
- (xvii) understanding of environmental law,
- (xviii) experience of organisational governance, and
- (xix) disability or accessibility,
- (b) there is an equitable balance across genders,
- (c) that no more than sixty per cent of the Board shall be of the male gender, and
- (d) diverse perspectives capable of representing the ethnic and societal diversity within Irish society are included within the Board.”,”.

—Cian O’Callaghan.

**23.** In page 7, between lines 32 and 33, to insert the following:

“(b) by the insertion of the following subsection after subsection (1):

“(1A) The Minister shall ensure that at least one ordinary member appointed under this section is a person who, in the opinion of the Minister, has satisfactory experience, competence or qualifications as respects issues relating to the environment and sustainability.”,”.

—Cian O’Callaghan.

**24.** In page 7, to delete lines 33 to 41, and in page 8, to delete lines 1 to 3.

—Cian O’Callaghan

**25.** In page 7, to delete lines 33 to 41, and in page 8, to delete lines 1 to 27.

—Cian O’Callaghan, Brid Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

[SECTION 6]

26. In page 7, lines 35 and 36, to delete “(which may include the establishment of a committee)” and substitute “(which shall include the establishment of an independent committee to oversee such procedure)”.

—Cian O’Callaghan.

27. In page 8, between lines 3 and 4, to insert the following:

“(d) by the insertion of the following subsection after subsection (3):

“(3A) Regulations made under subsection (3) shall require the approval by motion of both Houses of the Oireachtas.”.

—Cian O’Callaghan.

28. In page 8, to delete lines 6 and 7 and substitute the following:

“(a) applications be sought, through open public invitation, for appointment of suitably qualified persons as ordinary members of the Board.”.

—Ivana Bacik, Ged Nash.

29. In page 8, line 24, to delete “and”.

—Cian O’Callaghan, Bríd Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

30. In page 8, line 27, to delete “section.” and substitute the following:

“section.”,

and

- (h) in subsection (10), by the insertion of the following paragraph after paragraph (a):

“(aa) is, or who has in the previous 12 months been, established civil servants for the purposes of the Civil Service Regulation Acts 1956 to 2005 or established public servants in State agencies.”.

—Cian O’Callaghan, Bríd Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

SECTION 7

*Section opposed.*

—Cian O’Callaghan.

SECTION 9

31. In page 9, line 3, after “quorum” to insert “, but the quorum for the purposes of large-scale residential developments, the quorum shall be 5”.

—Cian O’Callaghan, Bríd Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

[SECTION 9]

32. In page 9, to delete lines 12 to 17 and substitute the following:

“appoint, for a term not in excess of one year, from persons nominated by an expedited and equitable procedure across the panel system provided for under section 106, one or more than one person who is in the opinion of the Minister, a suitably qualified person, to be an ordinary member, whilst preserving the balance of skills, expertise, experience and perspectives across the Board, and where such appointments shall not be drawn from person who are or who have in the previous 12 months been, established civil servants for the purposes of the Civil Service Regulation Acts 1956 to 2005 or established public servants in State agencies.”.

—Cian O’Callaghan, Bríd Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

33. In page 9, lines 14 and 15, to delete “or employees of the Board”.

—Cian O’Callaghan.

34. In page 9, between lines 17 and 18, to insert the following:

“(d) in subsection (4), by the insertion of the following paragraph after paragraph (a):

“(aa) notwithstanding paragraph (a), an individual who is or within the preceding one year was employed by the Department of Housing, Local Government and Heritage shall not be eligible for appointment under paragraph (a).”.

—Cian O’Callaghan.

35. In page 9, between lines 17 and 18, to insert the following:

“(d) by the insertion of the following subsection after subsection (4):

“(4A) Notwithstanding any provision of this section, a quorum shall be 5 where the decision before the Board concerns any of the following:

- (a) large-scale residential developments;
- (b) development that would materially contravene the relevant development plan;
- (c) strategic infrastructure development; or
- (d) a development or class of development referred to in regulations made under section 176.”.

—Cian O’Callaghan.

36. In page 9, between lines 17 and 18, to insert the following:

“(d) by the insertion of the following subsection after subsection (4):

“(4A) Notwithstanding any provision of this section, a quorum shall be 5 where the decision before the Board concerns a development that



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would materially contravene the relevant development plan.”.”.

—Cian O’Callaghan.

SECTION 10

37. In page 9, lines 26 and 27, to delete all words from and including “may” in line 26 down to and including line 27 and substitute “shall—”.

—Cian O’Callaghan.

38. In page 9, line 39, to delete “may” and substitute “shall”.

—Cian O’Callaghan.

39. In page 10, between lines 3 and 4, to insert the following:

“(c) by the insertion of the following subsection after subsection (2):

“(3A) Where the Minister considers further to a complaint or otherwise that the conduct of the chair may have been such as to bring the Board into disrepute or may have been prejudicial to the effective performance by the Chair or the Board of all or any one or more of its functions, he or she—

(a) shall request the chairperson to provide a report to the Minister on the matter, and

(b) may request the chairperson to attend an interview with the Minister and the relevant Joint Oireachtas Committee.”.”.

—Cian O’Callaghan, Brid Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

40. In page 10, between lines 3 and 4, to insert the following:

“(c) by the insertion of the following subsection after subsection (2):

“(3A) Where the Minister considers further to a complaint or otherwise that the conduct of the Chair may have been such as to bring the Board into disrepute or may have been prejudicial to the effective performance by the Chair or the Board of all or any one or more of its functions, he or she may request the chairperson to—

(a) provide a report to the Minister on the matter, and

(b) attend an interview with the Minister and the relevant Joint Oireachtas Committee.”.”.

—Cian O’Callaghan.

SECTION 11

41. In page 10, between lines 3 and 4, to insert the following:

**“Amendment of section 111 of Act of 2000**

11. Section 111 of the Act of 2000 is amended by the insertion of the following subsections

[SECTION 11]

after subsection (7):

“(8) Notwithstanding any provision of this Act, a meeting of An Bord Pleanála, including a division of the board, may take place using remote video or telephone conferencing facilities or by any means of communication by which all of the board members and other persons participating in different locations can hear and be heard at the same time.

(9) In subsection (8), ‘meeting’ includes any meeting for the purpose of making any decision in relation to any appeal, referral or application.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

42. In page 10, between lines 3 and 4, to insert the following:

**“Amendment of section 179 of Act of 2000**

12. Section 179 of the Act of 2000 is amended in subsection (1)(a), by the insertion of “, other than development to which section 179A applies,” after “a development or a class of development”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.

43. In page 10, between lines 3 and 4, to insert the following:

**“Local authority own housing development**

13. The Act of 2000 is amended by the insertion of the following section after section 179:

**“179A.** (1) This section applies to housing development—

- (a) that is carried out by, on behalf of, or jointly or in partnership with, a local authority pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity,
- (b) that does not materially contravene the development plan or local area plan for the area,
- (c) that is in accordance with the strategy included in the development plan for the area in accordance with section 94(1),
- (d) that is not subject to a requirement, in accordance with the Environmental Impact Assessment Directive, for an assessment with regard to its effects on the environment,
- (e) that is not subject to a requirement, in accordance with the Habitats Directive, for an appropriate assessment,
- (f) that is on land—
  - (i) that is owned by a local authority or a State Authority,

[SECTION 11]

- (ii) that is zoned for residential use, and
  - (iii) that has access, or can be connected, to public infrastructure and facilities, including roads and footpaths, public lighting, foul sewer drainage, surface water drainage and water supply, necessary for dwellings to be developed and with sufficient service capacity available for such development,
- and
- (g) that is commenced on or before 31 December 2024.
- (2) Prior to the commencement of development to which this section applies, the chief executive of the local authority shall inform the members of the local authority in relation to the development and shall provide documents, particulars or plans relevant to the development to the members.
- (3) The Minister may make regulations providing for any or all of the following matters in respect of development to which this section applies:
- (a) the giving of public notice by the local authority in respect of the development;
  - (b) the publication by a local authority of any specified notice in respect of the development;
  - (c) the making available for inspection, including by members of the public, of documents, particulars, plans or other information in relation to the development;
  - (d) notification by the local authority in respect of such development to such bodies as the Minister may prescribe;
  - (e) the entry of particulars of the development in the register;
  - (f) procedures for determining, through a case-by-case basis examination or by reference to prescribed thresholds or criteria, whether the development is one which should be made subject in accordance with the Environmental Impact Assessment Directive to a requirement for an assessment with regard to its effects on the environment, the information to be provided for the purposes of such a determination, the basis on which such a determination is to be made, the time for such a determination, the contents of such a determination, and the making available to the public of such a determination;
  - (g) procedures for determining whether the development is one which should be made subject, in accordance with the Habitats Directive, to an appropriate assessment;
  - (h) a requirement that local authorities provide the Minister with

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information regarding developments that have been notified, commenced, and completed, the type of information to be provided and the frequency with which such information is to be provided.

(4) Sections 138, 139 and 140 of the Local Government Act 2001 shall not apply in respect of development to which this section applies.

(5) In this section—

‘housing development’ includes—

- (a) the construction or erection of a house or houses,
- (b) the construction of a new road or the widening or realignment of an existing road, to serve houses referred to in paragraph (a),
- (c) the construction or erection of pumping stations, treatment works, holding tanks or outfall facilities for waste water or storm water, to serve houses referred to in paragraph (a),
- (d) the laying underground of sewers, mains, pipes or other apparatus,
- (e) the provision of open spaces, recreational and community facilities and amenities and landscaping works to serve houses referred to in paragraph (a), and
- (f) the provision of car parks, car parking places, surface water sewers and flood relief work, and ancillary infrastructure to serve houses referred to in paragraph (a);

‘State Authority’ means any of the following:

- (a) a Minister of the Government;
- (b) an Education and Training Board established under the Education and Training Boards Act 2013;
- (c) Courts Service;
- (d) Digital Hub Development Agency;
- (e) Dublin Institute for Advanced Studies;
- (f) Enterprise Ireland;
- (g) Environmental Protection Agency;
- (h) the Garda Síochána;
- (i) Health Service Executive;
- (j) Housing and Sustainable Communities Agency;
- (k) Industrial Development Agency (Ireland);
- (l) an Institute of Technology being a college within the meaning of section 2 of the Regional Technical Colleges Act 1992;

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- (m) Institute of Public Administration;
- (n) Prison Service of the Department of Justice which is charged with the management of prisons;
- (o) Legal Aid Board;
- (p) Marine Institute;
- (q) National Archives;
- (r) Oberstown Children Detention Campus;
- (s) Commissioners of Public Works in Ireland;
- (t) Ordnance Survey Ireland;
- (u) Sport Ireland;
- (v) State Laboratory;
- (w) Teagasc - the Agriculture and Food Development Authority;
- (x) a technological university established by virtue of an order under section 36 of the Technological Universities Act 2018;
- (y) An tSeirbhís Oideachais Leanúnaigh agus Scileanna.”.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreacht.

*Amendments to Amendment No. 43*

**1.** After subsection (1) to insert the following:

“(1A) This section shall not apply to a housing development which may have a significant effect on the environment and any such determination needs to be made publicly available at least 12 weeks prior to the notification of the commencement for the development provided for under subsection (2).”.

—Catherine Connolly, Cian O’Callaghan, Richard Boyd Barrett, Bríd Smith, Paul Murphy,  
Gino Kenny.

**2.** After subsection (3)(g) to insert the following:

“(ga) procedures for determining whether the development is one which may have a significant effect on the environment and where public participation is therefore required, and the publication of any such determination and the information relied upon, and should include in particular determinations in respect of—

- (i) impacts on water quality so that the requirements of Article 4 of the Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for community action in the field of water policy,
- (ii) impacts on air quality,

[SECTION 11]

- (iii) impacts on species listed in Annex IV of the Habitats Directive,
- (iv) impacts on species listed in Annex V of the Habitats Directive, and
- (v) impacts on species protected by floral protection orders;”.

—Catherine Connolly, Cian O’Callaghan, Richard Boyd Barrett, Bríd Smith, Paul Murphy, Gino Kenny.

44. In page 10, between lines 3 and 4, to insert the following:

**“Amendment of section 150 of Act of 2000**

11. The Act of 2000 is amended in section 150 by the insertion of the following subsection after subsection (2):

- “(2A) Such codes of conduct described in subsection (2) shall require any member of an authority or the Board to disclose—
- (a) interests and relationships where the interests and relationships are of relevance to the work of the authority or the Board, as appropriate,
  - (b) membership of other organisations, associations and bodies, professional or otherwise which are of relevance to the work of the authority or the Board, and
  - (c) membership of, or other financial interests in, companies, partnerships or other bodies.”.

—Cian O’Callaghan.

SECTION 13

*Section opposed.*

—Cian O’Callaghan, Bríd Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny, Eoin Ó Broin, Thomas Gould.

SECTION 14

45. In page 10, between lines 17 and 18, to insert the following:

**“Provisions in respect of foreshore licensing requirements for certain surveying activities**

14. The Act of 1933 is amended by the insertion of the following section after section 3A:

**“Obligations**

**3AA.** Notwithstanding anything in the definition of the foreshore in section 1, and the powers of the Minister to grant a licence under section 3, and without prejudice to the view that there is already provided an obligation to secure a foreshore licence in order to conduct geophysical or geotechnical surveys in the subsoil and water column above the foreshore, and in the airspace above the foreshore, to ensure compliance with the State’s obligations with the duty to—

- (a) provide for assessments necessary to effectively implement a system of strict protection for species listed in Annex IVA of the Council Directive 92/43/EEC of 21 May 2002, and
- (b) assessment and protections required under Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009,

the following requirements are explicitly clarified—

- (i) that a foreshore licence consent shall be required in order to pursue the following activities:
  - (I) geophysical surveys using acoustic survey equipment or geotechnical surveys for the purposes of surveying for oil and gas or renewable energy site investigation or for related species studies;
  - (II) geophysical surveys using acoustic survey equipment or geotechnical surveys for the purposes of scientific studies,
- and
- (ii) that a derogation licence under Article 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) shall be required to be secured in advance of the grant of any such foreshore licence for the activities in subparagraphs (I) and (II) of paragraph (i), in respect of any breach of the protections required under Article 12 of Council Directive 92/43/EEC of 21 May 2002.”.”.

—Cian O’Callaghan.

46. In page 10, between lines 17 and 18, to insert the following:

**“Provisions in respect of foreshore licensing requirements for certain surveying activities**

14. The Act of 1933 is amended by the insertion of the following after section 3A:

**“Obligations**

3AA. Notwithstanding anything in the definition of the foreshore in section 1, and the powers of the Minister to grant a licence under section 3, and without prejudice to the view that there is already provided an obligation to secure a foreshore licence in order to conduct geophysical or geotechnical surveys in the subsoil and water column above the foreshore, to ensure compliance with the State’s obligations with the duty to—

- (a) provide for assessments necessary to effectively implement a system of strict protection for species listed in Annex IVA of the Council Directive 92/43/EEC of 21 May 2002, and

- (b) assessment and protections required under Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009,

the following requirements are explicitly clarified—

- (i) that a foreshore licence consent shall be required in order to pursue the following activities:
  - (I) geophysical surveys using acoustic survey equipment or geotechnical surveys for the purposes of surveying for oil and gas or renewable energy site investigation or for related species studies;
  - (II) geophysical surveys using acoustic survey equipment or geotechnical surveys for the purposes of scientific studies,
- and
- (ii) that a derogation licence under Article 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) shall be required to be secured in advance of the grant of any such foreshore licence for the activities in subparagraphs (I) and (II) of paragraph (i), in respect of any breach of the protections required under Article 12 of Council Directive 92/43/EEC of 21 May 2002.”.”.

—Cian O’Callaghan.

47. In page 10, between lines 17 and 18, to insert the following:

**“Provisions in respect of foreshore licensing requirements for certain surveying activities**

**14.** The Act of 1933 is amended by the insertion of the following section after section 3A:

**“3AA.** Where a lease, licence or consent was granted by the appropriate Minister before the passing of *Part 3* of the *Act of 2022* that relates to a Foreshore licence which was applied for the purposes of geophysical or geotechnical surveying activity, then the effect of that licence shall be limited to the sole purposes of surveying activity and shall not confer any other rights or interests in the holder in the soil, subsoil beyond 30 feet, the water column, or for the avoidance of doubt in the airspace above the foreshore, other than for the purposes of the surveying activity for which it was sought and granted or granted.”.”.

—Cian O’Callaghan, Brid Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.



48. In page 10, between lines 17 and 18, to insert the following:

**“Provisions in respect of foreshore licensing requirements for certain surveying activities**

14. The Act of 1933 is amended by the insertion of the following sections after section 3A:

**“3AA.** Notwithstanding anything in the definition of the foreshore in section 1, and the powers of the Minister to grant a licence under section 3, and without prejudice to the view that there is already provided an obligation to secure a foreshore licence in order to conduct geophysical or geotechnical surveys in the subsoil and watercolumn above the foreshore, and in the airspace above the foreshore, to ensure compliance with the State’s obligations with the duty to—

- (a) provide for assessments necessary to effectively implement a system of strict protection for species listed in Annex IVA of the Council Directive 92/43/EEC of 21 May 2002, and
- (b) assessment and protections required under Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009,

the following requirements are explicitly clarified—

- (i) that a foreshore licence consent shall be required in order to pursue the following activities:
  - (I) geophysical surveys using acoustic survey equipment or geotechnical surveys for the purposes of surveying for oil and gas or renewable energy site investigation or for related species studies;
  - (II) geophysical surveys using acoustic survey equipment or geotechnical surveys for the purposes of scientific studies,and
- (ii) that a derogation licence under Article 54 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) shall be required to be secured in advance of the grant of any such foreshore licence for the activities in subparagraphs (I) and (II) of paragraph (i), in respect of any breach of the protections required under Article 12 of Council Directive 92/43/EEC of 21 May 2002.

**3AB.** The purpose for which a foreshore licence is granted under section 3AA shall be expressly limited by the Minister to be solely for the purposes of surveying activity and shall not confer any other rights or interests in the holder in the soil, subsoil, subsoil beyond 30 feet depth, the water column, or for the avoidance of doubt in the airspace above the foreshore, other than for the purposes of the surveying activity for which it was

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required.”.”.

—Brid Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny, Eoin Ó Broin,  
Thomas Gould.

*Section opposed.*

—Cian O’Callaghan, Brid Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

SECTION 15

*Section opposed.*

—Cian O’Callaghan, Brid Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

SECTION 16

*Section opposed.*

—Cian O’Callaghan, Brid Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

SECTION 17

*Section opposed.*

—Cian O’Callaghan, Brid Smith, Richard Boyd Barrett, Paul Murphy, Gino Kenny,  
Eoin Ó Broin, Thomas Gould.

TITLE

**49.** In page 5, line 7, after “Pleanála” to insert the following:

“and, in order to facilitate and accelerate the provision of housing on lands owned by  
local authorities and certain state authorities, to provide that certain housing  
development on such lands be exempted development.”.

—An tAire Tithíochta, Rialtais Áitiúil agus Oidhreachta.