



An Bille um Pleanáil agus Forbairt (Leasú), 2026
Planning and Development (Amendment) Bill 2026

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Explanatory Memorandum



**AN BILLE UM PLEANÁIL AGUS FORBAIRT (LEASÚ), 2026
PLANNING AND DEVELOPMENT (AMENDMENT) BILL 2026**

EXPLANATORY MEMORANDUM

GENERAL AND INTRODUCTION

Purpose of the Bill

The Planning and Development (Amendment) Bill 2026 amends the Planning and Development Act 2000 (Act of 2000) and the Planning and Development Act 2024 (Act of 2024) and other enactments, as appropriate.

The purpose of the Bill is primarily to support and assist in the smooth commencement of the remaining provisions of the Act of 2024, later in 2026 and to:

- Amend Part 3 of the Act of 2024 to allow for the timely transition to the revised Statutory Plans process, particularly to allow for the introduction of 10-year City and County Development Plans (Development Plans), and ensure that the transitional measures provided for will operate as originally intended, in line with the hierarchy of plan making by:
 - Providing a deadline for the making of the three Regional Spatial and Economic Strategies (RSEs) under the Act of 2024;
 - Enabling planning authorities to amend the period of their current development plans, including extensions, for a defined maximum period where necessary;
 - Providing for the designation of towns with populations of 10,000 or more as Key Towns.
- Amend Part 9 of the Act of 2024 to speed up the implementation of the new procedural rules for planning Judicial Review; introduced in the Act of 2024, by also applying these rules to any remaining acts done or decisions made under the Act of 2000;
- Amend Part 4 of the Act of 2024 to speed up the delivery of critical infrastructure projects, including measures committed to in the *Accelerating Infrastructure Taskforce Report and Action Plan 2025*;
- Amend Part 4 of the Act of 2024 to allow for the alteration of an existing permission for apartments in accordance with appropriate apartment design standards;
- Make amendments, on a no-policy change basis, to ensure the alignment of Part 4, Part 21 and Part 22 of the Act of 2024 with the environmental assessment procedures in Part 6 of the Act of 2024.

- Provide technical amendments to the Act of 2024 to increase clarity, correct typographical errors and assist with the commencement of the remaining provisions of the Act of 2024 in 2026;
- Amend the Housing Finance Agency Act 1981 providing for an increase to the statutory borrowing limit of the Housing Finance Agency, from €13,500,000,000 to €15,000,000,000.

Provisions of Bill

The provisions of the Bill can largely be grouped into five main themes:

Amendments to Part 3 of the Act of 2024

This Bill provides a 90-week deadline for the completion of the RSES review processes and ensures that the current reviews are completed by end 2027.

The Bill allows for the current Development Plans to remain in force on a transitional basis, until no later than a specified date between February and December 2030. The relevant date for this purpose is linked to the date on which the relevant Development Plan was made under the Act of 2000. In line with the hierarchy of plan making, the revised end date should act as a trigger for the completion of review of the Development Plans under the Act of 2024 and thereby the timely introduction of 10-year Development Plans. These reviews are expected to commence between July 2027 and May 2028 and be completed in advance of the revised expiration date of the Development Plans made under the Act of 2000.

The Bill provides for the designation of towns with populations of 10,000 or more as Key Towns.

The Bill introduces further transitional arrangements for the transition from the Act of 2000 to the Act of 2024.

Amendments to Part 9 of the Act of 2024

This Bill will speed up the implementation of the new procedural rules for planning Judicial Review introduced in the Act of 2024 by making the following amendments:

- Applying Chapter 1 of Part 9 of the Act of 2024 to decisions made or acts done under the Act of 2000 where specified procedures are commenced under the Act of 2000 after the date of coming into operation of the Planning and Development (Amendment) Bill 2026;
- Extending the suspension of the duration of permissions due to judicial review in section 180 of the Act of 2024 to permissions under the Act of 2000 that will be subject to judicial review under Chapter 1 of Part 9 of the Act of 2024.

Amendments to Part 4 of the Act of 2024 related to critical infrastructure projects

The Bill includes a number of amendments to Part 4 to speed up the delivery of critical infrastructure projects, including measures committed to in the *Accelerating Infrastructure Taskforce Report and Action Plan 2025* and provides:

- A definition of “material contravention” of the Development Plan to clarify what constitutes a material contravention for the purpose of assessing and determining a planning application. This definition recognises that the process is one that requires an assessment that balances a range of complex considerations in arriving at such a

determination and, in view of this complexity, the basis for invoking the material contravention process is clarified.

- Amendment to the eligibility requirements for making certain planning applications in order to clarify the capability of the applicant to make an application;
- Additional flexibility so that a Statutory Undertaker may make a planning application for the distribution of electricity under Chapter 3 of Part 4 and have the development treated as “standard development”, rather than “Chapter 4 development”, as may be applicable;
- An amendment to speed up and streamline certain application processes for development that is wholly or partially in a Maritime Area, by removing the requirement to have a Maritime Area Consent (MAC) and other consents prior to entering into the “Chapter 4 development” planning process, specifically the pre-application consultation process;
- Transitional arrangements for consultations in respect of electricity transmission lines or strategic gas infrastructure carried out under section 182E of the Act of 2000 to be deemed pre-application under the Act of 2024.

The Bill will also make amendments to allow for the alteration of an existing permission for apartments which is in accordance with appropriate apartment design standards. Agile application of appropriate apartment design standards to permissions already granted (including, where relevant, the development of a greater numbers of dwellings in apartment complexes) will help support the viability of the development of such apartments in the immediate term.

Amendments for the alignment of Parts 4, 21 and 22 with Part 6

The Bill provides a number of amendments, on a no-policy change basis, to Part 4, Part 6, Part 21 and Part 22 to clarify the role of competent authority and the environmental screening obligations for both Appropriate Assessment (AA) and Environmental Impact Assessment (EIA) in respect of retention permission, retrospective consent, Local Authority Development, State Authority Development, planning schemes (Part 21) and development schemes (Part 22).

Technical Amendments and miscellaneous

The Bill provides a number of technical amendments to correct cross-references, typographical errors and to clarify the existing text without changing its intent. It also amends the Housing Finance Agency Act 1981 in respect of the statutory borrowing limit of the Housing Finance Agency.

The Bill consists of 149 sections set out in 4 Parts.

PART 1

PRELIMINARY AND GENERAL

This Part contains provisions of a general nature, including definitions, citation, commencement and repeals.

Section 1 contains the standard provisions about short title and collective citation for a listing of acts included or previously included in the collective citation. It also provides for the coming into operation of the provisions of the Act. It will allow different provisions to be brought into operation on different days.

Section 2 provides definitions for terms used in the Bill.

Section 3 provides for the repeal of the Vacant Site Levy provisions in the Urban Regeneration and Housing Act 2015 as they have been superseded by the Residential Zoned Land Tax.

PART 2

AMENDMENT OF PRINCIPAL ACT

This Part amends the Principal Act (Planning and Development Act 2024) (Act of 2024).

Chapter 1 and 2 – Amendments of Part 1 and Part 2

Section 4 amends section 2 of the Act of 2024. This section includes a transitional measure in the definition of “exempted development” to allow for planning exemptions under the Act of 2000 to continue in force under the Act of 2024 until such time as they are repealed and replaced. It also corrects a typographical error in the definition of “strategic environmental assessment”.

Section 5 rewrites section 3 of the Act of 2024 for consistency with other more recent legislation. The effect of the section has not changed.

Sections 6, 7 and 8 correct typographical errors and cross-references.

Chapter 3 – Amendments of Part 3

Sections 9, 13 and 20 amend sections 17, 29 and 46 of the Act of 2024 in respect of key towns and provides for the designation of towns with populations of 10,000 or more as “Key Towns”. The designation of key towns will remain a matter for the respective Regional Assemblies to address through their Regional Spatial and Economic Strategies and may include towns with a population of under 10,000 in certain circumstances. The amendment to section 46 re-writes the text for clarity without changing its effect.

Sections 10, 11, 12, 18 and 25 include amendments changing references from “days” to “working days”.

Section 14 amends section 32 of the Act of 2024 to provide a 90-week deadline for the completion of a RSES Review.

Section 15 amends section 36 of the Act of 2024 to provide that a regional assembly need only prepare a report on the consistency of their RSES with any National Planning Policies and Measures (NPPMs) contained in a new National Planning Statement (NPS), if so directed by the Office of the Planning Regulator. This reflects the fact that not all NPSs will be relevant to a RSES in the same way as they are relevant to a Development Plan.

Sections 16 and 23 amend sections 37 and 62 of the Act of 2024 to clarify that if the expedited amendment process (following the issuing of a new NPS) cannot be used to amend a RSES/ Development Plan, that RSES/ Development Plan shall be revised under section 32/section 58 of the Act of 2024. The expedited amendment process cannot be used where the revision would require Strategic Environmental Assessment (SEA) or Appropriate Assessment (AA).

Sections 17, 24 and 30 relate to the Ministerial direction process (sections 38, 63 and 78 of the Act of 2024) for a RSES, Development Plans and Area Plans and clarify the notification requirements where the Office of the Planning Regulator considers that a direction is not required.

Sections 18, 25 and 31 include amendments to sections 39, 64 and 79 of the Act of 2024 to clarify SEA and AA requirements before issuing a draft direction.

Section 19 amends section 42 of the Act of 2024 to ensure that Development Plans are commenced at an appropriate time to allow them to be completed within the timelines set out in the Act. It also provides the time-period for the commencement of the first review of a Development Plan under the Act of 2024.

Section 21 amends the time periods in section 55(18) of the Act of 2024 to accurately reflect the time required to complete a Development Plan review.

Section 22 amends section 59 of the Act of 2024 and clarifies the correct cross-references that should apply on a no-policy change basis.

Section 26 amends section 65 of the Act of 2024 to clarify the transitional arrangement for Development Plan direction processes initiated under the Act of 2000.

Section 27 amends section 68 of the Act of 2024 to allow for the amendment of the expiry dates of current Development Plans in connection with the transition to 10-year Development Plans under the Act of 2024.

Section 28 amends section 69 of the Act of 2024 to provide that notices issued under section 11 of the Act of 2000 in respect of a review of a Development Plan under the Act of 2000 cease to have effect.

Section 29 amends section 71 of the Act of 2024 to provide that the requirement to make Urban Area Plans does not apply to Development Plans originally made under the Act of 2000. The first Urban Area Plans should be made further to a Development Plan made under the Act of 2024.

Chapter 4 – Amendments of Part 4

Section 32 amends section 82 of the Act of 2024 to provide a definition of “material contravention” in relation to Development Plans. It also changes “mscm” to “million standard cubic metres” for clarity.

Sections 33, 34, 36, 37, 38, 40, 42, 43, 47, 48, 49, 50, 52, 56, 57, 59, 65, 66, 68, 69, 70, 71, 72, 73 and 75 make minor amendments to cross-references and text for clarity, and to correct typographical errors.

Section 35 amends section 85 of the Act of 2024 to clarify the eligibility requirements for the making of certain planning applications, including those made by or on behalf of Statutory Undertakers, to streamline the process for applying for planning permission without changing the requirements, or pre-determining the outcome, of the planning application process itself.

Section 39, 40, 45, and 56 include amendments changing references from “days” to “working days”.

Sections 41, 44, 45, 46, 51, 58, 60 and 64 amend Part 4 of the Act of 2024 to clarify the environmental assessment provisions.

Section 53 amends section 115 of the Act of 2024 and provides additional flexibility so that where development for the distribution of electricity would otherwise fall to be dealt with solely under the definition of “Chapter 4 development”, a Statutory Undertaker has the option of making the application under Chapter 3 of Part 4 and of having the development treated as “standard development”.

Section 54 amends section 116 of the Act of 2000:

- To speed up and streamline certain application processes for development that is wholly or partially in a Maritime Area, by removing the requirement to have a Maritime Area Consent (MAC) and other consents prior to entering into relevant “Chapter 4 development” planning processes, specifically the pre-application consultation process;
- To ensure pre-application consultations apply to retrospective consent applications by referring to “development” as well as “proposed development”.

Section 55 amends section 117 of the Act of 2024 to provide a transitional arrangement for consultations in respect of electricity transmission lines or strategic gas infrastructure carried out under section 182E of the Act of 2000 to be deemed pre-application under the Act of 2024.

Section 61 amends section 138 of the Act of 2024 to include a cross reference to new section 138A of the Act of 2024 as provided for in *section 62*.

Section 62 inserts a new section 138A into Chapter 5 of Part 4 of the Act of 2024 in relation to alterations of existing permissions allowed for purpose of alleviating shortage of residential accommodation. This provision allows for the alteration of an existing permission for apartments which is in accordance with appropriate apartment design standards.

Section 63 amends section 141 of the Act of 2024 and provides that where the duration of a permission has been extended under the Act of 2000, the total duration of any extensions under the Act of 2000 plus any extension under the Act of 2024 cannot exceed an extension of a period more than a period equal to the original period of permission.

Section 67 amends section 155(1) of the Act of 2024 to remove the ability for a Government Minister to specify a “class of development” as Chapter 6 emergency development by order. No provision has been made to screen a class of development for Appropriate Assessment or Environmental Impact Assessment in accordance with Part 6 of the Act in order to satisfy subsection (1)(b) of section 155 and therefore such an order could not be made. The ability for a Government Minister to specify a particular development as Chapter 6 emergency development by order remains.

Section 74 amends section 180 of the Act of 2024 to apply the suspension of duration provisions provided under that section to judicial review proceedings taken under Chapter 1 of Part 9 as modified by the proposed section 303A of the Act of 2024 to be inserted by *section 115*.

Chapter 5 – Amendments of Part 5

Sections 76, 77 and 78 amend Part 5 of the Act of 2024 to provide that the Competent Authority has sufficient time before a draft regulatory decision is required to be made, to apply the Balanced Approach to any counterproposals submitted by an applicant in respect of noise at an airport. It also includes corrections to minor typographical errors.

Chapter 6 – Amendments of Part 6

Section 79 inserts a new section 197A into the Act of 2024 which provides that the Commission does not need to screen for Appropriate Assessment (AA) or Environmental Impact Assessment (EIA) in respect of an application for retrospective consent if the planning authority has

already determined as part of an application for retention permission that an AA or EIA, as the case may be, is required in respect of that development.

Section 80 amends section 198 of the Act of 2024 and clarifies the Competent Authority for Appropriate Assessment (AA) of Plans and includes a Competent Authority for planning schemes (Part 21) and development schemes (Part 22).

Sections 81, 82, 83, 84, 85, 86, 87, 88, 93, 94, 95, 96, 97, 98, 99, 101, 104, 105, 106, 107, 108, 109, 110, 111 and 112 -

- make minor amendments to cross-references or text for clarity,
- correct typographical errors including amendments to add appropriate cross-references to Part 22 where required,
- amend provisions of Part 6 of the Act of 2024 to ensure consistency with other more recent legislation, and
- provide Regulation making powers to provide time limits for making EIA screening determinations and EIA scoping opinions.

Section 89 amends section 208 of the Act of 2024 and clarifies the Competent Authority for Appropriate Assessment (AA) of development consent for local authority development, state authority own development, retrospective consent and “section 10” declarations.

Sections 90 and 100 amend section 211 (AA) and section 223 (EIA) of the Act of 2024 to take account of the fact that for “Chapter 4 local authority development” or “Chapter 4 State authority development”, AA and EIA screening will have been carried out by the local or state authority and not the competent authority for granting the permission (An Coimisiún Pleanála).

Sections 91, 92, 102 and 103 amend sections 212 and 213 (AA), and sections 229 and 230 (EIA), of the Act of 2024 to:

- Clarify that a local authority or state authority will screen Chapter 4 local authority or state authority development;
- Allow An Coimisiún Pleanála to screen retrospective consent applications for AA/ EIA;
- Provide that AA and EIA screening for emergency or urgent development is not subject to appeal, as is the case under the Act of 2000;
- Provide a Regulation making power to specify the manner and period in which an appeal of AA and EIA screening should be brought.

Section 92 and 107 include amendments changing references from “days” to “working days”.

Chapter 7 – Amendments of Part 7

Sections 113 and 114 correct technical errors by deleting section 251(1) (d) of the Act of 2024, by removing references to “site” in sections 251 and 252 and by substituting the subsection (6) in section 252 of that Act.

Chapter 8 – Amendments of Part 9

Section 115 inserts a new section 303A in Chapter 3 of Part 9 of the Act of 2024 in order to apply the new procedural rules for Judicial Review in Chapter 1 of Part 9 to decisions made or acts done under the Act of 2000 for a range of specified procedures, where those procedures are initiated after section 303A comes into operation.

- Subsection (1) of *section 115* provides that Chapter 1 of Part 9 will apply to decisions made or acts done in the performance, or purported performance, of a function under the Act of 2000, or an alleged failure to perform such a function, by an ‘Act of 2000 body’ in respect of an ‘Act of 2000 procedure’.
- Subsection (2) of *section 115* modifies Chapter 1 of Part 9 so that it can apply and can operate in relation to an ‘Act of 2000 body’ in respect of an ‘Act of 2000 procedure’.
- Subsection (4) of *section 115* contains definitions for:
 - “Act of 2000 body”: The same bodies listed under section 50(2) of the Act of 2000 are brought into scope for the purposes of section 303A of the Act of 2024. While Part 9 of the Act of 2024 applies to bodies that are additional to those specified in section 50(2) of the Act of 2000 (see the definition of “relevant body” in section 278 of the Act of 2024) only those bodies currently covered by section 50 of the Act of 2000 will be relevant for the purposes of section 303A.
 - “Act of 2000 procedure”: Section 303A will be applicable to procedures under the Act of 2000 that are initiated by way of the specified ‘triggers’ listed under this definition. For example, where an application for permission under section 34 of the Act of 2000 is made before section 303A comes into operation, any corresponding judicial review proceedings in respect of that application will take place by way of section 50 and 50A of the Act of 2000. Where an application for permission under section 34 of the Act of 2000 is made after section 303A comes into operation, any corresponding judicial review proceeding will take place under Chapter 1 of Part 9 as modified by the proposed section 303A.

Chapter 9 – Amendments of Part 10

Section 116 replaces the term “area plan”, that is undefined under the Act of 2024, with the correct terms “urban area plan”, “priority area plan” and “coordinated area plan”.

Chapter 10 – Amendments of Part 12

Section 117 amends the definitions of “appeals” and “party” in section 358 of the Act of 2024 to include planning scheme appeals, development scheme appeals and to add development agencies as a party. These definitions are also amended to include cross-references to section 460(2) of the Act of 2024 relating to compensation referrals to An Coimisiún Pleanála regarding the maritime area.

Section 118 amends section 371 of the Act of 2024 and adds a cross-reference to section 460(2) of the Act of 2024 previously omitted.

Section 119 corrects a minor typographical error by inserting a comma between the words “strategic” and “economic” in section 380 of the Act of 2024.

Chapter 11 – Amendments of Part 15

Section 120 corrects a minor typographical error in the title of the Maritime Area Regulatory Authority in section 470 of the Act of 2024.

Chapter 12 – Amendments of Part 6

Section 121 inserts a transitional provision in section 480 of the Act of 2024 relating to the continuing in force of existing codes of practice for the purposes of event licensing.

Chapter 13 – Amendments of Part 17

Section 122 corrects a minor typographical error by deleting a duplicate word “as” from section 500 of the Act of 2024.

Section 123 inserts a missing cross-reference to section 432(7) in section 522 of the Act of 2024.

Chapter 14 – Amendments of Part 18

Section 124 inserts a reference to the appointment of the Advisory Board of the Office of the Planning Regulator (OPR) in section 545 of the Act of 2024 in order to provide for the commencement of that section. This allows for a new OPR strategy statement to be made under the Act of 2024.

Sections 125, 126 and 127 correct minor typographical errors in sections 546, 548 and 569 of the Act of 2024 by replacing the word “Polices” with the word “Policies”.

Chapter 15 – Amendments of Part 20

Section 128 amends section 584(9) of the Act of 2024 to clarify that a grant of permission may also include a condition requiring the payment of a special contribution, as envisaged in subsection (10) and as is currently provided for in section 48(1) and (2) of the Act of 2000.

Section 129 amends section 588 of the Act of 2024 in order to refer only to “submissions” made under Part 4, Part 5 and Part 6 which relate to development consent applications. “Observations” is being deleted as where it is used in Part 4, such observations should not be within scope of section 588 e.g. observations from a Transboundary Convention State, from the Commission of Regulation of Utilities or by a Chief Executive of a local authority.

Section 129 also provides for an exclusion from the scope of section 588 for listed bodies which are entitled to be given notice of certain planning applications and invited to make observations due to their specific functions. This amendment includes a Regulation making power to exclude such other bodies that may arise in the future from scope of section 588.

Chapter 16 – Amendments of Part 21

Section 130 amends section 590(2) of the Act of 2024 to clarify that the revocation or amendment of an Order which designated a Strategic Development Zone (SDZ) should be done under a Government Order.

Chapter 17 – Amendments of Part 22

Section 131 amends section 607 of the Act of 2024 to align these provisions with Part 6 of that Act.

Section 132 amends section 609 of the Act of 2024 to correct cross-references relating to notifications of the decision by the Office of the Planning Regulator not to issue a draft direction. It also aligns this provision with Part 6 and provides that “makes” in the context of a scheme includes a scheme deemed to be made in accordance with subsection (3) of section 609.

Sections 133, 134, 135 and 136 amend sections 610, 612, 614 and 616 of the Act of 2024 to align these provisions with Part 6.

Chapter 18 – Amendments of Schedules

Section 137 changes “mscm” to “million standard cubic metres” for clarity.

Section 138 is required as subparagraph (a) of paragraph 14 of Part 2 of Schedule 3 to the Act of 2024 incorrectly references section 455 in relation to a decision to refuse permission. Compensation is payable under section 456 in relation to a refused permission.

Section 139 is linked to the amendment at *section 32* of the definition of “material contravention” and ensures that contraventions other than material contravention are a reason for a refusal of permission that would not give rise to compensation.

PART 3

AMENDMENT OF OTHER ENACTMENTS

This Part provides for amendments to other enactments

Section 140 provides for definitions.

Section 141 amends the Derelict Sites Act 1990 and is a consequential amendment to *section 3* which repeals the Vacant Site Levy provisions in the Urban Regeneration and Housing Act 2015, as they have been superseded by the Residential Zoned Land Tax.

Section 142 is a technical amendment to section 50(2)(b) of the Act of 2000 as Commission (as meaning An Coimisiún Pleanála) is referred to but not defined in that Act. New subsection (10) provides that section 50 is subject to new Section 50AA (inserted by *Section 144*).

Section 143 amends section 50A of the Act of 2000 at a new subsection (16) to provide that section 50A is subject to new Section 50AA (inserted by *Section 144*).

Section 144 inserts a new Section 50AA into the Act of 2000 which corresponds to the amendment at *Section 115* inserting new section 303A of the Act of 2024. The combined effect of these amendments is to apply the new procedural rules for Judicial Review in Chapter 1 of Part 9 to decisions made or acts done under the Act of 2000 for a range of specified procedures, where those procedures are initiated after section 303A comes into operation and to accordingly disapply sections 50 and 50A of the Act of 2000 in such circumstances where section 303A applies.

Section 145 is a correction to a number of incorrect cross-references in the consequential amendment to the Water Services Act 2007 set out in Item 29 of Schedule 7 to the Act of 2024, which will be substituted by this provision.

Section 146 is a correction to an incorrect cross-reference in the consequential amendment to the Maritime Area Planning Act 2021 set out in Item 58 of Schedule 7 to the Act of 2024, which will be substituted by this provision.

Section 147 is a correction to an incorrect cross-reference in the consequential amendment to the Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023 set out in Item 66 of Schedule 7 to the Act of 2024, which will be substituted by this provision.

Section 148 amends section 35 of the Planning and Development (Amendment) Act 2025, which is a technical amendment to ensure references in the Act of 2000 include references to similar terms in the Act of 2024 on commencement of Part 3 of the Act of 2024. This further technical amendment clarifies that the construal should also apply where an Act of 2000 provision is repealed but continues to have effect by way of a transitional provision under the Act of 2024.

PART 4

AMENDMENT TO THE HOUSING FINANCE AGENCY ACT 1981

This Part amends the Housing Finance Agency Act 1981 (Act of 1981)

Section 149 amends section 10(3) of the Act of 1981 providing for an increase to the statutory borrowing limit of the Housing Finance Agency, from €13,500,000,000 (as amended by the Housing Finance Agency (Amendment) Act 2025 effective 28 October 2025) to €15,000,000,000.

*An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta,
Meitheamh, 2026.*

