



SEANAD ÉIREANN

**AN BILLE UM PLEANÁIL AGUS FORBAIRT (LEASÚ)
(UIMH. 2), 2022
PLANNING AND DEVELOPMENT (AMENDMENT) (NO. 2)
BILL 2022**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM PLEANÁIL AGUS FORBAIRT (LEASÚ) (UIMH. 2), 2022 —AN COISTE

PLANNING AND DEVELOPMENT (AMENDMENT) (NO. 2) BILL 2022 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 3

1. In page 4, to delete lines 3 to 9.

—Senator Alice-Mary Higgins.

SECTION 5

2. In page 4, to delete lines 29 to 36.

—Senator Alice-Mary Higgins.

3. In page 4, between lines 36 and 37, to insert the following:

“(c) the Board shall indicate to the applicant what further actions may be required in light of such a refusal.”.

—Senator Alice-Mary Higgins.

4. In page 4, to delete line 38, and in page 5, to delete lines 1 to 12.

—Senator Alice-Mary Higgins.

5. In page 5, to delete lines 20 to 38.

—Senator Alice-Mary Higgins.

6. In page 5, to delete lines 39 and 40, and in page 6, to delete lines 1 and 2.

—Senator Alice-Mary Higgins.

Section opposed.

—Senator Alice-Mary Higgins.

SECTION 12

7. In page 8, line 4, after “shall” to insert “be subject to the criteria set out in section 177D(2) and”.

—Senator Alice-Mary Higgins.

[SECTION 12]

8. In page 8, line 5, after “177K(1J)” to insert the following:

“and shall also reflect the obligation to ensure that there is no creation of a precedent or incentivisation”.

—*Senator Alice-Mary Higgins.*

SECTION 13

9. In page 8, to delete lines 30 and 31.

—*Senator Alice-Mary Higgins.*

10. In page 9, line 14, to delete “and”.

—*Senators Victor Boyhan, Michael McDowell, Gerard P. Craughwell, Rónán Mullen, Sharon Keogan.*

11. In page 9, line 17, to delete “application.”,” and substitute the following:

“application,

- (f) be accompanied by an independent review of the environmental, financial and community impact of the existing development or the decommissioning of the existing development on the lands under consideration.”.”.

—*Senators Victor Boyhan, Michael McDowell, Gerard P. Craughwell, Rónán Mullen, Sharon Keogan.*

Section opposed.

—*Senator Alice-Mary Higgins.*

SECTION 14

Section opposed.

—*Senator Alice-Mary Higgins.*

SECTION 17

Section opposed.

—*Senator Alice-Mary Higgins.*

SECTION 18

Section opposed.

—*Senator Alice-Mary Higgins.*

SECTION 19

Section opposed.

—*Senator Alice-Mary Higgins.*

SECTION 21

[SECTION 21]

12. In page 13, between lines 31 and 32, to insert the following:

“Threshold for substitute consent

21. The provisions of this Act including the right to apply for substitute consent shall not be applicable in respect of projects which have an estimated commercial value of greater than €5,480,000.”.

—*Senator Alice-Mary Higgins.*

Section opposed.

—*Senator Alice-Mary Higgins.*

SECTION 23

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

“Report on substitute consent

23. The Minister shall, within 18 months of the passing of this Act, lay a report before both Houses of the Oireachtas outlining—

- (a) the number of applications for substitute consent received in the preceding 18 month period which were made and the number granted,
- (b) any impacts identified in respect of other planning applications, and
- (c) the relevant exceptional circumstance in respect of each successful application.”.

—*Senator Alice-Mary Higgins.*

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

“Report on implications of Act

23. The Minister shall, within 6 months of the passing of this Act, lay a report before both Houses of the Oireachtas outlining the implications or impact of this legislation in respect of:

- (a) the powers of local authorities in respect of the substitute consent process;
- (b) the appropriate consideration of Local Development Plans in planning;
- (c) public consultation in respect of planning;
- (d) the right of the public to participate in environmental decision making as provided for under the Aarhus Convention.”.

—*Senator Alice-Mary Higgins.*