



SEANAD ÉIREANN

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

LEASUITHE A RINNE AN DÁIL AMENDMENTS MADE BY THE DÁIL

SEANAD ÉIREANN

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

[BILLE SEANAID ARNA LEASÚ AG AN DÁIL]

PLANNING AND DEVELOPMENT AND FORESHORE (AMENDMENT) BILL 2022
[SEANAD BILL AMENDED BY THE DÁIL]

Leasuithe a rinne an Dáil
Amendments made by the Dáil

*[The page and line references in this list of amendments
are to the text of the Bill as initiated.]*

TITLE

1. In page 5, line 7, after “Pleanála”, “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,” inserted.

SECTION 3

2. In page 5, after line 26, the following inserted:

“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):

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

SECTION 11

3. In page 10, between lines 3 and 4, the following inserted:

“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 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.”.”.

4. In page 10, between lines 3 and 4, the following inserted:

“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”.”.

5. In page 10, between lines 3 and 4, the following inserted:

“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,
 - (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.

[SECTION 11]

- (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 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,

[SECTION 11]

- (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;
- (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;

[SECTION 11]

- (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.”.”.