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DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

SEANAD ÉIREANN

TUAIRISC OIFIGIÚIL—*Neamhcheartaithe*
(OFFICIAL REPORT—*Unrevised*)

SEANAD ÉIREANN

Dé Máirt, 15 Iúil 2025

Tuesday, 15 July 2025

Chuaigh an Cathaoirleach i gceannas ar 2.30 p.m.

Machnamh agus Paidir.
Reflection and Prayer.

Gnó an tSeanaid - Business of Seanad

An Cathaoirleach: I have received notice from the following Senators that they propose to raise the following matters:

Senator Joe Conway - The need for the Minister for Foreign Affairs and Trade to make a statement on the Government's plans to remediate the significant decline in Irish personnel in European Union institutions.

Senator Imelda Goldsboro - The need for the Minister of State with special responsibility for mental health to ensure the future sustainability of the Cluain Training and Enterprise Centre in Clonmel, County Tipperary.

Senator Fiona O'Loughlin - The need for the Minister for Health to provide an update on Teach na nDaoine centre in Kilcullen, County Kildare.

Senator Nessa Cosgrove - The need for the Minister for Health to make a statement on the standardisation of signage available to local authorities relating to the presence of ticks and the risk of contracting Lyme disease.

Senator Teresa Costello - The need for the Minister for Social Protection to review the time-frame for applications for partial capacity benefit to include people who find themselves unable to work to their full capacity after they return to work.

Senator Margaret Murphy O'Mahony - The need for the Minister for Social Protection to review the prolonged delays in the domiciliary care allowance appeals process.

Senator Tom Clonan - The need for the Minister for Health to make a statement on child safeguarding in the HSE West and North West mental health services arising from the non-disclosure of information to Tusla.

Senator Robbie Gallagher - The need for the Minister for Transport to make a statement on the delays for driving tests in counties Monaghan and Cavan.

The matters raised by the Senators are suitable for discussion and I have selected Senators Conway, Goldsboro, O'Loughlin and Cosgrove and they will be taken now. The other Senators may give notice on another day of the matters that they wish to raise.

I welcome the Minister of State, Deputy Troy, to the House. He is most welcome. The first Commencement matter is from Senator Conway.

Nithe i dtosach suíonna - Commencement Matters

European Union

Senator Joe Conway: I feel that I am in a midlanders' get-together today. It is the first time I have had the pleasure to meet face to face with the Minister of State, Deputy Troy, who I think hails from Ballinacarrigy, County Westmeath. Am I right? I am. It is not too far down the road from the village of Ardagh, County Longford, where I was born and raised, and from Colehill, where I lived for a little while. Of course, I also see Senator Flaherty here from Longford, who is another doughty character in the Seanad.

I will get down to business. Ireland is confronting a significant decline in its staffing representation in European Union institutions, a trend that poses a threat to its influence and the status of the Irish language itself at European Union level. Approximately one third of Irish officials in EU roles are expected to retire by next year, 2026, yet the pipeline for replacements is seriously deleterious to efforts to deal with this attrition rate. For every four Irish officials retiring from high-ranking Commission positions, only one has succeeded in passing the EU recruitment process. This shortage is particularly acute among Irish-language professionals. Since our language achieved full official and working status in the EU in 2022, there has been a surge in demand for Irish-language interpreters, translators and lawyer-linguists. However, our European Union institutions report a critical shortage of qualified Irish-language professionals. As the Minister of State and the Members know well, the recruitment process for EU civil service roles is rigorous and requires proficiency in at least two EU languages with a third language often necessary. For Irish-speaking roles, total fluency rather than just proficiency in both Irish and English is essential. The pool of candidates who possess perfect Irish and another EU language to a high level as well as the requisite skills, which often include legal qualifications, and who are willing to relocate to Brussels is exceedingly small. It is a lot of qualifications. We are probably talking about a figure in the low double digits, approximately 10%.

Our Government's policy compounds this problem. Irish civil servants have been denied the opportunity to take up EU roles on secondment, forcing candidates to decline positions for which they are well qualified. Moreover, the Government has not implemented strategic initiatives to upskill individuals to take up these roles such as promoting secondment from the existing ranks of the Civil Service or training Irish speakers in a third EU language. This lack of strategic foresight risks an irreversible erosion of Ireland's influence at EU level. That is particularly true in the wake of Brexit. I contend that this has already diminished Ireland's soft power in Brussels. The Government's recent failure to nominate both a male and female candidate for the role of EU Commissioner, despite the Commission's request, has further damaged

the State's credibility.

As Ireland prepares to assume the EU Presidency in 2026, this diminishing presence in the EU institutions reflects poorly on the nation's commitment to and presence in the EU. After these sins of omission, as we once called them in the catechism, what of our purpose of amendment? At the stroke of a pen, the Government could go some way towards alleviating the shortfall by enabling and promoting Civil Service secondments to EU institutions and upskilling workers in EU languages. Why is the Government neglecting to do this basic work?

Minister of State at the Department of Finance (Deputy Robert Troy): I thank the Senator for highlighting our home area and the beautiful villages of Ardagh and Colehill. While he may have left those areas, I can report that they are ably represented by Councillor Mick Cahill and Senator Joe Flaherty.

I thank the Senator for raising this important matter. Ireland faces a challenge at present in maintaining its internal influence in the EU. The reasons for this include but are not exclusive to recent and upcoming retirements of Irish officials at the most senior levels within the institutions. While I thank the Senator for raising this issue, I refute the statement that the Government is doing nothing. In fact, the programme for Government commits to deliver on plans to increase the number of Irish people applying for positions in the institutions of the EU, including through a communications campaign targeted at school leavers and graduates highlighting the opportunities available and a partnership with third level providers to do the same.

In recognition of this dual challenge, a strategy to increase Irish representation within the EU institutions and agencies, A Career for EU, was launched in May 2021. Through this strategy, the Government actively promotes EU jobs and aims to increase the number of Irish people employed within EU institutions. The strategy, which is managed by the Department of Foreign Affairs and Trade, includes a number of elements aimed at encouraging Irish citizens to apply for posts in the EU institutions. It also offers direct assistance for competitions, including dedicated training for assessment centres. The strategy aims to significantly increase the number of Irish officials in both permanent and temporary positions within the EU. This is done through increased promotion and outreach to secondary and third level students to raise awareness of EU career opportunities. A dedicated EU careers portal accessible on *ireland.ie/en/eu-jobs* provides information on EU jobs and the supports available to all Irish applicants.

The Minister of State with responsibility for European affairs, Deputy Thomas Byrne, who leads on the EU jobs strategy working with officials in the Department, has been proactive in driving this agenda forward. The Minister of State raises the issues regularly with senior EU officials to see what more can be done to increase the Irish uptake of positions in the EU institutions. In a recent meeting with the Commissioner with responsibility for these issues, Commissioner Serafin, the Minister of State raised the issue and discussed options for increasing the level of Irish staffing. In recent months, he has met with the director general for human resources of the European Commission and the director of the European Personnel Selection Office, EPSO. He has engaged with Irish staff working across the institutions to update them on the Government strategy and to hear from them on how Ireland can further assist them in their careers. The Minister of State will continue to champion this issue in meetings with EU counterparts.

The Government invests significantly in the support of EU representation through central funding for seconded national experts and the EU jobs campaign. We are backing our ambi-

tions with concrete support. The Department of Foreign Affairs and Trade offers candidates assistance at all stages of the recruitment process, including assistance with preparing for preliminary tests and the provision of training packs for EPSO competition reasoning tests in partnership with EU training and the Irish language supports. The Department of Foreign Affairs and Trade also facilitates secondments under the seconded national experts, SNE, programme when vacancies for positions in the European Commission and across the various EU institutions arise. Currently, there are more than 40 officials from almost all Departments as well as a number of agencies whose placements are supported under the SNE programme. We aim to increase this to 50 in the next year or so. The Department also facilitates the annual seconded national experts return conference to discuss the work of Irish SNEs and to support them in engaging with their home Departments and to update them on current Irish Government priorities.

The national experts in professional training, NEPT, programme and the Erasmus for officials programme are short-term training schemes that provide officials with first-hand experience of working in the European Commission and other EU institutions. I will provide the Senator with the remainder of the reply.

Senator Joe Conway: I am charmed and warmed by the Minister of State's outline of where they are going forward. It sounds like a to-do list,and when people are coming up with to-do lists, it usually implies that people have been asleep at the wheel.

The Irish versions of the new EU legal materials are being produced in real time. However, the *EUR-Lex* website, where EU law is published, has most important historical EU legislation, for example, the working time directive, and this is not available in Gaeilge. They are available in every other language, including those with far fewer speakers in the EU such as Maltese. This is invariably and solely down to the lack of translation staff at EU level. What is being done or what is being proposed to be done by the Government to obviate these failures and shortfalls? It is not good enough. It is a catalogue of being asleep at the wheel.

Deputy Robert Troy: I reiterate once again this Government's commitment to increasing the number of Irish officers in EU institutions, as outlined in the programme for Government. We have maintained a strong focus on the implementation of the career for EU strategy to support Irish officials working in EU institutions. The strategy was published in 2021. It was not a to-do list that we are doing now. It was renewed in 2024 through the launch of a new EU recruitment portal for Irish applicants. The Government has dedicated significant resources to supporting Irish representation in the EU institutions, including through central funding for seconded positions and a range of training supports and information sessions for those seeking careers in the institutions. Outreach at career fairs at both secondary and third level, and public advertising for career opportunities, including on social media, have also been a focus and have been successful. I assure the Senator this outreach will continue.

We are committed to ongoing engagement and building close relations with the Irish in EU institutions, including a regular programme of outreach in Brussels and events such as the annual SNE conference in Dublin which took place earlier this month. I will also take back some of the suggestions made today to my colleague, Minister of State, Deputy Byrne.

Community Enterprise Centres

Acting Chairperson (Senator Victor Boyhan): I warmly welcome the Minister of State,

Deputy O'Donnell. I understand he is staying with us for the next three Commencement matters.

Senator Imelda Goldsboro: I thank the Cathaoirleach and welcome the Minister of State here today to discuss this important issue.

I speak on behalf of the board of Cluain Training and Enterprise Centre in Clonmel which is located across from the courthouse in Nelson Street. The Cluain Training and Enterprise Centre provides specialist training supports and employment services for adults with mental health needs, acquired brain injuries or who are on the autism spectrum. Services include rehab training focusing on positive health and social inclusion, vocational training focusing on preparation for and progression to employment or further education, day services, and social enterprise activities. It also provides employment for people with numerous other issues who are living and working in and around Clonmel and south Tipperary. It allows them to integrate within the community to reach their full potential.

The centre provides support to more than 70 trainees through a variety of programmes and employs 21 staff, full and part time. Since 2019, however, the centre has struggled financially to maintain its current level of service provision. This is primarily due to a change in the funding model which supported service delivery in the centre. While much of the funding has been provided through the disability budget, the mental health budget must also meet its responsibility to provide funding for this excellent training centre facility.

I thank Minister of State, Deputy Butler, for recently visiting this centre and taking the opportunity to see first hand the great work it is doing, the training provided and the beautiful arts, crafts and products made by the users of this facility. I also acknowledge the great work carried out by the board and ask the Minister of State to engage positively in providing funding to ensure the sustainability and ongoing services in this centre and to ensure they are secure.

Minister of State at the Department of Health (Deputy Kieran O'Donnell): I thank Senator Goldsboro for raising this important matter in the Seanad this afternoon. I am taking this Commencement matter on behalf of the Minister of State, Deputy Butler.

As the Senator stated, just last month, the Minister of State, Deputy Butler, had the opportunity to visit Cluain Training and Enterprise Centre in Clonmel. It is a model of best practice on how we support people with disabilities, acquired brain injuries and mental health challenges. The centre provides a wide range of services, including many different training opportunities, day services and activities to foster social enterprise. These programmes are free of charge to participants and, crucially, are tailored to meet the needs of each person who attends the centre.

During the Minister of State's visit, she was struck by the centre's deep commitment to person-centred support. Staff worked closely with each trainee to identify their goals and aspirations, including progressing to further education, preparing for employment or building confidence and social skills. Training programmes on offer are accredited at QQI level 3 and provide a clear pathway for participants to move forward in their lives with dignity and purpose. The Cluain centre also plays an important role in promoting positive mental health and inclusion in the local community. Anyone who attends the centre is seen, heard and supported. The centre's social enterprise activities, in particular, offer meaningful engagement and a sense of contribution to the wider community. It is a place of hope, opportunity and real transformation.

Following the visit, the Minister of State, Deputy Butler, asked her officials in the mental

health section to engage directly with the head of disability services in the region, who was also present on the day, to develop a joined-up, comprehensive plan for the centre's future, which is what the Senator called for in her contribution.

The Cluain centre has historically been funded and managed through HSE disability services. HSE disability services are actively supporting the Cluain training centre in relation to funding and quality standards for new directions. In addition, in 2024 and for the majority of 2023, disability services have also provided a full-time staff resource to enable the Cluain training centre to meet day service standards and sustainability. The Minister of State, Deputy Butler, firmly believes the mental health budget must also contribute. The programmes delivered by Cluain reflect our shared responsibilities to the people participating in them and we must reflect that in how we resource services. Centres like Cluain are the backbone of community-based care. They deserve our full support.

Senator Imelda Goldsboro: I thank the Minister of State for that very positive reply. I look forward to seeing the outcome in the coming weeks and I hope we will be able to give good news to those in this facility. I note that the reply refers to a place of hope, opportunity and real transformation. For those who have issues, it gives them an opportunity to get up in the morning. It gives them a sense of purpose, meaning and belonging in today's society to see the work that they have carried out. Most importantly, it is free of charge. For those service users such a service is priceless. I welcome the great news and look forward to relaying to them that the funding can be sourced to sustain this wonderful facility.

Deputy Kieran O'Donnell: As stated, I am taking this matter on behalf of the Minister of State with responsibility for mental health, Deputy Mary Butler. I thank Senator Goldsboro for raising this important matter. I assure the House that we understand the value of work being done in the Cluain centre. It is a good example of person-centred community-based care at its best, offering a pathway to greater independence and inclusion by ensuring that no one is left behind.

As I said in my opening statement, while the majority of funding comes from the disability budget, the Minister of State, Deputy Butler, is committed to ensuring the mental health budget also plays its part. She will be working to secure a service level agreement in the context of the upcoming Estimates process to make sure that the Cluain centre receives the sustainable multi-stream funding it needs. The Minister of State will also meet with the integrated health area manager for Tipperary next week in Clonmel and intends to raise the matter directly with them during the meeting. I assure the Senator that the Minister of State, Deputy Butler, fully supports the Cluain centre and is determined to secure the sustainable funding it needs to continue its vital work. I again thank Senator Goldsboro for raising this important issue today.

Care of the Elderly

Senator Fiona O'Loughlin: The Minister of State, Deputy O'Donnell, always seems to pull the short straw when it comes to me and my being angry about decisions that are made.

Deputy Kieran O'Donnell: It is always a pleasure and an honour.

Senator Fiona O'Loughlin: Let us hope we will both be smiling when I get his response today.

The issue I am raising is a really important one for older people. I know that the Minister of State is passionate about supporting older people in their communities and helping them survive and thrive in their communities. The area that I am talking about is Kilcullen in County Kildare, a beautiful town known to many of us. It has a population of almost 4,000 people and an incredible community spirit that has been there for many decades and many generations. Because of that community spirit, we see excellent sports facilities and a wonderful town hall, along with a thriving Kilcullen community action group and Tidy Towns group.

One of the key initiatives that the people of Kilcullen decided they wanted to have was a daycare centre. Although it is a town that certainly has a substantial population of older people, it does not have a daycare centre. At this point, well over 20 people travel every day to Newbridge, which runs an excellent programme. The whole point, however, is that we need to have people in their own community where they could easily access daycare, meals on wheels services and so on.

In 2015, a group of local people got together to develop an old disused dispensary on the edge of the town. At several stages I had the opportunity to see what was going on, to go inside and to support the fundraising efforts. The six people who started this were Albert Keenan, Steve Kinneavy, Jacinta Sully, Antoinette Buckley, Noel Clare and Liz Moloney and they have done amazing work since 2015. Of course, we had Covid in between. They were able to access money from grants and from fundraising. To date, €164,407 has been spent on the building, 71% of which came from grants and was, effectively, taxpayers' money. I know for a fact that the aforementioned people and the wider community relied on local people to give goods free of charge or at a reduced cost, so the actual cost would have been far more if they were paying market prices. It could have been up to €250,000.

The building was renovated and extended by volunteer labour and public grants to become a hub of social activity and day services for senior citizens. I believe that such buildings should have other components within them, and it was agreed that it could be used as a community centre in the evening. These great volunteers, who were driven by a desire to support older residents, support social inclusion and repurpose a derelict building, have done incredible work. This is about more than bricks and mortar. It is about building a future where older people can thrive.

There was an agreement that Kildare County Council would acquire the building from the HSE and help with the running of it, but the HSE made a decision to put it on the open market. After all of those years of volunteers fundraising, getting access to public money and having the lease for ten years, which they needed to acquire the money, they were told that it was being put on the open market. It is a disgrace and I hope the Minister of State has good news for us.

Deputy Kieran O'Donnell: I thank Senator O'Loughlin for raising this important issue. The programme for Government highlights the importance of community services for older people, which assist them to remain independent and to live in their own homes with dignity and independence for as long as possible. Many older people living at home rely on the services they receive through day centres and the outreach that these centres provide, including meals on wheels. These wrap-around supports also help to reduce loneliness and social isolation.

The HSE has operational responsibility for the planning, management, allocation, delivery and funding of health and social care services such as day centres. This includes responsibility for managing the buildings and other assets used in the delivery of those services. The Teach

na nDaoine facility is a HSE facility in Kilcullen, County Kildare. As the Senator said, it is on an old dispensary site that was renovated by the former lessee, Teach na nDaoine Cill Chuilinn, with the intention of putting it to use as a day centre for older people. I have made inquiries. The HSE informed the Department of Health that it had been notified by the former lessee on 13 September 2024 of its intention to commence winding down operations and formally hand back vacant possession of the property. The keys to the property were returned to the HSE on 17 September 2024.

While acknowledging that significant renovation works were completed to the building by Teach na nDaoine Cill Chuilinn during its tenancy, the HSE has stated that additional renovation works would be required to ensure the property was fully compliant with building standards to ensure safety, accessibility, sustainability and functionality. The HSE has confirmed to the Department of Health that there are no plans to complete these works and no plans to open a day centre for older people at this site. As such, the facility is now vacant and non-operational. When sites like this become vacant, the HSE conducts an internal review of potential uses. Following the review in this case, the HSE decided that the property was not required for health service delivery in the area. In line with statutory obligations and regulations, the HSE has subsequently engaged with all relevant State stakeholders, including Kildare County Council, around a potential intra-State transfer or to identify the potential for the delivery of other community services from this site.

3 o'clock

It was confirmed to the HSE last week that no other State shareholder intends to acquire the property. In the event that an intra-State transfer does not proceed, a disposal is to proceed to the open market. The HSE will now look at the necessary steps to move forward on this basis. Senator O'Loughlin may have other matters to shed light on this issue. I asked for what the facts are as of today, and this is what I have been informed through my officials in the HSE. I recognise that there will be disappointment in the community that the HSE has decided that this is not a suitable site for development as a day centre for older people. However, the HSE has advised that older people residing in the Kilcullen area are currently availing of other HSE-funded centres in the Kildare area, including the day centre in the neighbouring town of Newbridge, approximately 20 minutes away from Kilcullen.

When this matter came to me, I made direct inquiries. This is the information I have been provided with as of this morning. I understand people's disappointment, but they are the facts as provided.

Senator Fiona O'Loughlin: I accept the Minister of State's bona fides on this matter. It is true that the facility is now vacant and non-operational. It is fair to say that the standards now are different from 2015. While the property would have been compliant with building standards in 2015, it is not now. Extra work needs to be done. I will endeavour to get a letter to the Minister of State from Kildare County Council. My understanding - this was well aired on Kfm this morning - is that Kildare County Council refutes this. The council has said that it wishes to take this over. This agreement was in place originally. I will endeavour to get the letter for the Minister of State. I ask for a stay to be put on putting the building on the open market until I can furnish it. Given the money and the love that the community in Kilcullen put into this building, we should ensure it pay dividends for the community. I am disappointed that the HSE is not going to run a centre. I feel that there are enough numbers among older people to enable it to function. If the HSE has no plans to open a centre, a joint operation with Kildare

County Council is the way to go. I will endeavour to get the Minister of State that information.

Deputy Kieran O'Donnell: I thank Senator O'Loughlin for raising this important matter. I ask her to come back to the Department on it. She has stated that she has engaged with Kildare County Council. I will go back through my Department to the HSE to advise it on what she is now looking to do. I assume that Kildare County Council and the HSE are engaging with each other. To bring clarity to light, I ask her to come back to me with an update. In the interim, I will communicate what the Senator is proposing.

Infectious Diseases

Senator Nessa Cosgrove: I have just spotted Keith Henry in the Visitors Gallery. There might be a Ballymote bunch here.

Most people probably know that Lyme disease is a bacterial infection that is spread through the bite of an infected tick. This is a potentially serious illness, but it can be prevented through a number of precautions. When Lyme disease is contracted, it can be treated with antibiotics if it is diagnosed in time. If it is not diagnosed or not treated early enough, Lyme disease can have devastating consequences for those who contract it. Early symptoms include a bullseye-type rash around the site of the bite. It is not unusually sore or itchy, but it can increase in size. Other symptoms include flu-like symptoms, headaches, sore throats and stiffness. These can become more severe if symptoms persist. Due to the similarity of these symptoms with other illnesses, Lyme disease is not always easy to diagnose and is often referred to as the great imitator. If it is left unrecognised and untreated, Lyme disease can cause harrowing severe illness and complications, including persistent fatigue, chronic pain, depression and cardiac and neurological symptoms.

Fiona Quilter is a woman from Sligo whose health has been ruined, and that is not an understatement, by chronic Lyme disease. She has taken the step of going public along with many of her fellow sufferers of Lyme disease. A very informative cross-party Oireachtas group has been set up. She has highlighted the possible consequences of Lyme disease and the failure of doctors to recognise and treat it. Fiona's condition has been diagnosed as fibromyalgia, chronic fatigue syndrome, thyroid disease and functional neurological disorder. Delays in recognition and diagnosis allow the disease to get a firmer grip on a sufferer's system and mean the single two-week course of antibiotics available under the HSE becomes less likely to work. This leads to further complications and to people having to seek treatment abroad in Germany. Fiona has had to retire from work. She has had to sell her house to fund her treatment. She has estimated that to date she has spent approximately €100,000 on treatment outside that available from the HSE.

Fiona and some of the other sufferers would say that not only is the tragedy of her situation that there are long-term effects, but also that it could have been prevented had there been more awareness among doctors and the general public of Lyme disease. I am aware that some county councils, including Sligo County Council, have provided signage about the dangers of Lyme disease and the possibility that people could be infected in certain areas. I am aware that the resourcing of local authorities to have these signs put up can be an issue. I would love to ensure that all local authorities would be resourced to put up signage providing reliable and easy to understand information about the causes, signs and symptoms of Lyme disease and other tick-borne infections. Sligo County Council has the signs up and I have seen them myself. Could

there be standardised signage in woodland areas, public parks and on private land where people go walking? Can it be ensured that there will be regulation of signs and that the local authorities will be resourced to put them up? If the HSE is willing to be involved in the signage, can the local authorities be resourced so that there are people available to put up the signs?

Acting Chairperson (Senator Victor Boyhan): Before I call the Minister of State, I welcome Deputy Feighan and his guests, and all the guests in the Gallery. They are very welcome and I hope they enjoy their visit to Leinster House and the hospitality that comes with it, too.

Deputy Kieran O'Donnell: The visitors are in very good hands with Deputy Feighan. They are welcome.

I thank Senator Cosgrove for raising this important matter and for the opportunity to speak on the issue of Lyme disease awareness. I am taking this matter on behalf of the Minister for Health, Deputy Jennifer Carroll MacNeill. Lyme disease, also known as Lyme borreliosis, is an infection transmitted to humans through the bite of infected ticks, and it can occasionally lead to serious illness. Each year, it is estimated that between 200 and 500 cases of early Lyme disease occur in Ireland. Ticks are present throughout Ireland, including both urban and rural areas. Although ticks can be active year-round, the period of highest tick activity and therefore Lyme disease is between April and October. Approximately 5% of ticks in Ireland are thought to carry the bacteria that causes Lyme disease. Importantly, a tick usually needs to be attached to the skin for at least 24 hours before it can transmit the infection. High-risk environments include grassy and wooded areas as well as sand dunes - places where people often enjoy outdoor activities.

The HSE's national health protection office, through the Health Protection Surveillance Centre, HPSC, provides information on the surveillance of Lyme disease. The HPSC offers a wide range of resources to help people reduce their risk of tick bites, including seasonal updates for both the public and healthcare professionals. Each year in early May, the HSE marks Tick Awareness Day, by providing practical advice on the prevention of tick bites, which can transmit Lyme disease. This is done through website news articles, social media posts, press releases and media interviews. This initiative encourages individuals to take preventive measures during periods when tick activity is highest. Information is provided on common tick habitats, high-risk behaviours, prevention strategies, and how to safely remove and identify ticks. To further spread public awareness, the HSE provides downloadable posters and leaflets that are intended to be distributed in community centres, schools, and recreational and other common public and private spaces, especially those with an increased risk of tick exposure.

These materials are designed to inform individuals about the risks of tick bites and the importance of preventive actions. A full suite of Lyme disease resources, including posters and information leaflets, is available through the HPSC website. These posters are suitable for display on publicly accessible land, and the HPSC has actively promoted their availability to Departments and public agencies that manage such areas. Local authorities, healthcare professionals, and members of the public are encouraged to download and share these materials.

Senator Nessa Cosgrove: I thank the Minister of State for his response. Could I get a commitment that all local authorities will be obliged to put up signs? Some have. Kilkenny County Council is bringing it onstream as well. The long-term side-effects are so detrimental and it is something that can be prevented with a bit of awareness. For example, there are signs in Cork. There is a Lyme Resource Centre. There are two QR code on the signs. People can scan one

of the QR codes with their phone and that will bring them straight to the HSE information site. The other QR code will bring them straight to the Lyme Resource Centre.

At our meeting - we have this cross-party Oireachtas group - many Lyme sufferers from all around the country came up. Their stories are harrowing. They were looking for a full public awareness campaign and that local authorities would be resourced to put up these signs. The HSE has the posters available for download, but is there any way coming up to the budget that the local authorities could be encouraged that part of the budget will be to resource staff to put these up?

Deputy Kieran O'Donnell: I thank the Senator for her comments highlighting the importance of continued action on Lyme disease awareness. I reiterate I am taking this matter on behalf of the Minister for Health.

In 2011, Ireland became one of the first EU countries to make Lyme disease a statutory notifiable disease. The notifiable entity is Lyme neuroborreliosis, a more severe form of the disease which affects the nervous system.

Between four and 21 cases of Lyme neuroborreliosis are notified annually in Ireland, significantly less than the total number of cases of early Lyme infection and family skin infection. However, the levels of Lyme neuroborreliosis serves as a reliable indicator of overall Lyme disease activity in the country.

The HSE, through the HPSC, continues to provide a wide range of public education materials, including an downloadable A3 poster and leaflet entitled, "Protecting yourself against Tick Bites and Lyme Disease", both of which are available on the HPSC website. They are designed to be clear, accessible and suitable for use by local authorities, landowners and public agencies.

The HPSC has also highlighted the availability of these matters to relevant Departments and agencies that manage publicly accessible lands. Members of the public who own and manage land on which people can walk can display the poster in a prominent position at the entrance and exit of the land.

HSE tick-warning signage provides a consistent and evidence-based approach that can be adopted widely. This ensures that the public receive accurate and practical information, particularly in areas where the risk of tick exposure is high.

I will take back to the Minister the particular point that the Senator raises. Might I also suggest that she raises the particular question she has in terms of that issue with the local government section within the Department of housing as well, but I will bring it back to the Minister and the officials in the Department of Health.

Acting Chairperson (Senator Victor Boyhan): I thank the Minister of State. I am most impressed with the Deputy's Latin.

I say "Well done", to everyone and, "Thank you." I particularly thank the Minister of State for giving us of his time. He took three of the Commencement matters. We value him coming to the Seanad. He is always welcome here, as he knows. I thank the Senators for submitting their Commencement matters.

Cuireadh an Seanad ar fionraí ar 3.14 p.m. agus cuireadh tús leis arís ar 3.31 p.m.

Seanad sitting suspended at 3.14 p.m. and resumed at 3.31 p.m.

An tOrd Gnó - Order of Business

An Cathaoirleach: Before I call on the Leader to outline the proposed Order of Business, I welcome the guests of the Leader, Paul Stewart and a group from Oughterard active retirement group. The guests of Senator Seán Kyne are most welcome here to Seanad Éireann.

Senator Seán Kyne: The Order of Business is No. 1, Social Welfare (Bereaved Partner's Pension and Miscellaneous Provisions) Bill 2025, changed from the Social Welfare (Bereaved Partner's Pension) Bill 2025 - Committee and Remaining Stages, to be taken at 4.30 p.m. or on the conclusion of the Order of Business, whichever is the later, and to adjourn at 5.30 p.m. if not previously concluded; and No. 2, Planning and Development (Amendment) Bill 2025 - Committee and Remaining Stages, to be taken at 5.30 p.m., and the proceedings thereon shall, if not previously concluded, be brought to a conclusion at 9 p.m. by the putting of one question from the Chair, which shall, in relation to amendments, include only those set down or accepted by Government.

Senator Fiona O'Loughlin: Last Thursday, when I was taking the Order of Business, people were talking about their various football teams and I talked about wearing our jerseys. Today, I am very proud to be wearing my jersey of nearly white to congratulate the terrific performance of the Kildare footballers in Croke Park on Saturday where they won the Tailteann Cup. I give a huge congratulations to the manager, Brian Flanagan, and to Kevin Feely from Athy, who captained the team. Of course, that goes along with cementing the great win we had in hurling with the winning of the McDonagh Cup. I congratulate Brian Dowling, the manager, and Rian Boran from Naas, who was the captain. Yesterday, we heard that Brendan Cawley from Sarsfields in Newbridge will be refereeing the All-Ireland final between Kerry and Donegal. It has been a great season for the Lilywhites.

On Friday, I had the opportunity to visit Kildare Village, which is always a pleasure. In this particular instance, the Minister, Deputy James Lawless, officially launched the Kildare Village Assured programme. That is a new educational certificate for retail staff at Kildare Village. That is a collaboration with the retail complex. It was the idea of the incredible Maureen Bergin and the Kildare and Wicklow Education and Training Board, KWETB. The programme is certified by City & Guilds. It offers a formal recognition of on-the-job learning in retail. That is really important. It provides a digital badge and career development within top-class brands. It is a great model of how industry and education can work together to support workers and strengthen the economy. It is a great blueprint we could copy and it absolutely should be adapted to the hospitality industry. We should extend it to the hospitality industry. In September, we should have a debate with the Minister, Deputy Lawless, as to how we can do that.

This was the warmest weekend of the year, as we are all aware. Thousands of residents in north-west Kildare were again left without water with a decision to turn off the reservoir in Allenwood. It was very challenging for families to keep hydrated and very difficult for farmers. I get that Uisce Éireann has to ask people to conserve water, absolutely, but to once again have

a situation where people are left without water signifies a real lack of planning, and we need to have a debate.

I raise the issue of the N81, which runs from Tallaght to Tullow through west and south Wicklow and through south Kildare and Carlow. It is the only national road leading to our capital city that has not been upgraded in the past eight years. It is totally inadequate for traffic, it is unsafe and it does not help economic development. It is beyond time that we had an upgrading of the N81. I would like debate with the Minister in that regard too.

Senator Mike Kennelly: Today, I will follow on from my colleague and congratulate each of the four senior inter-county men's teams leading into their All-Ireland finals. I wish them all the best - to Cork and Tipperary in the hurling, and Donegal, but primarily and particularly Kerry as well, in reaching the All-Ireland final. I really want to wish all four teams competing the best. We have seen a resurgence in our national games this year with unbelievable hurling games and, thankfully, Gaelic football is back, which leads me on to the issue I need to raise today regarding Irish Rail.

With such a resurgence and with supporters backing their county teams now because it is a level playing field on the pitch, everyone in their own county is starting to gather at train stations and bus stations or whatever to get to Dublin to support their teams. I am, therefore, raising a very serious matter and calling on Irish Rail to urgently provide additional train services and proper facilities for Kerry supporters travelling to Dublin for the upcoming All-Ireland football final. With thousands of fans set to make the journey, unless action is taken now, supporters could face the same unacceptable conditions that occurred last weekend when fans were left with overcrowded trains and insufficient services. Indeed, it was Kildare and Limerick in the Tailteann Cup final when Kildare and Limerick supporters found difficulty in getting to Dublin. There were three trains from Kerry but, unfortunately, one of those was leaving at 7 o'clock. The game started at 5 o'clock, so everyone came to Heuston Station for the 9 o'clock train. It was uncomfortable and people stood for four hours on a train trip to Tralee. It was totally unacceptable.

I am calling on Irish Rail to add more trains both to and from Dublin to match the expected demand; ensure all passengers have seats because no one should be standing for their four-hour journey; provide onboard customer service staff for assistance and safety; and very importantly, something that has broken down as well, communicate clearly and early with the public about finalised schedules. With the two biggest days in the GAA calendar fast approaching, the call is clear: supporters must be treated as a priority. I am calling on the Minister for Transport or the National Transport Authority, NTA, to do whatever it takes to sort this. I tried to raise a Commencement matter on this yesterday but due to the day-to-day runnings of Irish Rail, it could not be communicated here. I call on the Leader to get whoever we can get to debate this before the week is out to make sure that every supporter who gets to Dublin in the next two weeks does so safely.

Senator Rónán Mullen: Last week, I spoke about the ridiculous report of the UN Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW, and how it wants us to rerun our care referendum on mothers in the home. That committee was not satisfied with the overwhelming rejection by the Irish people of tired modernist thinking and thinks we should try again. I now draw attention to that same committee's commentary on abortion in the Republic of Ireland. The advice it provided predated by days the release by the Department of Health of the annual abortion figures for Ireland, which seemed to have been smuggled out

on the last Friday evening in July very shortly before the Oireachtas closed for business. The figures are appalling and distressing. If I were in any of the parties of government of recent years, I would be ashamed and would feel inclined to bring those figures out under the cover of darkness. In 2024, there were 10,852 abortions in Ireland, which was certainly a doubling or more of the pre-2018 figures. So much for the Fine Gael "Safe, legal and rare" mantra, which has led us to where we are now. Is this really what people wanted or expected when they voted to remove protection from unborn children some years ago?

I remember well when Irish media would not carry any advertisement that had the claim that the pro-life clause in our Constitution saved more than 100,000 lives over 30 years. They said it was misinformation. We are a mere six years on and now we know because the abortion death toll has reached more than 55,000 lives lost. Let us think of the children who would now be alive if we had not taken that step in 2018, but CEDAW prefers to lecture us on what it calls persistent barriers to local, timely, equitable and accessible services. Let us imagine talking about barriers to services when one in six children is now being aborted annually. Can there ever be enough abortions for the UN?

The Government does not stop at letting the Committee on the Elimination of Discrimination against Women tell us what we should do. The Irish representative on CEDAW has called on Costa Rica and the Dominican Republic to decriminalise abortion. We have pressurised El Salvador and Malta to broaden abortion access as well. Not only do we abandon our own children, but we seek to influence other countries to abort theirs. It is a truly shameful situation that having embraced death and destruction itself our Government seems to want to drag others into the darkness on this and to further ensure the pace of killing. In very recent years, through the Irish Aid programme, millions of euro in Irish taxpayers' money has been provided to the internationally discredited abortion provider Planned Parenthood.

Some 55,000 children have died since we passed our laws a mere six years ago. The population of Waterford, almost, has been disappeared. It is a tragic and shameful situation. It is an affront to any decent person of conscience and we have to say enough is enough. When will we be big enough to have a debate in our society about whether we made a mistake with this legislation? When will we face up to the reality that this appalling abuse of human rights must be revisited?

Senator Maria McCormack: Today, the Sinn Féin team will bring the first ever motion on endometriosis care to Dáil Éireann. I am so proud of this motion. Since I first rose to speak about endometriosis and Women's Health Week on 5 March, so many women have reached out to me. We have held nine public meetings and engaged with thousands of women. We heard harrowing stories of the failures they experienced from women and girls, some nine or 14 years old, including women missing parts of their vital organs because we do not have the care in Ireland. I look forward to the debate this evening. I really hope that the Government will support the motion and will support these women.

Endometriosis affects one in ten women in Ireland, so this is not just a small number of women. They are our mothers, sisters and daughters. We all know ten women. We have to stop leaving these women suffer in silence. It is taking an average of nine years for these women to get a diagnosis and it is not acceptable any more. These women have to leave the country on a daily basis to get the care they should be able to get in Ireland. Their stories are just harrowing. The motion was built on the lived experiences of these women. No one can debate those lived experiences. I really look forward to having a debate, hopefully, in the Seanad on the care of

endometriosis patients in Ireland.

The second issue I will raise is the passport application process. It is very specific to a query I had in my constituency of Laois, where a mam reached out to me a number of weeks ago. She had applied for a passport for her baby. However, the passport was rejected because the Passport Office was not able to get in contact with the Garda station. She then moved it to the Garda station in Portlaoise and applied again. Last week, she was going to get the passport cancelled again because the Passport Office could not get in contact with the Garda station. Portlaoise Garda station is working to the best of its ability. They are in a temporary station while their station gets done up. Obviously, safety comes first. We do not expect them to sit and man the phones all day. This mam went into the station and asked the garda to call the Passport Office, which they did. The Passport Office said it could not accept a call from the garda calling them. They needed to ring the Garda station. The garda asked if they could call within 45 minutes and they said, "No." It is really farcical. We are expecting gardaí to be responsible for queries in a Passport Office when these are our front-line workers. There has to be a way to have a better process. This woman will end up losing out on her holiday and lots of money because a contact could not be made in a Garda station. It is just unacceptable.

Senator Alison Comyn: This past Sunday, like many of my Oireachtas colleagues, I had the honour to attend the National Day of Commemoration at the Royal Hospital Kilmainham. It was a really moving and dignified ceremony remembering all those who died in past wars and on service with the UN and honouring all who have served in our Defence Forces. While I stood there, I found myself thinking not just of those we lost, but also of those still with us, many of whom are struggling. After the parades and ceremonies, too many of our veterans face serious challenges like homelessness, PTSD, poor mental health, unemployment and family breakdown. Often, they face these struggles in silence. Yesterday, I visited Brú na bhFiann in Smithfield in Dublin city centre, the veterans' hostel run by Óglaigh Náisiúnta na hÉireann, ONE. It is a place of real care and respect, helping former Defence Forces members who are homeless or at risk of homelessness. However, they are doing this essential work with limited resources, and that needs to be addressed in the budget. Too often veterans fall through the cracks. The services they need like housing, healthcare and pensions are scattered and difficult to access. That is why I am supporting the call for the establishment of a central veterans support bureau, located in the GPO, a place rich in national symbolism. This bureau could be a one-stop shop offering support with housing, mental health, pensions, job training and access to Defence Forces organisations like ONE and the Irish United Nations Veterans Association. There is also a clear and growing need for a regional veterans support centre in my home town of Drogheda, County Louth. The north east and east Meath have a strong Defence Forces tradition and there is an active ONE branch in Drogheda and Slane. However, veterans there have to travel to Dublin or Dundalk for help, a hurdle that leaves many of them without the services they need. A local centre in Drogheda would make services accessible and show that our commitment extends well beyond the capital. It was a proud and patriotic day on Sunday, but if we are serious about respecting services we need to prove it in our actions, not just with medals and parades but with housing, healthcare, support and human dignity. I feel a debate would be timely, perhaps ahead of the budget, to discuss these matters.

Senator Sharon Keogan: I rise to speak about a worrying development in our medical policymaking sector. Last week, the Professional Association for Trans Health Ireland, PATHI, welcomed the Irish Nurses and Midwives Organisation, INMO, decision to advocate for adopting the World Professional Association for Transgender Health, WPATH, standards of care, an

organisation criticised for its ideological, unscientific approach and activist-heavy leadership. The motion reportedly passed with 97% support. While I am sceptical of such conformity in any vote, it is sadly common in our nation. Of course, people will vote with near unanimity when they have only been exposed to one side of the argument and told that the opposing side is morally reprehensive when they hear of it at all. Twice in the past two months I have stood in this Chamber calling for the Oireachtas to lead an open discussion on gender and sex policy especially regarding treatment of minors with gender dysphoria. I warned that our silence and often monolithic stance is steering us towards endorsing the affirmative care model whose basis in theory - I use those words loosely - faces global criticism for lacking robust evidence and causing irreversible harm to vulnerable youth. Treatments like puberty blockers, which are heavily restricted in the UK, are still claimed by WPATH to be reversible. We are still allowing a small clique of NGOs and policymakers, who should really be seen as ideological activists, to dominate, thereby turning a national conversation into an elitist monologue. I call on the Minister for Health to appear in this Chamber for an open debate on this issue and for her to clarify her position in light of the growing global reassessment.

Senator Teresa Costello: I raise a matter of urgent public health concern, which is the continued use and abuse of sunbeds in Ireland. Last week, the Institute of Public Health published a troubling report that provided an overview of sunbed use in Ireland and policy options to reduce skin cancer risk. I will take this opportunity to commend the institute on its critical work and to acknowledge the depth of research and analysis that went into this publication. The findings are stark. Ireland has one of the highest rates of skin cancer in the world. More than 13,000 people are diagnosed every year. European data now confirms that we have the seventh highest prevalence of melanoma in the EU. Melanoma is a deadly disease. Just one single session on a sunbed can increase a person's risk of developing melanoma by 20%. That is a shocking statistic that we just cannot afford to ignore. The UV rays emitted by sunbeds can be up to 15 times more intense than the midday Mediterranean sun. These are levels of exposure that no person would encounter in Ireland or anywhere else in Europe without the artificial and hazardous intervention of a sunbed. That is why I welcome the comments by An Taoiseach last week. He said the Government is actively considering a ban on sunbeds. I commend the Minister of State, Deputy Jennifer Murnane O'Connor, on her swift and serious engagement on this issue. Her announcement of a cross-departmental working group to examine the banning of commercial sunbed use is both timely and necessary.

In the meantime, we are facing an even more urgent danger, which I find deeply disturbing. The IPH report reveals that children as young as ten years of age have used sunbeds here in Ireland. Let that sink in. This is illegal. It is a criminal offence to sell or hire a sunbed to any person under the age of 18, yet this law is being breached and children are being exposed to carcinogenic UV radiation as a result. I will send a clear and direct message; the health of our young people is not negotiable. This is not just a beauty fad or a harmless indulgence. It is a gateway to serious illness and lifelong consequences. We in Fianna Fáil are beginning to work on a campaign to explore legislative options to fully ban sunbeds in Ireland. This is about more than regulation; this is about protecting lives.

An Cathaoirleach: Before I call on the next speaker, I welcome Andrew and Gavin to the Gallery. They have been working very hard in my office over the past number of weeks in fairly warm weather. They are all the way from Kansas and have been doing a lot of envelope packing as well as a lot of research. Thanks for that, lads. Thank you for all your work in the office and throughout Seanad Éireann.

Senator Joanne Collins: I raise the issue of carer's payments in families where more than one person has qualifying care needs. As the Leader will know, carers currently receive half a carer's allowance on top of the full carer's allowance for any additional people they care for. Some families may have two, three or four children with qualifying additional care needs. Much of the time, the position of these families does not allow the person who is caring for those children to go to work, leaving the household with one wage. In the case of a single-parent family, the family can be left with no wage and dependent on that one and half carer's allowances. Is it possible for the Minister for social protection to review this issue? I am not talking about a blanket measure but a mechanism to address exceptional circumstances. Not every single person who is on carer's allowance will have that many in the house but there will be a few and the current provision seems to push these families into poverty. Perhaps it is something we could have a debate on.

Senator Victor Boyhan: There is a motion before the House today in respect of the Planning and Development (Street Furniture Fees) Regulations 2025, to be taken without debate. It is important. I ask the Leader to convey this to the relevant people and the relevant Minister. Is there an issue with it?

An Cathaoirleach: It is tomorrow.

Senator Victor Boyhan: It is before us tomorrow, but I am going to speak about it now. This will give me the opportunity to convey an email about it to the Minister this afternoon. Every year, I stand up here because this is a statutory requirement to bring this motion to both Houses of Oireachtas. It needs Oireachtas approval for such a minor detail. I have no difficulty with the restaurateurs, or anybody using the public realm outside to maximise their business. I see the health, goodness and the community benefits of having the public realm used in terms of social interaction. My main concern is that of people with disabilities. Advocates for the disability sector and the visually impaired sector constantly tell me they are confronted with challenges in navigating the public realm. There has to be democracy attached to the public realm and public space and, therefore, to be told politely to "F off" basically when they are asked to get out of the way.

All over Dublin, the suburbs and the country we have extended tables and chairs way beyond the parameters of this legislation. People with disabilities, people with young children and tricycles and elderly people cannot navigate our streets. This motion is going ahead, and I am supporting it, but with that comes an explanatory memorandum telling the local authorities it is their responsibility to police this and work with the disability sector. It is important that everyone and every sector of society and community are entitled to equal access to the public realm. That needs to be borne in mind in relation to this legislation.

Senator Aubrey McCarthy: I raise attention to an escalating issue of the unchecked spread of ragwort across Ireland. I am from the countryside in County Kildare. Even though it is deceptively attractive, and it blooms with bright yellow flowers that attract pollinators, it is classified as a noxious weed under the 1963 Act and it poses a lethal threat to horses and cattle. Landowners who own the land where it grows can face fines up to €1,000. Its spread is a scandal when we see it along the motorways, farmlands and housing estates under the control of the council. Shamefully when we look out the back window of Leinster House, we can see it growing on our lawn. Its spread signals widespread non-compliance and a breakdown in the enforcement mechanisms that once were held in line. We must act decisively. Even though it looks attractive, it is a noxious weed and it is dangerous.

I call on the Leader to ask the Department of agriculture to strengthen its inspection regime and increase collaboration with local authorities. Let us ensure public aware of the danger of ragwort to livestock, but also ensure its symbolic invasion does not affect our public space. For ourselves, it is not a good sign that if we look out the back window of Leinster House onto our Merrion Square side, it is growing. There is no honour in permitting it to bloom freely on the lawn of Irish democracy.

Senator Joe Flaherty: I raise an important issue. For the past 6,000 years we have enjoyed free and unrestricted access to boating on the River Shannon. Last year, Waterways Ireland attempted to bring in new by-laws, which went largely unnoticed by the boating community before they came before the housing committee last year. As well as attempting to impose a charge on the use of the River Shannon for boating people and their families, there was also contentious consequences for members of the canal and barge living community in Dublin city. I have endeavoured to get the issue listed on the agenda of the housing committee and I understand it will be taken early in the new term. However, it behoves us to write to the Minister for housing because it is his remit and to impress upon him the need that these by-laws are not signed off until the housing committee, and indeed, this House and the Dáil have had an opportunity to revisit them. They are contentious and take away an inalienable right we had even before we were under British rule.

4 o'clock

For 6,000 years, we have had the right to navigate the River Shannon freely and unrestrictedly. Any change to that will not be tolerated by boat owners, and nor should it be tolerated by Irish society in general. I ask the House to write to the Minister as a matter of urgency on this important matter.

Senator Seán Kyne: I thank all Senators for their contributions this afternoon.

Senator O'Loughlin spoke on several issues. She congratulated the Kildare manager and players on winning the Tailteann Cup. She also raised an issue regarding Kildare Village. She called for a debate on matters relating to on-the-job learning with the Minister, Deputy Lawless, in September. I will certainly endeavour to facilitate that. The Senator also raised issues regarding water reservoirs in Allenwood and the N81 Tallaght-Tullow road, which is in urgent need of upgrading. Perhaps the housing committee is the best place to raise issues relating to Uisce Éireann. The Senator might also table a Commencement debate on either of those issues to get a better answer than I would.

Senator Kennelly wished all the teams playing in the all-Ireland football and hurling finals well. Maybe he did not wish them equally well but he wished them all well and safe travel. He also raised the issue of Irish Rail and the increased demand in services with the all-Ireland finals coming up. He has called for additional services, more trains, more seats, catering and proper planning by Iarnród Éireann in the timing of additional trains. There is no use in putting them on just as the final whistle goes. There needs to be a bit of time to allow people to get to Heuston Station, Connolly Station or wherever they are going. I certainly agree with that.

Senator Mullen raised the issue of the 10,852 abortions in 2024. He is right when he says that behind every one of those figures is a tragic situation for the unborn and, I suspect, a very difficult decision for each woman - in some cases, a child or teenager - and family who found themselves with a pregnancy and made a difficult decision. It is important - this was discussed

in the committee - that women and girls who find themselves pregnant are fully aware of their options. The option chosen may not always be termination. They should be made aware of other supports as well as abortion. Concerns have been expressed to me regarding whether those supports are being provided and whether women and girls are being told of the supports and options available to them, not just termination. I know that legislation was being talked about. A review took place at the health committee, organised by the Minister for Health, in the last term. I am sure this issue will be discussed in the Oireachtas in this term as well.

Senator McCormack mentioned that a Sinn Féin motion on endometriosis care will be debated in the Dáil today. I do not know what the Cabinet decision in that regard was. I hope there will be a positive debate on this and I am sure there will be. The Senator also expressed concerns about passport queries, particularly one we come across often where someone gets the form stamped in a local Garda station which may not be a 24-7 station and may therefore be unmanned when someone from the Passport Office rings if nobody is there to answer the phone. As the Senator said, sometimes some of the busier Garda stations can have issues in this regard. Perhaps there is a need for a centralised, staffed Garda line where all passports that have been stamped can be submitted. That would possibly be a better way to deal with this issue. I will certainly raise it with the Minister.

Senator Comyn spoke about the National Day of Commemoration in Kilmainham. I know there were various commemorations. I was at one organised by Galway City Council in the quadrangle at the University of Galway. They are very nice and important events. It is worth people attending where they can. She also raised issues regarding veterans' supports, such as housing and healthcare support and dignity. She called for a possible veterans support bureau, possibly located in the GPO. She is right about veterans support, something that has been touched upon at the defence committee and we have it on our agenda for the next term. It is something that needs greater examination.

Senator Keogan raised INMO decisions on the WPATH standards of care. I am not fully familiar with that group. I would hope that in any vote within any union that there would be a debate and that all information would provided, and I must assume that it was in that case. I will certainly request a further debate in this House on gender and sex policy.

Senator Costello again made an impassioned contribution regarding the use of sunbeds and the illegal use of sunbeds by those under the age of 16, indeed by ten-year-olds in some cases, as she mentioned. She expressed grave concern about high exposure to UV rays and said that Ireland has one of the highest incidence of melanoma. Again, I will bring this to the attention of the Minister and we will see what decision can be made on how best to deal with this as a public health matter. That is important.

Senator Collins raised the issue of the full and half rate carer's payments. She called on the Minister for Social Protection to look at cases where there are a number of disabled persons in one house. That is a valid query and perhaps the Senator should raise it on the Commencement. If she can give a real-life example without using names, it may bring home to the Minister the reality on the ground in certain situations. As I said, it is not very prevalent but it does arise in a small number of situations.

Senator Boyhan raised the motion about outdoor dining which is due to come before the Houses of the Oireachtas. He expressed concern regarding people with disabilities and young children being impacted by outdoor furniture. It is a valid point. As I understand it, these went

before the committee last week for agreement. I am not sure if there was a thorough debate on that or whether it is a roll-over from year to year. He has raised valid concerns on that and it is something the Minister needs to take account of each year when these are being reviewed.

Senator McCarthy talked about the spread of ragwort, which is of course a noxious weed. It is not a nice sight to see because in many cases it arises on abandoned land or disturbed land around the country. We see it on road margins, including motorway margins. In many cases the Department of agriculture needs to do more to step in and notify the local authorities that there is a noxious weed growing on their lands. There may also be an issue with farms.

Senator Flaherty raised the issue of boating on the River Shannon and asked me to write to the Minister for housing regarding by-laws. He might contact me regarding which exact by-laws he is talking about. It is important that there is consultation and that anything that might happen only happens after a proper debate on the matter at the appropriate committee. If he contacts me regarding that, I will certainly alert the Minister for housing in this regard.

Acting Chairperson (Senator Joe Flaherty): We have had a much shorter and less contentious Order of Business than usual.

Order of Business agreed to.

Cuireadh an Seanad ar fionraí ar 4.08 p.m. agus cuireadh tús leis arís ar 4.35 p.m.

Seanad sitting suspended at 4.08 p.m. and resumed at 4.35 p.m.

Social Welfare (Bereaved Partner's Pension and Miscellaneous Provisions) Bill 2025: Committee and Remaining Stages

Acting Chairperson (Senator Joe Flaherty): I welcome the Minister for Social Protection, Deputy Calleary.

SECTION 1

Acting Chairperson (Senator Joe Flaherty): Amendment No. 1 is related to amendment No. 10 and they may be discussed together by agreement. Is that agreed? Agreed.

Senator Maria McCormack: I move amendment No. 1:

In page 5, between lines 17 and 18, to insert the following:

"(3) Before the coming into operation of this Act, the Minister shall publish a report which outlines the following:

(a) the degree of financial dependence that families with divorced or separated parents have on those parents;

(b) an overview of the legal issues with not providing the same level of access to social protection payments for some children's families based on the marital status of their separated or divorced parents.".

I acknowledge that Deputy Coppinger tabled this amendment in the Dáil. It was a personal thing for her so I am glad to be able to bring this amendment to the Seanad. All of the amendments we would have liked to bring forward were ruled out of order in the Dáil, so we have focused our attention on this one, which I hope the Minister will consider.

It is baffling why, on the one hand, the Minister would extend rights to one cohort of families and children and, on the other hand, take it away from another group. We know there are only approximately 100 new divorced claimants for this pension each year. The amendment is fairly self-explanatory. It seeks an assessment of the extent to which the Bill will incur hardship on separated and divorced survivors and their children. It will also assess the extent to which the Bill goes against the original judgment and leaves the door open to families who will inevitably challenge the unconstitutionality of the Bill. I again acknowledge John O'Meara and his family for the work they put into getting the Bill to this point.

Senator Lynn Ruane: Some of my amendments were ruled out of order, which I kind of expected, but this amendment is similar in nature to Sinn Féin's amendment, one that I will be supporting. It relates to a report on the provision of supports to bereaved children. For as long as I have been elected, and prior to that, I have spoken about how single parents are viewed in the country historically. We had a referendum last year in which we debated mothers and Article 14.1, yet we are still talking about the protection of children being based on the relationship of their parents, whether it be divorced, cohabiting or married. What we have seen from the O'Meara case is the explicit reference that children should not be penalised because their parents are not married. Children should not be penalised, regardless of the relationship of their parents in its totality. There are parents who have never maintained a relationship with the other parent of their child, but that does not mean they do not co-parent. They might never have been in a committed relationship. Children from a very brief relationship, for example, a one-night stand or a year-long relationship, do not currently feature in the debate at all. If anything, they are at the most risk of poverty, especially if we look at Ireland's child maintenance system. If a child's father is paying the mother €50 a week in maintenance, it makes a huge difference to someone on social welfare or in a low-skilled manual job. Unfortunately, I have many friends whose children's fathers died in various ways, including suicide. Even though the relationship may not have existed for long enough for it to even be considered as a cohabiting one, the maintenance goes towards ensuring a child does not experience any consistent poverty. You remove the emotional labour of the other parent, regardless of relationship, and now the financial piece is removed as well. Currently, no discussion is happening whether it is on pensions or bereaved partners, wives or husbands on the surviving parent. Why are we not looking at the surviving parent? Why are we not creating some sort of mechanism that the financial support for a child happens because he or she is a bereaved child? He or she is a child who has been left more vulnerable due to the absence of one parent, both emotionally and financially, with regard to what this Bill looks for.

My amendment seeks to o broaden the discussion even more beyond divorce and cohabiting, and placing it firmly back in the conversation of children's rights and what children need. If a report was to be done on it, we would look at whether it would be means tested, for example. There could be multiple children in two different families with the same father or the same mother, but that does not mean that those children's needs are any less. We are now creating a way we can include more families, but we are leaving potentially the most vulnerable families behind, which are often those single-parent households where cohabitation never existed and marriage never existed at all.

I hope the Minister considers this. It is not a new lens to look as we have the O'Meara case, the Constitution and Children First legislation. We very much have conversations around Children First, but single mothers and children in single-parent households have not featured much with regard to how we financially protect those families and children.

I knew the other amendments would be ruled out because they would create a cost on the State to include more cohorts. However, we will leave many children behind. There could be a payment until the age of 18, or it could be explored within a report, in the context of this Bill. Unlike a widower's pension that would exist across a lifetime, it could be something that exists across the financial needs of the child until they are a particular age, rather than it being a payment attached to an individual forever. We need to look at the whole family and make sure we are not compounding situations of poverty for very at-risk families.

I ask the Minister to consider this amendment with some of those frames in mind when we move forward about how we make this legislation be completely linked to and led by children's needs. The fact is, we are still having a conversation around children's needs, payments and social welfare schemes based on the relationship of two parents to each other rather than what the individual child needs throughout their lives to be able to flourish and succeed in a hard situation where they have lost one parent. It is important, at least, to not put another burden on them when they are not getting any support from the State just because their parents, through no fault of their own, had no long-term relationship or connection to each other legally in terms of marriage.

Minister for Social Protection (Deputy Dara Calleary): Gabhaim buíochas leis an mbeirt Seanadóir as ucht an leasaithe seo. I do not propose to accept the amendments.

As I said during the Dáil debate, it is not appropriate to include commitments to produce reports in primary legislation, particularly legislation that is as complex as the Social Welfare Consolidation Act and this Bill.

With respect to the specific issues, as is clear from the Bill, the intention is for this to become operable on enactment, and it is important for those who have become eligible for the pension for the first time. As a result, it will be impossible to produce the report that is being sought by the Senator's amendment No. 1 before the Act comes into operation. I know she does not want to delay payment, and I discussed this with Deputy O'Reilly during the Dáil debate. I absolutely understand that is not the intention. Some of the information being sought in amendment No. 1 is unavailable to my Department, or it is very likely not to be publicly available at all. My Department does not hold information on the degree of financial dependence that families with divorced or separated parents have on those parents. My Department has no basis to determine the financial arrangement that exists between divorced or separated parents, or the impact in the case of a death. It would be wrong for me to commit to something in legislation that cannot be produced. My main concern is that it would delay the payment of the pension.

On Senator Ruane's amendment and the specific case, the O'Meara case - I will come to the general point, which I am interested in - the function of the scheme before us and this pension is not to provide support in respect of the bereaved children where there is no partner who is entitled to the payment. It would not be possible for my Department to report on a group that will not come under the payment as their parents would not have been married, in a civil partnership or cohabiting. However, I made a commitment to Deputy O'Reilly in the Dáil that after a year of enactment, we will look at how it is working out. We will look at the impact it is having. It is

not our intention to penalise people. The good thing about social welfare is that we have a very big Bill every year and if I think there are changes that needed to be made, I will bring forward changes in the Social Welfare Bill 2027.

On Senator Ruane's general point, we are discussing child poverty and youth targets at the moment. I will ask my own team to engage with the Senator on all of those issues in the context of those targets and of that debate because she has given me some food for thought in a way that has not happened to date. I will ask some of my team to engage with the Senator during August on that. On the specific amendments, I cannot accept them, predominantly because I do not have the ability to accept them, I do not have that information and I really do not want to delay the payment of this pension. However, on child poverty, I will engage with the Senator and we will engage with the social protection, rural and community development committee approximately a year after enactment to assess the impact and to ensure it has not had an overly negative impact.

Senator Lynn Ruane: I thank the Minister. It is also worth noting that in the next term, there will be a piece of legislation that has taken me five or six years to draft because it became so complicated and just kept getting bigger and bigger. It is the child maintenance legislation which would be placed within Revenue rather than an independent agency, which we have seen potentially would not work in terms of which Department would be responsible. We have spent five years developing it and it would actually the place the voluntary mechanism in terms of assessment within Revenue and we have interlinked how that interlinks with the courts, cases currently before the court, enforcement and taken at source, etc.

I would love the opportunity to engage on the child poverty measures because it could nearly be linked to people who went through the Revenue assessment tool as well. There is already a fair assessment of maintenance and you could nearly build on that. If you are part of that system and a parent dies and that money is taken directly from the family, there would already be a State system that has begun to assess. We took the tool from New Zealand and undertook a huge piece of research on the care cost percentage as well as the percentage of raising the child. There is the care cost and then there is the actual monetary cost. Those two are put into a mathematical tool which it is beyond me to fully explain right now. I would need to teach it to myself again every morning if I am going to speak to it.

There are some great measures within that Bill that would also be helpful to the discussion if we were ever to look at a social welfare intervention for those children. There are some mechanisms within that which could also be applied to another piece of social welfare legislation on child poverty. I would very much welcome the opportunity to engage with the officials who are working on that.

Acting Chairperson (Senator Joe Flaherty): I thank Senator Ruane. She got a two for one offer today and got in both issues.

Amendment put and declared lost.

Section 1 agreed to.

Section 2 agreed to.

SECTION 3

Acting Chairperson (Senator Joe Flaherty): We have an amendment from Senator Ruane. The Senator has conceded that some of her amendments have been ruled out of order and understands that it is due to a potential charge on the Revenue.

Senator Lynn Ruane: Yes.

Acting Chairperson (Senator Joe Flaherty): Does the Senator want me to give her a fuller explanation or is she happy?

Senator Lynn Ruane: No, it is okay; I fully expected it. I am okay on this occasion.

Amendment No. 2 not moved.

Section 3 agreed to.

SECTION 4

Acting Chairperson (Senator Joe Flaherty): Amendment No. 3 is also in the name of Senator Ruane. Amendments Nos. 3, 5 and 9 are related and may be discussed together by agreement if that is okay with the Senator.

Senator Lynn Ruane: I move amendment No. 3:

In page 6, between lines 20 and 21, to insert the following:

"(b) the date on which the youngest child of shared parentage reaches the age of 18, or the age of 22 where the child is receiving full-time education,".

I am going to actually withdraw these amendments. They are consequential on the amendments that were ruled out of order, so they do not make sense on their own. I will refrain from speaking to them.

Amendment, by leave, withdrawn

Section 4 agreed to.

Acting Chairperson (Senator Joe Flaherty): Amendment No. 4 has been ruled out of order.

Amendment No. 4 not moved.

Sections 5 to 7, inclusive, agreed to.

SECTION 8

Senator Lynn Ruane: I move amendment No. 5:

In page 12, between lines 37 and 38, to insert the following:

"(b) the date on which the youngest child of shared parentage reaches the age of 18, or the age of 22 where the child is receiving full-time education,".

Amendment, by leave, withdrawn.

Section 8 agreed to.

Sections 9 and 10 agreed to.

Acting Chairperson (Senator Joe Flaherty): Amendments Nos. 6 and 7 have been ruled out of order.

Amendments Nos. 6 and 7 not moved.

Section 11 agreed to.

Acting Chairperson (Senator Joe Flaherty): Amendment No. 8 has been ruled of order.

Amendment No. 8 not moved.

Section 12 agreed to.

SECTION 13

Senator Lynn Ruane: I move amendment No. 9:

In page 16, between lines 20 and 21, to insert the following:

"(b) the date on which the youngest child of shared parentage reaches the age of 18, or the age of 22 where the child is receiving full-time education,".

Amendment, by leave, withdrawn.

Section 13 agreed to.

Sections 14 to 21, inclusive, agreed to.

NEW SECTION

Senator Lynn Ruane: I move amendment No. 10:

In page 25, after line 37, to insert the following:

"Report on provision of supports to bereaved children

22. The Minister shall, within 12 months of the passing of this Act, lay a report before both Houses of the Oireachtas regarding the adequacy of supports provided to bereaved children, with particular reference to the children of lone-parent families, where a child's parents were not married, in a civil partnership, or cohabiting on the date of death of the bereaved parent.".

I am going to withdraw the amendment based on the Minister's commitment to engage on the topic.

Amendment, by leave, withdrawn.

Title agreed to.

Bill reported without amendment.

Acting Chairperson (Senator Joe Flaherty): When is it proposed to take Report Stage?

Senator Anne Rabbitte: Now.

Acting Chairperson (Senator Joe Flaherty): Is that agreed? Agreed.

Bill received for final consideration.

Acting Chairperson (Senator Joe Flaherty): When is it proposed to take Final Stage?

Senator Anne Rabbitte: Now.

Acting Chairperson (Senator Joe Flaherty): Is that agreed? Agreed.

Question proposed: "That the Bill do now pass".

Senator Cathal Byrne: I place on the record my support for this Bill. It is important that this House, as a Chamber representing people throughout the country, takes stock of the fact there are now so many people living together as a committed couple in the context of a relationship that is cohabitant, which traditionally might have been a married couple. Society has moved on. It is very important that everybody in this Chamber takes stock of that, reflects on it and incorporates into it the fact that if somebody's partner is bereaved, and, as we saw, a case was taken before the Supreme Court on this, that person is not in the same position as that of a married couple. I certainly support this. It is important that it passes and, hopefully, as is apparent, it looks like it will. Any opportunity for this House to change the law in an area where individuals are ahead of the law is certainly something that is worthwhile.

Minister for Social Protection (Deputy Dara Calleary): With the Acting Chair's indulgence, I will make a few remarks. I thank the Senators for their consideration both at Second Stage and at the Stages this evening, including Senators Rabbitte, O'Donovan, McCormack and Ruane, whose contributions were really instructive.

As we all know, this legislation will bring a very important change for hundreds of people who are directly affected by the death of a loved one. These are people we know in our own families and people we meet every day. They are our friends and colleagues. It will bring comfort to many thousands of families and couples, who may someday find themselves in that situation, which they may not have envisaged they would be.

This has come about because of the determination of Johnny O'Meara. I pay tribute to him, his three children and, in particular, his partner and their mum Michelle, without whom we would not be here and without whose courage we would not be here. I also pay tribute to Deputy Alan Kelly who joined with them and walked with them on that journey. There are times as public representatives we can feel frustrated at what we may feel is powerlessness around things, but Alan has shown us that we all have power if we use it.

These provisions are being introduced as a consequence of that Supreme Court judgment. The focus being placed on the position of children was a very important, but not definitive, element for it. While there are genuine concerns around financial support for the children of separated people in the aftermath of the death of one parent, there are means to secure support. My Department will provide financial assistance for those with a need.

I thank the Senators and Deputies for their contribution to the debate. I will keep a very close eye on the implementation of this legislation. I will engage with both Senators and Deputies on the specific legislation and its impact. I will also engage with Senator Ruane and her

office on the child poverty aspects she raised in her contribution. I thank the Acting Chair, the Seanad Office and, in particular, the officials in my Department who shepherded this legislation from the Supreme Court to this point. It is a matter of great pride that we will now send it to the President for signing.

Question put and agreed to.

Cuireadh an Seanad ar fionraí ar 5 p.m. agus cuireadh tús leis arís ar 5.34 p.m.

Sitting suspended at 5 p.m. and resumed at 5.34 p.m.

Planning and Development (Amendment) Bill 2025: Committee Stage

An Cathaoirleach: I welcome the Minister of State, Deputy John Cummins. The debate on the Bill will conclude at 9 p.m., if not previously concluded.

SECTION 1

An Cathaoirleach: Amendments Nos. 1 and 2 are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 1:

In page 3, line 16, to delete "Act" and substitute "Act (other than Part 2)".

Minister of State at the Department of Housing, Local Government and Heritage (Deputy John Cummins): Government amendments Nos. 1 and 2 amend section 1 to provide that Part 2 comes into operation on the day immediately following the date of the passing of the Bill.

Part 2 amends the Act of 2024 and the amendments will not have effect until the relevant sections of the Act of 2024 that they are amending are commenced. By commencing the amendments now, it means that when an order is made to commence a section of the Act of 2024 that is amended by this Bill, the section, as amended, will be commenced.

Senator Michael McDowell: Normally, I would not comment on a section of this kind but I want to draw the attention of the House to what we are doing. We are proposing to amend the Planning and Development Act 2024. I have a copy of it here. The Act will be twice as long when it is translated into Irish. We are waiting for that process to take place. I want to put on the record of the House that the Bill was guillotined with the great majority of amendments not even reached or considered. The Bill came from the Dáil to this House in such an altered state that a special version of it had to be prepared to enable Senators to understand what had actually emerged from the Dáil and to show how it was different from the Bill that started off in the Dáil. When the Bill came to this House, we were told it was a matter of absolute urgency that it would be enacted before the last general election. The Bill was guillotined in this House with hundreds of amendments, including Government amendments, never being reached or discussed. The Bill then went back to the Dáil and a guillotined motion said that all Government amendments were approved, even those that were never considered or discussed. The Bill got a fairly light consideration in the Dáil of less than a day because, again, it was urgent that it would

be passed before the general election was called. This document, which is now the cornerstone of all planning and development law in Ireland was enacted without being properly scrutinised. I will say what I have to say on some provisions of the law that we are changing now. Scarcely a year later, here we are amending this Act, which was so urgent that it had to be guillotined through the House at the time without proper debate.

I want to make a general observation. I believe the passage of this Act and the enshrinement in Irish law of a whole series of things, including the position of An Bord Pleanála, retitled An Coimisiún Pleanála, and processes involving national development objectives set out as criteria by which local authorities are bound, ministerial directives and the infamous Office of the Planning Regulator - which in its time has operated to dezone land zoned for building domestic houses at a time of housing shortage - all of that is now being made a permanent part of our law. Some of the amendments we are making today are sensible but the Act by itself, as amended, is fundamentally an obstruction to development in this country not an enabler. It sets out to put in place a system of planning law in Ireland, which will obstruct planning and development for many years even though it purports to limit the capacity of individuals and unincorporated associations to avail of judicial review. It will in fact enshrine the system of planning law, which at the moment has reached crisis point where we do not have the infrastructure in terms of water or electricity to carry out relevant development to deal with the housing crisis. We are struggling to provide water from the Shannon to Dublin or to establish the national electricity grid in a sufficient way to deal with every kind of demand, whether domestic or data centre, that has been put in place.

We are dealing with what I believe is a complete error. That is the supposition by one Department of State that An Bord Pleanála is competent to deal with every issue, from offshore wind farms to be built in the Atlantic, to motorways, to every form of compulsory purchase anywhere in the country, and even to the trivial such as if you are entitled to an overhead electrical gantry outside your house in Ranelagh to feed your car at night. All of these things are now coming within the purview of An Coimisiún Pleanála, which, with the greatest of respect - and I put this on the record - will turn out as one of the greatest mistakes this country has made. If we are serious about major infrastructural developments, we should do it in a different way. We should use what continental countries are entitled to do. That is state-sponsored legislative infrastructural developments, which are not the subject of the normal planning process, which are not the material sent to An Coimisiún Pleanála and which are not in any way accountable to judicial review of the inordinate kind we have at the moment. I put those views on the record.

This Bill will be twice as large as it is now when the Irish translation comes about, and by the way it is not available as signed by the President until that is done. This is an unofficial copy. This Act and the amendments we are already making to an Act that was guillotined through these Houses is not the solution for Ireland's solutions planning-wise. It is an enshrinement of everything that is wrong in Irish planning law. It is an enshrinement, in my view, in Irish law of something that will ensure that the coming ten and 20 years will be as unproductive as the previous ten or 20 years in respect of those badly-needed projects. Take a look at the Shannon to Dublin water supply. It was planned at least 30 years ago by Dublin Corporation as it then was. The head of Uisce Éireann told a conference recently that if he got the green light today to go ahead with it, 30 years later, even though it is agreed it should be done, it will be another ten years before it would be completed because of the delays associated with Irish planning law. We cannot go on living like this. We are living in cloud-cuckoo-land if we think the Planning and Development Act 2024 or the amendments we are making to it today will sub-

stantially improve what is radically wrong with the capacity of the Irish State to deliver to the people what they are entitled to, that is, decent infrastructure, decent development and a decent response to the housing crisis.

Senator Victor Boyhan: I will continue on from what Senator McDowell was saying about this particular juncture we are at. I will share some thoughts. I am conscious of time and do not want to waste too much today. I am conscious I have no amendments myself but I intend to contribute to some of the amendments. I have certainly collaborated with a number of people. I do not believe everything I read in the print media but I buy the *Business Post* on Sunday. It is an excellent paper that focuses particularly on a lot of planning and real estate issues. If you were to believe some of the articles in it, which are attributed to a number of people, you would certainly be scratching your head and asking what is really going on. I will share what was said by Gavin Lawlor, president of the Irish Planning Institute, IPI, of which many of the Minister of State's staff are members, be they officials in the Department or our local authorities. I have spoken to a number of chief executives in local authorities. I have spoken to many of our city and county councillors. One might ask what city and county councillors have to do with it. They are the guardians of their city and county development plans. Of course, we were told that this famous Planning and Development Act 2024 would be the panacea for everything in planning. We do not have a completed version of this, and I hope the Minister of State will touch on that because we need an answer at this point. Remember, the citizens of this State can litigate as Gaeilge. That is their constitutional right. After all of this time, are we to believe or to be told that nobody has the capacity, will, or resources to translate this critical and important legislation into our native language? We want an answer to that. We also want to know when it will happen. That is the first thing.

Second, Gavin Lawlor, president of the IPI stated, "While we all share the Minister's priorities of bringing development costs down and accelerating housing delivery, we are not convinced that the announced changes will achieve what's intended." He is of course referring to the Planning and Development (Amendment) Bill 2025 that we are considering now. Gavin Lawlor issued a formal press release that has been covered extensively in the media. He states:

> Professional planners not only recognise the gravity of the housing crisis - we are actively working to be part of the solution. We welcome meaningful, evidence-based reforms that support the accelerated, coordinated, and sustainable delivery of apartments and homes in communities across the country. While we all share the Minister's priorities of bringing development costs down and accelerating housing delivery, we are not convinced that the announced changes will achieve what's intended. In particular, the erosion of unit mix requirements represents a market-led approach to housing that is fundamentally at odds with the significant work undertaken by the Department of Housing to date to create a plan-led system.

I go back to that plan-led system. The Minister of State, Deputy Cummins, will remember this because he was sitting in this Chamber then. In our development plan, the whole emphasis was, as we were told by the then Minister and Ministers of State that this was moving from a developer-led system. There were suggestions, assertions and aspersions about developers and what they may or may not have been up to. I do not subscribe to them, so I put that to one side. We were told this would now be planning-led development. What I want to say is that I am deeply concerned. The IPI states "Our members understand the motivation to make unviable housing projects deliverable, however our members are deeply concerned about the potential unintended consequences of the Minister's actions." I talk to chief executives around the coun-

try and many of them are aghast. It is not all of them, some of them I did not get to speak to. I had reason to be at two local authorities in Dublin yesterday. I spoke to people there. They just cannot understand it. The Land Development Agency seems to know more than anyone about what is going on. Of course, it has a lot to gain. I am a supporter of the Land Development Agency. I do not have an issue with the Land Development Agency. I want to share two stories before I close. I am absolutely against the idea of single aspects. If you face north, you will have to use energy. We are talking about sustainable development. You will have to use energy to heat them up. If you face south, for the past two weeks, you would have had to have energy to cool them down. This is not sustainable planning. It is not proper and sustainable development - end of story. I spoke to a man last week who told me he lived in the Fingal County Council area. He ended up buying accommodation. He told me the price and the repayments were a little more than €1,000 per month. I said "Oh, that sounds like great value.". It was local authority or private arrangement partnership funding mechanism. I did not quite know the funding mechanism. The point is his repayments were €1,050 per month. I asked him how many rooms he had and he told me he had no rooms. He was living in a studio. He was married and 37 years of age. His wife was 38. They were not able to have a family at the moment. He said the other day he got a knock on his bathroom door. It was his wife and she asked him if he was okay in there because she had not heard the water. He said no, he was in there reading a book. That paints a picture. It paints a picture that the only room to break away from someone else for a couple who are stuck, because that was all they could afford, is in this room. Quite frankly, that is not the way we should be going. There is a place for studio apartments but not for single aspect.

I will finish on that and look forward to contributing to the debate. There are serious concerns and shortcomings. The Minister of State knows there has been no regulatory impact assessment of this Bill. He knows the committee waived pre-legislative scrutiny; it is the right of any committee to waive, but that does not mean anything. It just means the Government wrote to the committee to ask whether it would waive pre-legislative scrutiny. It did in this case, which is its right, and I respect that right. That was a pity too.

We are talking about this being emergency legislation. The timing of this legislation as it kicks in will be critical because the Government has given notice to developers of this legislation. I do not know the extent of the notice given but there certainly has been now. We have no guarantee. Many sections of the 2024 Act have not commenced. What assurances do we have? I note there is no emergency request for the President to sign this legislation as of yet. If this Bill passes the Houses this week, when will it be signed by the President? What is the Government's intention? When will it be fully, not partly, enacted? Timing is of the essence with this legislation.

In summary, this is unsatisfactory. I cannot see how many Members will support this legislation. We can spend all night pointing out the shortcomings or we can engage in a meaningful way, have our votes, make our points and ultimately, vote on this legislation, which will clearly happen tonight.

Senator Joe Flaherty: It is not directly related to the Bill but I take issue with a comment by the previous speaker. He said he does not agree with everything he reads in the printed media. It was a disappointing comment, given the veracity of the printed media, particularly in Ireland, is second to none. It operates within the confines of draconian defamation laws and at the same time, we have the Wild West of social media. It is a sector that is under immense pressure through job cuts and job losses. They say we are the last generation of people who will

buy newspapers. It is a sector that has served this country incredibly well since the foundation of the State. The Senator phrased it incorrectly or wrongly but it was a disappointing comment.

Senator Victor Boyhan: That is okay. The Senator is entitled to his comment.

Deputy John Cummins: I will stick to amendments Nos. 1 and 2. We have had extensive Second Stage debates, both in the Dáil and the Seanad, to make the general points. As I said in my opening remarks, it is a technical amendment to amend the relevant sections of the Act of 2024. Those sections, as amended, will take effect once this is commenced. I will address one point about the translation of the 2024 Act into Irish, which Senator Boyhan raised. That is a matter for the Oireachtas; that is not a matter for my Department.

Senator P. J. Murphy: The Minister of State is very welcome. I thank him for coming to the Seanad this afternoon. Despite what has just been said by the Opposition, I stand here and compliment the Minister of State on the amendments before us. They will do exactly as intended: enable development. I will go to the bones of the amendment: "The holder of permission for residential development may apply to the relevant authority who granted the permission for the certificate certifying that a proposed modification...of the permission is a permitted modification.". We debated this last week. We spoke about the need for apartments of all sizes. As we said last week, irrespective of what ideal sizes and large sizes we may believe are optimum to live in, if they are not financially feasible to be built, they will not be built and they are not being built.

There is a lack of development in this sector. We have to address that. Irrespective of what we may see as being the ideal apartment to live in, be it facing north, south or both, if they are not being built, they are no good to anybody. We have to be honest. Apartments that are simply not financially viable to build will not be built and are not being built. These amendments are for facilitating the financial viability of a sector that is not currently functioning properly. I compliment the Minister of State on what he is attempting to do. These are progressive amendments and I congratulate him on that.

Senator Patricia Stephenson: The Minister of State is asking to us support a Bill that erodes basic human dignity and environmental protections and basically gives *carte blanche* to developers to hide the fact that his Government is a serial failure when it comes to housing. We are asked to support a Bill that will lower housing standards at a time people are struggling to find homes that support basic well-being. He did not like the critique of the Bill last Thursday and suggested we have no solutions. The Social Democrats have a fully costed, comprehensive policy on housing and I invite him to read that. He can use it if he wants because at the end of the day, we need houses built.

It is possible to deliver housing in a way that does not just give *carte blanche* to developers and it is not just me saying that. The Irish Planning Institute also said that as it issued a statement expressing its deep concern in quite an unprecedented move. I want to put it on the record so that members of the public and stakeholders are made aware that after 3.30 p.m. last Friday, we received 12 pages of Government amendments to this 18 page Bill. We had until 11 a.m. on Monday morning to submit amendments. Essentially, we had less than one working day to try to consolidate the effect of the Government amendments that increase the size of the Bill by two thirds, consider their implications and draft our amendments in response to them. How does the Minister of State think that is okay? How do his Department officials think that is okay? We cannot meaningfully call that type of turnaround scrutiny. Some of the amendments he has

included in this Bill are actually corrections to the 2024 Act. We now see the consequences of pushing through a Bill without pre-legislative scrutiny. I am not really sure this Bill will be any different. I feel this will cause huge legal uncertainty and flawed decisions which will, in turn, risk increased numbers of judicial reviews. It is outrageous the Minister of State plans on using Part 9 of the Act to egregiously limit judicial review. In doing it that way, it could be legally and practically very problematic and could cost the Government unestimated, untold millions of euro in complex litigation.

These amendments are quite complex in their effect and many are deeply controversial, problematic and cause widespread concern. It is really important to put that out there. The legislation proposes to reduce ceiling heights, weaken light and ventilation standards and remove communal amenity requirements. It encourages the delivery of smaller, darker, lower quality apartments at a time we know how deeply housing conditions impact mental and physical health. They are only suitable for one person to live in. They will attract only those who may be short-term renting or have no other option because of the housing crisis we have. They will do nothing to address the growing number of families or couples in that situation. It seems the Bill is about the warehousing of workers rather than giving people somewhere decent to live. Even worse, these units will still command the highest rents as they fall under the new rental legislation. When these come on board, we will see rents of more than €2,300 per month for these tiny box rooms. They are being built for developers and not the people who will live in them.

The Irish Planning Institute, in a rare and serious intervention, warned that "the erosion of unit mix requirements represents a market-led approach that is fundamentally at odds...with a plan-led system [focused] on long-term, sustainable outcomes". It adds: "Our members are deeply concerned about the potential unintended consequences of the Minister's actions." If we are not careful, one of the concerns is that we will design the slums of the future. Homes will undermine well-being and dignity. What the Government is doing is having more apartments and fewer people and completely ignoring families and people with disabilities.

*6 o'clock*I

have not seen any detailed breakdown of the data cost on savings. I would love the Minister of State to be able to provide the data cost on savings today; that would be brilliant. We all want more homes built, but quantity must never come at the cost of basic quality, and this Bill really does need serious revision before we entrench lower standards into Irish law.

Senator Victor Boyhan: I will come back to the Minister of State. I take on board his point that translation is not a matter for the Department, but that it is a matter for the Oireachtas. However, I have had raised this with numerous Ministers. I have raised this under Commencement matters, which is nothing to do with this debate and which I will send to the Minister of State tomorrow, and I have been told every time that the sponsoring Minister and the Minister of State's Department are endeavouring to get it published. We do not, therefore, operate in a bubble or a vacuum. It is cross-party and interdepartmental, and it is in everyone's interest, including the legislators and the Minister of State, to pursue the agenda. The Minister of State might not personally be responsible but let us park all the sideshows here. It should be translated at this stage. That is my message. I do not think the Minister of State is disagreeing with me, so I would appreciate if he could push it along.

I want to wrap up on two issues. We need to be clear; the public are listening in and watching "Oireachtas Report", and they need to see the context. I thank the library and research team

for their Bill digest last week. I will reiterate one key line, which states that today, there are 50,000 apartments in Dublin with active live planning permissions. We heard that great old cliché about use it or lose it. That is the problem. All I am hearing is viability. I run a business; it has to be viable. Many of us are involved in businesses that have to be viable, but we cannot bend over backwards for people every name of the game. We were told about the regulation for the construction industry was happening; it still has not happened. We hear all the commentary about viability and resources. I am sorry; there comes a point. The public are losing hope here. We have today 50,000 units with full planning permission not being built out. Why? Because developers that coming down the track, they will have opportunities under this Bill. That is the nature of it.

The other myth we need to nail here once and for all is that there are only 7,500 units affected by judicial reviews. They are the facts. There should be none of all this old poppycock about judicial reviews and litigants and people frustrating planning processes. That is not factually correct. We know that many of these judicial reviews have actually been initiated by developers themselves. I have taken the time to have a look. Many of the appeals with regard to some developments are by developers. Many appeals, particularly around infrastructure for development, have been objected to by democratically elected TDs and Senators and city and county councillors from all parties and none. That is their democratic right. That is not a criticism, absolutely. I have always been active in planning and monitoring planning in my own area and will continue to do so. We need to get that message out there. There are plans on the drawing boards, fully approved to go, but developers have decided they want to stall them. However, if they were told to use it or lose it, and if that was in this legislation, they would be developing it pretty quick then. They will hold and hold and keep changing and changing.

Of course, one other aspect of this Bill is that they can go back and modify this without any reference to the planning authority. We must remember that citizens who we represent have that right to engage in a planning process. That is a constitutional right. We have to careful when we look. I am all for reform and for more houses, and I do not have difficulty with studio apartments in appropriate places and with a ratio. However, in Dún Laoghaire–Rathdown, where I live, there was a proposal for three-bedroom units and a percentage of them would be there. That is all going to be thrown to one side.

Where is the democracy for local men and women who we elect to run our councils, and who are the guardians of their city and county development plans? It is a bit like the big case that was made that we do not need to have development, and we want ten-year plans because we want consistency. The Minister of State is back here already within the year amending the 2024 legislation, but we were told that not at all, ten years will be loads. We talked about that flexibility, and how a development plan and planning Bill had to be agile and responsive to the ongoing needs. Of course it has to be agile and responsive to ongoing needs, but that was not the argument the Government wanted to hear a year ago. Now, suddenly, it can bring this up.

I am going to sit down and shut up at this point, but this does beg a question. I received a letter from a councillor in south County Dublin today that talked about democracy and the local task force. She asked what it was all about. She said they are city and county councillors, and they are now being asked to be involved in a task force, yet the Government does not want to hear what they have to say. It is talking about all this meaningful engagement, but councillors have a role too in the planning and development process. It begs the question about how things become so centralised. The Office of the Planning Regulator has so much control. The Department has so much control. It just begs the question when it comes to our democratically

elected members, who have a mandate to represent communities and have knowledge of planning, somehow, there is no consultation with regard to what they say.

Amendment agreed to.

Government amendment No. 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.".

Amendment agreed to.

Question, "That section 1, as amended, stand part of the Bill", put and declared carried.

Section 2 agreed to.

NEW SECTIONS

An Cathaoirleach: Amendments Nos. 3 and 13, amendment No. 1 to amendment 13, amendments Nos. 14 to 16, inclusive, amendment No. 1 to amendment No. 16, amendment No. 25 and amendment No. 1 to amendment No. 25 are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 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;".".

Deputy John Cummins: I will address amendments Nos. 3, 13, 14, 15, 16 and 25. I know Members may want to address the amendments to my amendments first perhaps before I respond.

Senator Sharon Keogan: My amendment relates to the Office of the Planning Regulator.

Senator Victor Boyhan: What amendment is that?

Senator Sharon Keogan: Amendment No. 4.

An Cathaoirleach: That is not in this grouping, it is-----

Senator Sharon Keogan: It is not in this section, is it? I am sorry; I do not have the-----

An Cathaoirleach: It is not in the grouping. Has the Senator got the groupings?

Senator Sharon Keogan: It is not in this grouping; I apologise.

An Cathaoirleach: That is grand. I call Senator Stephenson.

Senator Patricia Stephenson: On amendment No. 1 to amendment No. 13., I am going to double-check this and let the Minister of State know later, but this might have been slightly reformatted from my original submission. Maybe it was something to do with the renumbering but anyway, I will speak to the essence of the amendment. The purpose of this amendment is to limit the potentially negative effect of the specified overriding powers in the 2024 Act that it refers to, which could otherwise be used to negatively impact an existing public right of way by removing, reducing, limiting, diminishing or compromising the use of or enjoyment of existing public rights of way that were in place before the commencement of Part 3 of the 2024 Act.

Specifically, it limits the effect of negative changes given new revised national planning frameworks or regional, spatial and economic strategies via SI 5 or section 68 and any negative changes in further alignments forced by sections 61 and 62 - consequences of new or amended national planning statement for development plans and expedited variation of development plan". I very much urge the Minister of State to consider the importance of rights of way and ensure that the 2024 Act is not used to negatively impact any existing rights of way and the enjoyment and use the public gets from them, and to accept this amendment, at least in principle, and further improve it as outlined when the Bill reverts to the Dáil given that we might not have a chance to have Report Stage. Maybe it could be considered in the Dáil, or the Minister of State could accept a similar amendment from colleagues who might put these forward in the Dáil.

Senator Sharon Keogan: Is my amendment No. 3 in this section?

An Cathaoirleach: Yes.

Senator Sharon Keogan: It relates the Office of the Planning Regulator.

An Cathaoirleach: I am sorry; the Senator was correct initially. That is amendment No. 4 in relation-----

Senator Sharon Keogan: I know but is says No. 3. I am sorry; it is amendment No. 3 in the list, is it not?

An Cathaoirleach: It is amendment No. 4.

Senator Sharon Keogan: It is amendment No. 4. Is it amendments Nos. 3 and 4?

An Cathaoirleach: No, amendment No. 4 is next. It is not in this grouping. It is No. 4-----

Senator Sharon Keogan: That is all right. I thank the Cathaoirleach.

Senator Patricia Stephenson: If it is better for the Minister of State, maybe I should speak to all the amendments as opposed to-----

An Cathaoirleach: All within the group.

Senator Patricia Stephenson: I propose to withdraw the amendment to amendment No. 16. Amendment No. 14, to delete "varied."." and substitute "varied.", is to deal with a punctuation issue. I am sure the officials will pick up on that on another Stage of the Bill.

The purpose of the amendment to amendment No. 25 is to ensure that extraordinary and worrying new powers under the 2024 Act shall not operate to remove, limit, reduce or otherwise compromise the record of protected structures included in a development plan in existence or whose drafting is under way prior to the commencement of the Act. Similar concerns have been highlighted in respect of the earlier definition of potential negative consequences of the 2024 Act on public rights of way that I have just spoken about that may obtain here as well.

The sections of the 2024 Act referred to that are precluded from compromising protected structures under our amendment include section 68(5), which if left effective would also force the precedence of a new or revised national planning framework over a development plan. In this regard, I refer to the list of all protected structures. Also relevant are section 61, which concerns consequences of new or amended national planning statement for development plans, and section 62, which refers to the expedited variation of development plans. As mentioned regarding amendment 13 in respect of public rights of way, ideally the list would be expanded to include sections 64 to 67, inclusive. I urge the Minister of State to accept my amendment in the public interest and given the importance of our heritage and protected structures, and also to allow for improvement, as suggested in the Dáil. That is everything from me.

Deputy John Cummins: Let me address the Senators' proposed amendments. Senators Higgins and Stephenson have tabled a proposed amendment to amendment No. 13, which seeks to provide that the variation of a development plan on foot of a national planning statement or the fact that the provision of the NPF or the RSES takes precedence over a provision of the development plan continued in force from the Act of 2000 "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". I cannot accept this proposed amendment as it is unnecessary. The Act of 2024 has several provisions relating to public rights of way. Section 51(2) provides that a development management statement may include objectives for a range of matters, including "preserving a specific public right of way, including a public right of way which gives access to any seashore, mountain, lakeshore, riverbank, monument or other place of natural beauty or recreational utility". Section 51(4) provides that nothing in section 51 shall affect the existence or validity of any public right of way. Section 60(10) of the Act of 2024, which I am amending in amendment No. 13, already provides that any provision relating to the preservation of a public right of way contained in a development plan continued in force until section 68 may be included in a subsequent development plan made under this Act without the necessity to comply with this section. Section 60(11) provides that nothing in section 60 shall affect the existence or validity of any public right of way not included in a development plan. It is important to note that the creation of public rights of way either by agreement or compulsorily is a matter already provided for under sections 268 and 269 of the Act of 2024. Furthermore, section 270 provides for a right of way to be maintained by the planning authority. I am satisfied that there are adequate provisions in the Act of 2024 to provide for the preservation and maintenance of rights of way and therefore cannot accept the amendment to amendment No. 13.

Senators Higgins and Stephenson have also tabled a proposed amendment to amendment

No. 16, which seeks to delete subsection (7) of section 81 of the Act of 2024. I cannot accept this proposed amendment to my amendment as the subsection provides that where a local area plan that is continued in force conflicts with a provision of the NPF, RSES, a national planning statement or a development plan, the higher-order plan or strategy takes precedence. This is an important provision that gives clarity to the hierarchy of plans in our country. The overriding policy behind the Act of 2024 is that the national planning framework will continue to spearhead the planning agenda. The Act sets out a plan-led system and structure whereby all tiers of planning, from regional to local, align with the strategic objectives set out in the NPF, which was adopted by both Houses of the Oireachtas. Put simply, lower-order plans are required to align with higher-order plans, with development plans aligned to the regional strategies and in turn to the NPF and national planning statements, and with the area-based plans aligned to development plans. Therefore, I cannot accept the amendment to amendment No. 16.

Senators Higgins and Stephenson have also tabled a proposed amendment to amendment No. 25, which seeks to provide that the variation of a development plan on foot of a national planning statement or the fact that the provision of the NPF or RSES takes precedence over a provision of the development plan continued in force from the Act of 2000 "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". I cannot accept this proposed amendment as it is unnecessary. The Act of 2024 has several provisions relating to the record of protected structures and specifically section 307(2) of the Act of 2024 provides that the "making of an addition to, deletion from or amendment to a record of protected structures under *subsection (1)* shall be a reserved function".

Government amendments Nos. 3, 13, 16 and 25 all provide that a reference in various plans throughout the Act of 2024 to a development plan continued in force under section 68 of the Act of 2024 should also include a reference to a development plan prepared or varied in accordance with section 69. Section 68 of the 2024 Act provides that the development plan in place under the Act of 2000 continues in force when the Act of 2024 is commenced. Section 69 allows the making of a development plan or a development plan variation commenced under the Act 2000 prior to the commencement of Part 3 of the Act of 2024 to continue under the Act of 2000 notwithstanding its repeal. As sections 68 and 69 both carry over development plans from the Act of 2000 to the Act of 2024, it is necessary to update any references to section 68 and also include a reference to section 69, where appropriate.

Amendments Nos. 14 and 15 apply to procedures in subsections 68(3), 68(4) and 68(5) of the Act of 2024 in respect of a development plan prepared or varied in accordance with section 69. This is reasonable as both sections 68 and 69 carry over development plans from the Act of 2000 to the Act of 2024.

Amendment No. 14 just edits the punctuation of the Bill to allow the text of amendment No. 15 to be correctly inserted.

Amendment put and declared carried.

Senator Sharon Keogan: I move amendment No. 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 shall come into effect on the passing of this Act.".".

This relates to the Office of the Planning Regulator, which has been the biggest stumbling block when it comes to building housing in this country. The Government talked earlier this year about appointing a housing tsar. I think we already have one. This particular regulator has caused serious issues for city and county councillors. It sets objectives for a county's development plan, determines planning strategies and sets objectives for each of the local authorities. It has dezoned land. The amount of land that was dezoned in this country by the Planning Regulator is criminal. The Bill last year reinforced the role of the Office of the Planning Regulator which, from time to time has sought to undermine planning decisions.

Ireland has one of the weakest systems of local government in Europe. We should be looking to change this. Considering that most councillors are familiar with their area, they should be the ones entrusted to make decisions on planning, zoning and other issues. At this moment in time local authority members are waiting for the numbers to come out from the Department on what they will be allowed to build. The Department is looking for lands that are zoned or may have services on them. Almost half these lands were dezoned by the Planning Regulator in 2018. I remember being a member of the council at the time and we had to dezone land. Here we are shouting for housing today. For me, this office has been the biggest stumbling block to housing in this country and it should be terminated.

Deputy John Cummins: Amendment No. 4 seeks to repeal the Office of the Planning Regulator. As everyone knows, the OPR was established in April 2019 on foot of recommendations made by the Mahon tribunal. It made 64 recommendations aimed at significantly enhancing the transparency of planning in Ireland, against a backdrop of significant historical deficiencies in decision-making on local authority development plans or other planning functions. The OPR carries out a range of important and significant functions which assist with the effective operation of the planning system as a whole. Therefore, I oppose the amendment as I believe that if it were to be accepted, it would have a negative impact on the planning system in its entirety.

I will address the point on the zoning of land. The Minister, Deputy Browne, and I will write to local authorities very shortly on their housing growth requirements. We have already informed local authorities to commence the variation process in terms of the zoning of land. It is a matter for each local authority as to where it zones particular lands. Certainly from our perspective, the Department will write with the housing growth requirements very shortly and we expect local authorities to implement them as quickly as possible to ensure we have an adequate amount of zoned and serviced land throughout the country, to ensure we have the homes we require for our people throughout the country.

Senator Sharon Keogan: Will the Minister clarify when this will be? Will it be prior to the summer recess, in the coming weeks or when?

Deputy John Cummins: Shortly.

Senator Sharon Keogan: What does "shortly" mean?

Deputy John Cummins: Shortly.

Senator Sharon Keogan: Will it be in weeks or months?

Deputy John Cummins: Very shortly.

Senator Sharon Keogan: Very shortly is fantastic. I thank the Minister.

Senator Michael McDowell: I share Senator Keogan's reservations about the Office of the Planning Regulator. I understand what the Minister has said on it emerging from one of the recommendations of the Mahon tribunal but, with the greatest of respect, the fact the tribunal had to deal with allegations of corruption in respect of zoning and rezoning by local authority members never required something as draconian as the Office of the Planning Regulator to be established. It certainly did not require the Department giving to the Office of the Planning Regulator a power effectively to undo decisions of local authorities by fiat, subject only to an ultimate veto by a Minister, which has to be laid before the Houses of the Oireachtas. It gave massive power to the Planning Regulator to undo decisions that local authority members made in good faith.

I do not accept the proposition that local authority members are ignorant or foolish when it comes to the zoning requirements in their area. I heard that Dún Laoghaire-Rathdown County Council was told by the Planning Regulator to dezone land in its area. It is a city area, virtually. For the Planning Regulator to say it had zoned land for housing to an excessive degree was an extraordinary proposition. The requirement it should dezone that land was made by the Planning Regulator which, we are told, is independent in the execution of its functions and is subject only to the right of a Minister to supervene again and lay before the Houses of the Oireachtas a direction to ignore the Planning Regulator. Otherwise, such a direction from the Planning Regulator takes effect. This is the direct opposite of local democracy.

The members of Dún Laoghaire-Rathdown County Council were entitled to decide, and were in a far better position to decide, on what likely demand for housing there was in their area and to make their zoning decisions accordingly. It was never suggested that the rezonings directed to be rescinded by the Office of the Planning Regulator more recently were in any way tainted by corruption or suspicion as to the bona fides of the councillors who made their decisions. It was never suggested this was the case. In fairness, this has to be said. They are people who make decisions in good faith based on their calculation of what demand for housing in Dún Laoghaire-Rathdown will be.

I have seen, from work I have done elsewhere, the Office of the Planning Regulator intervenes in the sequence of rezoning land outside the centres of towns of medium size. This has happened on a number of occasions. The Planning Regulator has said that in theory, the land could be rezoned but there is land closer to the centre of the town in question that should be developed first. This is all very well, except the persons who own the land nearer the town centre have no intention, for one reason or another, of carrying out any development on it. They cannot be forced to do so unless the local authority decides to CPO the land. In these circumstances we go through the entire rigmarole of having An Coimisiún Pleanála confirming a CPO regime if, as a housing authority, the local authority decides to intervene and purchase land compulsorily. This requires, in the way things actually operate, that the Department backs it up financially when it comes to a CPO for this purpose.

I agree with Senator Keogan. The OPR was a heavy-handed overreaction. It is an aggrega-

tion of power to the centre of the Department, operating through a so-called independent agency to examine in minute detail, by reference to national planning directives, frameworks and the like, and micromanage what local authority members did and do in respect of the development of their areas. I have seen other cases where, for instance, the Office of the Planning Regulator decides there have to be duplex-type developments in developments outside towns. The local authority, having consulted the developers in their area, says there is no demand in rural Ireland and in rural Irish towns for those duplex arrangements. The local authority, though, is overruled and told it must have duplex-type housing densities on the land it is now proposing to zone or grant planning permission in respect of. In my view, all of that is grossly excessive.

Regarding Senator Keogan's proposals in her amendments, I support them. I think it is time we said goodbye to the Office of the Planning Regulator. There are different ways to handle suspected corruption. It should be done by a Minister and the consent of these Houses. It should not be done by a so-called independent and largely autonomous officer who imposes his or her will on the democratic choices made by local authority members against the possibility that they would behave improperly or in bad faith or corruptly in relation to their decisions on zoning and in the content of their own development plan.

I will add one thing, and that is this list of amendments to this Bill contains 21 amendments that are Government amendments. This is for a Bill that has just been guillotined through the Dáil and flung in here for our consideration under similar time pressure. In the main, these are amendments that could have been envisaged as necessary at the time when the Planning and Development Act 2024 was guillotined through this House and rushed through Dáil Éireann prior to the last general election. This is not a way to conduct parliamentary business. We do not have the explanatory memorandums for this House for these 21 amendments. The Minister is in a position to tell us what each amendment is about but we do not have a detailed account ahead of the debate as to precisely what is planned.

Regarding housing standards, and we will probably come to it later concerning section 44B, which it is proposed to insert in Part III of the Planning and Development Act 2000, a Bill which is proposed to be repealed in its entirety by the 2024 Act. These are controversial proposals and should be the subject of detailed consideration in both Houses and they are not going to get it, like so much of the 2024 Act. For everybody's benefit, I had a researcher just look at the 2024 Act and how many individual amendments were made and never considered by either House. My researcher says that in total it came to more than 1,500 amendments. It is some achievement that a code could be enacted with that volume of unconsidered amendments made by both Houses but deemed by virtue of guillotine resolutions to have been considered and approved by both Houses. It is the exact opposite of democracy. I have to just put this on the record.

Acting Chairperson (Senator Seán Kyne): I thank the Senator. Does the Minister of State wish to respond?

Deputy John Cummins: Yes. As I said, I am opposing the amendment because I believe it will have a negative impact on the planning system. As I said in my initial comments as well, the housing growth requirements will be notified to local authorities very shortly. It is important to put in context the previous housing growth requirements at 30,000 units per annum. The national planning framework adopted by both Houses of this Oireachtas has it at 50,000 units plus. This requires a significant increase in zoned land to be able to facilitate it.

Senator Michael McDowell: I support it.

Deputy John Cummins: I know this is being welcomed by the Senator, but it is also important to say that the OPR is independent of the Department. It is also important to say there have been changes in the 2024 Act, which was debated in this Chamber. I was sitting on that side of the House last year in respect of the changes to the OPR in terms of the advisory board, which will be in place by the end of this year.

To address a few other points, this explanatory note to all the amendments was circulated by my office last Friday. It was circulated to all Senators and it is important to put that on record. Certainly, I hope we will get to many of the substantive amendments the Senator just referred to, but we did spend 45 minutes talking about two technical amendments at the very start of this process.

Acting Chairperson (Senator Seán Kyne): Is Senator Keogan pressing the amendment?

Senator Sharon Keogan: Yes.

Amendment put:

The Committee divided: Tá, 6; Níl, 39.	
Tá	Níl
Boyhan, Victor.	Ahearn, Garret.
Keogan, Sharon.	Blaney, Niall.
McCarthy, Aubrey.	Boyle, Manus.
McDowell, Michael.	Brady, Paraic.
Mullen, Rónán.	Byrne, Cathal.
O'Reilly, Sarah.	Byrne, Maria.
	Clifford-Lee, Lorraine.
	Collins, Joanne.
	Comyn, Alison.
	Conway, Martin.
	Cosgrove, Nessa.
	Costello, Teresa.
	Crowe, Ollie.
	Curley, Shane.
	Davitt, Aidan.
	Duffy, Mark.
	Fitzpatrick, Mary.
	Flaherty, Joe.
	Gallagher, Robbie.
	Goldsboro, Imelda.
	Harmon, Laura.
	Kelleher, Garret.
	Kennelly, Mike.
	Kyne, Seán.

	Lynch, Eileen.
	Murphy, Conor.
	Murphy, P. J.
	Murphy O'Mahony, Margaret.
	Ní Chuilinn, Evanne.
	O'Donovan, Noel.
	O'Loughlin, Fiona.
	O'Reilly, Joe.
	Rabbitte, Anne.
	Ryan, Dee.
	Ryan, Nicole.
	Scahill, Gareth.
	Stephenson, Patricia.
	Tully, Pauline.
	Wilson, Diarmuid.

Tellers: Tá, Senators Sharon Keogan and Michael McDowell; Níl, Senators Garret Ahearn and Robbie Gallagher.

Amendment declared lost.

Acting Chairperson (Senator Seán Kyne): Amendments Nos. 5 to 8, inclusive, are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Sharon Keogan: I move amendment No. 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.".

I rise to speak to amendments Nos. 5 to 8, inclusive, which propose to repeal sections 21 to 24, inclusive, of the principal Act. These sections, as they stand, embed the national planning framework deeper into our planning system. I have serious concerns about this direction. Let me be clear: the national planning framework is not law. It was never voted on by the people. It is a policy document that has become a straitjacket for local democracy. It is being used to override the will of elected councillors to dictate from Dublin what should be decided in Drogheda, Donegal and Dingle. Planning should be bottom up, not top down, but what we see in these sections is the opposite. We see a centralised vision being imposed on communities regardless of their needs, their geography or their aspirations. Section 21, for example, reinforces the idea that local development plans must conform to national policy, but who defines that policy? It is not the people, the councillors or the communities. It is defined by civil servants

and consultants and your fella in the Office of the Planning Regulator, OPR, often with little or no connection with the areas affected. In the most recent vote here, the OPR dezoned 28,000 ha that would have delivered 100,000 homes for the people in this country and we are in a housing crisis. We bring in emergency legislation for stupid things but we cannot bring in emergency legislation to build houses for our people.

Sections 22 to 24, inclusive, continue in the same vein. They embed a system where local authorities are implementers, not decision-makers, where councillors are sidelined and where the lived experience of communities is ignored in favour of abstract targets and glossy strategies. I have said it before and I will say it again. Ireland has one of the weakest systems of local government in Europe and instead of strengthening it, this legislation continues to hollow it out. We need to trust our local representatives. That is what this legislation is about when it comes to planning. It is about trusting our local representatives and trusting the people who are on the ground to make the right decisions, to build the houses in the right places and to know where the water services are. Councillors are not stupid. They do not put planning into areas that have not got services. They know their areas, they know what works and they are accountable to their people, not to a framework, not to a regulator and not to a Department. This is why I call for a repeal of these sections. Let us restore balance, restore democracy and give local government the respect and responsibilities it needs.

Deputy John Cummins: Amendments Nos. 5 to 8, inclusive, as tabled by Senator Keogan, seek to delete sections 21 to 24, inclusive, of the Act of 2024, which relate to the national planning framework, NPF. I cannot accept these amendments as the NPF is provided for in the existing and new planning legislation and sits at the apex of the hierarchy of our statutory spatial development plans, the purpose of which is to ensure the sustainable development of our urban and rural areas to 2040 with the core objectives of securing balanced regional development and the sustainable compact growth approach to the form and pattern of future development. Provision for the NPF is appropriately and necessarily dealt with in the Act of 2024. The NPF is a long-term strategy for the spatial development of Ireland to promote a better quality of life for all, with sustainable economic growth in an environment of the highest quality as its key underlying principles.

The subsequent review of the regional spatial and economic strategies and the review of individual city and county development plans to align with the NPF and the regional spatial and economic strategy, RSES, establishes a robust integrated hierarchy of spatial plans within Ireland. In turn, this will inform the making of decisions on planning applications in a robust and efficient manner, assisted by the statutory decision-making timelines contained within the 2024 Act. The Act requires that the NPF include policies and proposals for the furtherance of a number of objectives and securing national and regional development strategies including maximising the potential of our regions, supporting proper planning and sustainable development in urban and rural areas, supporting the circular economy, securing the co-ordination and regional spatial and economic strategies and development plans, providing for land and sea interactions and securing co-ordination with the national marine planning framework, and the integration of the pursuit and achievement of the national climate objective and the national biodiversity action plan into plan-led development within the State. This plan-led approach to development, reaffirmed and further enhanced under the Act of 2024, will continue to align strategic planning policy from the national level through to regional and local plans, giving effect to real and sustainable outcomes for our regions, our cities and our communities both urban and rural.

Both Houses of this Oireachtas approved the revised NPF in April of 2025. This is impor-

tant given the comments the Senator has just made that there was no vote on this. The revised NPF provides the basis for the review and updating of regional spatial and economic strategies and the local authority development plans to reflect matters such as the updating of housing figures, which the Senator spoke to in her previous set of amendments, when I also informed the House we would be writing to local authorities very shortly about updating their development plans in that context. I am satisfied the existing provisions regarding the national planning framework are appropriate and, therefore, I cannot accept these amendments.

Amendment put and declared lost.

Senator Sharon Keogan: I move amendment No. 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.".

Amendment put and declared lost.

Senator Sharon Keogan: I move amendment No. 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.".

Amendment put and declared lost.

Senator Sharon Keogan: I move amendment No. 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.".

Amendment put and declared lost.

Section 3 agreed to.

NEW SECTION

Government amendment No. 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.

(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.”.”.

Deputy John Cummins: Amendment No. 9 amends section 30 of the Act of 2024 to clarify the trigger for the first review of an existing regional spatial and economic strategy under the Act of 2024 and is necessary for the commencement of Part 3 of the Act of 2024. Section 31 currently provides that a regional assembly shall commence a review of the RSES not later than six months after the publication of a revised or new NPF under Chapter 2 of the Act of 2024. As a revised NPF was recently published under the Act of 2000 and will continue in force under the Act of 2024. This amendment provides that a regional assembly shall commence a review of the RSES not later than six months after the commencement of section 21(6) of the Act of 2024, which provides for the existing NPF to continue in force. This ensures that once Part 3 is commenced, the RSES will be reviewed in line with the requirements of the Act of 2024 and updated accordingly.

7 o’clock

The RSES will be reviewed in line with the requirements of the Act of 2024 and updated accordingly. This ensures the plan making hierarchy is followed and allows the RSES to reflect the NPF and any subsequent development plans to be made in line with RSES made under the Act of 2024. Any future new or revised NPF will trigger the RSES in place to be reviewed.

Amendment agreed to.

SECTION 4

Acting Chairperson (Senator Seán Kyne): Amendment No. 10 is in the names of Senator Stephenson and Senator Higgins. Amendments Nos. 10 to 12, inclusive, are related and may be discussed together. Is it agreed? Agreed.

Senator Patricia Stephenson: I move amendment No. 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.",".

The amendment relates to Ireland's planning system, which has long prioritised market-led housing delivery. It introduces a necessary rebalance towards public interest planning where local authorities can proactively designate land for homes that meet socioeconomic needs and not just market profitability. By anchoring zoning authority in statute, the amendment strengthens the legal basis for local authorities to ring-fence land for affordable housing and it protects councils from external pressures to rezone land for higher value and often speculative uses. Zoning for affordable housing enables the delivery of integrated communities not segregated by income. It helps meet the real housing needs of workers, families and young people, a demographic we can acknowledge is increasingly shut out of the housing market. The Affordable Housing Act includes both affordable purchase and cost rental models. Zoning lands specifically for these can be de-risk delivery for approved housing bodies and enable direct build by local authorities and State agencies such as the LDA.

Senator Sharon Keogan: Amendments Nos. 11 and 12 go to the heart of what I believe is missing from the Bill, real empowerment for local authorities. Amendment No. 11 proposes a new section 42A, which would allow local authorities to purchase unzoned land for residential and other strategic uses. This is a practical, common-sense measure. Right now, councils can only buy land that is already zoned, but that land is often more expensive, more contested and more difficult to develop. Why not let councils act earlier? Let them identify land that is suitable, buy it at a fair price, zone it appropriately and get on with the job of delivering homes. This is how we used to do things in this country. When we were poorer, we built more because we trusted local authorities to lead.

Amendment No. 12 complements this by restoring discretion to elected councillors in zoning decisions. It inserts a new subparagraph in section 46, making it clear that councillors, not just officials, should have the final say on whether land is zoned for housing or other uses. Zoning is a reserved function, or at least it used to be, but more and more we see national policy overriding local decisions. That is not right. If a council wants to zone land for housing, enterprise or community use, it should be able to do so without having to refer to diktats in Dublin. These amendments are about trust - trusting local knowledge, local democracy, and the people closest to the ground to make the right decisions for their communities. If we are serious about solving the housing crisis, we need to cut through the red tape and empower those who can act. That starts with local authorities.

Deputy John Cummins: Amendments Nos. 10 to 12, inclusive, all relate to the zoning of land. Amendment No. 10 seeks to provide that the regional economic and spatial strategies shall allow for the zoning of land for the particular use of affordable housing. I cannot accept this amendment as zoning requirements are adequately dealt with within the 2024 Act. The purpose of land use zonings is to indicate the development management objectives of the planning authority's administrative area generally whether residential, commercial, agricultural, recreational, open space or otherwise, or a mixture of those uses. When land is zoned for residential use, it is not appropriate to designate the housing type or tenure attached to such zonings. Land use zoning is determined at development plan stage. However, I cannot accept these amendments. Section 43 of the 2024 Act outlines the content requirements of development

plans. Section 43(6) provides that the written statement for an integrated overall strategy for the proper planning and sustainable development of an area included in the development plan shall include zoning objectives for the zoning of land for a particular use or a mixture of uses. Prior to the making of a development plan, a planning authority shall prepare a housing strategy for the purpose of ensuring that the housing development strategy makes adequate provision for the housing of the existing and future population needs of an area within the development plan in accordance with the proper planning and sustainable development of an area. The housing strategy shall take account of the existing and likely future need for affordable housing. Section 242(10) provides that up to 20% of land used for residential purposes, including land that is not zoned for residential use or for a mixture of residential and other uses but in respect of which permission for the development of houses is granted, must be provided for social, affordable or cost-rental housing. I am satisfied, therefore, that the existing provisions regarding affordable housing are appropriate.

Amendment No. 11 seeks to provide that local authorities should have the power to purchase unzoned land for residential use. It would not be appropriate to provide for this within legislation. It is a matter for the local authorities concerned to acquire land on an ongoing basis for their own use. There is no preclusion on local authorities acquiring any given landbank. The future use of that from a zoning perspective then is a matter again for local authority members within the development plan process or any variation that may occur to that development plan.

Amendment No. 12 seeks to provide that in zoning regard shall be had to the members of local authorities who shall have discretion in approving whether land should be zoned for residential use or other forms of use. Zoning is a reserved function of the elected members of local authorities and in preparing their statutory plans, including in relation to the zoning for particular purposes, elected members are required to consider and be consistent with the framework which is set down from the NPF, the regional economic strategy and relevant planning guidelines. Of particular relevance to the zoning of land for residential development, a ministerial circular on the housing supply target methodology for development planning guidelines for planning authorities were issued in 2020 to all local authorities under section 28 of the Planning and Development Act 2000. The guidelines introduced a standard national approach to be employed by each planning authority in projecting housing supply targets for each of the specific six-year periods when reviewing city or county development plans and following on from that assessment the zoning of sufficient land to meet those housing targets. I am satisfied therefore that this is sufficient. For those reasons I cannot accept the three amendments.

Senator Michael McDowell: In June 2022, the *Irish Independent* reported the then director of Savills Ireland as saying local authorities around the greater Dublin area, that is the four local authorities in Dublin county, and those in Kildare, Wicklow and Meath, had in response to the national planning framework changed their previous county development plans to reduce zoned lands by enough land to build 100,000 houses That is how the national planning framework actually works. In the greater Dublin area the affect of the NPF four years ago was to persuade local authorities to reduce the amount of land available for development by enough land to build 100,000 houses. That was done because the NPF envisaged that development would take place outside the city of Dublin and the greater Dublin commuter belt area. However, where people want to live and where they are told by the national planning framework, NPF, they ought to live are two different things. The local authorities in question would not have dezoned all that land if it were not for the NPF and the supervisory function of the national Planning Regulator, which effectively cajoled them into dezoning land for 100,000 houses. We wonder

why we have a housing crisis. That is the reason, as 100,000 houses could have been built on the land that was dezoned under the second last set of development plans.

When we introduce this hierarchy of criteria, as the Minister mentioned earlier in the debate, and it is then policed by the Planning Regulator, the result is, as the director of Savills outlined, a reduction of 100,000 housing places in the area where the greatest demand exists. It was done in the hope that people would go to live in other places and that increased zoning in those other places would attract them out of the greater Dublin area. It is no wonder we have a crisis. The crisis originated from the complete failure of the mechanisms we put in place under the planning Acts to deal with the growing population and the locations where people wish to work, live and bring up their families. We say that it is out of balance, but the people of Ireland vote with their feet. If they are given the choice, they want to live in areas where local authority members had previously made provision for them, taking a view of what was likely to happen in the property market by way of demand for housing. Effectively, we now have a situation where, on a hierarchical basis, local authorities remain capable of being told not to provide enough land in their areas for the requisite housing demand but to obey a different viewpoint, which is that the NPF knows better than the people who would come to live in those homes if they were built. I am sorry to say that those figures - 100,000 homes effectively taken off what was provided for under the second last set of development plans for the greater Dublin area, in pursuit of policies in the national planning framework at that time - are a major contributory factor in the cost of housing and availability of it where people want to live.

Minister of State at the Department of Housing, Local Government and Heritage (Deputy Christopher O'Sullivan): The Minister of State, Deputy John Cummins, already outlined in great detail why these amendments cannot be accepted. I am satisfied with the existing requirements in Part 3 of the Act of 2024 that relate to zoning and the requirements in Part 7 of the Act of 2024 that relate to the housing strategy. The matter raised is adequately covered in the Act of 2024 and therefore I cannot accept the amendments.

Acting Chairperson (Senator Seán Kyne): Senator Stephenson, how stands amendment No. 10? Are you pressing it?

Senator Patricia Stephenson: Yes.

Amendment put and declared lost.

Section 4 agreed to.

Section 5 agreed to.

NEW SECTIONS

Senator Sharon Keogan: I move amendment No. 11:

"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.".".

Amendment put and declared lost.

Senator Sharon Keogan: I move amendment No. 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;".".

Amendment put and declared lost.

Question, "That section 6 stand part of the Bill", put and declared carried.

NEW SECTION

Government amendment No. 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.".".

Senator Patricia Stephenson: I move amendment No. 1 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.".

Amendment to amendment put and declared lost.

Amendment put and declared carried.

Question, "That section 7 stand part of the Bill", put and declared carried.

Question, "That section 8 stand part of the Bill", put and declared carried.

Question, "That section 9 stand part of the Bill", put and declared carried.

Question, "That section 10 stand part of the Bill", put and declared carried.

SECTION 11

Government amendment No. 14:

In page 8, line 11, to delete "varied."." and substitute "varied.".

Amendment put and declared carried.

Government amendment No. 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)'."."."

Amendment put and declared carried.

Question, "That section 11, as amended, stand part of the Bill", put and declared carried.

SECTION 12

Government amendment No. 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 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".

Senator Patricia Stephenson: I move amendment No. 1 to amendment No. 16:

To delete paragraph (e) and substitute the following:

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

Amendment to amendment put and declared lost.

Amendment put and declared carried.

Question, "That section 12, as amended, stand part of the Bill", put and declared carried.

SECTION 13

Acting Chairperson (Senator Seán Kyne): Amendments Nos. 17, 19, 44 and 46 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Alice-Mary Higgins: I move amendment No. 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).",".

Amendment No. 17 is an amendment to section 13, which effectively extends section 180 of the Planning and Development Act 2024 to the area of judicial reviews. The key issue is that section 180 amounts to the giving of a de facto extension. In this case, it extends the application of that to matters that were subject to judicial review. The key issue is that while one might have some sympathy where there has been a delay relating to a judicial review - we should remember that 40% of all judicial reviews are taken by developers - it is an extension and runs into the same issues and problems we have highlighted previously. We have made it abundantly clear to the Government that section 42 of the 2000 planning Act is clearly in breach of the Aarhus Convention in not making proper provision for public participation in relation to an extension.

The Aarhus compliance committee has been completely clear that the fixes as proposed and as transpired in the 2024 Act did nothing to address that non-compliance. It has been explicitly clear that there is non-compliance. We have an area which is non-compliant as regards extensions and ensuring there are proper public participation provisions, we have been found in breach and we have been told the Government has not fixed it and is in fact doubling down. I am going to go into this more on amendment No. 44, which I believe is to this section, because

I do not want to repeat the same points.

The key point is that the amendments are attempts to add nuance to what is almost a de facto blanket extension provision and to give even a small example of the kind of nuance we would have to attach when giving an extension, be that in relation to judicial review, as in section 13, or wider extensions, which are the subject of amendment No. 44.

Amendment No. 44 highlights the issues in section 42 of the original 2000 Act and the proposed new section 16 in this Bill. It points to the fact that extensions of the duration of permission need to be granted in a way that is compliant with our obligations under two international conventions and EU law . We have been clear that the Aarhus Convention is not an aspirational piece of work; it is binding law we have signed up to. If the development falls within the scope of Article 61 of the Aarhus Convention, the public has to be consulted and the requirements of the transboundary convention have to be observed in relation to such and in any effective decision on whether to amend or extend the duration of permission, due consideration has been made to input from the consultations. My amendments provides that if there are extensions, they should be for a minimal period. That is what the Aarhus Convention makes clear. If it is not for a minimal period, there is a danger of the surrounding circumstances having substantially changed, both in terms of environment and local development plans. Where there is a matter into which key provisions such as the strategic environmental assessment directive, the birds directive, the habitats directive, the water framework directive and other matters that require screening and determination apply, an automatic extension cannot be given. There is a requirement that the extension of a development would only happen where it is for minimal periods and where the public has been consulted – again this is where the development falls within Article 61 of the Aarhus Convention - the requirements of the transboundary convention have been observed, and there is compliance with other EU law requirements. For example, I mentioned the birds directive, the habitats directive and the strategic environmental assessment directive. My amendment also provides in subsection (7C) for the Minister to prescribe regulations to facilitate the consultation, screening and assessments that need to be specified and delivered. These are the boxes we need to tick in relation to an extension. We cannot simply bring automatic extensions into law and scrap all of the duties and obligations relating to them.

The Government has been found to be in breach of the Aarhus Convention and it has failed not only to address the concerns both in the original finding and by the compliance committee, but in this Bill it is making the same mistake in two different ways, which if anything, shows a wild disregard for that convention, which is law, and crucially, a wild regard for the fundamental point in it, which is the principle that the public will be consulted on matters that have substantial impact on them, including on environmental grounds.

Senator Joanne Collins: I will take amendments Nos. 19 and 46 together because they both speak to third-party observations. When a planning permission is paused, it can often be that many years have passed since the original planning permission was granted. There has to be some consideration for what might have changed within that time. There must be another opportunity for public participation in that part of the extension request. The State needs to be compliant when it comes to obligations under the Aarhus Convention, and the principles of good planning and development. Not only is it the right thing to do, but it also protects against future legal challenges that may come down the line.

Amendment No. 46 calls for public participation and for the Government to be mindful of the State's obligation to the Aarhus Convention.

Senator Victor Boyhan: I wish to focus on amendments Nos. 44 and 46 and meaningful public consultation. The Minister of State is welcome back to the House. I am conscious of his particular role with special responsibility for planning and local government and his own keen interest in this area, which I have observed over time. He is genuinely committed to this area outside of politics. He has a particular grá and interest in it. It is appropriate that he is actually our Minister of State with special responsibility for heritage, built and natural. In the 2024 Act and this legislation, it is important that we reassure the public in respect of the Aarhus Convention. There are issues in relation to the compliance committee. I do not know if the Minister of State is in a position to tell us where we stand on all that. There are very successful NGOs who work well and are funded by the Minister of State's Department.

It is one of the great things about our democracy that we fund many prescribed bodies and NGOs in the environmental area. They make a great and very valuable contribution. There is a special place for them as there should be in any democracy. The fact that the Government supports them and finances them and they are sometimes the strongest opponents to Government policy is democratic. That is a healthy democracy. I commend all of them and thank them for engaging with us.

The real issue is public consultation. I understand what the Government is trying to do in this legislation and the needs, but I am not convinced based on the lack of data. The IPI, as I said earlier when the Minister of State was not here, raised concerns. A number of independent commentators and expert planners have raised concerns. I was at the meeting of Oireachtas committee on housing, planning and local government, although I am not a member, where the Minister was asked to substantiate the saving of €50,000 to €100,000. There is no evidence for that. There is absolutely no evidence that I have seen on it. Let us not get into that. To go back to amendments Nos. 44 and 46, in terms of the Aarhus Convention, is the Minister of State in a position to share any concerns that may have been expressed to him or his Department regarding this legislation? He might share that information with us.

Deputy Christopher O'Sullivan: I will address amendments Nos. 17, 19, 44 and 46 Amendments Nos. 17 and 19 seek to provide for a third-party observation as part of the suspension of duration due to judicial review provisions in section 13. Amendments Nos. 44 and 46 seek to make similar provisions for third-party observations as part of the extension of duration provisions in section 16. The criteria for the suspension of a duration and the extension of a duration are set out in the legislation and do not involve a decision of the planning authority beyond whether the criteria are met. If the criteria set out in legislation are met, the planning authority shall grant the suspension or extension, as a decision of the planning authority beyond whether the criteria are met is not part of these processes. Public participation is not necessary nor is it appropriate. The extension of duration and suspension of duration provisions proposed in the Bill are in line with existing provisions. It should be noted that extensions of duration cannot be granted where the extension proposed would require an environmental impact assessment or appropriate assessment. If an EIA or AA is required under the Act of 2000's procedures, a new application for permission would be required in respect of the development and thus require requisite public notification and participation. Under the Act of 2024, if an EIA or AA is required, there are procedures for material extension of duration that include public participation and notification procedures.

In relation to the publication of notices, section 42(5) of the 2000 Act provides that the details of any extension of duration is entered on the planning register. Similarly, section 180 of the 2024 Act provides that details of the suspension of duration of a permission due to a judicial

review shall be entered on the planning register. For these reasons, I cannot accept the amendments.

Senator Alice-Mary Higgins: With respect, the fundamental issues highlighted by the compliance committee when it found that Ireland had breached the Aarhus Convention and had not been addressed adequately still stand. Can the Minister of State recognise the concern? He referenced the practices in place but they have been found to be non-compliant. This was also highlighted clearly during the debate on the 2024 Act. The Minister is now taking them and applying them in two new contexts. The measures the Minister of State just referenced are not adequate to meet the obligations on public participation as made clear by Aarhus Convention compliance committee.

Could the Minister of State indicate when and how the Government intends to address this fundamental issue? When the previous planning and development Bill was going through, we were told not to worry, the Attorney General was on it and the Government was going to come up with some fixes that would be produced at the last minute when the Bill was going through in September. They were not fixed. They were not addressed. There is now a cavalier attitude with the Government saying it will do two more kinds of the same thing without fixing or addressing the fundament concerns of the compliance committee. What is the Government's plan to work on compliance?

Deputy Christopher O'Sullivan: These amendments sought to add public participation requirements to the suspension of duration and extension of duration provisions. I am satisfied that the provisions as drafted are appropriate. The Act of 2024 includes procedures, including public participation for extensions of duration where an EIA or AA is required. The Act of 2000 does not allow extensions to duration where an EIA or AA is required. Many of the Senators referred to compliance with the Aarhus Convention. I assure them this legislation is in compliance with the convention. There have also been many references to environmental impact, the habitats directive and the birds directive. Again, these are catered for within the legislation because where an EIA or AA is required, an extension of duration cannot be granted. Therefore, we cannot accept these amendments.

Senator Alice-Mary Higgins: It is important to be clear that simply saying that it does not require an AA or EIA, which bear in mind decides if a development impacts on a strategic area of particular natural value, is not enough. The key point was that the compliance committee informed the Government that this was not sufficient because the test is: does it have a potential substantial environmental impact or effect? It is not simply a matter of whether it requires an EIA or AA. A number of other factors influence whether a development has a substantial environmental effect, including all of those other pieces around compliance such as the directives the Minister of State referred to. That is why in our amendments we list some of those in a non-exhaustive way. The Minister of State talked about the assessment directive and asked whether it required an assessment, but he did not talk the about birds directive, the habitats directive or the water framework directive. We have not talked about whether public participation is needed when there is a potential substantial environmental impact. He just went to where there is a particular type of assessment deemed to be required. That is covered in Chapter 5, Part 4 of the original Act. This is the exact proposed fix the Government put to the compliance committee. It was told that it would not. It is still the fix being used. The Government can push it through, but it is not compliant. If the Minister of State says that it is compliant with the Aarhus Convention, can he provide anything from the compliance committee confirming this, besides just stating it? The only evidence we have had from them is that it is not compliant. We have not

had any opinion from them to indicate that the problems have been fixed.

Deputy Christopher O'Sullivan: This was a three-year painstaking process where there was extensive public consultation. We are satisfied that it is compliant with the Aarhus Convention.

In relation to where an extension of duration would require an appropriate assessment or environmental impact assessment, these would be screened. If it is deemed that a development requires either of those, the extension of duration will not be granted. As Minister with responsibility for nature, heritage and biodiversity, I am satisfied that these areas are safeguarded.

Acting Chairperson (Senator Garret Ahearn): Is the Senator pressing the amendment?

Senator Alice-Mary Higgins: Yes.

Amendment put and declared lost.

Acting Chairperson (Senator Garret Ahearn): Amendments Nos. 18, 22, 23, 33, 35, 45, 54 and 55 are related and may be discussed together. Is it agreed? Agreed.

Government amendment No. 18:

> In page 9, line 36, to delete "commencement" and substitute "date of the coming into operation".

Deputy Christopher O'Sullivan: Amendments Nos: 18, 22, 23, 33, 35, 45, 54 and 55 are all minor amendments to change the language used in the Bill for consistency. They change references to the Bill's commencement and the coming into operation of the Bill.

Senator Alice-Mary Higgins: I will speak to amendment No. 35. Section 16 proposes a new subsection (1A) in section 42 of the 2000 Act, which is the section was found to be non-compliant by the Aarhus Convention's compliance committee. The affect of this new subsection is to allow for the extension of durations for uncommenced developments of one or more houses. The compliance committee has been very clear why there is a problem with it, but there is also a shift in policy in it that directly rewards developers for sitting on development permissions. These are developers with planning permissions who have been sitting on them for no good reason, allowing them to squeeze supply and drive up prices, facilitating them to extract more concessions and derogations and watering down of good planning from the Government, which is only too happy to do so.

Amendment No. 35 would require that the planning authority would be satisfied that there were substantial and valid reasons that prevented the commencement of development, which is crucial These are the developers who have their planning permission. They are sitting on their sites. The checks and balances, which were provided in a previous NAMA version of section 42 that has since been repealed, was that the developer would have to give a substantial and valid reason for not building. We do not require that at all. To be clear, we are saying that people have got a planning permission they have not used and we do not care why they have not used it. We do not care if, for example, they have not used such permissions precisely because there are opportunistic benefits to not using them. The longer people do not use them, the more they can squeeze out of the Government because they have it waiting desperately for them to use their planning permissions. We are not even asking if they have a valid reason.

You hear a lot of reasoning like there was a judicial review, they were waiting for electricity supply or water but we are not looking for any reason like that. Is it not a fair and basic thing that we ask people who have been sitting on planning permissions to justify why they have not acted? We heard previously from Senator Boyhan how so few of those planning permissions are because of judicial reviews and instead, the majority of them are being sat on for other reasons. They could have been using their planning permissions, which they have during a housing crisis. They then look for an extension on that planning permission, which they may have only been using as an asset for selling or buying all of this land with potential money attached to it. If they are getting an extension on such planning permission, rather than asking for this justification the Government is saying that is fine; it will reward them. We will come to some of the other rewards that come later, namely, the dilution of standards for those who may have planning permission for apartments and have not built them. Yet another reward is the potential to gouge a little bit more money out and to lower the bar and the standards still further.

In this regard, I ask the Minister to accept this amendment. It is what we had in a previous version of the legislation, which stated the planning authority should be satisfied there were substantial and valid reasons which prevented the commencement of the development to date. Is that not a very basic bar?

Deputy Christopher O'Sullivan: I was dealing with Governments amendments Nos. 18, 22, 23, 33, 45, 54 and 55. While this is an Opposition amendment I can speak to it if-----

Acting Chairperson (Senator Garret Ahearn): The Minister of State can speak to it as they were grouped together by agreement.

Deputy Christopher O'Sullivan: Amendment No.35 seeks to provide that an extension shall only be granted where the authority is satisfied there were considerations of a commercial, economic or technical nature beyond the control of the applicant that substantially militated against the commencement of a development. I cannot accept these amendments as there are already regulations associated with section 42 of the 2000 Act which deal with some of these issues.

Article 42 of the Planning and Development Regulations 2001 provides that applications for extensions of duration should be accompanied by, among other things, particulars of the works which are proposed to be carried out, pursuant to the permission during the additional period by which the permission is sought to be extended, the date or projected date of commencement of the development to which the permission relates, the additional period by which the permission is sought to be extended and the date on which the development is expected to be completed.

I am satisfied these requirements are sufficient and it is appropriate such matters are set out in regulations rather than primary legislation. Prior to commencing this provision, these regulations will be reviewed and updated, if needed, to reflect this provision. Therefore, I cannot accept amendment No.35.

Senator Alice-Mary Higgins: All those requirements the Minister of State has set out are just information on what the Government plans to do with the extension. There is not anything there which asks why the person is looking for this extension or why the planning permission has not been used to date. There is nothing there which acts as a discouragement in any way to future land hoarding, hoarding of planning permission or engagement in speculation around the exchange or trading of land with planning permission on it, rather than the use of planning

permission to actually deliver on housing.

What the Minister of State is telling us is it does not matter why someone did not build and nor does it matter if the reasons someone may not have built were speculative and solely profit-based. Again, the idea is these are beyond the control of the applicant. Basically, the Government will reward you with an extension. It is effectively saying the normal planning permission lines do not have any basis because everyone can get an extension for planning permission and they do not have to show a valid reason why they did not act to date.

By doing so, the Government is effectively massively extending the duration of planning permissions which again, brings us into all those other issues around proper accountability and the potential need for a new public consultation and so forth. This is yet again another give-away and reward for those who have actively watched a housing crisis develop, have sat on planning permissions, have chosen not to use them and waited it out in order to extract further concessions from the Government. The Government has been doing this since I entered this House back when we had strategic housing developments brought through, which did not work. It has been constantly diluting standards and the requirements for any kind of accountability. This would then wait two more years to dilute them further, rather than any form of stick or pressure on people to at least be able to show why they have delayed. I would like to ask all those developers who have been sitting on active planning permissions with no obstacles relating to connections to infrastructure or anything else, with no judicial reviews hanging over them, why they have not been acting and building. That is the kind of thing the Government should be asking them when giving these extensions.

Deputy Christopher O'Sullivan: I appreciate the points made by the Senator but there is a whole myriad of reasons why land with planning permission require extensions. There could have been barriers or something prohibiting the development of that land. That is the exact reason why we are introducing this legislation, to try to use every lever and tool possible to ensure we deliver as many houses at scale and as quickly as possible.

The Senator's amendment seeks to introduce an amendment where a local authority is satisfied there were considerations of a commercial, economic or technically aid beyond the control of the applicant which has militated against the commencement of the development. We feel - and I am certainly satisfied - the requirements, as set out in this legislation are sufficient and appropriate. I therefore cannot accept the Senator's amendment.

Senator Alice-Mary Higgins: I will move to pressing the amendment but I will say we will not know what the myriad of reasons are if we do not ask them.

Acting Chairperson (Senator Garret Ahearn): I thank the Senator. We will press the amendment when we get to amendment No. 35.

Amendment agreed to.

Senator Joanne Collins: I move amendment No. 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 develop-

ment.”.”.

Amendment put and declared lost.

Question, “That section 13, as amended, stand part of the Bill”, put and declared carried.

NEW SECTIONS

Government amendment No. 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.”.”.

Acting Chairperson (Senator Garret Ahearn): Amendments Nos. 20, No. 1 to amendment No. 20, 29, amendment No. 1 to No. 29, 30, amendment No.1 to No. 30, 31 and amendment No.1 to No.31 are all related and may be discussed together by agreement. Is that agreed? Agreed.

Deputy John Cummins: I will speak on amendment Nos. 20, 29, 30 and 31. There are proposed amendments to my amendments-----

Acting Chairperson (Senator Garret Ahearn): It is quite complex, there are a number of amendments.

Deputy John Cummins: -----by Senators Stephenson and Higgins. Perhaps, they might like to speak to those amendments to my amendments.

Senator Patricia Stephenson: I move amendment No.1 to amendment No. 20:

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.”.

There is a potential issue with section 242 of the 2024 Act which the Minister of State's amendment to of section 242(12) fails to correct. The issues around the potential ambiguity or intention of an issue created by section 68(5), which is a new revised regional, spatial and economic strategy for our national planning framework, will have precedence over an existing housing strategy. It is unclear what impact this will have on the housing strategy. What effect will it have and at what stage? I suggest that it should only have an effect after the new or revised national planning framework or the revised spatial and economic strategies are properly implemented. That would create more clarity. I am withdrawing this amendment but I just wanted to make that point on it. I urge the Minister of State to take it into consideration.

I will now speak on my amendments to amendments Nos. 29, 30 and 31 in totality. This makes sense because of the groupings. The Minister's amendment No. 29 proposes to delete the clause "prepared in accordance with Part 7" in section 603(5) of the 2024 Act. Section 603 of the 2024 Act is concerned with the development of planning frameworks for an urban development zone. Subsection (5) of that section requires that the planning framework be consistent with the housing strategy prepared in accordance with Part 7. A concern arises around this given the deletion of the reference to Part 7 and the potential confusion around the version of the housing strategy that the planning framework will be required to comply with and from what effective date. If there are changes to the housing strategy or other aspects of the Bill, will that override the housing strategy? My amendment endeavours to provide some clarity around that point. The amendment replaces section 603(5) and preserves in subparagraph (a) the requirement that the planning framework is consistent with the housing strategy. It also specifies that it is a pre-existing housing strategy, where the commencement of the planning framework commenced before the variations made under section 69. Ideally, it would also specify that there is a housing strategy in place after a variation is made to the development plan under section 69. Again, this is about making sure that the housing strategy is not affected by how this is enforced.

Senator Alice-Mary Higgins: I seek clarification on something because I have a different grouping from the one here. As I understand it, amendments Nos. 38, 39 and 40 were not part of the previous grouping. Is that correct?

An Cathaoirleach Gníomhach (Deputy Garret Ahearn): The previous group comprised amendments Nos. 35, 45, 54 and 55.

Senator Alice-Mary Higgins: I am sorry. I had a wrong grouping in my own notes. Thanks for the clarification.

An Cathaoirleach Gníomhach (Deputy Garret Ahearn): As no other Senators wish to speak, I invite the Minister of State to respond.

Deputy John Cummins: I cannot accept the amendments proposed by Senators Stephenson and Higgins because what they are seeking to achieve is already achieved by Government amendment No. 20, namely that a housing strategy under the Act of 2024 can only be either the housing strategy saved by way of section 68 or 69, or the housing strategy in a new development plan made under Part 3. Amendment No. 20 amends the transitional provision in section 242(12) of the Act of 2024 for two purposes. The first is an amendment, similar to those discussed, that updates a reference to the housing strategy included in development plans continued in force under section 68 of the Act of 2024 to also include a reference to a housing strategy included in a development plan prepared, or varied, in accordance with section 69. The second

purpose of the amendment is to clarify that references in the Act of 2024 to the housing strategy include a housing strategy under Part V of the Act of 2000 included in a development plan until the replacement of that development plan under the Act of 2024.

Amendments Nos. 29 to 31, inclusive, are consequential amendments to Amendment No. 20. They ensure that references to the housing strategy throughout the Act of 2024 include any housing strategy that is carried over from the Act of 2000.

Amendment to amendment put and declared lost.

Amendment agreed to.

An Cathaoirleach Gníomhach (Deputy Garret Ahearn): Amendment No. 21 in the name of Senator Keogan has been ruled out of order because it is not relevant to the subject matter of the Bill.

Amendment No. 21 not moved.

SECTION 14

Government amendment No. 22:

In page 11, line 28, to delete "commencement" and substitute "coming into operation".

Amendment agreed to.

Government amendment No. 23:

In page 11, line 33, to delete "commencement" and substitute "coming into operation".

Amendment agreed to.

An Cathaoirleach Gníomhach (Deputy Garret Ahearn): Amendment No. 24 in the names of Senators Stephenson and Higgins has been ruled out of order because it is in conflict with the principle of the Bill.

Amendment No. 24 not moved.

Question proposed: "That section 14, as amended, stand part of the Bill."

Senator Patricia Stephenson: I have looked carefully at the amendment against the requirements which need to be addressed under Chapter 2 of Part 9 and I do not believe that the amendment cannot be fully justified within the Bill. There is a strong focus in Chapter 2, Part 9 on the implications for the Exchequer of the two sets of regulations which need to be prepared for the Chapter to be commenced and on the role of the Oireachtas. We are consistent and in line with standing orders. Our concern is that the ruling is more about preventing the massive cost exposure of the new cost rules in Chapter 2, Part 9 than discussing this important amendment because win or lose, the State plays under these rules and they will also have to be rolled out into new environmental sectors. There is compatibility on cost rules. I make this point by way of clarification and argue that the amendment is within Standing Orders.

An Cathaoirleach Gníomhach (Deputy Garret Ahearn): The Cathaoirleach ruled amendment No. 24 out of order because it would have made the commencement of certain provisions of the Bill contingent on non-statutory actions such as the preparation of reports and confirma-

tion of compliance with the Aarhus Convention. It is a long-established precedent that making commencement contingent on non-statutory administration action which is external to the provisions of the Bill itself is in conflict with the provisions of the Bill. The amendment must be ruled out order in accordance with Standing Order 165, as it is in conflict with the principle of the Bill as read a Second Time.

Senator Patricia Stephenson: That is fair enough.

Question put and agreed to.

NEW SECTIONS

Government amendment No. 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

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

Senator Patricia Stephenson: I move amendment No. 1 to amendment No. 25:

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.".

Amendment to amendment put and declared lost.

Amendment put and declared carried.

An Cathaoirleach Gníomhach (Deputy Garret Ahearn): Amendments Nos. 26 and 27, amendment No. 1 to amendment No. 27, amendment No. 28, and amendment No. 1 to amendment No. 28 are related and may be discussed together by agreement.

Government amendment No. 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".".

Deputy John Cummins: Amendments Nos. 26, 27 and 28 all correct minor errors in the Act of 2024. Amendment No. 26 corrects a reference to the Criminal Justice Act 2006 in section 355 of the Act of 2024. Currently the reference incorrectly refers to subsection 177 of that Act. This has been updated to refer to section_177 of that Act. I invite Senators Stephenson and Higgins to speak to amendments Nos. 27 and 28, to which they have tabled amendments.

Senator Patricia Stephenson: I will speak to amendments Nos. 27 and 28 together in the interests of time. Government amendment No. 27 amends section 410(1)(c) of the 2024 Act which is concerned with the continued vesting of powers, in this instance, specifically, for the compulsory acquisition of land for strategic gas infrastructure. The Minister's amendment is simply to change the reference to the Commission for Energy Regulation to the Commission for Regulation of Utilities. The purpose of our amendment No. 1 to amendment No. 27 is simply to delete paragraph (c) of section 410(1), given concerns around the power for compulsory acquisition of land for development of what is referred to as "strategic gas infrastructure"; the already extraordinary powers in the 2024 Act and the lack of safeguards around them; and in particular the LNG provisions in the 2024 Act which were made at the last minute when that Act was going through the Oireachtas, without proper legislative scrutiny, as we are again seeing here today.

8 o'clock

The dysfunctional approach of this Government is to allow for more data centres where these are likely to use up any renewable energy we can generate, and the deficit then in energy supply will drive ongoing deficits in fossil fuels, including gas. These consequentially dysfunctional and highly damaging aspects of the 2024 Act are of extreme concern in the context of interdependent climate and biodiversity crises and, in fact, pose a triple planetary crisis when pollution is also taken into account within that whole scope. The intent here is to highlight such dysfunction and concern on the potential impacts under the 2024 Act. This amendment seeks to prevent the ongoing vesting of powers for compulsory acquisition of land to facilitate so-called strategic gas infrastructure. That should remain the case until such a time as an improved response to our energy management requirements is indeed in place so that the powers under the 2024 Act cannot be exploited without proper regard for a just transition to a sustainable energy future. Government amendment No. 28 will effectively do the same thing to replace the name of the utility and provide for an ongoing vesting of powers in respect of maritime sites, again, for strategic gas infrastructure.

Deputy John Cummins: Senators Higgins's and Stephenson's proposed amendments to amendments Nos. 27 and 28 seek to delete sections 410(1)(c) and 423(1)(c) of the Act of 2024, which provide for the continued vesting of the function of the Minister or the Commission for Energy Regulation under sections 31 and 32 of the Second Schedule to the Gas Act 1976 in relation to the compulsory acquisition of land in respect of a strategic gas infrastructure development in An Coimisiún Pleanála. I cannot accept this amendment. It has been long established that these functions are vested in An Coimisiún Pleanála and these sections merely clarify that the functions will continue to be vested in An Coimisiún Pleanála.

Government amendments Nos. 27 and 28 update two references in the Act of 2024 from the old title of the "Commission for Energy Regulation" to read the new title of "Commission for Regulation of Utilities".

Amendment put and agreed to.

Acting Chairperson (Senator Garret Ahearn): Government amendment No. 27 has already been discussed with amendment No. 26.

Government amendment No. 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".".

Acting Chairperson (Senator Garret Ahearn): Amendment No. 1 to amendment No. 27, in the names of Senators Stephenson and Higgins, has already been discussed with amendment No. 26.

Senator Patricia Stephenson: I move amendment No. 1 to amendment No. 27:

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).".

Amendment to amendment put and declared lost.

Amendment put and declared carried.

Acting Chairperson (Senator Garret Ahearn): Government amendment No. 28 has already been discussed with amendment No. 26.

Government amendment No. 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".".

Acting Chairperson (Senator Garret Ahearn): Amendment No. 1 to amendment No. 28, in the names of Senators Stephenson and Higgins, has already been discussed with amendment No. 26.

Senator Patricia Stephenson: I move amendment No. 1 to amendment No. 28:

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).".

Amendment to amendment put and declared lost.

Amendment put and declared carried.

Acting Chairperson (Senator Garret Ahearn): Government amendment No. 29 has already been discussed with amendment No. 20.

Government amendment No. 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".".

Acting Chairperson (Senator Garret Ahearn): Amendment No. 1 to amendment No. 29, in the names of Senators Stephenson and Higgins, has already been discussed with amendment No. 20.

Senator Patricia Stephenson: I move amendment No. 1 to amendment No. 29:

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.".".

Amendment to amendment put and declared lost.

Amendment put and declared carried.

Acting Chairperson (Senator Garret Ahearn): Government amendment No. 30 has already been discussed with amendment No. 20.

Government amendment No. 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".".

Acting Chairperson (Senator Garret Ahearn): Amendment No. 1 to amendment No. 30, in the names of Senators Stephenson and Higgins, has already been discussed with amendment No. 20.

Senator Patricia Stephenson: I move amendment No. 1 to amendment No. 30:

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.".".

Amendment to amendment put and declared lost.

Amendment put and declared carried.

Acting Chairperson (Senator Garret Ahearn): Government amendment No. 31 has already been discussed with amendment No. 20.

Government amendment No. 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".".

Acting Chairperson (Senator Garret Ahearn): Amendment No. 1 to amendment No. 31, in the names of Senators Stephenson and Higgins, has already been discussed with amendment No. 20.

Senator Patricia Stephenson: I move amendment No. 1 to amendment No. 31:

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—

(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.".".

Amendment to amendment put and declared lost.

Amendment put and declared carried.

Section 15 agreed to.

NEW SECTION

Acting Chairperson (Senator Garret Ahearn): Amendments Nos. 32 and 47, amendments Nos. 1 to 5, inclusive, to amendment No. 47, amendments Nos. 48 and 49, and amendment No. 1 to amendment No. 49 are related and may be discussed together by agreement. Is that agreed? Agreed.

Government amendment No. 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,".".

Deputy John Cummins: I will address amendments Nos. 32, 47, 48 and 49. Perhaps the Senators wish to speak to their amendments to my amendments first before I respond.

Acting Chairperson (Senator Garret Ahearn): Do any Senators wish to speak on the amendments?

Senator Patricia Stephenson: What amendments are we on?

Acting Chairperson (Senator Garret Ahearn): We are on amendments Nos. 32 and 47, amendments Nos. 1 to 5, inclusive, to amendment No. 47, and amendments Nos. 48 and 49.

Senator Patricia Stephenson: I will go second.

Senator Alice-Mary Higgins: In bringing forward our amendments to these amendments, it is really important to begin by saying that we will be opposing this whole section. Leaving aside the way this was brought forward, not that we can really leave it aside, the substantial nature of what has been put forward here and the failure to properly disclose or address these issues during the pre-legislative scrutiny stage but rather produce them at the last possible effective Stage, which is a Committee and Remaining Stages guillotined debate here in the Seanad, is outrageous.

These are provisions in terms of modifications and are completely different. The rest of the Bill is around extensions. This is around modifications to planning permissions. It is, therefore, a completely different and very significant thing to say that someone can change a planning permission application after the fact for residential developments. Again, we have amendments, but they do not actually resolve how terrible the amendment is. What we simply have are some amendments to try to do damage limitation to what is effectively an appalling provision brought forward in an appalling manner.

The developments that will be built as a result of this are already being referred to as brown foxes. They not only potentially affect the quality of housing to be delivered but they risk compromising existing valid planning permissions for people who are going to be applying for them. We will have situations again where the planning permission is there, and nothing is holding back building except the will of the developer. They will now be in a situation where they will apply for modifications, which will leave them potentially open to judicial review because of the multiple serious legal flaws with the proposals. We have a situation whereby there is existing permission and people are ready to build. We are going to replace this with modifications being introduced in a way that unpacks multiple legal issues and may well be subject to judicial reviews in a way the original planning permissions were not. Of course, at a very minimal point, it is going to have delays in terms of issues like fire safety. The fact is that if we change the numbers and the layout and everything about the inside of a building, that has implications for fire safety and health and safety. Therefore, a whole new certification process has to start.

This is recipe for delaying planning and delaying the delivery of housing. Leaving aside the underlying point that as well as all the potential delays from judicial reviews that may arise solely because of this badly provided for set of modifications, and leaving aside the practical delays that when substantial changes are made inside a building, that has serious implications

for health and safety, fire safety and all the associated certification processes, it is also a discouragement to building things because the message it sends, yet again, is that if a person sits on his or her planning permission and does not use it, we will reward him or her. We will give him or her another sweetener. We will condemn a generation to live in shoe boxes.

The Irish Planning Institute issued a press release expressing considerable disquiet among its members and referring to more legal unpredictability that is going to flow from this. Its members understand the motivation to make housing projects deliverable, but they are deeply concerned about the potential unintended consequences. I am concerned about the message it sends to the public, because if a person can get a little bit more money by taking that planning permission he or she had for apartments that maybe families could live in, and turning it into a set of studio apartments to gouge a little bit more money, that is what he or she will do. It is not these people's fault. Many of them are answering to investors. They are looking for maximisation of profit. That is their obligation. That is their job. If the Department makes it the more attractive financially to create more, smaller apartments with lower standards, it is actively disincentivising the delivery of the kind of apartments a family wants to live in. I am part of a family that lives in an apartment. That will become a less attractive investment component and when we consider the figures relating to the crisis of families facing homelessness in Ireland, the Department is directly doing something that might actually lead to less planning and fewer apartments being built for families because it has incentivised the mass production of studio apartments, which are identical.

I will very quickly address the amendments but it is crucial to make these points because the amendments, I have to emphasise, are damage control. We will oppose this section.

Amendment No. 2 to amendment No. 47 states: "a relevant authority should not grant a certificate if the modification relates to the removal or reduction of communal space or cultural space within the proposed development." Among the reporting on these new proposed mechanisms for alterations, something that has been mentioned is that this new section will allow for the removal of any obligations on developers to provide communal or cultural space within a proposed development. The developer may have been granted permission by promising a mixed-use facility and amenities attached to the development but the Government is getting rid of that requirement for amenities fulfillment. The amendment to the amendment seeks to address that concern.

Housing is not just a place for people to return to after a day's work so they can eat, sleep and return to work the following day. These are places where people exist and live their lives. It is crucial that this dreadful modification does not create atomised living quarters that provide no opportunity for people to develop social relations with the people around them, or their surrounding community. The Dublin city development plan obliges developers of sites that are 10,000 sq. m or more to include a minimum of 5% community or cultural space. The mechanisms in section 17 of this Bill will gut these provisions. Yes, we need housing, but we also need facilities to serve that housing. We need playgrounds, open spaces, community centres and facilities such as crèches. Our artists need work and performance spaces. Developers have always tried to get around these obligations, with the redevelopment of the Tivoli theatre being a prime example. The infrastructure of the Tivoli provided cultural facilities for Dubliners in Dublin city centre for 80 years. As part of the planning permission for redevelopment of the Tivoli as an aparthotel, again, not addressing the housing crisis, developers were required to provide performance and exhibition spaces. The space was provided and then used as storage space. It has never been used and never been delivered. This would formalise getting rid of

those obligations and not delivering on them. A prominent example is artists Eve Woods and Aoife Ward. They hosted an exhibition space to highlight how unfit it was for its purpose, for example, containing no toilet facilities.

Amendment No. 3 to amendment No. 47 provides that any permitted ratification would need fire safety certificates, health safety certificates and other appropriate certification. That has been very clear. It is standard, but this is as a reminder that these elements will need to be provided. We know the dangers in terms of fire safety that are created when more people are packed into higher buildings.

Amendment No. 4 to amendment No. 47 provides that any permitted modifications to the mixture of apartments in different classes in the proposed development should require a varied mix of different classes of apartment. This is crucial in order that the modifications would not result in entire apartment buildings consisting of one-bedroom or studio apartments. There are no restrictions in section 17, yet the financial incentive to provide substandard arrangements for apartments means the we could end up with the same kind of apartment throughout. There is no space in these apartments to form a relationship, bring a child into it, or have a friend or family member visit. The figures we have for these apartments are 24 sq. m or 36 sq. m. They are tiny potential rooms. There should be a mix. When we spoke about wanting to have social housing built, we were told we needed that mix in order not to create ghettos. We need to have a mix of the kinds of apartments that are going into these buildings. We need to have facilities, for example, for family apartments.

Amendments Nos. 5 to amendment No. 47 seeks to put a time limit on any modifications granted if substantial works are not commenced. This is an attempt to prevent developers from using the modification secured under section 17 to gain financially from such modifications. Planning permission goes on the developer's list of assets, and he or she can trade it as an object or product. It is an investment artefact, rather than something that actually gets built. If substantial works have not begun within six months on a proposed development - and bear in mind, these are proposed developments where all planning issues have previously been resolved - the delay will have been caused by the changes being justified here, which means this legislation is creating an additional new six-month delay or more, or if it is not going to create such a delay, then it should be reasonable to require them to have commenced within six months of getting these modifications.

Notwithstanding anything else in this Act, the section would expire by 1 January 2027. It is a sunset clause. The Government amendment states: "the section is motivated by the acute shortage of residential accommodation in the State and the rise in homelessness, as well as the rise in cost." It is one of the most remarkable admissions of failure to put in the language "rise in homeless" in the Bill, as a fact.. That is floating there. We have had the same Government parties for a large number of years. It is almost putting in a marker to put that criterion in that they are admitting these failures in the Bill. The key issue is that it should not be implied that these are conditions that somehow suggest the poor are always with us. The rise in homelessness is a permanent thing. It has been permanently put into legislation as if it is an immutable fact of nature, rather than a situation that has arisen from policies and so forth. Given the science, gravity, and the existence of various factors it has been described as a permanent factor, along with the acute shortage of rental accommodation. If the Government is serious about addressing these issues, it should not be putting them into legislation for the long haul as provisions and situations which the legislation, as it is written now, assumes will continue indefinitely. There should be a sunset clause. If it is an emergency, then frame it as an emergency

and put a sunset clause on those provisions that use that language rather than framing it as an ongoing provision.

I want to be clear that we will be opposing the rest of the Government amendments to this Bill. As I said, our amendments are simply an attempt at damage control. These are the kinds of measures which lower standards that were tried before. They did not deliver housing. They did deliver greater immiseration for the people of Ireland, for those who were forced to live in lesser standard developments and housing situations. I hope the Minister of State will address these amendments. We will see sad consequences from the provisions the Government has made.

Senator P. J. Murphy: I will address some of the statements made by my colleague Senator Higgins in her contribution. She stated that there is nothing stopping developers proceeding with existing planning permission for apartments. There is something substantial stopping developers proceeding with existing planning permission. It is financial viability. If a development is not financially viable, how can one proceed? We can talk about our aspirational large apartments all we like, but if they are not financially viable, they will not be built and they are not being built.

We can talk about these aspirations for large apartments, but for people in their 30s who are still living in their parents' box rooms, these smaller size apartments sound absolutely wonderful compared with their current living situations. The amendment being put forward by the Minister of State will facilitate developments with planning permission that are simply not financially viable in their current form. I commend the amendment.

Senator Patricia Stephenson: I will be opposing amendment No. 32 because it relates to amendment No. 47 on the modification of existing permissions.

On amendment No. 47, Professor Orla Hegarty has talked about poor-quality accommodation and its impact on mental health and well-being in many recent articles, specifically in relation to the proposals the Government has put forward. On the one hand, people are talking about the actual implications of living in these places. They are the size of two or three car parking spaces. They are small. They are effectively boxes. While I recognise that there might be a lot of people in their 30s who are willing and desperate to get out of the family home, it will not be possible to have a partner or child while living in these conditions where the only spare room is the bathroom. People might be sitting on the loo to try to get some personal space. I nicked that from Senator Boyhan. I am sorry, in case he was hoping to make that point. However, it sparked the idea that when people want to get some space from their partners or maybe they have children, they will not have another room other than the bathroom or shower. That is no way to live in the long term.

We risk people being forced into these homes for the long term, that they will not be starter homes, although the idea of the starter home is kind of nonsense in this day and age in the Irish housing market. We will see people moving into places like this at extortionate rents. Who are the people we envisage will live in these places? Most people want to enter into long-term relationships. They might want to get married or have children. How could anyone live long term in these places? The Minister of State will say this is just a starter home and that people will move out but that is not the reality of the current housing market.

At the same time, legal experts are flagging the multiple serious legal flaws in the proposals.

The proposals will not only affect the quality of housing to be delivered but risk compromising existing valid planning permissions. Developers will apply for these modifications, which will leave them open to judicial review because of multiple serious legal flaws in the proposals in the first place.

These kinds of developments will leave a lasting legacy and be the slums of the future, providing a poor quality of life for the people who live in them. They will be considered to be boxes and have a negative-equity legacy, given the narrative about how they started. People will therefore not want to move into them, certainly not for the long term, because of the poor accommodation in the developments. It is likely the people who have bought them will not be able to sell them and trade up after living there for a while. That might not be possible. They might not be able to use these as a step on the so-called property ladder, because of the negative-equity legacy that might be attached to them, when more desirable properties come onto the market. I imagine this is a legacy the Government and the Minister of State's Department do not particularly want to have, given the emphasis on stimulating the housing market.

I will not be supporting this amendment. I urge the Government and the Minister of State to withdraw it, although I do not believe that will be the case.

I will speak briefly on my amendments Nos. 3, 5 and 6 to amendment No. 47. As Senator Higgins said, this is an attempt to mitigate the negative impact. I expect the Minister of State will not accept these amendments, but if he were to, they would not go any way to resolve all the challenges of amendment No. 47. They are just an acknowledgement of the grave implications of amendment No. 47 and an attempt to mitigate them in some way.

Senator Victor Boyhan: The previous speakers on this side of the House made a very good point. To go back to what Senator Murphy said on viability, we are worn out with this idea of viability. I have been around for a long time. I have served for two terms on the Oireachtas joint committee on housing, planning and local government. We constantly heard from developers and other representatives of the construction industry looking for changes and we kept giving them changes and modifications to issues around regulation and all of what I have said previously. The reality is that the private sector will not build unless it can sell the units. There is no huge demand. On the argument we hear time and again about the €50,000 to €100,000, no one has provided that information. The Minister of State might be able to provide us with that data. Where is the evidence on the finances to back it up? Does it stack up? There was no regulatory impact assessment of this Bill, as the Minister of State will be aware. Can he share with us the evidence that suggests that this will dramatically reduce costs, by €50,000 to €100,000? That is what the Government press statement said. I looked at it this morning. That is an important point.

A councillor wrote to me this evening about the new design guidelines from last year, which were working quite well. However, she says that because no revised planning permission is required, the public will not have any say in respect of the revised structure and their input into the original planning permission will be set at naught. She then asked whether that can be legally sound. The Minister of State might consider it. To nail that point, this section is particularly interesting, as are all the proposed amendments to it that we have spoken about.

I do not know what the Minister of State will say about the amendments that were debated a few moments ago, but is important that we nail the lie. Only 7,500 of the 50,000 unstarted units are held up in the judicial review process. That is the narrative people have decided to peddle

outside the Oireachtas. The reality is different. I do not know how we can compel developers. There are all kinds of advantages. They have made cases for reduced planning levies and reduced public spaces and public realm. There comes a point where we have to stop and tell them either to deliver the houses or not.

I am interested to hear what the Minister of State has to say, more so about the debate on the amendments.

Senator Joanne Collins: I will speak on amendment No. 1 to amendment No. 47. Like the rest of our amendments, this one is out of concern about public participation in all these changes.

The Government's changes to apartment sizes are madness. They are a repeat of past failures and will not work. It is rushed legislation, which could be open to legal challenge down the line. Public consultation was skipped. This will most likely have unintended consequences. The Minister of State should have sat down with Opposition parties and gone through pre-legislative scrutiny of this Bill.

There is nothing in the rules that will reduce the cost of building apartments. That has been said by many sources. They will just allow more smaller apartments to be put into the plans. Experts are saying the cost will not be reduced. Reducing minimum apartment sizes means renters will pay higher rents for smaller and darker apartments and that does nothing to increase the supply of housing or reduce the cost of rent, which is a huge issue throughout the country at the moment. It is likely to increase the value of the land and push up construction costs. The Irish Planning Institute has showed its disquiet, as many of my colleagues mentioned, and its concerns about the proposed changes.

I will leave it at that as I do not want to take up too much time. We are opposing amendment No. 47.

Senator Patricia Stephenson: To clarify, it was an article in *The Irish Times* that stated it was the size of three car parking spaces. In fact, it is a double tennis court. We were all watching Wimbledon in recent days. Would we be delighted to live somewhere the size of a tennis court?

Deputy John Cummins: I want to address a few points before going into specific amendments. Reference was made to the fact these amendments were not flagged. It is important to state this was flagged both on Second Stage in the Dáil and on Second Stage in the Seanad last week. As I said in response to Senator McDowell, a briefing paper on all Government amendments was issued to all Senators last Friday.

Senator Michael McDowell: Just at close of business.

Deputy John Cummins: A briefing session was carried out with Oireachtas joint committee members on Monday. Importantly, these amendments could only have been made after the publication of the apartment guidelines last week.

Questions were asked about the costs. Details on savings were also provided to the Oireachtas joint committee. I appreciate Senator Boyhan is no longer on the Oireachtas Joint Committee for Housing, Local Government and Heritage but I will make sure he gets a copy. In general on the points that have been made, nobody can live in an apartment that is not built. This is the

important thing to say. Reference has been made to shoeboxes. The only focus of the contributions has been one change being made to the size of studio apartments to 32 sq. m. As I said on the record of the House last week, everyone lauds and applauds Vienna and the model it has for social and affordable housing. The average size of a studio apartment in Vienna is 25 sq. m. We will have 32 sq. m for a studio apartment, with no change to one-bedroom apartments. It is important to state single people also need homes.

I will now address amendments Nos. 1, 2 and 3 to Government amendment No. 47, which concerns the modification of permission for residential development. Amendment No. 47 proposes to introduce a new section 44B to the Act of 2000, providing a certification procedure for modifications to planning permissions for residential development that are in line with certain specific planning policy requirements contained in the recently published Planning Design Standards for Apartments - Guidelines for Planning Authorities, 2025.

Amendment No. 1 to amendment No. 47, tabled by Senators McCormack, Murphy, Andrews, Collins, Ryan and Tully, seeks to include a requirement that applications for certificates under section 44B be notified to the public by way of a site notice. Subsection (13) of the proposed section 44B enables the Minister to make regulations for the purposes of this section. Where it is determined that a site notice is required, such a requirement will be introduced by regulations made under subsection (13), as is the case under the Planning and Development Regulations 2001.

Amendment No. 1 to amendment No. 47 further proposes that the relevant authority must provide for public participation in the certification process by inviting written submissions from interested persons or organisations, and the relevant authority must also have regard to those submissions when issuing a certificate under the proposed section 44B. The Aarhus Convention relates to access to information, public participation in decision-making and access to justice in environmental matters. Following discussions with the Office of the Attorney General, the Department remains satisfied that the Bill is in compliance with all international obligations, including the Aarhus Convention.

It is important to note that subsection (5)(b) of section 44B provides that a relevant authority cannot issue a certificate under section 44B if an appropriate assessment or environmental impact assessment of the proposed modification of the permission is required. Where an EIA or AA is required, such proposed modifications may only be sought by way of a planning application, a process that provides for public participation and notification. In this context, regulations made under section 44B will provide the screening procedures for an EIA and an AA to facilitate this provision. Given the urgent need to increase housing supply, section 44B enables a limited number of modifications to existing planning permissions to facilitate the building of much-needed apartment developments while ensuring environmental screening is carried out in respect of those modifications.

Amendment No. 2 to amendment No. 47, tabled by Senators Higgins and Stephenson, seeks to provide that a relevant authority shall not grant a certificate if the modification relates to the removal or reduction of communal space or cultural space within the proposed development. It should be noted that subsection (15) of section 44B defines "permitted modifications" for the purpose of the section. A number of references are contained therein to specific planning policy requirements in the new guidelines. These relate to apartment mix, apartment floor areas, dual aspect ratios, floor-to-ceiling heights, lift and stair cores, and works, including to footpaths, boundaries, gardens and balconies, required for the purposes of the foregoing, or to ensure ac-

cess to the development. The removal or reduction of communal spaces or cultural space is not of itself a permitted modification. The permitted modifications will be predominantly internal, with any additional works allowable only permitted if they are necessary for the purposes of internal modifications or to ensure access to the development. It is for these reasons that I am not in a position to accept this amendment.

Amendment No. 3 to amendment No. 47 seeks to provide that any permitted modification shall be subject to fire safety certificates, health and safety certificates and any other appropriate certifications. I do not consider this provision necessary for two reasons. Subsection (5) of section 44B at paragraph (a) will preclude a relevant authority from issuing a certificate in respect of a development that has already commenced. Second, subsection (7) of section 44B provides that where a relevant authority issues a certificate, the permission stands modified in accordance with the terms of the proposed modification. The modified permission will be subject to building control requirements in the same manner as would have applied to the original permission, if commenced. For these reasons, I cannot accept this amendment.

I will now address amendments Nos. 4 and 5 to amendment No. 47, as tabled by Senators Higgins and Stephenson. Amendments Nos. 4 and 5 propose the insertion of a new subsection (16) into the proposed new section 44B. Amendment No. 4 to amendment No. 47 seeks to provide that any permitted modification to the mixture of apartments of different classes shall be a varied mix of different classes of apartments. I cannot accept this amendment as it conflicts with specific planning policy requirement, SPPR, 1 in the recently published planning design standards for apartments. Under SPPR 1, with the exception of certain specified social housing developments, there are no minimum or maximum requirements for apartments with a certain number of bedrooms.

Amendment No. 5 to amendment No. 47 seeks to reduce the duration of a modified permission to six months. I do not consider this to be an appropriate measure as it could reduce the likelihood of the holder of a permission applying for a certificate under the proposed section 44B and in some cases could reduce the duration of an existing permission by a significant period of time. For these reasons I am not in a position to accept this amendment.

My amendment No. 47 will introduce a new section 44B to the Act of 2000, providing a certification procedure for modifications to planning permissions for residential development that are in line with certain specific planning policy requirements contained in the recently published Planning Design Standards for Apartments - Guidelines for Planning Authorities, 2025. Viability presents an ongoing challenge to housing delivery and this is particularly relevant for the delivery of apartments, where a considerable gap has emerged between the cost of delivering apartment development and comparable general housing market prices.

The new guidelines provide guidance, standards and policy requirements in relation to the design of apartment developments to take account of current Government policy and economic, social and environmental considerations. Given the urgent need to increase housing supply, the proposed section 44B will enable the holders of existing permissions for apartment developments that have not yet commenced to modify their permissions in line with the new guidelines. As the provision explicitly sets out, its purpose is to facilitate the construction of greater numbers of dwellings in apartment complexes than permitted under permissions already granted, taking account of the acute shortage of residential accommodation, the rise in homelessness, the rise in the cost of residential rental accommodation and house and apartment purchase prices. Section 44B enables the holder of a permission for residential development to apply to

the relevant authority that granted the permission, either a planning authority or An Coimisiún Pleanála, to certify that a proposed modification of a permission is a permitted modification. The relevant authority must be satisfied that the proposed modification, if made, would be a permitted modification in order for a certificate to issue. Applications for certificates will need to be accompanied by revised plans and drawings and other documentation and information related to the proposed modification for purposes including the carrying out of environmental screening.

Certificates will not be issued for proposed modifications if the development has already commenced, if an appropriate assessment or environmental impact assessment in respect of the proposed modification is required or if the applicant for the certificate fails to comply with requests for any documentation or further information. In addition, if the development is located in a strategic development zone, a certificate cannot be issued if the proposed modification would cause the number of dwellings in that strategic development zone to exceed the number permitted by its planning scheme.

Where a certificate is issued, the planning permission will stand so modified and any development carried out in accordance with the modified permission will not be unauthorised development. Public notification requirements are set out requiring the relevant authority to issue a public notice in a newspaper and on its website as well as making the relevant documentation available for inspection, including on its website. Section 44B is a temporary provision and certificate applications for proposed modifications must be made within two years of the Bill coming into operation, that is, by July 2027.

Amendments Nos. 32, 48 and 49 are consequential to the introduction of this new certification procedure for modifications to existing apartment permissions. Amendment No. 32 amends section 7 of the Act of 2000 to provide that particulars of any permission modified in accordance with section 44B must be entered into a planning authority's register. Senators Stephenson and Higgins have proposed an amendment to amendment No. 49 that seeks to provide that any fees set should not be prohibitively expensive. I cannot accept this proposed amendment as it is unnecessary given section 246 of the Act of 2000 has appropriate safeguards in place and provides that, in setting fees, the amount shall be related to the estimated cost of the development or the unauthorised part thereof, as the case may be. It also provides that fees for making copies shall not exceed the reasonable cost of making such copies.

Amendments Nos. 48 and 49 concern the setting of fees for certification applications and propose to amend section 246 of the Act of 2000, whereby the Minister may prescribe in regulation a fee in respect of applications under section 44B , and section 144 of that Act to facilitate the commission to set a fee in respect of such applications where it is the relevant authority.

I appreciate there was a lot of content in that response but it was important to respond to the amendments to the Government amendments and to give the background and detail behind the amendments Government is proposing.

Senator Patricia Stephenson: I will correct my correction. Eight units could fit on a tennis court. Forgive me; it is very late. If eight units could fit on a tennis court, they would be minuscule. I just wished to point that out.

The Minister of State made reference to the Vienna housing model. The Vienna housing model is based on loads of shared amenities and diversity of housing type to avoid creating

slum-like developments. That diversity of accommodation type is not referenced in the Government amendments. It is obviously not just about size; it is also about having fewer windows and lifts. All of those things matter and will impact people's quality of life. I will again make the point that receiving these amendments at 5 p.m., or whatever time it was, late on a Friday cannot be considered advance warning. To be clear on the record, a briefing is not pre-legislative scrutiny. A briefing is a briefing. It is not the same as pre-legislative scrutiny.

Amendment put and declared carried.

SECTION 16

Government amendment No. 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,".

Amendment put and declared carried.

An Cathaoirleach: Amendments Nos. 34 to 40, inclusive, 42 and 56 are related and may be discussed together by agreement. Is that agreed? Agreed.

Senator Joanne Collins: I move amendment No. 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,".".

I will speak on amendments Nos. 34 and 56 together to save time. These amendments relate to the extension of planning permissions where development has not commenced. While these delays can be caused by genuine viability challenges, proper monitoring is needed to ensure that requests for extensions are actually genuine and are not being used by speculators who are deliberately sitting on land. Our amendment seeks an explanation from the developer and six-monthly reports on extensions for the same reasons. We just want that bit of transparency. Amendment No. 56 is very similar. It just ensures regular reporting on extensions to improve monitoring and to keep an eye on extensions to planning permissions.

Senator Victor Boyhan: I support amendment No. 34, which Senator Collins has just set out. It makes a lot of sense. It is a very practical suggestion. It introduces some sort of monitoring and engagement, which is important. It is also important that this engagement be on the record because we have heard many excuses. The amendment refers to an explanation as to why a developer has not yet commenced and requires a viability assessment. Let us keep it simple. These developers put in these applications at great expense to themselves. They must have thought the developments were viable. Otherwise, why would they have put them on the drawing boards in the first place? They then got these permissions. One of the kernels of the problem is that we have all of these developments approved and ready to go on serviced sites in the key locations where we want them but we are told they are not making enough money. The developers are making a profit. No one is doing this at a loss. Let us not fool ourselves.

The Vienna model is interesting. My colleague Senator McDowell searched it on Google a minute ago. We are talking about €300 a month in Vienna for the studios the Minister of State has mentioned. I respect that there is a market for studios and I have no difficulty with that but you cannot talk about the Vienna model, where units are €300 a month, when a man has told me he is paying €1,050 a month. If anyone is talking about the Vienna model - I am not referring to the Minister of State *per se* - that is the reality.

Amendment No. 34 is a very practical suggestion. It seems to be run of the mill for Government not to accept amendments. No amendments have ever been accepted. Some Ministers come in here reading out pink sheets stapled together saying they cannot accept amendments for whatever reason. It is all pretyped and ready in advance then a fresh set of stuff comes in for the next Minister. We have not yet had the Minister here, although we have had two Ministers of State. We live in a democracy. This is a democratic bicameral parliament. We are meant to be enhancing and revising legislation, as the Minister of State's former leader reminded us in this House on many occasions. I will again put on the record that it is exceptionally disappointing that senior civil servants prepare papers, staple them together and then hand them to the Minister of State or someone else - I am not commenting on the Minister of State personally - to be read out. There is a record of opposing everything. The Minister of State has been on the other side of the House himself, although his group has been in government for many years. Every few months, there is another excuse. There comes a time when we have to put our hands up and hold people to account. Our job is to hold the Minister of State to account as he has held many people to account over his own political career, which is right and proper. I just wish he would go back to someone in his Department. Sometime, it would be lovely for a Minister to come in here and say, "Actually there's a bit of sense in what you're saying, Senator, and we're going to accept it." However, there is a mentality of opposing everything for the sake of opposing and then having spin doctors go out on the airways to tell us they have the problems all sorted.

They have not got the problems sorted. The country is in a mess in relation to housing. The last three Administrations in this country have failed to deliver. That is the reality of it. This is a legacy issue on the Minister of State's hands. He needs to be realistic. We hear all these things about the disappointment and everyone is mad and a lunatic because they are outside the gate complaining. People have no homes. People who work here are coming from the midlands every day. People cannot afford to pay for anything. They are in rooms. The only place they can get away from their partners is to lock themselves in a toilet with a shower, not even a bathroom.

Let us have a bit of empathy here. Let us be practical and respectful to everyone involved. The Minister of State has put his best foot forward, but it is simply not good enough.

Senator Alice-Mary Higgins: I will be brief because I am keen to move to later in the Bill and be able to get to vote. Amendments Nos. 38 to 40, inclusive, deal with the use-it-or-lose-it principle. If people are granted these extensions, they should be required to act upon them. If people are getting extensions for one or two developments and have not commenced, they should not be given permission for delays on all their developments unless they follow through. Someone who gets an extension on one development should start building that before going looking for an extension on another development. These are all attempts to ensure these measures do not reward speculation, as I am concerned they will.

Senator Joe Flaherty: Regarding the tone of some of the amendments from the other side,

there is very much an argument that developers are at fault. The tone is very much use it or lose it. Senator Boyhan mentioned the midlands. As a rural TD, I find that one of the biggest laggards in the housing crisis are the local authorities here in Dublin. I have followed one case, as I know the Minister of State has as an avid reader of the *Business Post*. It is a scheme of 103 apartments on the Old Naas Road, which were completed in 2019. They are still empty, albeit fully furnished, and the developer was prepared and ready to release them onto the rental market. They have been held up repeatedly, primarily by the enforcement team in Dublin City Council, which seems to have a free rein over how that council operates to the detriment of everybody, but most importantly to the detriment of the people Senator Boyhan spoke so eloquently about, the people in the teeth of a housing crisis at the moment.

In the middle of last year, it was recommended that the issue would go to mediation and the eminent former Chief Justice Frank Clarke presided over that mediation. It came to a point where he suggested a lawyers-only meeting to try to reach a compromise and ultimate agreement in this case. Dublin City Council took that as its opportunity to exit the mediation process and unfortunately it still goes on. The message I am trying to deliver is that until people working in local authorities and particularly people in positions of influence, such as enforcement and planning, come to realise that there is indeed a housing crisis and that it affects them and their families, we will never resolve it.

I appreciate what the Minister of State and the senior Minister are doing. We need to engage every lever in an effort to try to sort this housing crisis. This Bill is very much part of that process. The staff and officials of local authorities are key players in this and they are not engaging with the sincerity and conviction they need to engage with if we are serious about dealing with this issue.

Deputy John Cummins: I will now address amendments Nos. 34 and 56, as tabled by Senators McCormack, Murphy, Andrews, Collins, Ryan and Tully, and amendments Nos. 35 to 40, inclusive, and 42, as tabled by Senators Higgins and Stephenson. These amendments relate to the extension-of-duration provisions of the Bill.

Amendment No. 34 seeks to provide that as part of an application for an extension of duration, the applicant shall submit a viability assessment and a detailed schedule of works.

Amendment No. 36 seeks to amend the extension-of-duration provision to provide that 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. Section 16 of the Bill does not relate to funding and therefore I cannot accept this amendment. It would not be appropriate to seek accounting information as part of a request to extend the duration of a planning permission.

Amendments Nos. 37 and 40 seek to provide that 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. Amendment No. 39 seeks to provide that substantial works must commence in two years or otherwise the permission will expire. These amendments are unnecessary as the provision already provides that works must commence within 18 months of the coming into operation of the provision or otherwise the extension will cease to have effect. For these reasons, I cannot accept these amendments.

Amendment No. 38 seeks to provide that applications for extensions may not be sought on

other developments if a person has sought an extension on a development already and not commenced it. I cannot accept this amendment as applications should be dealt with on an individual basis. There may be circumstances beyond a person's control as to why a development did not commence.

Amendment No. 42 provides that extensions should be granted for a minimal period only. This is unnecessary as the provision already provides that the planning authority is limited to extending the appropriate period by such additional period as the planning authority considers requisite to enable the development concerned to be completed. For this reason, I cannot accept this amendment.

Amendment No. 56 seeks to provide by legislation that the Minister shall lay a report before the Oireachtas every six months on the operation of the extension of duration, detailing the number of developments that have availed of the extensions, the number of units granted extension that have commenced and the number of units that have been completed. Section 42(5) of the Act of 2000 already provides that the details of any extension of duration is entered on the planning register. As there are already provisions in place to deal with these matters, I cannot accept this amendment.

Further to Senator Boyhan's comments, it is important in responding to amendments that full clarifications are given on the record of this House for anybody who may read the record of this debate. That is the case for any Minister who comes before the House. I take very seriously the debate that happens in this House and in the Dáil. As someone who was a proud Member of this House for four and a half years, I have agreed with the Leader to extend the duration of the debate, which he will propose shortly.

Progress reported; Committee to sit again.

Gnó an tSeanaid - Business of Seanad

Senator Seán Kyne: I propose that notwithstanding anything in Standing Orders or the Order of Business of today, that No. 2 conclude at 9.30 p.m. by the putting of the question by the Chair that shall, in relation to amendments, include only those set down or accepted by the Government.

Question put and declared carried.

Planning and Development (Amendment) Bill 2025: Committee Stage (Resumed) and Remaining Stages

SECTION 16

Debate resumed on amendment No. 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,".".

-(Senator Joanne Collins)

Amendment put and declared lost.

Senator Alice-Mary Higgins: I move amendment No. 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.",".

Amendment put and declared lost.

9 o'clock

Senator Patricia Stephenson: I move amendment No. 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.",".

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 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.",".

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 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.",".

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 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.",".

Amendment put and declared lost.

Senator Patricia Stephenson: I move amendment No. 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.",".

Amendment put and declared lost.

An Cathaoirleach: Amendment No. 41 in the names of Senators Stephenson and Higgins has been ruled out of order as it is in conflict with the principle of the Bill.

Amendment No. 41 not moved.

Senator Patricia Stephenson: I move amendment No. 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.",".

Amendment put and declared lost.

An Cathaoirleach: Amendment No. 43 has been ruled out of order.

Amendment No. 43 not moved.

Senator Patricia Stephenson: I move amendment No. 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 sub-

section (7B).

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

Amendment put and declared lost.

Government amendment No. 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”.

Amendment put and declared carried.

Senator Joanne Collins: I move amendment No. 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.”.”.

Amendment put and declared lost.

Question put: : “That section 16, as amended, stand part of the Bill.”

The Committee divided: Tá, 31; Níl, 16.	
Tá	Níl
Ahearn, Garret.	Boyhan, Victor.
Blaney, Niall.	Collins, Joanne.
Boyle, Manus.	Cosgrove, Nessa.
Brady, Paraic.	Harmon, Laura.
Byrne, Cathal.	Higgins, Alice-Mary.
Byrne, Maria.	Keogan, Sharon.
Comyn, Alison.	McCarthy, Aubrey.

Conway, Martin.	McCormack, Maria.
Costello, Teresa.	McDowell, Michael.
Crowe, Ollie.	Mullen, Rónán.
Curley, Shane.	Murphy, Conor.
Davitt, Aidan.	O'Reilly, Sarah.
Duffy, Mark.	Ruane, Lynn.
Flaherty, Joe.	Ryan, Nicole.
Gallagher, Robbie.	Stephenson, Patricia.
Goldsboro, Imelda.	Tully, Pauline.
Kelleher, Garret.	
Kennelly, Mike.	
Kyne, Seán.	
Lynch, Eileen.	
Murphy, P. J.	
Murphy O'Mahony, Margaret.	
Nelson Murray, Linda.	
Ní Chuilinn, Evanne.	
O'Donovan, Noel.	
O'Loughlin, Fiona.	
O'Reilly, Joe.	
Rabbitte, Anne.	
Ryan, Dee.	
Scahill, Gareth.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Garret Ahearn and Robbie Gallagher; Níl, s: Tá, Senators Garret Ahearn and Robbie Gallagher.

Footnote:

Question declared carried.

NEW SECTIONS

Government amendment No. 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.

(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.

(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) 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.".".

Senator Joanne Collins: I move amendment No. 1 to Amendment No. 47:

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.".

Amendment put:

The Committee divided: Tá, 14; Níl, 33.	
Tá	Níl
Boyhan, Victor.	Ahearn, Garret.
Collins, Joanne.	Blaney, Niall.
Cosgrove, Nessa.	Boyle, Manus.
Harmon, Laura.	Brady, Paraic.
Higgins, Alice-Mary.	Byrne, Cathal.
McCarthy, Aubrey.	Byrne, Maria.
McDowell, Michael.	Comyn, Alison.
Murphy, Conor.	Conway, Martin.
Noonan, Malcolm.	Costello, Teresa.
O'Reilly, Sarah.	Crowe, Ollie.
Ruane, Lynn.	Curley, Shane.
Ryan, Nicole.	Davitt, Aidan.

Stephenson, Patricia.	Duffy, Mark.
Tully, Pauline.	Flaherty, Joe.
	Gallagher, Robbie.
	Goldsboro, Imelda.
	Kelleher, Garret.
	Kennelly, Mike.
	Keogan, Sharon.
	Kyne, Seán.
	Lynch, Eileen.
	Mullen, Rónán.
	Murphy, P. J.
	Murphy O'Mahony, Margaret.
	Nelson Murray, Linda.
	Ní Chuilinn, Evanne.
	O'Donovan, Noel.
	O'Loughlin, Fiona.
	O'Reilly, Joe.
	Rabbitte, Anne.
	Ryan, Dee.
	Scahill, Gareth.
	Wilson, Diarmuid.

Tellers: Tá, Senators Joanne Collins and Conor Murphy; Níl, Senators Garret Ahearn and Robbie Gallagher.

Amendment declared lost.

Senator Alice-Mary Higgins: I move amendment No. 2 to amendment No. 47:

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.".

Amendment put and declared lost.

Amendment No. 3 to amendment No. 47 not moved.

Senator Alice-Mary Higgins: I move amendment No. 4 to amendment No. 47:

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.".

Amendment, by leave, withdrawn.

Senator Alice-Mary Higgins: I move amendment No. 5 to amendment No. 47:

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.".

Amendment, by leave, withdrawn.

An Cathaoirleach: Amendment No. 6 to amendment No. 47 has been ruled out of order.

Amendment No. 6 to amendment No. 47 not moved.

Amendment put:

The Committee divided: Tá, 31; Níl, 16.	
Tá	Níl
Ahearn, Garret.	Boyhan, Victor.
Blaney, Niall.	Collins, Joanne.
Boyle, Manus.	Cosgrove, Nessa.
Brady, Paraic.	Harmon, Laura.
Byrne, Cathal.	Higgins, Alice-Mary.
Byrne, Maria.	Keogan, Sharon.
Comyn, Alison.	McCarthy, Aubrey.
Conway, Martin.	McCormack, Maria.
Costello, Teresa.	McDowell, Michael.
Crowe, Ollie.	Mullen, Rónán.
Curley, Shane.	Murphy, Conor.
Davitt, Aidan.	O'Reilly, Sarah.
Duffy, Mark.	Ruane, Lynn.
Flaherty, Joe.	Ryan, Nicole.
Gallagher, Robbie.	Stephenson, Patricia.
Goldsboro, Imelda.	Tully, Pauline.
Kelleher, Garret.	
Kennelly, Mike.	
Kyne, Seán.	
Lynch, Eileen.	
Murphy, P. J.	
Murphy O'Mahony, Margaret.	
Nelson Murray, Linda.	
Ní Chuilinn, Evanne.	
O'Donovan, Noel.	

O'Loughlin, Fiona.	
O'Reilly, Joe.	
Rabbitte, Anne.	
Ryan, Dee.	
Scahill, Gareth.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Garret Ahearn and Robbie Gallagher; Níl, Senators Victor Boyhan and Alice-Mary Higgins.

Amendment declared carried.

An Cathaoirleach: As it is now past 9.30 p.m., I am required to put the following question in accordance with the order of the Seanad of this day: the Government amendments undisposed of are hereby made to the Bill; in respect of each of the sections undisposed of, the sections, or as appropriate the sections as amended, is hereby agree to in Committee; the Title, as amended, is hereby agreed to in Committee; the Bill, as amended, is accordingly reported to the House; Fourth Stage is hereby completed; the Bill is hereby received final consideration; and the Bill is hereby passed.

Question put: : That the Government amendments undisposed of are hereby made to the Bill; in respect of each of the sections undisposed of, the sections, or as appropriate the sections as amended, is hereby agree to in Committee; the Title, as amended, is hereby agreed to in Committee; the Bill, as amended, is accordingly reported to the House; Fourth Stage is hereby completed; the Bill is hereby received final consideration; and the Bill is hereby passed.

The Committee divided: Tá, 35; Níl, 12.	
Tá	Níl
Ahearn, Garret.	Boyhan, Victor.
Blaney, Niall.	Cosgrove, Nessa.
Boyle, Manus.	Harmon, Laura.
Brady, Paraic.	Higgins, Alice-Mary.
Byrne, Cathal.	Keogan, Sharon.
Byrne, Maria.	McCarthy, Aubrey.
Collins, Joanne.	McDowell, Michael.
Comyn, Alison.	Mullen, Rónán.
Conway, Martin.	Noonan, Malcolm.
Costello, Teresa.	O'Reilly, Sarah.
Crowe, Ollie.	Ruane, Lynn.
Curley, Shane.	Stephenson, Patricia.
Davitt, Aidan.	

Duffy, Mark.	
Flaherty, Joe.	
Gallagher, Robbie.	
Goldsboro, Imelda.	
Kelleher, Garret.	
Kennelly, Mike.	
Kyne, Seán.	
Lynch, Eileen.	
Murphy, Conor.	
Murphy, P. J.	
Murphy O'Mahony, Margaret.	
Nelson Murray, Linda.	
Ní Chuilinn, Evanne.	
O'Donovan, Noel.	
O'Loughlin, Fiona.	
O'Reilly, Joe.	
Rabbitte, Anne.	
Ryan, Dee.	
Ryan, Nicole.	
Scahill, Gareth.	
Tully, Pauline.	
Wilson, Diarmuid.	

Tellers: Tá, Senators Garret Ahearn and Robbie Gallagher; Níl, s: Tá, Senators Garret Ahearn and Robbie Gallagher.

Footnote:

Question declared carried.

An Cathaoirleach: When is it proposed to sit again?

Senator Seán Kyne: Tomorrow at 10.30 a.m.

An Cathaoirleach: Is that agreed? Agreed.

Cuireadh an Seanad ar athló ar 9.54 p.m. go dtí 10.30 a.m., Dé Céadaoin, an 16 Iúil 2025.

The Seanad adjourned at 9.54 p.m. until 10.30 a.m. on Wednesday, 16 July 2025.