



# **SEANAD ÉIREANN**

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## **AN BILLE UM PLEANÁIL AGUS FORBAIRT (LEASÚ), 2025 PLANNING AND DEVELOPMENT (AMENDMENT) BILL 2025**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

## AN BILLE UM PLEANÁIL AGUS FORBAIRT (LEASÚ), 2025 —AN COISTE

### PLANNING AND DEVELOPMENT (AMENDMENT) BILL 2025 —COMMITTEE STAGE

#### *Leasuithe Amendments*

*\*Government amendments are denoted by an asterisk*

#### SECTION 1

- \*1. In page 3, line 16, to delete “Act” and substitute “Act (other than *Part 2*)”.
- \*2. In page 3, between lines 19 and 20, to insert the following:
- “(5) *Part 2* shall come into operation on the day immediately following the date of the passing of this Act.”.

#### SECTION 3

- \*3. In page 4, between lines 2 and 3, to insert the following:

#### “Amendment of section 2 of Principal Act

3. Section 2 of the Principal Act is amended by the substitution of the following definition for the definition of “architectural conservation area”:

“ ‘architectural conservation area’ means—

- (a) a place, area, group of structures or townscape to which an objective referred to in section 331 applies, or
- (b) an architectural conservation area (within the meaning of the Act of 2000) to which an objective in a development plan under the Act of 2000—
  - (i) that continues in force by virtue of section 68, or
  - (ii) prepared, or varied, in accordance with section 69, applies;”.

4. In page 4, between lines 2 and 3, to insert the following:

#### “Amendment of section 1 of Principal Act

3. Section 1 of the Principal Act is amended by the insertion of the following subsection after subsection (2):

“(2A) Without prejudice to subsection (2) the provisions of this Act relating to the repeal of the termination of the Office of the Planning Regulator

[SECTION 3]

shall come into effect on the passing of this Act.”.”.

—*Senator Sharon Keogan.*

5. In page 4, between lines 2 and 3, to insert the following:

**“Repeal of section 21 of Principal Act**

3. Section 21 of the Principal Act is repealed.”.

—*Senator Sharon Keogan.*

6. In page 4, between lines 2 and 3, to insert the following:

**“Repeal of section 22 of Principal Act**

3. Section 22 of the Principal Act is repealed.”.

—*Senator Sharon Keogan.*

7. In page 4, between lines 2 and 3, to insert the following:

**“Repeal of section 23 of Principal Act**

3. Section 23 of the Principal Act is repealed.”.

—*Senator Sharon Keogan.*

8. In page 4, between lines 2 and 3, to insert the following:

**“Repeal of section 24 of Principal Act**

3. Section 24 of the Principal Act is repealed.”.

—*Senator Sharon Keogan.*

SECTION 4

- \*9. In page 4, between lines 11 and 12, to insert the following:

**“Amendment of section 30 of Principal Act**

4. Section 30 of the Principal Act is amended by the substitution of the following subsections for subsections (1) and (2):

“(1) (a) A regional assembly shall, not later than 6 months after the date of the coming into operation of subsection (6) of section 21, commence a review of any regional spatial and economic strategy for its region for the time being in force.

(b) A regional assembly shall, not later than 6 months after the publication of a revised or new National Planning Framework by the Government under Chapter 2, commence a review of any regional spatial and economic strategy for its region for the time being in force.

[SECTION 4]

- (2) (a) A regional assembly shall, upon completion of a review of a regional spatial and economic strategy in accordance with paragraph (a) of subsection (1), make a new regional spatial and economic strategy in accordance with section 32.
- (b) A regional assembly shall, upon completion of a review of a regional spatial and economic strategy in accordance with paragraph (b) of subsection (1)—
  - (i) make a new regional spatial and economic strategy in accordance with section 32,
  - (ii) revise the existing regional spatial and economic strategy in accordance with section 32, or
  - (iii) make a determination that no new regional spatial and economic strategy or revision is required and publish a statement explaining the reasons for that determination.”.”.

10. In page 4, between lines 31 and 32, to insert the following:

- “(3) The strategy referred to in subsection (2) shall allow for the zoning of land for the particular use of providing affordable housing as defined in Parts 2 and 3 of the Affordable Housing Act 2021.”.”.

—*Senators Patricia Stephenson, Alice-Mary Higgins.*

SECTION 6

11. In page 5, between lines 21 and 22, to insert the following:

**“Insertion of section 42A in Principal Act**

6. The Principal Act is amended by the insertion of the following section after section 42:

**“Empowerment of Local Authorities**

**42A.** Local authorities shall have the power to purchase unzoned land for residential use or other forms of use to address regional spatial and economic strategies.”.”.

—*Senator Sharon Keogan.*

12. In page 5, between lines 21 and 22, to insert the following:

**“Amendment of section 46 of Principal Act**

6. Section 46(3)(b) of the Principal Act is amended by the insertion of the following subparagraph after subparagraph (vi):

- “(vii) the members of the local authority who shall have discretion in approving whether land should be zoned for residential use or other forms of use;”.”.

—*Senator Sharon Keogan.*

[SECTION 7]

SECTION 7

\*13. In page 5, between lines 26 and 27, to insert the following:

**“Amendment of section 60 of Principal Act**

7. Section 60 of the Principal Act is amended by the substitution of the following subsection for subsection (10):

“(10) Any provision relating to the preservation of a public right of way contained in a development plan—

(a) continued in force under section 68, or

(b) prepared, or varied, in accordance with section 69,

may be included in a subsequent development plan made under this Act without the necessity to comply with this section.”.

*Amendment to Amendment No. 13*

1. After “section.” to insert the following:

“(10A) Notwithstanding subsection (1), subsection (5) of section 68, and sections 61 and 62, shall not operate to remove, limit, reduce or otherwise compromise the use of enjoyment of a public right of way contained in a development plan in existence or in a draft development plan process underway, prior to the commencement of any section under Part 3.”.

—*Senators Patricia Stephenson, Alice-Mary Higgins.*

SECTION 11

\*14. In page 8, line 11, to delete “varied.” and substitute “varied.”.

\*15. In page 8, between lines 11 and 12, to insert the following:

“(3) Subsections (3), (4) and (5) of section 68 shall apply to a development plan prepared or varied in accordance with this section as they apply to a development plan continued in force by virtue of that section, as if—

(a) in subsection (3), ‘a development plan prepared, or varied, in accordance with section 69’ were substituted for ‘a development plan continued in force under subsection (1)’, and

(b) in subsection (5), ‘a development plan prepared, or varied, in accordance with section 69’ were substituted for ‘a development plan continued in force under subsection (1)’.”.

SECTION 12

\*16. In page 8, to delete lines 32 and 33 and substitute the following:

“(e) in subsection (7), by—

(i) the substitution of “to which subsection (1) or (1A) applies” for “continued

[SECTION 12]

in force under subsection (1)” where it first occurs, and

(ii) the substitution of the following paragraph for paragraph (c):

“(c) a provision of a development plan—

(i) continued in force under subsection (1) of section 68, or

(ii) prepared, or varied, in accordance with section 69,

that provision of that development plan shall take precedence.”,

and”.

*Amendment to Amendment No. 16*

I. To delete paragraph (e) and substitute the following:

“(e) by the deletion of subsection 7, and”.

—*Senators Patricia Stephenson, Alice-Mary Higgins.*

SECTION 13

17. In page 9, between lines 16 and 17, to insert the following:

“(a) the insertion of the following subsection after subsection (7):

“(7A) Notwithstanding subsection (6), paragraph (e) and anything elsewhere in this section, the planning authority or the Maritime Area Regulatory Authority, as the case may be, shall not amend the date the duration of the permission expires except where—

(a) the effect of this section in extending the duration of the permission consequent on this section will result in an alteration of a minimal period only, or

(b) in circumstances where the development the subject of the permission, is—

(i) a project or activity which falls within the scope of Article 6(1) of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters done at Aarhus, Denmark, on 25 June 1998, that—

(I) the public have been consulted,

(II) the requirements of the Transboundary Convention have been observed in respect of any such consultation, and

(III) in an effective decision on whether to amend and thus extend the duration of the permission or not under subsection (6), that due consideration has been taken account of the comments and outcome received during the consultation,

and that—

(ii) all further screening determinations and assessments required to comply with the State's obligations as a member of the European Union, have been conducted and complied with given that any consideration of altering the duration of the permission under subsection (6), is effectively a revisiting of the authorising decision for the activity or development in question, including under—

(I) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment,

(II) the Strategic Environmental Assessment Directive,

(III) the Birds Directive,

(IV) the Habitats Directive, and

(V) the Water Framework Directive, in particular Article 4 thereof,

and

(iii) that consultation and assessment obligations under the Transboundary Convention have been fully complied with in the context of and decision to amend the duration of the permission under subsection (6) is effectively a revisiting of the authorisation for the activity or development in question.

(7B) The Minister shall prescribe regulations for the purposes of the public consultation requirements necessitated under subsection (7A), and to identify and provide for the screening, assessment and other determinations necessary under subsection (7A).”,.”.

—*Senators Alice-Mary Higgins, Patricia Stephenson.*

**\*18.** In page 9, line 36, to delete “commencement” and substitute “date of the coming into operation”.

**19.** In page 11, between lines 19 and 20, to insert the following:

“(e) The Minister may, by way of regulations, provide for third party observations for consideration by the planning authority to ensure compliance with the State's obligations under the Aarhus Convention and the principles of good planning and development.”.”.

—*Senators Maria McCormack, Conor Murphy, Chris Andrews, Joanne Collins, Nicole Ryan, Pauline Tully.*



[SECTION 14]

SECTION 14

\*20. In page 11, between lines 19 and 20, to insert the following:

**“Amendment of section 242 of Principal Act**

14. Section 242 of the Principal Act is amended by the substitution of the following subsection for subsection (12):

“(12) A housing strategy within the meaning of Part V of the Act of 2000 included in a development plan under Part II of that Act that—

(a) continues in force by virtue of section 68, or

(b) was prepared, or varied, in accordance with section 69,

shall, until the replacement of that development plan in accordance with Part 3, constitute the housing strategy of the planning authority in respect of whose functional area the development plan applies and, accordingly, references in this Act to a housing strategy shall be construed as including references to a housing strategy to which this subsection applies.”.

*Amendment to Amendment No. 20*

I. After “applies.” to insert the following:

“(13) Notwithstanding paragraph (a) of subsection (12), a housing strategy of the planning authority in respect of whose functional area the development plan applies which is varied in accordance with section 69, shall only have effect from the date of such variation, and prior to such a variation, reference in this Act to a housing strategy shall be construed as including references to a housing strategy in place before a variation under section 69.”.

—*Senators Patricia Stephenson, Alice-Mary Higgins.*

21. In page 11, between lines 19 and 20, to insert the following:

**“Amendment of section 262 of Principal Act**

14. Section 262 of the Principal Act is amended by the insertion of the following subsection after subsection (1):

“(1A) Uisce Éireann shall be required to transfer its responsibilities for local water schemes and maintenance to local authorities.”.

—*Senator Sharon Keogan.*

\*22. In page 11, line 28, to delete “commencement” and substitute “coming into operation”.

\*23. In page 11, line 33, to delete “commencement” and substitute “coming into operation”.

24. In page 11, between lines 33 and 34, to insert the following:

“(c) the insertion of the following subsection after subsection (4):

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“(5) Notwithstanding anything elsewhere provided in this Act, Chapter 2 of Part 9 shall not be commenced until the Minister has laid before each House of the Oireachtas—

- (a) an estimate of the costs to the State, and the basis for those estimates of decision-making of—
  - (i) commencing Chapter 2 of Part 9 of the Principal Act, and
  - (ii) replicating the approach in Chapter 2 of Part 9 of the Principal Act to other areas of environmental decision-making,
- (b) provided a detailed financial and legal basis for the fees prescribed under section 294 of the Principal Act,
- (c) provided a detailed financial and legal basis for the levels of aid to be provided and prescribed under section 299 of the Principal Act, and of the level of means prescribed in order to be eligible for the Environmental Legal Costs Financial Assistance Mechanism under Chapter 2 of Part 9 of the Principal Act,
- (d) provided a detailed report explaining how the provisions of Chapter 2 of Part 9 of the Principal Act complies with each of the requirements and characteristics specified in Article (9) paragraph (4) of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters done at Aarhus, Denmark, on 25 June 1998, and how they comply with the requirements of Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC, and
- (e) facilitated a debate in each House of the Oireachtas on items (a) to (d) in this subsection, and a resolution approving the commencement of Chapter 2 of Part 9 of the Principal Act.”.”.

—*Senators Patricia Stephenson, Alice-Mary Higgins.*

SECTION 15

\*25. In page 11, between lines 33 and 34, to insert the following:

**“Amendment of section 306 of Principal Act**

15. Section 306 of the Principal Act is amended by the substitution of the following subsection for subsection (5):

- “(5) Sections 54 and 55 of the Act of 2000 shall, on and after the repeal of those sections by section 6, continue to apply and have effect in relation to a record of protected structures included in—
- (a) a development plan continued in force by virtue of section 68, and

[SECTION 15]

- (b) a development plan prepared, or varied, in accordance with section 69.”.”.

*Amendment to Amendment No. 25*

1. After “section 69.” to insert the following:

“(6) Notwithstanding paragraph (a) of subsection (5) of section 68, and sections 61 and 62, shall not operate to remove, limit, reduce or otherwise compromise the record of protected structures included in a development plan in existence or in a draft development plan process underway, prior to the commencement of any section under Part 3.”.

—*Senators Patricia Stephenson, Alice-Mary Higgins.*

- \*26. In page 11, between lines 33 and 34, to insert the following:

**“Amendment of section 355 of Principal Act**

16. Section 355 of the Principal Act is amended, in subsection (2), by the substitution of “section 177” for “subsection 177”.”.

- \*27. In page 11, between lines 33 and 34, to insert the following:

**“Amendment of section 410 of Principal Act**

17. Section 410 of the Principal Act is amended, in subparagraph (ii) of paragraph (c) of subsection (1), by the substitution of “Commission for Regulation of Utilities” for “Commission for Energy Regulation”.”.

*Amendment to Amendment No. 27*

1. To delete all words from and including “in subparagraph (ii)” down to and including “Regulation” ” and substitute the following:

“by the deletion of paragraph (c) of subsection (1).”.

—*Senators Patricia Stephenson, Alice-Mary Higgins.*

- \*28. In page 11, between lines 33 and 34, to insert the following:

**“Amendment of section 423 of Principal Act**

18. Section 423 of the Principal Act is amended, in subparagraph (ii) of paragraph (c) of subsection (1), by the substitution of “Commission for Regulation of Utilities” for “Commission for Energy Regulation”.”.

*Amendment to Amendment No. 28*

1. To delete all words from and including “in subparagraph (ii)” down to and including “Regulation” ” and substitute the following:

“by the deletion of subparagraph (c) of subsection (1).”.

—*Senators Patricia Stephenson, Alice-Mary Higgins.*

[SECTION 15]

**\*29.** In page 11, between lines 33 and 34, to insert the following:

**“Amendment of section 603 of Principal Act**

**19.** Section 603 of the Principal Act is amended, in subsection (5), by the deletion of “prepared in accordance with Part 7”.”.

*Amendment to Amendment No. 29*

**I.** To delete all words from and including “in subsection (5)” down to and including “Part 7” ” and substitute the following:

“by the substitution of the following subsection for subsection (5):

“(5) (a) A planning authority shall ensure that a planning framework that includes residential development is consistent with the housing strategy.

(b) In considering the consistency of a planning framework under paragraph (a) with the housing strategy, the housing strategy that will be relevant will be—

(i) the housing strategy in effect for that planning authority prior to any variation under variations under either section 61 or 62, where the commencement of a planning framework under subsection (1) commenced prior to the variation under section 69, or

(ii) when the commencement of a planning framework under subsection (1) commenced after to the variations under either section 61 or 62, the housing strategy in place after such a variation.”.”.

—*Senators Patricia Stephenson, Alice-Mary Higgins.*

**\*30.** In page 11, between lines 33 and 34, to insert the following:

**“Amendment of section 608 of Principal Act**

**20.** Section 608 of the Principal Act is amended by the deletion of “prepared in accordance with Part 7”.”.

*Amendment to Amendment No. 30*

**I.** To delete all words from and including “Section” down to and including “Part 7” ” and substitute the following:

“The Principal Act is amended by the substitution of the following section for section 608:

**“Draft development scheme which includes residential development**

**608.** (a) Where a draft development scheme includes residential development the planning authority shall ensure that it is consistent with the housing strategy prepared in accordance with Part 7.

- (b) In considering the consistency of a draft development scheme under paragraph (a) with the housing strategy, the housing strategy that will be relevant will be—
  - (i) the housing strategy in effect for that planning authority prior to any variation under variations under either section 61 or 62, where the commencement of a planning framework under subsection (1) commenced prior to the variation under section 69, or
  - (ii) when the commencement of a planning framework under subsection (1) commenced after to the variations under either section 61 or 62, the housing strategy in place after such a variation.”.”.

—*Senators Patricia Stephenson, Alice-Mary Higgins.*

**\*31.** In page 11, between lines 33 and 34, to insert the following:

**“Amendment of section 614 of Principal Act**

- 21.** Section 614 of the Principal Act is amended, in subsection (2), by the deletion of “prepared in accordance with Part 7”.”.

*Amendment to Amendment No. 31*

- I.** To delete all words from and including “in subsection (2)” down to and including “Part 7” ” and substitute the following:

“by the substitution of the following subsection for subsection (2):

- “(2) (a) In considering an appeal under this section the Commission shall consider the proper planning and sustainable development of the area, the provisions of the development plan in the area to which the scheme relates, the provisions of the housing strategy, any relevant National Planning Statement, the provisions of any special amenity area order, the conservation and preservation of any European site in the area to which the scheme relates, and, where appropriate—
- (i) the effect the scheme would have on any land contiguous to the area to which the scheme relates,
  - (ii) the effect the scheme would have on any land outside the functional area of the planning authority, and
  - (iii) any other consideration relating to development outside the functional area of the planning authority, including any area outside the State.
- (b) In considering an appeal under this section, consistency of a planning framework under paragraph (a) with the housing strategy, the housing strategy that will be relevant will be—

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- (i) the housing strategy in effect for that planning authority prior to any variation under variations under either section 61 or 62, where the commencement of a planning framework under subsection (1) commenced prior to the variation under section 69, or
- (ii) when the commencement of a planning framework under subsection (1) commenced after to the variations under either section 61 or 62, the housing strategy in place after such a variation.”.”.

—*Senators Patricia Stephenson, Alice-Mary Higgins.*

SECTION 16

\*32. In page 12, between lines 4 and 5, to insert the following:

**“Amendment of section 7 of Act of 2000**

16. Section 7 of the Act of 2000 is amended, in subsection (2), by the insertion of the following paragraph:

“(ja) particulars of any permission standing modified in accordance with section 44B,”.”.

\*33. In page 12, to delete lines 20 and 21 and substitute the following:

“(ii) not later than 6 months after the date on which *section 28#* of the *Planning and Development (Amendment) Act 2025* comes into operation,”.

[#This is the correct reference if amendment Nos. 3, 9, 13, 20, 25, 26, 27, 28, 29, 30, 31 and 32 are accepted.]

34. In page 12, between lines 23 and 24, to insert the following:

“(b) an explanation as to why the development has not yet commenced, a viability assessment setting out what has changed that would allow the development to commence if an extension of duration is granted, and a detailed schedule of works setting out when the various stages of development will occur,”.”.

—*Senators Maria McCormack, Conor Murphy, Chris Andrews, Joanne Collins, Nicole Ryan, Pauline Tully.*

35. In page 12, between lines 25 and 26, to insert the following:

“(c) the authority is satisfied that there were considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militated against the commencement of development.”.”.

—*Senators Alice-Mary Higgins, Patricia Stephenson.*

[SECTION 16]

36. In page 12, between lines 28 and 29, to insert the following:

“(1C) A contractor who is in receipt of State subsidies must publish an annual profit and loss account, an auditor’s report, and a balance sheet in order to qualify for funding.”,”.

—*Senators Patricia Stephenson, Alice-Mary Higgins.*

37. In page 12, between lines 28 and 29, to insert the following:

“(1C) In line with a use it or lose it principle, development must begin construction within a specified timeframe after receiving planning permission, and penalties for non-compliance will include the withdrawal of permission for the development.”,”.

—*Senators Patricia Stephenson, Alice-Mary Higgins.*

38. In page 12, between lines 28 and 29, to insert the following:

“(1C) Where a person has made an application under subsection (1) in respect of a permission that has been granted that has not commenced, that person shall not be entitled to make any further applications under subsection (1) in respect of other permissions that have been granted to that person that have not commenced until the authority is satisfied that substantial works were carried out pursuant to the permission concerned in the initial application.”,”.

—*Senators Alice-Mary Higgins, Patricia Stephenson.*

39. In page 12, between lines 28 and 29, to insert the following:

“(1C) Where a permission has been extended under subsection (1A), if substantial works have not commenced 2 years from the point the permission was granted, the permission shall expire.”,”.

—*Senators Alice-Mary Higgins, Patricia Stephenson.*

40. In page 12, between lines 28 and 29, to insert the following:

“(1C) (a) In line with a use it or lose it principle, development must begin construction within a specified timeframe after receiving planning permission.

(b) Penalties for non-compliance will include ineligibility for any extension or alteration of planning permission provided for in this Act.”,”.

—*Senators Alice-Mary Higgins, Patricia Stephenson.*

41. In page 13, between lines 20 and 21, to insert the following:

“(g) by the insertion of the following subsection:

“(7B) (a) Notwithstanding anything elsewhere in this section, a planning authority shall not grant an extension to the duration of a permission under this section, unless the Minister has amended this

[SECTION 16]

section so that it complies with the requirements and advice set out in the Progress Review provided by the Aarhus Convention Compliance Committee to Ireland, on June 10th 2024.

- (b) Notwithstanding anything elsewhere in this Act, this subsection will commence on enactment.”,”.

—*Senators Patricia Stephenson, Alice-Mary Higgins.*

42. In page 13, between lines 20 and 21, to insert the following:

“(g) by the insertion of the following subsection:

(7B) (a) Notwithstanding anything elsewhere in this section, a planning authority shall not grant an extension to the duration of a permission under this section, unless such an extension is for a minimal period only.

- (b) Notwithstanding anything elsewhere in this Act, this subsection will commence on enactment.”,”.

—*Senators Alice-Mary Higgins, Patricia Stephenson.*

43. In page 13, between lines 20 and 21, to insert the following:

“(g) by the insertion of the following subsection:

“(7B) Notwithstanding anything elsewhere in this Act, this section shall not be commenced until a time following publication by the Minister of confirmation from the Aarhus Convention Compliance Committee of the compliance of these provisions with the Aarhus Convention.”,”.

—*Senators Alice-Mary Higgins, Patricia Stephenson.*

44. In page 13, between lines 20 and 21, to insert the following:

“(g) by the insertion of the following subsection:

“(7B) (a) Notwithstanding anything elsewhere in this section, a planning authority shall not grant an extension to the duration of a permission under this section, except where—

- (i) the effect of this section in extending the duration of the permission consequent on this section will result in an alteration of a minimal period only, or

- (ii) in circumstances where the development the subject of the permission, is—

(I) a project or activity which falls within the scope of Article 6(1) of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters done at Aarhus, Denmark, on 25 June 1998, that—

(A) the public have been consulted,



(B) the requirements of the Transboundary Convention have been observed in respect of any such consultation, and

(C) that in an effective decision on whether to amend and thus extend the duration of the permission or not under subsection (6), that due consideration has been taken account of the comments and outcome received during the consultation,

and that—

(iii) all further screening determinations and assessments required to comply with the State's obligations as a member of the European Union, have been conducted and complied with given that any consideration of altering the duration of the permission under subsection (6), is effectively a revisiting of the authorising decision for the activity or development in question, including under—

(I) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment,

(II) the Strategic Environmental Assessment Directive,

(III) the Birds Directive,

(IV) the Habitats Directive, and

(V) the Water Framework Directive, in particular Article 4 thereof,

and

(iv) that consultation and assessment obligations under the Transboundary Convention have been fully complied with in the context of and decision to amend the duration of the permission under subsection (6) is effectively a revisiting of the authorisation for the activity or development in question.

(7C) (a) The Minister shall prescribe regulations for the purposes of the public consultation requirements necessitated under subsection (7B), and to identify and provide for the screening, assessment and other determinations necessary under subsection (7B).

(b) Notwithstanding anything elsewhere in this Act, this subsection will commence on enactment.”.”

—*Senators Alice-Mary Higgins, Patricia Stephenson.*

[SECTION 16]

- \*45. In page 13, lines 26 and 27, to delete “coming into operation of *section 16* of the *Planning and Development (Amendment) Act 2025*” and substitute “date on which *section 28#* of the *Planning and Development (Amendment) Act 2025* comes into operation”.

[#This is the correct reference if amendment Nos. 3, 9, 13, 20, 25, 26, 27, 28, 29, 30, 31 and 32 are accepted.]

46. In page 13, between lines 30 and 31, to insert the following:

“(10A) (a) The Minister may, by way of regulation, provide for third party observations to the planning authority on any request for an extension of duration under this section.

(b) The regulations may include provision for:

- (i) the publication of public notices, on site, in newspapers and on digital platforms, of any request for an extension of duration under this section;
- (ii) the publication, on the planning authority website, of all documents relating to the request for an extension of duration;
- (iii) an appropriate time period for the making of third-party submissions for consideration by the planning authority when considering the request for an extension of duration under this section;
- (iv) any other matters which the Minister deems relevant in accordance with the obligations of the State under the Aarhus Convention and the principles of proper planning and development.”.

—*Senators Maria McCormack, Conor Murphy, Chris Andrews, Joanne Collins, Nicole Ryan, Pauline Tully.*

*Section opposed.*

—*Senators Alice-Mary Higgins, Patricia Stephenson.*

SECTION 17

- \*47. In page 13, between lines 30 and 31, to insert the following:

**“Amendment of Part III of Act of 2000**

**17.** Part III of the Act of 2000 is amended by the insertion of the following section:

**“Modification of permission for residential development**

**44B.** (1) The holder of a permission for residential development may apply to the relevant authority who granted the permission for a certificate certifying that a proposed modification (which may include the removal or modification of a condition attached to the permission) of the permission is a permitted modification.

[SECTION 17]

- (2) An application under subsection (1) shall be in the prescribed form and shall be accompanied by—
  - (a) such revised plans and drawings, and
  - (b) such other documentation and information,as may be prescribed.
- (3) A relevant authority may, for the purpose of the performance of its functions under this section, require the holder of a permission who has made an application under subsection (1) to provide the relevant authority with such additional documentation and information as the relevant authority considers appropriate, including documentation and information necessary to enable the relevant authority to carry out a screening for appropriate assessment or a screening for environmental impact assessment of the proposed modification.
- (4) Subject to subsections (5) and (6), a relevant authority shall, not later than—
  - (a) 8 weeks after receiving an application under subsection (1), or
  - (b) 4 weeks after receiving additional documentation or information pursuant to a requirement under subsection (3),whichever occurs later, issue a certificate certifying that the proposed modification concerned is a permitted modification.
- (5) A relevant authority shall not issue a certificate under this section in respect of a permission if—
  - (a) the development for which the permission was granted has already commenced,
  - (b) an appropriate assessment or environmental impact assessment in relation to the proposed modification of the permission is required,
  - (c) the applicant for the certificate fails or refuses to comply with a requirement under subsection (3), or
  - (d) in the case of a proposed modification of permission for development in a strategic development zone, the proposed modification would cause the number of dwellings in that strategic development zone to exceed the number permitted by a planning scheme under section 169.
- (6) A relevant authority shall not issue a certificate under this section in respect of a permission unless—
  - (a) the application under subsection (1) is made before the expiration of 2 years from the passing of the *Planning and Development (Amendment) Act 2025*, and
  - (b) it is satisfied that the proposed modification of the permission to

which the application relates would, if made, be a permitted modification.

- (7) Where a relevant authority issues a certificate under subsection (4) in respect of a permission, the permission shall, on and from the date on which the certificate is issued, stand modified in accordance with the terms of the proposed modification, and references in this section to modified permission shall be construed accordingly.
- (8) Development carried out in accordance with a modified permission shall not be unauthorised development.
- (9) The modified permission concerned shall be attached to the certificate under subsection (4).
- (10) (a) A relevant authority shall, as soon as may be after a certificate is issued under subsection (4), publish in a newspaper circulating generally within the State or the functional area of the relevant authority—
  - (i) a notice—
    - (I) of the issuing of the certificate,
    - (II) of the making of any determination in relation to a screening for appropriate assessment or environmental impact assessment, and
    - (III) stating that the modified permission concerned is available for inspection—
      - (A) on the relevant authority's internet website, and
      - (B) at its offices during normal business hours,
  - and
  - (ii) a copy of the certificate,and shall also make copies of the certificate, modified permission and any such determination available for inspection by members of the public at its offices during normal business hours.
- (b) A relevant authority shall, not later than 3 working days after a certificate is issued under subsection (4), publish on its internet website—
  - (i) a notice of the issuing of the certificate,
  - (ii) a copy of the certificate,
  - (iii) a copy of any determination referred to in clause (II) of subparagraph (i) of paragraph (a), and
  - (iv) a copy of the modified permission concerned.

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- (11) A notice under subsection (10) shall include such other information (if any) as may be prescribed.
- (12) For the avoidance of doubt, there shall be no appeal to the Commission from a decision of a planning authority to issue a certificate under subsection (4).
- (13) The Minister may make regulations for the purposes of this section.
- (14) The purpose of this section is to facilitate and encourage expedited construction of greater numbers of dwellings in apartment complexes than permitted under permissions already granted, taking account of—
  - (a) the acute shortage of residential accommodation in the State,
  - (b) the rise in homelessness in the State,
  - (c) the rise in the cost of—
    - (i) residential rental accommodation, and
    - (ii) house and apartment purchase prices,in the State.
- (15) In this section—

‘guidelines’ means the Planning Design Standards for Apartments, Guidelines for Planning Authorities 2025 made by the Minister on 8 July 2025 under section 28;

‘permission’ includes a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016;

‘permitted modification’ means, in relation to a permission—

  - (a) a modification relating to—
    - (i) the mixture of apartments of different classes in the proposed development, or
    - (ii) the proportion of apartments of a particular class to apartments of another class in the proposed development,subject to the exceptions specified in specific planning policy requirement 1 of the guidelines,
  - (b) a modification relating to the floor areas of the apartments in the proposed development subject to the minimum floor area requirements specified in specific planning policy requirement 2 of the guidelines,
  - (c) a modification relating to the number of walls in each apartment in the proposed development that will have windows, subject to the minimum requirement in relation thereto specified in paragraph (i)

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of specific planning policy requirement 3 of the guidelines,

- (d) a modification relating to the internal height of each apartment in the proposed development measured from floor to ceiling, subject to the minimum requirement in relation thereto specified in specific planning policy requirement 4 of the guidelines,
- (e) a modification relating to the number of lifts or stairways in the proposed development, or
- (f) any modification of a permission consisting of the carrying out of other works (including works to footpaths, boundaries, gardens and balconies) necessary for the purposes of any of the foregoing modifications or to ensure access to the development consequent upon the completion of the development;

‘relevant authority’ means—

- (a) a planning authority, or
- (b) the Commission;

‘residential development’ means development consisting of, or primarily consisting of, the construction of a dwelling or dwellings, including a house or houses and an apartment complex.”.

*Amendments to Amendment No. 47*

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

- “(1A) The holder of a permission shall notify the public of the application by way of a site notice.
- (1B) In order to ensure adherence with the State’s obligations under the Aarhus Convention and the principles of good planning and development the relevant authority shall provide for public participation in the certification process by way of inviting written submissions on the application from interested persons or organisations, the relevant authority shall provide no less than 4 weeks from the date of the application for written submissions to be made as advertised in a relevant newspaper and on the authorities website, the relevant authority shall have regard to any submissions made when making a final decision on the request.”.

—*Senators Maria McCormack, Conor Murphy, Chris Andrews, Joanne Collins, Nicole Ryan, Pauline Tully.*

**2.** After subsection (15), to insert the following:

- “(16) A relevant authority shall not grant a certificate under this section if the modification relates to the removal or reduction of communal space or cultural space within the proposed development.”.

—*Senators Alice-Mary Higgins, Patricia Stephenson.*

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3. After subsection (15), to insert the following:

“(16) Any permitted modification shall be subject to fire safety certificates, health safety certificates and any other appropriate certifications.”.

—*Senators Alice-Mary Higgins, Patricia Stephenson.*

4. After subsection (15), to insert the following:

“(16) Any permitted modifications to the mixture of apartments of different classes in the proposed development shall require a varied mix of different classes of apartments.”.

—*Senators Alice-Mary Higgins, Patricia Stephenson.*

5. After subsection (15), to insert the following:

“(16) Any certificate granted under this section shall expire within 6 months if substantial works have not commenced on the proposed development.”.

—*Senators Alice-Mary Higgins, Patricia Stephenson.*

6. After subsection (15), to insert the following:

“(16) Notwithstanding anything else in this Act, this section will expire by January 1st 2027.”.

—*Senators Alice-Mary Higgins, Patricia Stephenson.*

- \*48. In page 13, between lines 30 and 31, to insert the following:

**“Amendment of section 144 of Act of 2000**

18. Section 144 of the Act of 2000 is amended, in subsection (1A), by the insertion of the following paragraph:

“(l) an application under section 44B;”.

- \*49. In page 13, between lines 30 and 31, to insert the following:

**“Amendment of section 246 of Act of 2000**

19. Section 246 of the Act of 2000 is amended, in subsection (1), by the substitution of the following paragraph for paragraph (a):

“(a) the payment to planning authorities of prescribed fees in relation to applications—

- (i) for permission under Part III,
- (ii) for extensions or further extensions under section 42, or
- (iii) under section 44B;”.

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*Amendment to Amendment No. 49*

1. To delete all words from and including “by” down to and including “section 44B,”.” and substitute the following:

“by the insertion of the following paragraph after paragraph (a):

“(aa) The Minister in making regulations for the prescribing of fees under paragraphs (b), (c) or (ca), shall comply with the requirement, and require compliance by any body proposing or setting such fees, that such fees shall not be prohibitively expensive for the party making a submission, observation, request, or application as the case may be,”.”.

—*Senators Patricia Stephenson, Alice-Mary Higgins.*

- \*50. In page 13, between lines 30 and 31, to insert the following:

**“Amendment of Local Government Act 2001**

20. (1) Schedule 14A of the Local Government Act 2001 is amended, in Part 2, by the insertion of the following:

“

12A	A decision in relation to the amendment of a local area plan that by virtue of section 81 of the Act of 2024 continues in force on and after the repeal of Part II of the Act of 2000.	Section 81 of the Act of 2024
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”.

- (2) Schedule 7 of the Principal Act is amended by the deletion of that part of the amendment of Part 2 of Schedule 14A of the Local Government Act 2001 specified in the said Schedule 7 consisting of the following:

“

12A	A decision in relation to the making, amendment or revocation of an urban area plan, a priority area plan or a coordinated area plan.	Section 74, 75 or 76 of the Act of 2024
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”.”.

- \*51. In page 13, between lines 30 and 31, to insert the following:

**“Amendment of Urban Regeneration and Housing Act 2015**

21. (1) Section 3 of the Urban Regeneration and Housing Act 2015 is amended by the insertion of the following definition:

“ ‘core strategy’ means a core strategy in—

(a) a development plan—

(i) continued in force by virtue of section 68 of the Act of 2024, or

(ii) prepared, or varied, in accordance with section 69 of that Act,



or

(b) an integrated overall strategy under section 43 of that Act;”.

- (2) Schedule 7 of the Principal Act is amended by the deletion of that part of the amendment of section 3 of the Urban Regeneration and Housing Act 2015 specified in that Schedule consisting of the insertion of the definition of “core strategy”.”.

*Amendment to Amendment No. 51*

- I. In paragraph (a)(ii), after “Act,” to insert the following:

“where such a core strategy only has effect following the variation under section 69, and prior any such variation, the core strategy is the core strategy prior to such variation,”.

—*Senators Patricia Stephenson, Alice-Mary Higgins.*

- \*52. In page 13, between lines 30 and 31, to insert the following:

**“Amendment of Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024**

22. (1) Section 29 of the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024 is amended, in subsection (1), by the substitution of the following definition for the definition of “Limerick City and County Development Plan”:

“ ‘Limerick City and County Development Plan’ means a development plan relating to Limerick for the time being in force—

- (a) made under Chapter 5 of Part 3 of the Act of 2024,  
(b) continued in force by virtue of section 68 of the Act of 2024, or  
(c) prepared, or varied, in accordance with section 69 of the Act of 2024;”.

- (2) Schedule 7 of the Principal Act is amended by the deletion of that part of the amendment of subsection (1) of section 29 of the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024 specified in that Schedule consisting of the amendment of the definition of “Limerick City and County Development Plan”.”.

53. In page 13, between lines 30 and 31, to insert the following:

**“Report on Restructuring of Uisce Éireann**

17. (1) The Minister shall, within 12 months of the passing of this Act, lay a report before the Houses of the Oireachtas with plans for how Uisce Éireann could be downsized.  
(2) The report shall include details on how local authorities can manage local water supply services with major infrastructural projects remaining under Uisce Éireann’s remit and how it can be structured into several divisions to manage its diverse

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responsibilities.”.

—*Senator Sharon Keogan.*

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\*54. In page 13, line 33, to delete “commencement” and substitute “coming into operation”.

\*55. In page 13, line 35, to delete “commencement” and substitute “coming into operation”.

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56. In page 14, after line 18, to insert the following:

**“Report on extensions**

18. Every six months, after the passing of this Act, the Minister shall lay before the Houses of the Oireachtas a report on the operation of the extension of duration detailing the number of developments that have availed of the extensions, the number of units granted extensions that have commenced and the number of units that have been completed.”.

—*Senators Maria McCormack, Conor Murphy, Chris Andrews, Joanne Collins,  
Nicole Ryan, Pauline Tully.*

TITLE

\*57. In page 3, to delete lines 5 and 6 and substitute the following:

“An Act to amend the Planning and Development Act 2024, the Planning and Development Act 2000 and certain other enactments; and to provide for matters connected therewith.”.