



Number 27 of 2026

Planning and Development (Amendment) Act 2026



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PLANNING AND DEVELOPMENT (AMENDMENT) ACT 2026

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Number 27 of 2026

PLANNING AND DEVELOPMENT (AMENDMENT) ACT 2026

An Act to amend the Planning and Development Act 2024, the Planning and Development (Amendment) Act 2025 and the Planning and Development Act 2000, and, in that connection, to amend certain other enactments; to amend the Housing Finance Agency Act 1981 for the purpose of increasing the borrowing limit of the Housing Finance Agency; and to provide for matters connected therewith.

[20th July, 2026]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title, collective citation and commencement

1. (1) This Act may be cited as the Planning and Development (Amendment) Act 2026.
- (2) The Planning and Development Acts 2024 and 2025 and *Part 2* may be cited together as the Planning and Development Acts 2024 to 2026.
- (3) This Act shall come into operation on such day or days as the Minister for Housing, Local Government and Heritage may by order or orders appoint, either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or provisions.

Definitions

2. In this Act—

“Act of 2000” means the Planning and Development Act 2000;

“Principal Act” means the Planning and Development Act 2024.

Repeals

3. (1) The following sections of the Act of 2015 are repealed:
 - (a) sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18;
 - (b) sections 24 and 25.

- (2) Where an appeal is brought under section 13 of the Act of 2015 but is not determined before the date of the coming into operation of the repeal of section 13 of that Act by *paragraph (a) of subsection (1)*, the Act of 2015 shall, on and after that date, continue to apply and have effect in relation to the appeal and to any matter arising from the determination of the appeal, including, notwithstanding the coming into operation of the repeal of section 15 or any other applicable sections of the Act of 2015 by *subsection (1)*, the making of a demand for the payment of levy under section 15 of that Act in respect of a vacant site the subject of the appeal and the recovery of that levy, as if the repeal had not occurred.
- (3) In this section, “Act of 2015” means the Urban Regeneration and Housing Act 2015.

PART 2

AMENDMENT OF PRINCIPAL ACT

CHAPTER 1

Amendment of Part 1

Amendment of section 2 of Principal Act

4. Section 2 of the Principal Act is amended by—

- (a) the substitution of the following definition for the definition of “exempted development”:

“ ‘exempted development’ means—

- (a) development of a class prescribed under section 9,
- (b) development that is exempted development by virtue of section 152, or
- (c) development that, by virtue of any provision (the repeal of which has not yet been commenced) of section 4 of the Act of 2000, is exempted development for the purposes of that Act;”,

and

- (b) the substitution of the following definition for the definition of “strategic environmental assessment”:

“ ‘strategic environmental assessment’ means an environmental assessment carried out in accordance with the Strategic Environmental Assessment Directive and the Strategic Environmental Assessment Regulations;”.

Construction of references in Principal Act to act of institution of European Union

5. The Principal Act is amended by the substitution of the following section for section 3:

- “3. (1) For the purposes of this Act, a reference to a European act is a reference to that act as amended by any other European act (in this section referred to as an ‘amending European act’) having effect for the time being.
- (2) For the purposes of this section, an amending European act does not have effect until the day by which the State is required to give effect to the amending European act.
- (3) In this section ‘European act’ means—
- (a) an act adopted by an institution of the European Union,
 - (b) an act adopted by an institution of the European Communities in force immediately before the entry into force of the Lisbon Treaty within the meaning of the Act of 1972, or
 - (c) an act adopted by a body competent under the treaties governing the European Union within the meaning of the Act of 1972.”.

Amendment of section 4 of Principal Act

6. Section 4 of the Principal Act is amended, in subsection (6), by the substitution of “subsection” for “section”.

CHAPTER 2*Amendment of Part 2***Amendment of section 10 of Principal Act**

7. Section 10 of the Principal Act is amended, in paragraph (b) of subsection (13), by the substitution of “either such subsection” for “that subsection”.

Amendment of section 13 of Principal Act

8. Section 13 of the Principal Act is amended—

- (a) in subsection (8), by the substitution, in subparagraph (II) of paragraph (a), of “in relation to a requirement for further information in accordance with paragraph (c) of subsection (4)” for “where a request for further information is made in accordance with paragraph (b) of subsection (4)”, and
- (b) in subsection (9), by the substitution, in paragraph (d), of the following subparagraph for subparagraph (ii):

“(ii) in paragraph (c) of subsection (4), ‘the appellant’ were substituted for ‘any person who made an application under paragraph (a)’,”.

CHAPTER 3

*Amendment of Part 3***Amendment of section 17 of Principal Act****9.** Section 17 of the Principal Act is amended—

- (a) in the definition of “built up area”, by the substitution of “an area” for “a collection of statistical small areas,”, and
- (b) by the substitution of the following definition for the definition of “key town”:
 - “ ‘key town’ means a settlement (other than a city or built up area that contains a city)—
 - (a) that has a population of not fewer than 10,000 people, or
 - (b) designated under subsection (8) of section 29;”.

Amendment of section 22 of Principal Act**10.** Section 22 of the Principal Act is amended, in subsection (8), by the substitution of “not later than 10 working days from the” for “within 10 days of”.**Amendment of section 23 of Principal Act****11.** Section 23 of the Principal Act is amended, in subsection (6), by the substitution of “not later than 10 working days from the” for “within 10 days of”.**Amendment of section 25 of Principal Act****12.** Section 25 of the Principal Act is amended—

- (a) in subsection (5), by the substitution of “not later than 10 working days from the” for “within 10 days of”, and
- (b) in subsection (6), by the substitution of “not later than 10 working days from the” for “within 10 days of”.

Amendment of section 29 of Principal Act**13.** Section 29 of the Principal Act is amended by—

- (a) the substitution of the following subsection for subsection (8):
 - “(8) A regional spatial and economic strategy shall designate one or more than one settlement (other than a city or a built up area that contains a city) that, in the opinion of the regional assembly concerned, is an economically active settlement that provides employment and services for its surrounding area.”,

and

- (b) the deletion of subsection (9).

Amendment of section 32 of Principal Act

- 14.** Section 32 of the Principal Act is amended by the insertion of the following subsection:

“(18) Notwithstanding any other provision of this Part, the director of a regional assembly shall, where the regional assembly concerned fails to make a regional spatial and economic strategy under subsection (12) of this section or subsection (7) of section 33 before the expiration of—

(a) the period of 90 weeks, or

(b) such other period as may be prescribed,

from the date of the publication of the notice under paragraph (c) of subsection (1) of section 31, make a regional spatial and economic strategy in the same terms as the terms of the draft regional spatial and economic strategy that were agreed by resolution of the members of the regional assembly.”.

Amendment of section 36 of Principal Act

- 15.** Section 36 of the Principal Act is amended—

- (a) by the substitution of the following subsection for subsection (1):

“(1) Where the Minister issues or amends a National Planning Statement, each regional assembly shall, if so directed by the Office of the Planning Regulator, submit a report to that Office, not later than 2 months from the date on which the regional assembly is so directed, stating whether or not it considers that the regional spatial and economic strategy in force for its region is materially consistent with the National Planning Policies and Measures.”.

- (b) by the deletion of subsection (4),

- (c) in subsection (6), by the deletion of “or subsection (4)”,

- (d) in subsection (7), by the deletion of “or subsection (4)”, and

- (e) in subsection (8), by the deletion, in paragraph (b), of “or subsection (4)”.

Amendment of section 37 of Principal Act

- 16.** Section 37 of the Principal Act is amended, in subsection (4), by—

- (a) the substitution of “shall be made, and its making shall be effected” for “may only be made”, and

- (b) the deletion of “and may not be made under this section”.

Amendment of section 38 of Principal Act**17.** Section 38 of the Principal Act is amended—

- (a) by the substitution of the following subsection for subsection (9):

“(9) (a) Where, following an assessment carried out under subsection (1), the Office of the Planning Regulator forms the opinion that none of the criteria specified in paragraphs (a), (b), (c) and (d) of subsection (8) is met, it shall notify the regional assembly concerned in writing of that opinion and of the reasons for that opinion.

(b) Where, following an assessment carried out under subsection (2), the Office of the Planning Regulator forms the opinion that none of the criteria specified in paragraphs (a), (b), (c) and (d) of subsection (8) is met, it shall notify the Minister in writing of that opinion and of the reasons for that opinion.”,

- (b) in subsection (10), by the deletion of “or (9)”, and

- (c) in subsection (13), by the insertion, in paragraph (a), of “(if any)” after “criteria”.

Amendment of section 39 of Principal Act**18.** Section 39 of the Principal Act is amended—

- (a) in subsection (1), by the substitution of “, not later than 10 working days after having complied with subsection (4) and, where applicable, subsection (5)” for “within 10 working days, subject to subsection (4)”,

- (b) in subsection (5), by—

(i) the insertion, in paragraph (a), of “, before issuing a draft direction under subsection (1),” after “shall”, and

(ii) the insertion, in paragraph (b), of “, before issuing a draft direction under subsection (1),” after “shall”.

Amendment of section 42 of Principal Act**19.** Section 42 of the Principal Act is amended by the substitution of the following subsection for subsection (2):

“(2) (a) A planning authority shall, before the expiration of the relevant period, commence a review of the development plan for its functional area in accordance with sections 53 and 54, with a view to making a new development plan in accordance with section 55.

- (b) In this subsection ‘relevant period’ means—

(i) in relation to a development plan in force by virtue of subsection (1) of section 68 or varied in accordance with subsection (2) of section 69, the period—

- (I) commencing 3 years before the date of the expiration of the development plan in accordance with section 68, and
- (II) ending 2 years and 20 weeks before that date,
and
- (ii) in relation to any other development plan—
 - (I) the period of 7 years and 40 weeks from the date of the making of the development plan, or
 - (II) where the Minister grants an extension under paragraph (b) of subsection (5), the period consisting of the aggregate of—
 - (A) the period of 7 years and 40 weeks from the date of the making of the development plan, and
 - (B) a period equal in length to the further period referred to in that paragraph by which the period referred to in clause (A) was extended.”.

Amendment of section 46 of Principal Act**20.** Section 46 of the Principal Act is amended—

- (a) in subsection (3), by—
 - (i) the substitution of the following paragraph for paragraph (f):

“(f) a statement specifying that an urban area plan is required in respect of a settlement that—

 - (i) is situated within the functional area of the planning authority concerned,
 - (ii) is a regional growth centre, and
 - (iii) in the opinion of the planning authority concerned, is intended to be the subject of planned physical or population growth of such a scale as to require an integrated approach to the land-use and transportation planning for the entire urban area of the settlement;”,
 - (ii) the substitution of the following paragraph for paragraph (g):

“(g) a statement specifying that a priority area plan is required in respect of a part of a settlement—

 - (i) that is situated within the functional area of the planning authority concerned, and
 - (ii) that—

- (I) may be the subject of significant physical or population growth relative to the scale of the settlement in which the part is situated,
- (II) is in need of physical, social or economic renewal, or
- (III) requires the coordinated delivery of physical or other infrastructure that cannot otherwise be provided for in the settlement-specific objectives of the development plan for the settlement;”,

and

(iii) the insertion of the following paragraph:

“(ga) a statement that an urban area plan is required in respect of a key town that, in the opinion of the planning authority within whose functional area the key town is located, is intended to be the subject of physical or population growth of such a scale as would necessitate an integrated approach to—

- (i) land use, and
 - (ii) transportation planning,
- within the key town,”

and

(b) the deletion of subsections (6) and (7).

Amendment of section 55 of Principal Act

21. Section 55 of the Principal Act is amended by the substitution of the following subsection for subsection (18):

“(18) Notwithstanding this Part—

- (a) where a planning authority fails to make a development plan before the expiration of the period of 2 years and 12 weeks from the date of the notice of intention to make a new development plan under section 54, or
- (b) where a planning authority makes a determination under paragraph (d) of subsection (8) and fails to make a development plan before the expiration of the period of 2 years and 16 weeks from the date of the notice of intention to make a new development plan under section 54 or such longer period as is specified in writing by the chief executive as being necessary in order to enable the carrying out of strategic environmental assessment or appropriate assessment concerned,

the chief executive shall make a development plan, and that development plan shall contain such provisions of the draft plan as were agreed by resolution of the members of the planning authority.”.

Amendment of section 59 of Principal Act

- 22.** Section 59 of the Principal Act is amended, in subsection (3), by the insertion of “or subparagraph (ii) of paragraph (a) of subsection (13) of section 58” after “section 58”.

Amendment of section 62 of Principal Act

- 23.** Section 62 of the Principal Act is amended—

- (a) by the substitution of the following subsection for subsection (4)—

“(4) Where the chief executive determines that a strategic environmental assessment or an appropriate assessment of a draft variation is required, the variation concerned shall be made and its making shall be effected under section 58, and accordingly that section (other than subsections (1), (2), (3), (4), (5) and (6)) shall apply to the making of such variation as if—

- (a) in subsection (7), ‘A planning authority shall, as soon as practicable after the making of a determination by the chief executive of the planning authority under subsection (4) of section 62’ were substituted for ‘Where the members of a planning authority decide to propose to make a variation of a development plan under subsection (3) or the chief executive proposes to make a variation under subsection (4), the planning authority shall, as soon as practicable after making the decision’, and

- (b) in subparagraph (ii) of paragraph (b) of subsection (8), ‘subsection (2) of section 62’ were substituted for ‘subsection (5) or (6)’.”,

- (b) in subsection (6), by the substitution of “adopt or reject” for “reject”, and

- (c) by the substitution of the following subsection for subsection (7):

“(7) Where a variation—

- (a) is made by virtue of the adoption of a draft variation by the members of the planning authority concerned, or

- (b) is deemed to have been made in accordance with subsection (6),

the planning authority shall, in relation to the development plan as varied in accordance with the said variation, comply with subsection (18) of section 58.”.

Amendment of section 63 of Principal Act

- 24.** Section 63 of the Principal Act is amended—

(a) by the substitution of the following subsection for subsection (7):

“(7) Where the Office of the Planning Regulator issues a notice to a planning authority under subsection (6)—

(a) it shall on the same day—

(i) provide copies of the notice to the Minister and the Commission, and

(ii) publish the notice on an internet website maintained by or on behalf of the Office of the Planning Regulator,

and

(b) the planning authority shall, as soon as may be, publish that notice on its internet website.”,

(b) by the substitution of the following subsection for subsection (11):

“(11) (a) Where, following an assessment carried out under subsection (1), the Office of the Planning Regulator forms the opinion that none of the criteria specified in subsection (10) is met, it shall notify the planning authority concerned in writing of that opinion and of the reasons for that opinion.

(b) Where, following an assessment carried out under subsection (2), the Office of the Planning Regulator forms the opinion that none of the criteria specified in subsection (10) is met, it shall notify the Minister in writing of that opinion and of the reasons for that opinion.”,

(c) by the deletion, in subsection (12), of “or (11)”, and

(d) in subsection (15), by the insertion, in paragraph (a), of “(if any)” after “criteria”.

Amendment of section 64 of Principal Act

25. Section 64 of the Principal Act is amended—

(a) in subsection (1), by the substitution of “, not later than 10 working days after having complied with subsection (5) and, where applicable, subsection (6)” for “within 10 working days, subject to subsection (5)”,

(b) in subsection (6), by—

(i) the insertion, in paragraph (a), of “, before issuing a draft direction under subsection (1),” after “shall”, and

(ii) the insertion, in paragraph (b), of “, before issuing a draft direction under subsection (1),” after “shall”.

Amendment of section 65 of Principal Act

26. Section 65 of the Principal Act is amended by the insertion of the following subsections:

“(19) (a) Where, in relation to a relevant development plan, the Office of the Planning Regulator issued—

(i) a notice to the Minister under subsection (8) of section 31AM of the Act of 2000, or

(ii) a recommendation under subsection (4) or (9) of section 31AN of the Act of 2000,

but the Minister did not perform the functions conferred on him or her under section 31AN of the Act of 2000 in connection with that notice or recommendation, as the case may be, before the commencement of section 68, then, notwithstanding section 68, the Minister and any person upon whom functions are conferred by section 31 or 31AN of that Act may perform functions in connection with that notice or recommendation, as may be appropriate, under the said sections 31 or 31AN in relation to the relevant development plan, and accordingly—

(I) the said section 31 shall apply and have effect in relation to the relevant development plan as if ‘or the Planning and Development Act 2024’ were inserted after ‘this Act’ in each place that it occurs, and

(II) any direction given by the Minister under the said section 31 in relation to the relevant development plan shall be deemed to be a direction under this section.

(b) In this subsection ‘relevant development plan’ means a development plan made under the Act of 2000 that remains in force by virtue of section 68.

(20) Notwithstanding subsection (2) of section 69, the Minister and any person upon whom functions are conferred by section 31, 31AM or 31AN of the Act of 2000 may perform functions under the said section 31, 31AM or 31AN in relation to a development plan varied in accordance with subsection (2) of section 69, and accordingly—

(a) the said section 31 shall apply and have effect in relation to the relevant development plan as if ‘or the Planning and Development Act 2024’ were inserted after ‘this Act’ in each place that it occurs, and

(b) any direction given by the Minister under the said section 31 in relation to that development plan shall be deemed to be a direction under this section.”.

Amendment of section 68 of Principal Act

27. Section 68 of the Principal Act is amended—

(a) in subsection (1), by—

(i) the substitution of the following paragraph for paragraph (a):

“(a) until the expiration of—

(i) the period that that development plan would, but for such repeal, have remained in effect, or

(ii) any extended period under paragraph (a) of subsection (3) or any extended period or reduced period, as the case may be, under paragraph (b) of that subsection, or”,

and

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

“(b) until the coming into effect of a first development plan made under this Chapter in respect of the functional area to which the development plan made under the said section 12 applies,”,

and

(b) by the substitution of the following subsection for subsection (3):

“(3) (a) For the purpose of ensuring the effective operation of this Part, a planning authority may, upon either a resolution of the members of the planning authority or the direction of the Minister, extend the period referred to in subparagraph (i) of paragraph (a) of subsection (1)—

(i) in relation to a development plan—

(I) made under section 12 of the Act of 2000 before 1 February 2022, and

(II) that applies to its functional area,

by an additional period ending on 28 February 2030 or such earlier or later date as may be prescribed,

(ii) in relation to a development plan—

(I) made under section 12 of the Act of 2000 after 31 January 2022 but before 16 May 2022, and

(II) that applies to its functional area,

by an additional period ending on 30 April 2030 or such earlier or later date as may be prescribed,

(iii) in relation to a development plan—

- (I) made under section 12 of the Act of 2000 after 15 May 2022 but before 21 June 2022, and
 - (II) that applies to its functional area,
 - by an additional period ending on 30 June 2030 or such earlier or later date as may be prescribed,
 - (iv) in relation to a development plan—
 - (I) made under section 12 of the Act of 2000 after 20 June 2022 but before 1 August 2022, and
 - (II) that applies to its functional area,
 - by an additional period ending on 31 August 2030 or such earlier or later date as may be prescribed, and
 - (v) in relation to a development plan—
 - (I) made under section 12 of the Act of 2000 after 31 July 2022 but before 16 February 2023, and
 - (II) that applies to its functional area,
 - by an additional period ending on 31 October 2030 or such earlier or later date as may be prescribed.
 - (b) For the purpose of ensuring the effective operation of this Part, a planning authority may—
 - (i) in relation to a development plan—
 - (I) made under section 12 of the Act of 2000 after 15 February 2023 but before 31 May 2025, and
 - (II) that applies to its functional area,
 - (ii) and upon either a resolution of the members of the planning authority or the direction of the Minister—
 - (I) extend the period referred to in subparagraph (i) of paragraph (a) of subsection (1) by such additional period as ends on 31 December 2030 or such earlier or later date as may be prescribed, or
 - (II) reduce the period referred to in that subparagraph to such period as ends on 31 December 2030 or such earlier or later date as may be prescribed.”,
- and
- (c) by the substitution of the following subsection for subsection (4):
 - “(4) Before performing functions under subsection (3) a planning authority shall, in relation to any proposed extension under that subsection (whether or not in accordance with a direction under subsection (3)),

comply with the Strategic Environmental Assessment Regulations and Chapter 2 of Part 6.”.

Amendment of section 69 of Principal Act

28. Section 69 of the Principal Act is amended by the substitution of the following subsection for subsection (1):

“(1) A notice under subsection (1) of section 11 of the Act of 2000 given before the commencement of the repeal of that section by section 6 shall cease to have effect in relation to a development plan that remains in force by virtue of subsection (1) of section 68, and any review of that development plan commenced after the commencement of the said repeal shall cease and have no effect for any purpose.”.

Amendment of section 71 of Principal Act

29. The Principal Act is amended by the insertion of the following subsection:

“(3) This section shall not apply to a development plan made under the Act of 2000 that—

- (a) remains in force by virtue of section 68, or
- (b) is varied in accordance with section 69.”.

Amendment of section 78 of Principal Act

30. Section 78 of the Principal Act is amended—

(a) by the substitution of the following subsection for subsection (9):

“(9) (a) Where, following an assessment carried out under subsection (1), the Office of the Planning Regulator forms the opinion that none of the criteria specified in subsection (8) is met, it shall notify the planning authority concerned in writing of that opinion and of the reasons for that opinion.

(b) Where, following an assessment carried out in accordance with a request under subsection (2), the Office of the Planning Regulator forms the opinion that none of the criteria specified in subsection (8) is met, it shall notify the Minister in writing of that opinion and of the reasons for that opinion.”,

and

(b) in subsection (13), by the substitution, in paragraph (a), of “(if any)” after “criteria”.

Amendment of section 79 of Principal Act

31. Section 79 of the Principal Act is amended—

- (a) in subsection (1), by the substitution of “after having complied with subsection (5) and, where applicable, subsection (6)” for “subject to subsection (5)”,
- (b) in subsection (6), by—
 - (i) the insertion, in paragraph (a), of “, before issuing a draft direction under subsection (1),” after “shall”, and
 - (ii) the insertion, in paragraph (b), of “, before issuing a draft direction under subsection (1),” after “shall”.

CHAPTER 4

*Amendment of Part 4***Amendment of section 82 of Principal Act**

32. Section 82 of the Principal Act is amended, in subsection (1), by—

- (a) the insertion of the following definition:

“ ‘material contravention’ means—

- (a) in relation to a development plan made under Chapter 5 of Part 3, a contravention of the development plan that fundamentally conflicts with the integrated overall strategy for the proper planning and sustainable development of the functional area to which the development plan relates, and

- (b) in relation to a development plan made under the Act of 2000—

- (i) that continues in force by virtue of section 68, or

- (ii) is varied, in accordance with section 69,

a contravention of the development plan that fundamentally conflicts with an objective of the development plan relating to the zoning of land in the functional area to which the development plan applies.”,

and

- (b) the substitution of “million standard cubic metres” for “mscm” in the definition of “strategic gas infrastructure development” in paragraph (g).

Amendment of section 83 of Principal Act

33. Section 83 of the Principal Act is amended, in subsection (1), by the substitution, in clause (II) of subparagraph (iii) of paragraph (a), of “section 341 or 342” for “section 341”.

Amendment of section 84 of Principal Act

34. Section 84 of the Principal Act is amended—

- (a) in subsection (1), by the insertion—
 - (i) in paragraph (a), of “(other than an alteration or extension of a permission under Chapter 5)” after “standard development”, and
 - (ii) in paragraph (b), of “(other than an alteration or extension of a permission under Chapter 5)” after “standard development”,and
- (b) in subsection (3), by the substitution of “alteration or extension” for “material alteration”.

Amendment of section 85 of Principal Act

35. Section 85 of the Principal Act is amended, in subsection (1), by—

- (a) the insertion of the following paragraph:

“(aa) is a statutory undertaker,”

and
- (b) the substitution of the following paragraph for paragraph (e):

“(e) makes the application with the consent in writing, or on behalf, of—

 - (i) the owner of the land on which the development is situated or proposed to be situated,
 - (ii) a person (other than a mortgagee not in possession) who has a legal or beneficial interest in the land on which the development is situated or proposed to be situated,
 - (iii) a person who has a power, or who is under an obligation, referred to in paragraph (c) or (d), or
 - (iv) a statutory undertaker.”.

Amendment of section 86 of Principal Act

36. Section 86 of the Principal Act is amended—

- (a) in paragraph (a) of subsection (1), by—
 - (i) the substitution of the following subparagraph for subparagraph (ii):

“(ii) to provisions of a National Planning Statement that—

 - (I) are not the subject of any provision of a plan referred to in subparagraph (i), or
 - (II) conflict with any provision of such a plan,”

(ii) the substitution of the following subparagraph for subparagraph (vii):

“(vii) where applicable, to—

(I) the policies and objectives of the Government, any State authority, the Minister or the planning authority concerned, or

(II) a prescribed body whose functions have, or may have, a bearing on the proper planning and sustainable development of cities, towns or other areas (whether urban or rural),”,

(iii) the substitution, in subparagraph (viii), of “strategic, economic” for “strategic economic”,

(iv) the substitution, in subparagraph (x), of “material effect that the development or proposed development” for “material effect that the proposed development”,

(v) the substitution of the following subparagraph for subparagraph (xi):

“(xi) in the case of development or proposed development in an area to which a special amenity area order relates, to the provisions of that order, and”,

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

“(2) An obligation imposed on a planning authority or the Commission by subsection (1) to have regard to any matter shall be construed as an obligation to have regard to that matter as it applies on the date of the performance by the planning authority or Commission, as the case may be, of the function concerned.”,

(c) by the substitution of the following subsection for subsection (7):

“(7) Neither a planning authority nor the Commission shall refuse permission for proposed development for the reason that a housing growth target in respect of the settlement (within the meaning of Part 3) concerned included in—

(a) the housing development strategy,

(b) a regional spatial and economic strategy continued in force by virtue of section 41,

(c) a development plan continued in force by virtue of section 68 or varied in accordance with section 69, or

(d) in a local area plan continued in force by virtue of section 81,

has already been reached.”.

Amendment of section 89 of Principal Act

37. Section 89 of the Principal Act is amended—

(a) in subsection (1), by—

(i) the substitution of the following paragraph for paragraph (i):

“(i) he or she—

(I) first requests a consultation under section 90, or

(II) participates in at least one consultation meeting convened in accordance with paragraph (a) of subsection (3) of section 90,”

(ii) the deletion of paragraph (ii), and

(iii) the deletion, in subparagraph (I) of paragraph (iv), of “or (ii),”

and

(b) in subsection (3), by the substitution of the following paragraph for paragraph (b) of the definition of “proposed development”:

“(b) in relation to an application for permission referred to in subsection (2), development that is not materially different from development in respect of which—

(i) a certificate was provided to the applicant in accordance with paragraph (a) of subsection (9) of section 90, or

(ii) an LRD opinion was obtained by the applicant under section 92.”.

Amendment of section 90 of Principal Act

38. Section 90 of the Principal Act is amended by the substitution of the following subsection for subsection (3):

“(3) Where a request is made under this section and is accompanied by the required documentation and information in accordance with subsection (2), the planning authority shall hold a consultation meeting—

(a) in the case of—

(i) development to which subsection (1) of section 89 applies, or

(ii) proposed large-scale residential development in respect of which there has been compliance with subsection (2) of section 89,

not later than 4 weeks from the date of the request, or

(b) in the case of any other development, as soon as is practicable.”.

Amendment of section 92 of Principal Act

- 39.** Section 92 of the Principal Act is amended, in subsection (4), by the substitution of “3 working days” for “3 days”.

Amendment of section 93 of Principal Act

- 40.** Section 93 of the Principal Act is amended—

- (a) by the substitution of the following subparagraph for subparagraph (ii) of paragraph (b) of subsection (2):

“(ii) such circumstances as may be prescribed relating to such particular class of development as may be prescribed.”,

and

- (b) in subsection (9) by the substitution of “3 working days” for “3 days”.

Amendment of section 95 of Principal Act

- 41.** Section 95 of the Principal Act is amended—

- (a) in subsection (1), by the deletion of “paragraph (d) of subsection (1) of section 216 and”, and

- (b) in subsection (8), by—

- (i) the substitution of the following paragraph for paragraph (b):

“(b) Where, following a screening for appropriate assessment carried out under section 212 in relation to an application for retention permission, a planning authority makes a determination under that section that—

- (i) the development concerned (either individually or in combination with any plan within the meaning of Chapter 2 of Part 6 or other project within the meaning of the Habitats Directive) has had, or is having, significant effects on a European site, or

- (ii) the likelihood of the development concerned (either individually or in combination with any plan within the meaning of Chapter 2 of Part 6 or other project within the meaning of the Habitats Directive) having significant effects on a European site cannot be excluded,

the competent authority shall declare the application to be invalid.”,

and

- (ii) the substitution of “development or proposed development” for “proposed development” in each place that it occurs in paragraph (d).

Amendment of section 96 of Principal Act

42. Section 96 of the Principal Act is amended—

- (a) in subsection (4), by the substitution of “outline permission” for “outline planning permission”, and
- (b) in subsection (10), by the substitution of “section 34 of the Act of 2000” for “section 36 of the Act of 2000”.

Amendment of section 97 of Principal Act

43. Section 97 of the Principal Act is amended, in paragraph (a) of subsection (4), by the substitution of “a notification under paragraph (ii) of subsection (3)” for “a notification under paragraph (a) of subsection (2)”.

Amendment of section 100 of Principal Act

44. Section 100 of the Principal Act is amended, in subsection (4), by the substitution of the following paragraph for paragraph (a):

“(a) publish (if it has not already done so)—

- (i) its determination in relation to any screening for appropriate assessment carried out under section 212,
- (ii) its determination in relation to any appropriate assessment carried out under section 217, and
- (iii) its determination in relation to any screening for environmental impact assessment under section 229,

in relation to the development or proposed development to which the decision applies,”.

Amendment of section 102 of Principal Act

45. Section 102 of the Principal Act is amended—

- (a) in paragraph (b) of subsection (2), by the substitution of “a Natura impact statement or an environmental impact assessment report” for “an appropriate assessment or an environmental impact assessment”,
- (b) in paragraph (f) of subsection (4), by the substitution of “not later than 3 working days” for “within 3 days”, and
- (c) in paragraph (b) of subsection (5), by the substitution of “paragraph (f) of subsection (4)” for “paragraph (f)”.

Amendment of section 103 of Principal Act

46. Section 103 of the Principal Act is amended, in subsection (6), by—

- (a) the substitution of the following paragraph for paragraph (a):

“(a) the Commission makes a determination under section 212 or 214 that—

(i) the development concerned (either individually or in combination with any plan within the meaning of Chapter 2 of Part 6 or other project within the meaning of the Habitats Directive) has had, or is having, significant effects on a European site, or

(ii) the likelihood of the development concerned (either individually or in combination with any plan within the meaning of Chapter 2 of Part 6 or other project within the meaning of the Habitats Directive) having significant effects on a European site cannot be excluded, or”,

and

(b) the substitution of “subsection (5) of section 232” for “section 232” in paragraph (b).

Amendment of section 105 of Principal Act

47. Section 105 of the Principal Act is amended, in subsection (2), by—

(a) the substitution of the following paragraph for paragraph (a):

“(a) submit to the Commission copies of such materials as may be prescribed if not already submitted,”

and

(b) the substitution of “regulations under section 183” for “the regulations” in paragraph (b).

Amendment of section 106 of Principal Act

48. Section 106 of the Principal Act is amended, in subsection (3), by the substitution of “with such a notice or such a submission, as the case may be,” for “with such a notice”.

Amendment of section 107 of Principal Act

49. Section 107 of the Principal Act is amended, in paragraph (d) of subsection (1), by the substitution of “regulations under section 183” for “the regulations”.

Amendment of section 108 of Principal Act

50. Section 108 of the Principal Act is amended, in subsection (3), by the substitution of “sections 369 and 370” for “section 369”.

Amendment of section 111 of Principal Act

51. Section 111 of the Principal Act is amended, in subsection (5), by the substitution of the

following paragraph for paragraph (a):

“(a) comply (if it has not already done so) with—

- (i) subsection (10) of section 212, where it has made a determination in relation to a screening for appropriate assessment of the development or proposed development concerned,
- (ii) subsection (8) of section 217, where it has made a determination in relation to an appropriate assessment of the development or proposed development concerned, and
- (iii) subsection (15) of section 229, where it has made a determination in relation to a screening for environmental impact assessment of the development or proposed development concerned.”.

Amendment of section 113 of Principal Act

52. Section 113 of the Principal Act is amended, in subsection (7), by—

- (a) the substitution of “subparagraph (III) of paragraph (ii)” for “paragraph (a)” in subparagraph (iii) of paragraph (a) of the definition of “relevant period”,
- (b) the substitution of “the date by which” for “by which” in clause (II) of subparagraph (i) of paragraph (b) of that definition, and
- (c) the substitution of “subparagraph (III) of paragraph (ii)” for “paragraph (a)” in subparagraph (iii) of paragraph (b) of that definition.

Amendment of section 115 of Principal Act

53. Section 115 of the Principal Act is amended by the substitution of the following subsection for subsection (3):

“(3) Notwithstanding subsection (2), where a statutory undertaker proposes to carry out development consisting of works for the purposes of—

- (a) the maintenance or improvement of existing infrastructure, or
- (b) the distribution (within the meaning of the Act of 1999) of electricity,

that would, but for this subsection, constitute Chapter 4 development, the statutory undertaker may, instead of making an application under this Chapter for permission for the development, make an application under Chapter 3 for permission for the development, and where such an application is made, the development shall, for the purposes of this Act, be treated as standard development rather than Chapter 4 development.”.

Amendment of section 116 of Principal Act**54.** Section 116 of the Principal Act is amended—

- (a) in subsection (1), by the deletion, in paragraph (c), of “, and is eligible”,
- (b) in subsection (4), by—
 - (i) the substitution, in subparagraph (i) of paragraph (b), of “development or proposed development, as the case may be,” for “proposed development” in each place that it occurs, and
 - (ii) the substitution, in paragraph (c), of “development or proposed development, as the case may be, relates in accordance with regulations under section 183” for “proposed development relates in accordance with the requirements of the regulations”,
- (c) in subsection (5), by the substitution, in paragraph (b), of “development or proposed development” for “proposed development”,
- (d) by the substitution of the following subsection for subsection (6):
 - “(6) Where, on receipt of a request for a consultation under this section, or following consultation under this section, the Commission forms the opinion that—
 - (a) in the case of development already carried out, the development does not constitute Chapter 4 development, or
 - (b) in the case of proposed development, the proposed development would not, if carried out, constitute Chapter 4 development,the Commission shall—
 - (i) notify the prospective applicant—
 - (I) that an application for permission for the development or proposed development, as the case may be, shall not be made to the Commission under this Chapter, and
 - (II) of the Chapter (if any) of this Part under which an application for permission for the development or proposed development should be made,
 - and
 - (ii) not proceed further with any consultations under this section in relation to the development or proposed development.”,
- and
- (e) by the substitution of the following for subsection (7):
 - “(7) Where, following consultations under this section the Commission forms the opinion that—

- (a) in the case of development already carried out, the development does constitute Chapter 4 development, or
- (b) in the case of proposed development, the proposed development would, if carried out, constitute Chapter 4 development,

it shall give a notification (in this Part referred to as a ‘Chapter 4 PAC notification’) in writing to the prospective applicant that any application for permission in respect of the development or proposed development, as the case may be, should be made to the Commission under this Chapter.”.

Amendment of section 117 of Principal Act

55. Section 117 of the Principal Act is amended—

- (a) in subsection (1), by—
 - (i) the substitution, in paragraph (a), of “proposed development,” for “proposed development, or”,
 - (ii) the substitution, in paragraph (b), of “proposed development, or” for “proposed development.”,
 - (iii) the insertion of the following paragraphs:
 - “(c) a consultation under section 182E of the Act of 2000 in relation to the proposed development commenced before the repeal of that section by section 6 but no application was made under section 182A of that Act in relation to the proposed development before the repeal of the said section 182A by section 6, or
 - (d) a consultation under section 182E of the Act of 2000 in relation to the proposed development commenced before the repeal of that section by section 6 but no application was made under section 182C of that Act in relation to the proposed development before the repeal of the said section 182C by section 6.”,

and

- (b) the substitution, in the definition of “proposed development” in subsection (3), of “development or proposed development” for “development” in each place that it occurs.

Amendment of section 118 of Principal Act

56. Section 118 of the Principal Act is amended—

- (a) by the substitution of the following subparagraph for subparagraph (ii) of paragraph (b) of subsection (2):
 - “(ii) such circumstances as may be prescribed relating to such particular class of development as may be prescribed.”,

and

- (b) in subsection (9), by the substitution of “3 working days” for “3 days”.

Amendment of section 122 of Principal Act

57. Section 122 of the Principal Act is amended, in subsection (7), by the substitution, in paragraph (c), of “paragraph (ii)” for “paragraph (b)”.

Amendment of section 125 of Principal Act

58. Section 125 of the Principal Act is amended, in subsection (7), by the substitution of the following paragraph for paragraph (a):

“(a) comply (if it has not already done so) with—

- (i) subsection (10) of section 212, where it has made a determination in relation to a screening for appropriate assessment of the development or proposed development concerned,
- (ii) subsection (8) of section 217, where it has made a determination in relation to an appropriate assessment of the development or proposed development concerned, and
- (iii) subsection (15) of section 229, where it has made a determination in relation to a screening for environmental impact assessment of the development or proposed development concerned.”.

Amendment of section 126 of Principal Act

59. Section 126 of the Principal Act is amended, in subsection (1), by the substitution of “regulations under section 183” for “the regulations”.

Amendment of section 129 of Principal Act

60. Section 129 of the Principal Act is amended—

- (a) in subsection (4), by the substitution of “An environmental impact assessment report required to accompany an application for retrospective consent in accordance with subsection (8)” for “Any environmental impact assessment report (whether submitted with the application or following a screening determination by the Commission under Chapter 4 of Part 6)”,
- (b) in subsection (5), by the substitution of “A Natura impact statement required to accompany an application for retrospective consent in accordance with subsection (8)” for “Any Natura impact statement (whether submitted with the application or following a determination by the Commission under section 212)”, and
- (c) by the insertion of the following subsections after subsection (7):

- “(8) (a) An application for retrospective consent for development in respect of which an appropriate assessment is required shall be accompanied by a Natura impact statement.
- (b) An application for retrospective consent for development in respect of which an environmental impact assessment is required shall be accompanied by an environmental impact assessment report.
- (9) (a) The Commission shall not consider an application for retrospective consent for development on land if neither of the following is required in respect of the development:
 - (i) an appropriate assessment;
 - (ii) an environmental impact assessment.
- (b) For the purposes of this subsection—
 - (i) an appropriate assessment shall, notwithstanding subsection (1) of section 217, be deemed to be required in respect of development where an application for retrospective consent for that development is accompanied by a Natura impact statement, and
 - (ii) an environmental impact assessment shall be deemed to be required in respect of development where an application for retrospective consent for that development is accompanied by an environmental impact assessment report.”.

Amendment of section 138 of Principal Act

- 61.** Section 138 of the Principal Act is amended, in subsection (1), by the insertion, in paragraph (d) of the definition of “material alteration”, of “and section 138A” after “subsection (2)”.

Alterations of existing permissions allowed for purpose of alleviating shortage of residential accommodation

- 62.** The Principal Act is amended by the insertion of the following section:

“Section 138 supplemental provision

138A. (1) The purpose of this section is, having regard to—

- (a) the acute shortage of residential accommodation in the State,
- (b) the rise in homelessness in the State, and
- (c) the rise in the cost of—
 - (i) residential rental accommodation, and
 - (ii) house and apartment purchase prices,
 in the State,

to enable the construction of greater numbers of dwellings within residential developments than is authorised for the time being under permissions granted for such residential developments.

- (2) This section applies to residential development—
 - (a) for which permission was granted before the coming into operation of this section,
 - (b) in respect of which a request under subsection (1) of section 140 is made before the expiration of 2 years from the coming into operation of this section, and
 - (c) that, on the date on which such request is made and subject to subsection (6), has not yet been commenced.
- (3) Subject to this section, none of the following alterations of a permission shall be a material alteration of a permission for the purposes of this Chapter:
 - (a) an alteration consisting of—
 - (i) an increase in the number of apartments within the proposed residential development for which the permission was granted, or
 - (ii) a change in—
 - (I) the mixture of apartments of different classes in the proposed residential development, or
 - (II) the proportion of apartments of a particular class to apartments of another class in the proposed residential development,

subject to any applicable requirements under section 96 of the Act of 2000 or Chapter 2 of Part 7,

provided that the alteration does not result in a change in the external dimensions (including the external boundary) of any building comprising, or forming part of, the proposed residential development;
 - (b) an alteration consisting of a change to the floor areas of apartments in the proposed residential development subject to—
 - (i) an apartment, designed for occupation by not more than one person, having a minimum floor area of 32 square metres,
 - (ii) an apartment containing one bedroom, designed for occupation by not more than 2 persons, having a minimum floor area of 45 square metres,

- (iii) an apartment containing 2 bedrooms, designed for occupation by not more than 3 persons, having a minimum floor area of 63 square metres,
 - (iv) an apartment containing 2 bedrooms, designed for occupation by not more than 4 persons, having a minimum floor area of 73 square metres,
 - (v) an apartment containing 3 bedrooms, designed for occupation by not more than 4 persons, having a minimum floor area of 76 square metres,
 - (vi) an apartment containing 3 bedrooms, designed for occupation by not more than 5 persons, having a minimum floor area of 90 square metres;
- (c) an alteration consisting of an increase or decrease in the number of walls in any apartment in the proposed residential development that would have a window, provided that not less than 25 per cent of the apartments within the proposed residential development shall have windows (other than in a hallway, a room containing kitchen facilities only, a bathroom, a room containing a toilet, a utility room, a storage room or a cloakroom) in at least 2 external walls each facing in a different direction;
- (d) an alteration relating to the internal height of an apartment located on the ground floor of the proposed residential development measured from floor to ceiling, provided that such internal height shall not be less than 2.7 metres;
- (e) an alteration relating to the number of lifts or stairways in the proposed residential development;
- (f) an alteration consisting of the carrying out of other works (including works to footpaths, boundaries, gardens and balconies) necessary for the purposes of—
- (i) any of the foregoing alterations, or
 - (ii) ensuring access to the proposed residential development following its completion.
- (4) An alteration of a permission referred to in subsection (3) shall, in the case of residential development in a strategic development zone, not cause the number of dwellings situated in that strategic development zone to exceed the number of dwellings permitted by a planning scheme under section 169 of the Act of 2000 applicable for the time being to that strategic development zone.
- (5) An alteration of a permission referred to in subsection (3) shall not result in the proposed residential development being designed to

accommodate more occupants than it would be designed to accommodate were the alteration not made.

- (6) For the purposes of this section, a residential development is not to be treated as having commenced where the only works as yet carried out are those required to maintain, secure or protect the land or maritime site on which the development is proposed to be situated.
- (7) In this section ‘residential development’ means development, or part of a development, consisting of, or primarily consisting of, dwellings in an apartment building or apartment buildings, but does not include student accommodation.”.

Amendment of section 141 of Principal Act

63. Section 141 of the Principal Act is amended by—

- (a) the substitution of the following subsection for subsection (2):

“(2) Where the duration of a permission is extended under this Chapter, the aggregate of—

- (a) the period of duration of the permission before it is so extended, and

- (b) the period by which the permission is so extended,

shall not exceed twice the length of the period referred to in paragraph (a).”.

- (b) the insertion of the following subsection:

“(2A) Where the duration of a permission was extended under the Act of 2000, the aggregate of—

- (a) the period of duration of the permission before it was so extended,

- (b) the period by which the permission was so extended under that Act, and

- (c) any period by which the permission is further extended under this Chapter,

shall not exceed twice the length of the period referred to in paragraph (a).”.

and

- (c) in subsection (3), by the substitution of “subsections (2) and (2A)” for “subsection (2)”.

Amendment of section 143 of Principal Act**64.** Section 143 of the Principal Act is amended—

- (a) in subsection (5), by the insertion of the following paragraphs:

“(ca) include—

- (i) the determination in relation to any screening for appropriate assessment carried out under section 212, and
- (ii) the determination in relation to any screening for environmental impact assessment carried out under section 229,

in respect of the material alteration request concerned, unless the deciding authority has already complied with subsection (10) of section 212 or subsection (15) of section 229, as may be appropriate,

- (cb) include the determination in relation to any appropriate assessment carried out under section 217 in respect of the material alteration request concerned, unless the deciding authority has already complied with subsection (8) of that section,”

- (b) in subsection (8), by—

- (i) the substitution, in subparagraph (ii) of paragraph (a), of “Chapter 3” for “subsection (7)”,
- (ii) the substitution, in subparagraph (ii) of paragraph (b), of “Chapter 3” for “subsection (7)”,
- (iii) the substitution, in subparagraph (ii) of paragraph (c), of “Chapter 3” for “subsection (7)”,

and

- (c) in subsection (11), by the substitution of “Chapter 3” for “subsection (7)”.

Amendment of section 146 of Principal Act**65.** Section 146 of the Principal Act is amended—

- (a) in paragraph (b) of subsection (8), by—

- (i) the substitution of “In this subsection” for “In paragraph (a)”, and
- (ii) the substitution, in subparagraph (i) of the definition of “additional sum”, of “or” for “and”,

and

- (b) by the insertion of the following subsection:

“(12A) Where the Minister considers it necessary or expedient that decisions under subsection (1) of section 143, in relation to material alteration requests of a particular class or classes, be determined as expeditiously

as is consistent with objectives of maritime spatial planning and principles of proper planning and sustainable development, by reason of their being of special strategic, economic or social importance to the State, he or she may give a direction to a planning authority to give priority to the making of such decisions, and the planning authority shall comply with any such direction.”.

Amendment of section 147 of Principal Act

66. Section 147 of the Principal Act is amended, in subsection (8), by—

- (a) the substitution, in paragraph (a), of “requests decided by the Commission” for “requests decided”, and
- (b) the substitution, in paragraph (b), of “requests decided by the Commission” for “requests decided”.

Amendment of section 155 of Principal Act

67. Section 155 of the Principal Act is amended, in subsection (1), by—

- (a) the deletion of “or State authority development of such class as is specified in the order,”, and
- (b) the deletion of “or development of such class” in each place that it occurs.

Amendment of section 159 of Principal Act

68. Section 159 of the Principal Act is amended—

- (a) in subsection (1), by—
 - (i) the substitution, in paragraph (b), of “not later than 8 weeks from” for “not later than”, and
 - (ii) the deletion, in subparagraph (i) of that paragraph, of “8 weeks from”,
- (b) in subsection (2), by—
 - (i) the substitution, in subparagraph (i) of paragraph (e), of “section 213” for “section 212”, and
 - (ii) the substitution, in subparagraph (ii) of that paragraph, of “section 230” for “section 229”.

Amendment of section 160 of Principal Act

69. Section 160 of the Principal Act is amended, in subsection (4), by the substitution, in paragraph (b), of “State authority” for “local authority” in each place that it occurs.

Amendment of section 161 of Principal Act

70. Section 161 of the Principal Act is amended, in subsection (4), by the substitution, in

paragraph (b) of the definition of “local authority housing development” of “coordinated area plan” for “joint area plan”.

Amendment of section 167 of Principal Act

71. Section 167 of the Principal Act is amended, in subsection (2), by the substitution, in paragraph (b), of “and” for “or” where it last occurs.

Amendment of section 168 of Principal Act

72. Section 168 of the Principal Act is amended by the substitution of the following paragraph for paragraph (b):

“(b) a planning authority (including a planning authority performing functions as a coastal planning authority),”.

Amendment of section 173 of Principal Act

73. Section 173 of the Principal Act is amended—

- (a) in subsection (1), by the substitution, in paragraph (ii), of “permission” for “planning permission”,
- (b) in subsection (7), by the substitution of “permission” for “planning permission”,
- (c) in subsection (8), by the substitution of “permission” for “planning permission”, and
- (d) in subsection (10), by the substitution of “this Act or the Act of 2000” for “this Act” in each place that it occurs.

Amendment of section 180 of Principal Act

74. Section 180 of the Principal Act is amended—

- (a) in paragraph (a) of subsection (10)—
 - (i) by the substitution of “the modifications that—” for “the following modifications:”,
 - (ii) in subparagraph (i), by the substitution of “,” for “; and”,
 - (iii) in subparagraph (ii), by the substitution of “permission, and” for “permission.”, and
 - (iv) by the addition of the following subparagraph after subparagraph (ii):

“(iii) references in subsection (2) to this Act shall be construed as including references to the Act of 2000.”,
- and
- (b) by the insertion of the following subsections after subsection (10):

“(10A) This section also applies to a permission or approval specified in subsection (10B) in respect of which Part 9 judicial review proceedings are brought in accordance with section 303A, subject to the modifications that—

- (a) references to permission shall be construed as references to permission or approval specified in subsection (10B), and
- (b) references in subsection (2) to this Act shall be construed as including references to the Act of 2000.

(10B) A permission or approval referred to in subsection (10A) is a permission granted under section 34, 37, 37G, 37N or 293 of the Act of 2000 or an approval under subsection (9) of section 175, subsection (8) of section 177AE, subsection (2L) of section 181, subsection (6) of section 181B, subsection (5) of section 182B or subsection (5) of section 182D of the Act of 2000 (whether or not deemed to be a permission under this Act by virtue of section 188) other than—

- (a) permission for retention of development under the Act of 2000, or
- (b) outline permission for development granted under section 34 of the Act of 2000 upon an application referred to in subsection (1) of section 36 of that Act.”.

Amendment of section 181 of Principal Act

75. Section 181 of the Principal Act is amended, in subsection (4), by the substitution of “change in use” for “change of use” in each place that it occurs.

CHAPTER 5

Amendment of Part 5

Amendment of section 191 of Principal Act

76. Section 191 of the Principal Act is amended—

- (a) by the substitution of the following for subsection (8)—

“(8) The competent authority shall, as soon as practicable after the expiration of the period specified in the notice under subsection (7), apply the Balanced Approach to its consideration of the counterproposals (if any) given to it by the applicant.”,

and

- (b) in subsection (17), by the substitution of the following paragraph for paragraph (a):

“(a) where an appeal, in accordance with subsection (7) of section 103, from the decision of the planning authority in relation to the application is not brought under Chapter 3 of Part 4 before the

expiration of the period specified in subsection (5) of section 102 for the bringing of such appeal, come into effect on the expiration of that period, and”.

Amendment of section 192 of Principal Act

77. Section 192 of the Principal Act is amended—

(a) by the substitution of the following subsection for subsection (9):

“(9) The competent authority shall, as soon as practicable after the expiration of the period specified in the notice under subsection (8), apply the Balanced Approach to its consideration of the counterproposals (if any) given to it by the applicant.”,

and

(b) in subsection (18), by the substitution of the following paragraph for paragraph (a):

“(a) where an appeal, in accordance with section 103, from the decision of the planning authority in relation to the application is not brought under Chapter 3 of Part 4 before the expiration of the period specified in subsection (5) of section 102 for the bringing of such appeal, come into effect on the expiration of that period, and”.

Amendment of section 193 of Principal Act

78. Section 193 of the Principal Act is amended—

(a) in subsection (2), by the deletion of “to the planning authority”,

(b) in subsection (4), by the substitution, in clause (I) of subparagraph (i) of paragraph (c), of “such measures or restrictions (if any) as are” for “such measures (if any)”, and

(c) in subsection (6), by the insertion, in subparagraph (i) of paragraph (a), of “, the Irish Air Navigation Service” after “Irish Aviation Authority”.

CHAPTER 6

Amendment of Part 6

Exception to requirement that screening for appropriate assessment and screening for environmental impact assessment be carried out

79. The Principal Act is amended by the insertion of the following section:

“**197A.** (1) Where, following the carrying out of a screening for appropriate assessment of a development, a planning authority declares an application for retention permission for that development to be invalid on the grounds that an appropriate assessment of the development is

required, it shall not be necessary for the Commission, upon an application for retrospective consent for that development, to carry out a further screening for appropriate assessment of that development.

- (2) Where, following the carrying out of a screening for environmental impact assessment of a development, a planning authority declares an application for retention permission for that development to be invalid on the grounds that an environmental impact assessment of the development is required, it shall not be necessary for the Commission, upon an application for retrospective consent for that development, to carry out a further screening for environmental impact assessment of that development.”.

Amendment of section 198 of Principal Act

80. (1) The definition of “competent authority” in subsection (1) of section 198 of the Principal Act is amended—

- (a) by the substitution of the following paragraph for paragraph (a):

“(a) in relation to a National Planning Framework proposed to be published in accordance with subsection (1) of section 21 or a proposed revision under section 22 of a National Planning Framework, the Minister;”,

- (b) by the insertion of the following paragraph:

“(ea) in relation to an order proposed to be made under subsection (3) of section 41 that would extend the period for which a regional spatial and economic strategy continued in force under subsection (1) of that section shall remain in force, the Minister;”,

- (c) in paragraph (h), by the insertion of “(other than a deemed revocation in accordance with subsection (1) of section 77)” after “revocation”,

- (d) in paragraph (i), by the insertion of “(other than a deemed revocation in accordance with subsection (1) of section 77)” after “revocation”,

- (e) by the substitution of the following paragraph for paragraph (m):

“(m) in relation to an order proposed to be made under subsection (3) of section 68 that would extend the period for which a development plan continued in force under subsection (1) of that section shall remain in force, the planning authority;”,

- (f) by the substitution, in paragraph (n), of “Minister,” for “Minister, and”, and

- (g) by the insertion of the following paragraphs:

“(p) in relation to a resolution proposed to be adopted under subsection (2) of section 81, the planning authority concerned,

- (q) in relation to an order under subsection (2) of section 590 amending an order under section 166 of the Act of 2000, the Minister,
 - (r) in relation to a planning scheme based on a draft planning scheme prepared under paragraph (a) of subsection (2) of section 592, the relevant development agency that prepared, or participated in the preparation of, the draft planning scheme and the relevant planning authority referred to in that paragraph,
 - (s) in relation to a planning scheme based on a draft planning scheme prepared under paragraph (b) of subsection (2) of section 592, the planning authority to whose functional area the planning scheme applies,
 - (t) in relation to the carrying out of a screening for appropriate assessment of a modification referred to in subparagraph (i) of paragraph (a) of subsection (7) of section 593, the Commission, and in relation to the carrying out of an appropriate assessment of such a modification, the planning authority to whose functional area the planning scheme applies,
 - (u) in relation to the carrying out of a screening for appropriate assessment of an amendment to a planning scheme under section 595, the Commission, and in relation to the carrying out of an appropriate assessment of such an amendment, the planning authority who made the request under subsection (1) of that section,
 - (v) in relation to a draft development scheme prepared under subsection (1) of section 606 or a modification of a draft development scheme under subsection (1) of section 610, the planning authority to whose functional area the draft development scheme concerned applies,
 - (w) for the purposes of the screening for appropriate assessment of a modification to a draft development scheme to which section 616 applies, the Commission, and
 - (x) for the purposes of the carrying out of an appropriate assessment of a modification to a draft development scheme to which section 617 applies, the planning authority to whose functional area the draft development scheme concerned applies;”.
- (2) The definition of “make” in subsection (1) of section 198 of the Principal Act is amended—
- (a) in paragraph (b), by the substitution of “issue,” for “issue, and”,
 - (b) in paragraph (c), by the substitution of “as the case may be,” for “as the case may be;”, and

(c) by the insertion of the following paragraphs:

- “(d) in relation to an appeal under section 593, approve under subparagraph (i) of paragraph (a) of subsection (7) of that section,
- (e) in relation to an application under section 595, approve under subsection (4) of that section, and
- (f) in relation to an appeal under Chapter 5 of Part 22, approve under that Chapter;”.

(3) Section 198 of the Principal Act is amended, in subsection (1), by the insertion of the following definition:

“ ‘Office’ means the Office of the Planning Regulator;”.

(4) The definition of “plan”, in subsection (1) of section 198 of the Principal Act, is amended by—

(a) the insertion of the following paragraph:

“(ea) an order under subsection (3) of section 41,”,

(b) the substitution of the following paragraph for paragraph (h):

“(h) an urban area plan, an amendment to an urban area plan or a revocation (other than a revocation in accordance with subsection (1) of section 77) of an urban area plan,”,

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

“(i) a priority area plan, an amendment to a priority area plan or a revocation (other than a revocation in accordance with subsection (1) of section 77) of a priority area plan,”,

(d) the substitution of the following paragraph for paragraph (l) of the definition of “plan”:

“(l) an extension under subsection (3) of section 68,”,

(e) by the insertion of the following paragraph:

“(ma) a resolution under subsection (2) of section 81,”,

and

(f) by the insertion of the following paragraphs:

- “(p) an order under subsection (2) of section 590 amending an order under section 166 of the Act of 2000,
- (q) a planning scheme, a modification to a draft planning scheme or amendment to a planning scheme under section 593, and
- (r) a development scheme under section 609 or the modification of a draft development scheme under section 610;”.

Amendment of section 200 of Principal Act

81. Section 200 of the Principal Act is amended—

- (a) in subsection (2), by the insertion of “and subsection (6) of section 207” after “section 206”,
- (b) in subsection (3), by the insertion of “and subsection (6) of section 207” after “section 206”,
- (c) in subsection (4), by the insertion of “and subsection (6) of section 207” after “section 206”.

Amendment of section 201 of Principal Act

82. Section 201 of the Principal Act is amended by—

- (a) the insertion of “or 22” after “Part 3”, and
- (b) the substitution of the following paragraph for paragraph (b):
 - “(b) the competent authority has carried out an appropriate assessment of the proposed plan and has made a determination under subsection (5) of section 205 that no reasonable scientific doubt exists as to the absence of adverse effects on the integrity of a European site,”.

Amendment of section 202 of Principal Act

83. Section 202 of the Principal Act is amended—

- (a) in subsection (6), by the insertion, in subparagraph (iii) of paragraph (a), of “Natura impact report” for “Natura impact report relating to the proposed modification, amendment or alteration,”,
- (b) in subsection (7), by the insertion, in paragraph (b), of “, the Commission” after “regional assembly”, and
- (c) in subsection (8), by the insertion of “or 22, as may be appropriate,” after “Part 3”.

Amendment of section 203 of Principal Act

84. Section 203 of the Principal Act is amended, in subsection (2), by the substitution, in subparagraph (I) of paragraph (e), of “may” for “will”.

Amendment of section 204 of Principal Act

85. Section 204 of the Principal Act is amended—

- (a) in subsection (2), by the insertion, in subparagraph (i) of paragraph (a), of “or 22, as the case may be,” after “Part 3”, and
- (b) in subsection (3), by—

- (i) the insertion, in paragraph (a), of “or 22” after “Part 3” in each place that it occurs,
- (ii) the insertion of the following paragraphs:
 - “(d) Where a competent authority is required by this Part to give notice to any person of, or in relation to, any matter, neither this Part nor Part 22 shall be construed as preventing the competent authority from using that notice to comply with a requirement under Part 22 to give notice to that person of, or in relation to, any other matter.
 - (e) Where a competent authority is required by this Part to publish any information or material, neither this Part nor Part 22 shall be construed as preventing the competent authority from publishing with that information or material, any information or material that the competent authority is required to publish under Part 22.”.

Amendment of section 205 of Principal Act

86. Section 205 of the Principal Act is amended by—

- (a) the insertion, in paragraph (b) of subsection (5), of “or 22, as may be appropriate” after “Part 3”,
- (b) the insertion, in paragraph (b) of subsection (6), of “or 22” after “Part 3”,
- (c) the insertion, in paragraph (b) of subsection (7), of “or 22, as may be appropriate” after “Part 3”,
- (d) the insertion, in paragraph (c) of subsection (8), of “or 22, as may be appropriate” after “Part 3”.

Amendment of section 206 of Principal Act

87. Section 206 of the Principal Act is amended—

- (a) in subsection (3), by the substitution, in paragraph (c), of “him or her” for “it”,
- (b) in subsection (9), by the insertion, in paragraph (c), of “by the competent authority” after “proposed”,
- (c) in subsection (11), by—
 - (i) the insertion of “or 22” after “Part 3”, and
 - (ii) the insertion, in paragraph (c), of “by the competent authority” after “proposed”,
- (d) by the deletion of subsection (12),
- (e) in subsection (13), by—
 - (i) the substitution of “If a relevant plan” for “If a plan”,

- (ii) the insertion, in paragraph (c), of “by the competent authority” after “proposed”, and
- (iii) the substitution of “making the relevant plan” for “making the plan”,
- (f) in subsection (14), by the substitution of “relevant plan” for “plan” in each place that it occurs, and
- (g) in subsection (15), by the insertion of “or 22” after “Part 3”.

Amendment of section 207 of Principal Act

88. Section 207 of the Principal Act is amended—

- (a) by the insertion of the following subsection after subsection (9):
 - “(9A) The Minister shall notify the competent authority concerned in writing of his or her conclusion under subsection (9).”,
- (b) in subsection (12), by the substitution of “relevant plan” for “plan” in each place that it occurs,
- (c) in subsection (13), by the substitution of “relevant plan” for “plan” in each place that it occurs, and
- (d) in subsection (14), by the insertion of “or 22” after “Part 3”.

Amendment of section 208 of Principal Act

89. Section 208 of the Principal Act is amended, in subsection (1)—

- (a) by the substitution of “In this Chapter” for “In this section”, and
- (b) in the definition of “competent authority”, by—
 - (i) the substitution of the following paragraph for paragraph (f):
 - “(f) for the purpose of carrying out a screening for appropriate assessment of relevant development in accordance with subsection (1) of section 213, the local authority concerned,”,
 - (ii) the substitution of the following paragraph for paragraph (g):
 - “(g) for the purpose of carrying out a screening for appropriate assessment of relevant development consisting of State authority development in accordance with subsection (2) of section 213, the State authority concerned,”,
 - (iii) the substitution of the following paragraph for paragraph (h):
 - “(h) in relation to relevant development (other than development in respect of which an application for retrospective consent has been made) in respect of which a request under paragraph (a) or (b) of subsection (2) of section 10 is made, the planning authority to which the request is made,”,

(iv) the substitution of the following paragraph for paragraph (i):

“(i) in relation to relevant development (other than development in respect of which an application for retrospective consent has been made) in respect of which an appeal under subsection (8) of section 10 is brought, the Commission,”,

and

(v) the insertion of the following paragraphs:

“(j) for the purpose of carrying out a screening for appropriate assessment in relation to an application under subsection (14) of section 10, the Commission,

(k) in relation to relevant development (other than development in respect of which an application for retrospective consent has been made) in respect of which a request under paragraph (a) or (b) of subsection (15) of section 10 is made, the Commission, and

(l) for the purpose of carrying out a screening for appropriate assessment of a relevant development (other than an alteration, or extension of duration, of permission requested under subsection (1) of section 140) in accordance with subsection (9) of section 213, the Commission;”.

Amendment of section 211 of Principal Act

90. Section 211 of the Principal Act is amended by—

(a) the substitution of the following paragraph for paragraph (a):

“(a) a determination has been made under subsection (6) of section 212 (whether or not in connection with the application for that permission or an earlier application for permission) that an appropriate assessment is not required in relation to the relevant development concerned,”,

and

(b) the substitution of the following paragraph for paragraph (b):

“(b) a determination has been made under subsection (5) or (11) of section 213 that an appropriate assessment is not required in relation to the relevant development concerned,”.

Amendment of section 212 of Principal Act

91. Section 212 of the Principal Act is amended—

(a) in subsection (1), by—

(i) the substitution of “(other than Chapter 4 local authority development within the meaning of Part 4 or Chapter 4 State authority development within such

meaning)” for “(other than local authority development or State authority development)”,

(ii) the substitution, in paragraph (i), of “that European site,” for “that European site, or”,

(iii) the substitution, in paragraph (ii), of “that European site, or” for “that European site.”, and

(iv) the insertion, after paragraph (ii), of the following paragraph:

“(iii) in the case of development in respect of which an application for retrospective consent is made in circumstances where—

(I) no application for retention permission under Chapter 3 of Part 4 was made in respect of that development, or

(II) an application referred to in subparagraph (I) was made in respect of that development and a determination to which subsection (7) or (9) of section 229 was made, but no screening for appropriate assessment was carried out, in respect of that development,

the development (either individually or in combination with any plan or other project) has had, is having or is likely to have a significant effect on a European site having regard to the conservation objectives of that European site.”,

(b) by the insertion of the following subsection:

“(5A) Subsection (5) shall not apply to an application for permission declared to be invalid in accordance with paragraph (b) of subsection (8) of section 95.”,

and

(c) in subsection (10), by the substitution of the following subparagraph for subparagraph (ii) of paragraph (a):

“(ii) any person who made a submission in relation to the application for permission in accordance with any provision of Part 4 or in the course of a consultation under paragraph (b) of subsection (3), and”.

Amendment of section 213 of Principal Act

92. Section 213 of the Principal Act is amended—

(a) in subsection (1), by the insertion of “(other than an alteration, or extension of duration, of permission requested under subsection (1) of section 140)” after “relevant development”,

(b) in subsection (2), by—

- (i) the insertion of “(other than an alteration, or extension of duration, of permission requested under subsection (1) of section 140)” after “relevant development”,
- (ii) the substitution of the following paragraph for paragraph (a):
 - “(a) consisting of—
 - (i) State authority prescribed development (within the meaning of Part 4),
 - (ii) State authority development in respect of which the Minister proposes to make an order under section 155, or
 - (iii) State authority urgent development within the meaning of Part 4,”
- (c) in subsection (4), by the substitution of the following paragraph for paragraph (ii):
 - “(ii) an application for permission for the relevant development shall be made under Chapter 4 of Part 4 by the local authority or State authority concerned and a Natura impact statement in relation to the relevant development shall be prepared by the local authority or State authority concerned and submitted with the application.”
- (d) in subsection (7), by the substitution of “3 working days” for “3 days”,
- (e) by the substitution of the following subsection for subsection (8):
 - “(8) (a) Subject to paragraph (b), where the competent authority makes a determination under this section that an appropriate assessment is not required, any person may, not later than 4 weeks from the date of the publication of a notice in accordance with paragraph (c) of subsection (6), appeal that determination to the Commission.
 - (b) There shall be no appeal to the Commission from a determination under this section by a State authority in connection with—
 - (i) a proposal by the Minister to make an order under section 155, or
 - (ii) a proposal by the Minister concerned within the meaning of section 157 to make an order under that section.”
- (f) in subsection (10), by the substitution of the following paragraph for paragraph (ii):
 - “(ii) an application for permission for the relevant development shall be made under Chapter 4 of Part 4 by the local authority or State authority concerned and a Natura impact statement in relation to the relevant development shall be prepared by the local

authority or State authority concerned and submitted with the application.”,

- (g) in subsection (12), by the substitution of the following paragraph for paragraph (b):

“(b) give notice of the determination (including the reasons for the determination) to—

- (i) any person who appealed the determination under subsection (8), and
- (ii) any person who made submissions or provided information to the competent authority during the course of a consultation under subsection (3).”,

and

- (h) by the substitution of the following subsection for subsection (14):

“(14) (a) The Minister may make regulations for the purpose of this section.

(b) Without prejudice to the generality of paragraph (a), regulations under this subsection may—

- (i) specify the criteria for making a determination under this section in relation to local authority housing development within the meaning of section 161,
- (ii) make provision for the making of requests under this section by the competent authority or Commission for information from a local authority or State authority for the purpose of the performance by the competent authority or the Commission of its functions under this section,
- (iii) specify the manner in which an appeal under subsection (8) may be brought, and
- (iv) specify the period of time within which an appeal under subsection (8) shall be determined under subsection (9).

(c) Regulations to which subparagraph (iv) of paragraph (b) apply may specify different periods in respect of appeals relating to developments of different classes.”.

Amendment of section 214 of Principal Act

- 93.** Section 214 of the Principal Act is amended, in subsection (1), by the substitution of the following paragraph for paragraph (a):

“(a) in respect of which—

- (i) a request under section 10 is made for a declaration on the question of whether or not relevant development is exempted development,

- (ii) an application is made under subsection (14) of that section for a declaration as to whether or not an activity requiring the consent of the Minister comprises development that is not exempted development, or
 - (iii) an appeal against any such declaration is brought,
- and”.

Amendment of section 215 of Principal Act

94. Section 215 of the Principal Act is amended—

(a) in subsection (2)—

- (i) by the substitution of “, pursuant to a requirement in a notice under subsection (9) of section 212 or in accordance with subsection (4) or (10) of section 213” for “or pursuant to a requirement in a notice under subsection (9) of section 212”, and

(ii) by the substitution, in paragraph (e), of—

- (I) “paragraphs (b), (c) and (d), and the statement, details and other information (if any) referred to in subsection (2) of section 218” for “paragraphs (b), (c) and (d)”,
- (II) “may” for “will” in clause (I) of subparagraph (i),
- (III) “may” for “will” in subclause (A) of clause (III) of subparagraph (ii), and
- (IV) “may” for “will” in clause (I) of subparagraph (iii),

and

- (b) in subsection (3), by the substitution of “A Natura impact statement” for “A Natura impact statement included with an application for permission for a relevant development”.

Amendment of section 216 of Principal Act

95. Section 216 of the Principal Act is amended—

- (a) in subsection (1), by the substitution, in paragraph (c), of “Natura impact statement and any such request and explanation” for “Natura impact statement”,
- (b) in subsection (2), by the insertion, in paragraph (a), of “a copy of the notice published under paragraph (d) of subsection (1) and” after “send”,
- (c) in subsection (3), by the deletion of paragraph (b).

Amendment of section 217 of Principal Act

96. Section 217 of the Principal Act is amended—

- (a) in subsection (1), by the insertion of “or subsection (4) or (10) of section 213” after “section 212”, and
- (b) in subsection (5), by the substitution of “the European site” for “the site” in each place that it occurs.

Amendment of section 218 of Principal Act

97. Section 218 of the Principal Act is amended—

- (a) in subsection (1), by the insertion of “, 213 or 214” after “section 212”,
- (b) in subsection (3), by—
 - (i) the substitution, in paragraph (b) of—
 - (I) “the European site” for “the site”, and
 - (II) “the European site’s” for “the site’s”,
 and
 - (ii) the substitution, in paragraph (d), of “the European site” for “the site”.

Amendment of section 219 of Principal Act

98. Section 219 of the Principal Act is amended—

- (a) in subsection (2), by the substitution, in paragraph (b), of the following subparagraphs for subparagraphs (i) and (ii):
 - “(i) there is an absence of alternative solutions to the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned,
 - (ii) imperative reasons (which may include reasons of a social or economic nature) of overriding public interest exist for the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned, and”,
- (b) in subsection (4), by the deletion of “laying down a framework to accelerate the deployment of renewable energy”,
- (c) in subsection (5), by—
 - (i) the substitution, in paragraph (a), of the following subparagraphs for subparagraphs (i) and (ii):
 - “(i) there is an absence of alternative solutions to the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned,
 - and

- (ii) imperative reasons (which may include reasons of a social or economic nature) of overriding public interest exist for the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned,”

and

- (ii) the substitution, in paragraph (b), of the following subparagraph for subparagraph (iii):

“(iii) send a copy of the revised proposal to such persons (if any) as may be prescribed, and invite each such person to make submissions, within the period referred to in clause (II) of subparagraph (ii), to the competent authority in relation to the revised proposal.”,

- (d) in subsection (6), by the substitution, in paragraph (a), of the following paragraphs for paragraphs (i) and (ii):

“(i) there are alternative solutions to the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned,

- (ii) imperative reasons (which may include reasons of a social or economic nature) of overriding public interest do not exist for the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned, or”,

and

- (e) in subsection (7), by—

- (i) the substitution of the following paragraphs for paragraphs (a) and (b):

“(a) there is an absence of alternative solutions to the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned,

- (b) imperative reasons (which may include reasons of a social or economic nature) of overriding public interest exist for the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned, and”,

and

- (ii) the substitution of the following paragraphs for paragraphs (ii) and (iii):

“(ii) the reasons for which the competent authority has concluded that there are no alternative solutions to the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned,

- (iii) the imperative reasons of overriding public interest that the competent authority has concluded exist for the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned,”.

Amendment of section 221 of Principal Act

99. Section 221 of the Principal Act is amended—

- (a) in subsection (2), by the substitution, in paragraph (b), of the following subparagraphs for subparagraphs (i) and (ii):

- “(i) there is an absence of alternative solutions to the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned,

- (ii) imperative reasons of overriding public interest—

- (I) exist, or

- (II) subject to the opinion of the European Commission given pursuant to a request under subsection (11), may exist,

- for the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned, and”,

- (b) in subsection (4), by the deletion of “laying down a framework to accelerate the deployment of renewable energy”,

- (c) in subsection (5), by—

- (i) the substitution, in paragraph (a), of the following subparagraphs for subparagraphs (i) and (ii):

- “(i) there is an absence of alternative solutions to the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned, and

- (ii) imperative reasons of overriding public interest—

- (I) exist, or

- (II) subject to the opinion of the European Commission given pursuant to a request under subsection (11), may exist,

- for the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned,”,

and

- (ii) the substitution, in paragraph (b), of the following subparagraph for subparagraph (iii):

“(iii) send a copy of the revised proposal to such persons (if any) as may be prescribed, and invite each such person to make submissions, within the period referred to in clause (II) of subparagraph (ii), to the competent authority in relation to the revised proposal.”,

- (d) in subsection (6), by the substitution, in paragraph (a), of the following subparagraphs for subparagraphs (i) and (ii):

“(i) there are alternative solutions to the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned,

(ii) imperative reasons of overriding public interest do not exist for the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned, or”,

- (e) in subsection (7), by—

- (i) the substitution of the following paragraphs for paragraphs (a) and (b):

“(a) there is an absence of alternative solutions to the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned,

- (b) imperative reasons of overriding public interest—

(i) exist, or

(ii) subject to the opinion of the European Commission given pursuant to a request under subsection (11), may exist,

for the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned, and”,

- (ii) the substitution of the following paragraphs for paragraphs (ii) and (iii):

“(ii) specifying the reasons for which the competent authority has concluded that there are no alternative solutions to the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned,

(iii) specifying the imperative reasons of overriding public interest that the competent authority has concluded—

(I) exist, or

(II) subject to the opinion of the European Commission given pursuant to a request under subsection (11), may exist,

for the carrying out of the development concerned or, in the case of development already carried out, the retention of the development concerned,”

and

- (iii) in paragraph (iv), by the insertion of “(subject to the opinion of the European Commission given pursuant to a request under subsection (11))” after “may”.

Amendment of section 223 of Principal Act

100. The definition of “competent authority” in subsection (1) of section 223 of the Principal Act is amended—

- (a) by the substitution of the following paragraph for paragraph (f):

“(f) for the purpose of carrying out a screening for environmental impact assessment in accordance with paragraph (a) of subsection (1) of section 230, the local authority concerned,”

- (b) by the substitution of the following paragraph for paragraph (g):

“(g) for the purpose of carrying out a screening for environmental impact assessment in accordance with paragraph (b) of subsection (1) of section 230, the State authority concerned,”

- (c) by the substitution of the following paragraph for paragraph (h):

“(h) in relation to relevant development (other than development in respect of which an application for retrospective consent has been made) in respect of which a request under paragraph (a) or (b) of subsection (2) of section 10 is made, the planning authority to which the request is made”

- (d) by the substitution of the following paragraph for paragraph (i):

“(i) in relation to relevant development (other than development in respect of which an application for retrospective consent has been made) in respect of which an appeal under subsection (8) of section 10 is brought, the Commission,”

and

- (e) by the insertion of the following paragraphs:

“(j) for the purpose of carrying out a screening for environmental impact assessment in relation to an application under subsection (14) of section 10, the Commission,

(k) in relation to relevant development (other than development in respect of which an application for retrospective consent has been made) in respect of which a request under subsection (15) of section 10 is made, the Commission, and

- (l) for the purpose of carrying out a screening for environmental impact assessment in accordance with section 230 of a relevant development (other than an alteration, or extension of duration, of permission requested under subsection (1) of section 140), where an appeal under subsection (9) of section 230 is made, the Commission;”.

Amendment of section 225 of Principal Act

101. Section 225 of the Principal Act is amended—

- (a) in subsection (2), by—

- (i) the substitution of the following paragraph for paragraph (d):

“(d) Paragraph (c) shall apply, in relation to—

- (i) the performance by a local authority or State authority of its functions as competent authority under subparagraph (i) of that paragraph, and
 - (ii) the performance by the Commission, on an appeal under section 230, of its functions under the said subparagraph (i),

as if—

- (I) the words ‘then, before the competent authority makes a decision under Chapter 3, 4 or 5 of Part 4 in relation to an application for permission for that relevant development,’ were deleted, and

(II) subparagraph (ii) were deleted.”,

- (ii) the deletion, in paragraph (e), of “including”,

- (iii) the insertion of the following paragraph:

“(g) The Minister may prescribe the period of time within which a screening determination shall be made in accordance with paragraph (c), and different periods may be so prescribed in respect of different classes of development.”,

- (b) in subsection (3), by the insertion of the following paragraph:

“(d) The Minister may prescribe the period of time within which a screening determination shall be made in accordance with paragraph (b), and different periods may be so prescribed in respect of different classes of development.”,

- (c) in subsection (4)—

- (i) by the substitution, in paragraph (a), of “State authority development (within the meaning of section 230)” for “State authority development”, and

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

“(c) Paragraph (b) of subsection (3) shall apply, in relation to—

(i) the performance by a local authority or State authority of its functions as competent authority under subparagraph (i) or (ii) of that paragraph, and

(ii) the carrying out of—

(I) an examination in accordance with subparagraph (i) of that paragraph by the Commission on appeal under this subsection, or

(II) a screening for environmental impact assessment in accordance with subparagraph (ii) of that paragraph by the Commission, on an appeal under section 230,

as if—

(A) the words ‘then, before the competent authority makes a decision under Chapter 3, 4 or 5 of Part 4 in relation to an application for permission for that relevant development,’ were deleted, and

(B) subparagraph (iii) were deleted.”.

Amendment of section 229 of Principal Act

102. Section 229 of the Principal Act is amended—

(a) in subsection (1), by—

(i) the substitution, in paragraph (i), of “the proposed development (either of itself or cumulatively with any other project) is likely to have significant effects on the environment,” for “the proposed development is likely to have significant effects on the environment, or”,

(ii) the substitution, in paragraph (ii), of “the development (either of itself or cumulatively with any other project) has had, is having or is likely to have significant effects on the environment, or” for “the development has had, is having or is likely to have significant effects on the environment.”, and

(iii) the insertion, after paragraph (ii), of the following paragraph:

“(iii) in the case of development in respect of which an application for retrospective consent is made in circumstances where—

(I) no application for retention permission under Chapter 3 of Part 4 was made in respect of that development, or

(II) an application referred to in subparagraph (I) was made in respect of that development and a determination to which subsection (5) or (7) of section 212 was made, but no screening for environmental impact assessment was carried out, in respect of that development,

the development (either individually or in combination with any other project) has had, is having or is likely to have significant effects on the environment.”,

(b) in subsection (3), by—

(i) the substitution of the following for paragraph (d)—

“(d) a description of the aspects of the environment that—

- (i) have been,
- (ii) are being, or
- (iii) are likely to be,

significantly affected by the relevant development (whether of itself or cumulatively with any other project) including any part of the relevant development already carried out,”

and

(ii) the insertion, in paragraph (e), of “retention or” after “attributable to the”,

(c) by the substitution of the following for subsection (6)—

“(6) The competent authority shall, for the purposes of determining whether or not a relevant development (either of itself or cumulatively with any other project)—

- (a) has had,
- (b) is having, or
- (c) is likely to have,

significant effects on the environment, assess the nature and location or proposed location of the relevant development concerned and the nature of its potential impact on the environment, having regard to—

- (i) the information provided to the competent authority in accordance with subsection (3), and
- (ii) the criteria prescribed under either—
 - (I) paragraph (f) of subsection (2) of section 225, or
 - (II) paragraph (c) of subsection (3) of section 225,
 as may be applicable.”

(d) by the substitution of the following subsection for subsection (7):

“(7) (a) Where, on the basis of a screening for environmental impact assessment carried out under this section, the competent authority makes a determination that the relevant development concerned (either of itself or cumulatively with any other project)—

- (i) has had,
- (ii) is having, or
- (iii) is likely to have,

significant effects on the environment, the competent authority shall, before determining any application for permission for that development but subject to subsection (6) of section 225, carry out an environmental impact assessment of the relevant development in accordance with section 236.

- (b) Paragraph (a) shall not apply to an application for permission declared to be invalid in accordance with paragraph (c) of subsection (8) of section 95.”,

and

- (e) by the insertion of the following subsection:

“(16) A screening for environmental impact assessment under this section shall be completed not later than the date of the expiration of such period as may be prescribed.”.

Amendment of section 230 of Principal Act

103. Section 230 of the Principal Act is amended—

- (a) in subsection (1), by—
 - (i) the insertion, in paragraph (a), of “(other than an alteration, or extension of duration, of permission requested under subsection (1) of section 140)” after “relevant development”, and
 - (ii) the insertion, in paragraph (b), of “(other than an alteration, or extension of duration, of permission requested under subsection (1) of section 140)” after “relevant development”,
- (b) in subsection (2), by the insertion, in paragraph (d), of “retention or” after “attributable to the”,
- (c) by the substitution of the following subsection for subsection (4):

“(4) The competent authority shall, for the purposes of determining whether or not a relevant development (either of itself or cumulatively with any other project)—

 - (a) has had,
 - (b) is having, or
 - (c) is likely to have,

significant effects on the environment, assess the nature and location or proposed location of the relevant development concerned and the nature of its potential impact on the environment, having regard to—

- (i) the information provided to the competent authority in accordance with subsection (3), and
 - (ii) the criteria prescribed under either—
 - (I) paragraph (f) of subsection (2) of section 225, or
 - (II) paragraph (c) of subsection (3) of section 225,
 as may be applicable.”,
- (d) in subsection (5), by the substitution of the following paragraph for paragraph (b):
 - “(b) an application for permission for the relevant development shall be made under Chapter 4 of Part 4 by the local authority or State authority concerned, and an environmental impact assessment report in relation to the relevant development shall be prepared by the local authority or State authority concerned and submitted by it with the application.”,
- (e) in subsection (8), by the substitution of “3 working days” for “3 days”,
- (f) by the substitution of the following subsection for subsection (9):
 - “(9) (a) Subject to paragraph (b), where the competent authority makes a determination under this section that an environmental impact assessment is not required, any person may, not later than 4 weeks from the date of the publication of a notice in accordance with paragraph (c) of subsection (7), appeal that determination to the Commission.
 - (b) There shall be no appeal to the Commission from a determination of the competent authority in relation to—
 - (i) Chapter 4 State authority emergency development within the meaning of Part 4,
 - (ii) Chapter 6 State authority emergency development within the meaning of that Part, or
 - (iii) State authority urgent development within the meaning of that Part.”,
- (g) in subsection (11), by the substitution of the following paragraph for paragraph (b):
 - “(b) an application for permission for the relevant development shall be made under Chapter 4 of Part 4 by the local authority or State authority concerned, and an environmental impact assessment report in relation to the relevant development shall be prepared by the local authority or State authority concerned and be submitted by it with the application.”,

- (h) in subsection (13), by the substitution of the following paragraph for paragraph (b):

“(b) give notice of the determination (including the reasons for the determination) to any person who—

(i) made submissions or provided information to the competent authority during the course of a consultation under subsection (3), or

(ii) appealed the determination in accordance with subsection (9).”,

- (i) by the insertion of the following subsection:

“(14A) Notwithstanding a determination under subsection (6) or (12), the Commission may, at any time following the making of an application for permission for Chapter 4 local authority development within the meaning of Part 4 or Chapter 4 State authority development within such meaning, determine that the carrying out of an environmental impact assessment of the relevant development concerned in accordance with section 236 is required before the Commission determines the application, but only where the Commission has formed the view that the relevant development (either of itself or cumulatively with any other project) has had, is having or is likely to have significant effects on the environment.”,

- (j) by the substitution of the following subsection for subsection (15)—

“(15) (a) The Minister may make regulations for the purpose of this section.

(b) Without prejudice to the generality of paragraph (a), regulations under this subsection may—

(i) specify the criteria for making a determination under this section in relation to local authority housing development within the meaning of section 161,

(ii) make provision for the making of requests under this section by the competent authority or Commission for information from a local authority or State authority for the purpose of the performance by the competent authority or the Commission of its functions under this section,

(iii) specify the manner in which an appeal under subsection (9) may be brought, and

(iv) specify the period of time within which an appeal under subsection (9) shall be determined under subsection (10).

(c) Regulations to which subparagraph (iv) of paragraph (b) apply may specify different periods in respect of appeals relating to developments of different classes.”,

- (k) by the insertion of the following subsection:

“(16) A screening for environmental impact assessment under this section shall be completed not later than the date of the expiration of such period as may be prescribed.”,

and

(l) by the insertion of the following subsection:

“(17) In this section ‘State authority development’ means—

- (a) State authority prescribed development (within the meaning of Part 4), or
- (b) State authority development in respect of which the Minister proposes to make an order under section 155 or 157.”.

Amendment of section 231 of Principal Act

104. Section 231 of the Principal Act is amended by the insertion of the following subsection:

“(8) A screening for environmental impact assessment under this section shall be completed not later than the date of the expiration of such period as may be prescribed.”.

Amendment of section 232 of Principal Act

105. Section 232 of the Principal Act is amended by the insertion of the following subsection:

“(7) A screening for environmental impact assessment under this section shall be completed not later than the date of the expiration of such period as may be prescribed.”.

Amendment of section 233 of Principal Act

106. Section 233 of the Principal Act is amended—

- (a) in subsection (7), by the insertion of “prepared and submitted under section 234” after “environmental impact assessment report”, and

(b) by the insertion of the following subsection:

“(9) A scoping opinion shall be given to the person who made the request for such opinion under subsection (1) not later than the date of the expiration of such period as may be prescribed.”.

Amendment of section 234 of Principal Act

107. Section 234 of the Principal Act is amended—

- (a) in subsection (2), by the substitution of the following paragraph for paragraph (b):

“(b) contain such information as may be prescribed, and”,

(b) in subsection (3), by—

(i) the substitution of the following paragraph for paragraph (g):

“(g) that the environmental impact assessment report and other documentation submitted by the applicant to the competent authority in connection with the application—

(i) will be available for inspection (free of charge) by members of the public at the offices of the competent authority during normal office hours, and

(ii) will be published on an internet website maintained by or on behalf of the competent authority, and”,

and

(ii) the deletion of paragraph (h),

and

(c) in subsection (5), by the substitution of “3 working days” for “3 days”.

Amendment of section 235 of Principal Act

108. Section 235 of the Principal Act is amended, in paragraph (c) of subsection (1), by the substitution of the following subparagraph for subparagraph (iii):

“(iii) specifying the period (which shall not be less than the period specified in the notice under paragraph (i) of subsection (3) of section 234) during which, and the manner in which, such submissions shall be made.”.

Amendment of section 236 of Principal Act

109. Section 236 of the Principal Act is amended—

(a) in subsection (1), by the substitution, in paragraph (b), of “subsection (5) or (11) of section 230” for “230”,

(b) in subsection (6), by the substitution of “any, or any likely,” for “any likely” in each place that it occurs, and

(c) in subsection (8), by the insertion of “, not later than the date of the expiration of such period as may be prescribed” after “A competent authority shall”.

Amendment of section 237 of Principal Act

110. Section 237 of the Principal Act is amended, in subsection (1), by the substitution of “section 229, 230 or 232” for “section 229”.

Amendment of section 238 of Principal Act

111. Section 238 of the Principal Act is amended, in paragraph (f) of subsection (5), by—

- (a) the deletion of “by the Minister”, and
- (b) the deletion of “received”.

Amendment of section 239 of Principal Act

112. Section 239 of the Principal Act is amended by the substitution of the following subsection for subsection (2):

- “(2) Notwithstanding subsection (1), where a competent authority carries out an appropriate assessment and an environmental impact assessment jointly in accordance with that subsection, it shall ensure that—
- (a) its determination in relation to the appropriate assessment and the reasons therefor, and
 - (b) its reasoned conclusion in relation to the environmental impact assessment,
- are separately stated and clearly distinguishable.”.

CHAPTER 7*Amendment of Part 7***Amendment of section 251 of Principal Act**

113. Section 251 of the Principal Act is amended—

- (a) in subsection (1)—
 - (i) in paragraph (c), by the substitution of “land.” for “land;”, and
 - (ii) by the deletion of paragraph (d),and
- (b) in subsection (3), by the substitution of “type of houses” for “type of sites and houses”.

Amendment of section 252 of Principal Act

114. Section 252 of the Principal Act is amended—

- (a) in subsection (2), by the substitution of “land” for “land or sites”, in both places where it occurs,
- (b) in subsection (5)—
 - (i) by the substitution of “land or a house” for “land, a site or a house”,
 - (ii) in paragraph (a)—
 - (I) by the substitution of “land or house” for “land, site or house”, and

(II) by the substitution of the following subparagraph for subparagraph (i):

“(i) in the case of land without a house, the market value of the land,”,

and

(iii) in paragraph (b), by the substitution of “land or house” for “land, site or house”,

and

(c) by the substitution of the following subsection for subsection (6):

“(6) Any amount referred to in subsection (5) shall be accounted for in a separate account and shall only be applied as capital for the functions of the planning authority in relation to the provision of housing under the Housing Acts 1966 to 2024.”.

CHAPTER 8

Amendment of Part 9

Application of Chapter 1 to certain decisions or acts under Act of 2000

115. The Principal Act is amended by the insertion of the following section after section 303:

“303A. (1) Subject to subsection (2), Chapter 1 shall apply to—

(a) any decision made or act done in the performance, or purported performance, of a function under the Act of 2000 by an Act of 2000 body in respect of an Act of 2000 procedure, and

(b) any alleged failure of an Act of 2000 body to perform a function referred to in paragraph (a),

as it applies to a decision made or act done in the performance, or purported performance, of a function by a relevant body under this Act, or the alleged failure by a relevant body to perform such a function.

(2) Chapter 1 shall apply and have effect, in accordance with subsection (1)—

(a) as if, in subsection (1) of section 279, the following paragraph were substituted for paragraph (a):

‘(a) questions the validity of any decision made or act done in the performance, or purported performance, of a function under the Act of 2000 by an Act of 2000 body in respect of an Act of 2000 procedure, or questions the alleged failure of an Act of 2000 body to perform such a function, and’,

(b) as if, in subsection (2) of section 279, the following paragraphs were substituted for paragraphs (a) and (b):

- ‘(a) question the validity of any decision made or act done in the performance, or purported performance, of a function under the Act of 2000 by an Act of 2000 body in respect of an Act of 2000 procedure, or
- (b) question the alleged failure of an Act of 2000 body to perform a function referred to in paragraph (a),’,
- and
- (c) subject to the following and any other necessary modifications:
 - (i) references in that Chapter to a relevant body shall be construed as references to an Act of 2000 body;
 - (ii) references in that Chapter to Part 9 judicial review shall be construed in accordance with section 279 as modified by paragraphs (a) and (b);
 - (iii) references in that Chapter to this Act shall be construed as including the Act of 2000.
- (3) Proceedings commenced under Chapter 1 as it applies in accordance with this section shall not be considered to be Part 9 judicial review proceedings for the purposes of Chapter 2.
- (4) In this section—

‘Act of 2000 body’ means a planning authority (within the meaning of the Act of 2000), a local authority (within the meaning of the Act of 2000), the Commission, or the competent authority (within the meaning of the Aircraft Noise (Dublin Airport) Regulation Act 2019);

‘Act of 2000 procedure’ means a procedure under the Act of 2000 (including as that Act continues to apply and have effect in accordance with this Act following the repeal of any provision of it under section 6) that is initiated on or after the operative date by—

- (a) a request for a declaration made under subsection (1) of section 5 of the Act of 2000, or an application for a determination made under subsection (8) of that section,
- (b) a notice in relation to the amendment of a local area plan sent or published (whichever occurs first in the particular case) under subsection (3) of section 20 of the Act of 2000, in so far as such a plan continues in force in accordance with section 81,
- (c) a request made under subsection (1) or (6) of section 32B of the Act of 2000,
- (d) an application for permission (within the meaning of section 2 of the Act of 2000) made under Part III of the Act of 2000,

- (e) an appeal brought under section 37 of the Act of 2000 against a decision of a planning authority made under section 34 of that Act in respect of an application for permission referred to in paragraph (d) made on or after the operative date,
- (f) an application made under section 42 of the Act of 2000,
- (g) a notice served under section 44 or 46 of the Act of 2000 and an appeal brought under that section 44 or 46 where the appeal concerns such a notice that is served on or after the operative date,
- (h) a request served under section 45 of the Act of 2000, or an appeal brought under that section concerning an acquisition notice (within the meaning of that section) where the acquisition notice is published on or after the operative date,
- (i) a notice published under subsection (4) of section 48 of the Act of 2000 (including, in accordance with subsection (3) of section 49 of that Act, for the purposes of a supplementary development contribution scheme under that section 49),
- (j) a notice served or published (whichever occurs first in the particular case) under subsection (1) of section 55 of the Act of 2000,
- (k) a request made under subsection (2) of section 57 of the Act of 2000, and a referral, under subsection (8) of that section, of a declaration or a declaration reviewed (within the meaning of that section) where the request for the declaration concerned is made on or after the operative date,
- (l) a notice served under subsection (1) of section 59 of the Act of 2000,
- (m) a notice served under subsection (2) of section 60 of the Act of 2000,
- (n) a notice published or served (whichever occurs first in the particular case) under section 72 of the Act of 2000 (including, in accordance with subsection (3) of section 83 of that Act, a notice published or served for the purposes of that section 83),
- (o) a notice sent or published (whichever occurs first in the particular case) under subsection (2) of section 85 of the Act of 2000 (including, in accordance with subsection (2) of section 86 of that Act, a notice sent or published for the purposes of that section 86),
- (p) a notice given under subsection (3) of section 86 of the Act of 2000,
- (q) a request for a declaration made under subsection (3) of section 87 of the Act of 2000,

- (r) a notice served under subsection (1) of section 88 of the Act of 2000, or an appeal brought under subsection (5) of that section concerning such a notice where the notice is served on or after the operative date,
- (s) a referral made under subsection (5) of section 96 of the Act of 2000,
- (t) an application made under subsection (3) of section 97 of the Act of 2000, and an application made under subsection (16) of that section concerning a certificate where the certificate is granted on or after the operative date,
- (u) a request made under subsection (1) of section 146B of the Act of 2000,
- (v) a warning letter issued under section 152 of the Act of 2000, and an enforcement notice served under section 154 or 155 where the warning letter concerned was issued on or after the operative date,
- (w) an enforcement notice served in accordance with section 155 of the Act of 2000 where a warning letter was not issued under section 152 of that Act,
- (x) a draft planning scheme submitted under paragraph (a) of subsection (1) of section 168 of the Act of 2000 or prepared under paragraph (b) of subsection (1) of that section, or an appeal brought under subsection (6) of section 169 in respect of a draft planning scheme that is submitted or prepared on or after the operative date,
- (y) an application made under subsection (1) of section 170A of the Act of 2000,
- (z) a revocation made under section 171 of the Act of 2000,
- (aa) a notice published or sent (whichever occurs first in the particular case) under subsection (4) of section 175 of the Act of 2000 for the purpose of the making of an application under subsection (3) of that section,
- (ab) an application made under section 176A of the Act of 2000 (including an application made under that section in so far as it applies to development referred to in Chapter III of Part XXI of the Act of 2000 in accordance with section 289 of that Act) or a determination review or an application referral made under section 176C of the Act of 2000 in relation to such an application where the application is made on or after the operative date,
- (ac) an application for substitute consent (within the meaning of section 2 of the Act of 2000) made under section 177E of that Act,
- (ad) a notice published or sent (whichever occurs first in the particular case) under subsection (4) of section 177AE of the Act of 2000 for

the purpose of the making of an application under subsection (3) of that section,

- (ae) a notice published in accordance with regulations made under paragraph (a) of subsection (2) of section 179 of the Act of 2000,
- (af) a request made under subsection (1), (2) or (2A) of section 180 of the Act of 2000,
- (ag) a notice published in accordance with regulations made under subparagraph (i) of paragraph (b) of subsection (1) of section 181 of the Act of 2000,
- (ah) an application made under subsection (1) of section 182A of the Act of 2000,
- (ai) an application made under subsection (1) of section 182C of the Act of 2000,
- (aj) a claim for compensation made under Part XII of the Act of 2000,
- (ak) an order made, amended or revoked under section 202 of the Act of 2000,
- (al) a notice served or published (whichever occurs first in the particular case) under subsection (3) or (7) of section 205 of the Act of 2000,
- (am) a notice served or published (whichever occurs first in the particular case) under subsection (2) of section 207 of the Act of 2000, or an appeal brought under subsection (5) of that section concerning such a notice where the notice is served on or after the operative date,
- (an) a notice served under subsection (1) or (2) of section 209 of the Act of 2000,
- (ao) an application made under section 254 of the Act of 2000, or an appeal brought under subsection (6) of that section concerning an application where the application is made on or after the operative date,
- (ap) an application made under section 291 of the Act of 2000, or
- (aq) a request made under subsection (1) of section 297 of the Act of 2000;

‘operative date’ means the date of the coming into operation of *section 115 of the Planning and Development (Amendment) Act 2026.*”.

CHAPTER 9

*Amendment of Part 10***Amendment of section 335 of Principal Act**

- 116.** Section 335 of the Principal Act is amended, in paragraph (b) of subsection (3), by the substitution of “any urban area plan, priority area plan, coordinated area plan” for “any area plan made under this Act,”.

CHAPTER 10

*Amendment of Part 12***Amendment of section 358 of Principal Act**

- 117.** Section 358 of the Principal Act is amended—

- (a) in the definition of “appeal”—

- (i) in paragraph (p), by the deletion of “and”,
- (ii) in paragraph (q), by the substitution of “,” for “;”, and
- (iii) by the addition of the following paragraphs after paragraph (q):

“(r) subsection (6) of section 593, and

(s) section 613;”,

- (b) in the definition of “party”—

- (i) in paragraph (a)—

(I) in subparagraph (ix), by the substitution of “,” for “, and”, and

(II) by the addition of the following subparagraphs after subparagraph (x):

“(xi) under subsection (6) of section 593, where the development agency (within the meaning of section 589) is not the person who made the appeal, the development agency, and

(xii) under section 613, the development agency (within the meaning of section 596);”,

and

- (ii) in paragraph (c)—

(I) in subparagraph (v), by the substitution of “subsection (5) of section 266,” for “subsection (5) of section 266, and”,

(II) in subparagraph (vi), by the substitution of “section 438 was made, and” for “section 438 was made;”, and

(III) by the addition of the following subparagraph after subparagraph (vi):

“(vii) under subsection (2) of section 460, the planning authority in whose functional area the structure the subject of the referral is situated and the person by whom or on whose behalf the application for permission for the erection of the new structure referred to in paragraph (a) of subsection (1) of section 460 was made,”,

and

(c) in the definition of “referral”—

(i) in paragraph (e), by the deletion of “and”,

(ii) in paragraph (f), by the substitution of “, and” for “;”, and

(iii) by the addition of the following paragraph after paragraph (f):

“(g) subsection (2) of section 460;”.

Amendment of section 371 of Principal Act

118. Section 371 of the Principal Act is amended, in subsection (1), by the substitution of “, subsection (2) of section 438 or subsection (2) of section 460,” for “or subsection (2) of section 438,”.

Amendment of section 380 of Principal Act

119. Section 380 of the Principal Act is amended, in paragraph (b) of subsection (1), by the substitution of “strategic, economic” for “strategic economic”.

CHAPTER 11

Amendment of Part 15

Amendment of section 470 of Principal Act

120. Section 470 of the Principal Act is amended, in subsection (1), by the substitution of “Maritime Area Regulatory Authority” for “Maritime Area Planning Authority”.

CHAPTER 12

Amendment of Part 16

Amendment of section 480 of Principal Act

121. Section 480 of the Principal Act is amended—

(a) in subsection (2), by the substitution of “subsection (1)” for “this section”, and

(b) by the addition of the following subsections after subsection (2):

“(3) A code of practice issued under section 232 of the Act of 2000 (including a code of practice deemed to be such a code of practice in

accordance with subsection (2) of section 268 of that Act) that was in force immediately prior to the coming into operation of the repeal of section 232 of the Act of 2000 by section 6 shall be deemed to be a code of practice issued under subsection (1) until it is revoked by the Minister or the Minister of the Government who issued it.

- (4) Where a provision of a code of practice issued under subsection (1) conflicts with a code of practice deemed, under subsection (3), to be a code of practice issued under subsection (1), the provision of the first-mentioned code of practice issued under subsection (1) shall take precedence.”.

CHAPTER 13

Amendment of Part 17

Amendment of section 500 of Principal Act

- 122.** Section 500 of the Principal Act is amended, in subsection (1), by the substitution of “referred to as the” for “referred to as as the”.

Amendment of section 522 of Principal Act

- 123.** Section 522 of the Principal Act is amended, in paragraph (c) of subsection (1), by the substitution of “subsection (7) of section 419 and subsection (7) of section 432,” for “and subsection (7) of section 419,”.

CHAPTER 14

Amendment of Part 18

Amendment of section 545 of Principal Act

- 124.** Section 545 of the Principal Act is amended, in subsection (2), by the insertion of “where the members of the Advisory Board have been appointed in accordance with section 543,” after “Without prejudice to the generality of subsection (1),”.

Amendment of section 546 of Principal Act

- 125.** Section 546 of the Principal Act is amended, in paragraph (c) of subsection (1), by the substitution of “Policies” for “Polices”.

Amendment of section 548 of Principal Act

- 126.** Section 548 of the Principal Act is amended by the substitution of “Policies” for “Polices” in both places where it occurs.

Amendment of section 569 of Principal Act

- 127.** Section 569 of the Principal Act is amended, in subparagraph (i) of paragraph (h) of

subsection (4), by the substitution of “Policies” for “Policies”.

CHAPTER 15

Amendment of Part 20

Amendment of section 584 of Principal Act

128. Section 584 of the Principal Act is amended, in subsection (9)—

(a) by the substitution of the following paragraph for paragraph (a):

“(a) A grant of permission may include conditions requiring the payment of the following:

(i) a contribution in accordance with a scheme;

(ii) a special contribution referred to in subsection (10).”,

and

(b) in paragraph (b), by the substitution of “subparagraph (i) of paragraph (a)” for “paragraph (a)”.

Amendment of section 588 of Principal Act

129. Section 588 of the Principal Act is amended—

(a) in subsection (1)—

(i) by the substitution of “A submission under Chapter 3, 4 or 5 of Part 4, Part 5 or Chapter 3 or 4 of Part 6” for “A submission or observation under Part 4 or 6”, and

(ii) by the deletion of “or observation” in the second and third places where it occurs,

(b) in paragraph (a) of subsection (4)—

(i) by the substitution of “a submission under Chapter 3, 4 or 5 of Part 4, Part 5 or Chapter 3 or 4 of Part 6” for “a submission or observation under Part 4 or 6”, and

(ii) by the deletion of “or observation” in the second place where it occurs,

and

(c) by the addition of the following subsection after subsection (6):

“(7) This section shall not apply to—

(a) the Maritime Area Regulatory Authority,

(b) a planning authority or coastal planning authority,

(c) a Minister of the Government or a public body in relation to which functions are conferred on a Minister of the Government,

- (d) a body that is given, or is entitled to be given, notice of a planning application or appeal to which this section relates in accordance with regulations made under this Act,
- (e) a Transboundary Convention state,
- (f) the Commissioners,
- (g) the Commission for Regulation of Utilities, or
- (h) such other bodies as may be prescribed for the purposes of this section.”.

CHAPTER 16

Amendment of Part 21

Amendment of section 590 of Principal Act

- 130.** Section 590 of the Principal Act is amended, in subsection (2), by the substitution of “may, by order, revoke or amend” for “may revoke or amend”.

CHAPTER 17

Amendment of Part 22

Amendment of section 607 of Principal Act

- 131.** Section 607 of the Principal Act is amended—

- (a) in subsection (2), by the substitution of the following paragraph for paragraph (b):
 - “(b) publish, in at least one newspaper circulating in the functional area of the planning authority and on its website, notice of:
 - (i) the draft development scheme,
 - (ii) the determinations under paragraphs (a) and (b) of subsection (1), and
 - (iii) any report prepared under paragraph (c) of subsection (1).”.
- (b) in paragraph (a) of subsection (3), by the insertion of “, the determinations under paragraphs (a) and (b) of subsection (1), including the reasons therefor” after “draft development scheme”,
- (c) by the insertion of the following subsection after subsection (5):
 - “(5A) After the receipt of written submissions or observations under paragraph (b) of subsection (3) and before finalisation of the report referred to in subsection (6), the planning authority shall carry out, in accordance with the Strategic Environmental Assessment Regulations

or Part 6, any strategic environmental assessment or appropriate assessment which is required in accordance with subsection (1).”,

and

(d) in subsection (7)—

(i) in paragraph (b), by the substitution of “received,” for “received, and”,

(ii) in paragraph (c), by the substitution of “Minister of the Government, and” for “Minister of the Government.”, and

(iii) by the addition of the following paragraph after paragraph (c):

“(d) include any assessment carried out by the planning authority referred to in subsection (5A).”.

Amendment of section 609 of Principal Act

132. Section 609 of the Principal Act is amended—

(a) in paragraph (b) of subsection (2), by the substitution of “subsection (12) of section 63” for “subsection (11) of section 63 of its decision not to issue a draft direction”,

(b) in subsection (3)—

(i) by the substitution of “Subject to Part 6, where the members” for “Where the members”, and

(ii) by the substitution of “submission of the report” for “submission the report”,
and

(c) in subsection (6), by the insertion of “or is deemed to have made” after “makes”.

Amendment of section 610 of Principal Act

133. Section 610 of the Principal Act is amended—

(a) by the substitution of the following paragraph for paragraph (b) of subsection (4):

“(b) publish, in at least one newspaper circulating in its functional area and on its website, notice of—

(i) the proposed modification,

(ii) the determinations under paragraphs (a) and (b) of subsection (1), and

(iii) any report prepared under paragraph (c) of subsection (1).”,

and

(b) in paragraph (a) of subsection (5), by the insertion of “, the determinations made under paragraphs (a) and (b) of subsection (1), including the reasons therefor” after “modification”.

Amendment of section 612 of Principal Act

134. Section 612 of the Principal Act is amended, in subsection (2)—

- (a) in paragraph (d), by the substitution of “decision,” for “decision, and”,
- (b) in paragraph (e), by the substitution of “prescribed, and” for “prescribed.”, and
- (c) by the addition of the following paragraph after paragraph (e):

“(f) comply with any applicable requirements of the Strategic Environmental Assessment Regulations and Part 6.”.

Amendment of section 614 of Principal Act

135. Section 614 of the Principal Act is amended—

- (a) in subsection (4), by the insertion of “and on its website” after “functional area”,
- (b) by the insertion of the following subsection after subsection (4):

“(4A) A notice under subsection (4) shall comply with any applicable requirements of the Strategic Environmental Assessment Regulations and Part 6.”,

and

- (c) in subsection (5)—
 - (i) in paragraph (a), by the substitution of “modification,” for “modification, and”,
 - (ii) in paragraph (b), by the substitution of “that section, and” for “that section.”, and
 - (iii) by the addition of the following paragraph after paragraph (b):

“(c) publish a notice of the approval of the development scheme as modified and of the determination made under section 205 (if any), in at least one newspaper and on its website.”.

Amendment of section 616 of Principal Act

136. Section 616 of the Principal Act is amended, in paragraph (a) of subsection (1), by the insertion of “, in accordance with the Strategic Environmental Assessment Regulations or Part 6,” after “determine”.

CHAPTER 18

Amendment of Schedules

Amendment of Schedule 2 to Principal Act

137. Schedule 2 of the Principal Act is amended, in subparagraph (a) of paragraph 15, by the substitution of “million standard cubic metres” for “mscm”.

Amendment of Schedule 3 to Principal Act

138. Schedule 3 of the Principal Act is amended, in subparagraph (a) of paragraph 14 of Part 2, by the substitution of “section 456” for “section 455”.

Amendment of Schedule 4 to Principal Act

139. Schedule 4 of the Principal Act is amended, in Part 1—

- (a) in paragraph 16, by the substitution of “contravene (whether materially or not)” for “materially contravene”,
- (b) in subparagraph (a) of paragraph 20, by the substitution of “contravene (whether materially or not)” for “contravene materially”,
- (c) in paragraph 21, by the substitution of “contravene (whether materially or not)” for “contravene materially”, and
- (d) in paragraph 28, by the substitution of “contravene (whether materially or not)” for “contravene materially”.

PART 3**AMENDMENT OF OTHER ENACTMENTS****Definitions**

140. In this Part—

“Act of 2007” means the Water Services Act 2007;

“Act of 2021” means the Maritime Area Planning Act 2021;

“Act of 2023” means the Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023.

Amendment of section 23 of Derelict Sites Act 1990

141. Section 23 of the Derelict Sites Act 1990 is amended—

- (a) in subsection (1), by the substitution of “There shall be charged,” for “Subject to subsection (1A), there shall be charged,” and
- (b) by the deletion of subsection (1A).

Amendment of section 50 of Act of 2000

142. Section 50 of the Act of 2000 is amended—

- (a) in paragraph (d) of subsection (2), by the substitution of “An Coimisiún Pleanála” for “the Commission”, and
- (b) by the addition of the following subsection after subsection (9):

“(10) This section applies and has effect subject to section 50AA.”.

Amendment of section 50A of Act of 2000

143. Section 50A of the Act of 2000 is amended by the addition of the following subsection after subsection (15):

“(16) This section applies and has effect subject to section 50AA.”.

Cessation of application of sections 50 and 50A of Act of 2000

144. (1) The Act of 2000 is amended by the insertion of the following section after section 50A:

“**50AA.** (1) Section 50 (other than subsection (1)) and section 50A shall cease to apply to—

- (a) any decision made or act done in the performance, or purported performance, of a function under this Act by an Act of 2000 body in respect of an Act of 2000 procedure, or
- (b) any alleged failure of an Act of 2000 body to perform such a function,

and references in this Act, or regulations made under this Act, to section 50 or 50A shall, in so far as they relate to an Act of 2000 procedure, be construed as references to Chapter 1 of Part 9 of the Act of 2024, as modified by section 303A of the Act of 2024.

(2) In subsection (1)—

“Act of 2000 body” has the meaning it has in section 303A of the Act of 2024;

“Act of 2000 procedure” has the meaning it has in section 303A of the Act of 2024;

“Act of 2024” means the Planning and Development Act 2024.”.

(2) The amendment of the Act of 2000 effected by *subsection (1)* shall come into operation on the date of the coming into operation of *section 115*.

Amendment of Act of 2007 and consequential amendment of Principal Act

145. (1) The Act of 2007 is amended—

(a) in paragraph (b) of subsection (7) of section 92—

- (i) in subparagraph (i), by the substitution of “section 443 or 465 of the Act of 2024, as the case may be” for “section 199 of the Act of 2000”,
- (ii) by the substitution of the following subparagraph for subparagraph (ii):

“(ii) Subject to subparagraph (iii), the provisions of Chapter 3 of Part 15 of the Act of 2024 shall, in so far as they are relevant to this

section, apply in relation to a claim for compensation under this subsection as if—

- (I) references to a planning authority were references to a water services authority or such other person performing the action concerned pursuant to this section, and
- (II) references to section 443 of the Act of 2024 were references to this subsection,

and subject to any other necessary modifications.”,

and

(iii) by the addition of the following subparagraphs after subparagraph (ii):

“(iii) In respect of a claim for compensation to which subparagraph (ii) applies, the time limits referred to in paragraph (f) of subsection (1) of section 447 of the Act of 2024 shall apply to a claim for compensation under this subsection as if a reference in that paragraph (f) to the consent given pursuant to subsection (4) of section 275 of the Act of 2024 or the order made under subsection (5) of section 275 of the Act of 2024 were a reference to the taking of the action concerned under this section.

(iv) Subject to subparagraph (v), the provisions of Chapter 7 of Part 15 of the Act of 2024 shall, in so far as they are relevant to this section, apply in relation to a claim for compensation under this subsection as if—

- (I) references to a planning authority were references to a water services authority or such other person performing the action concerned pursuant to this section, and
- (II) references to section 465 of the Act of 2024 were references to this subsection,

and subject to any other necessary modifications.

(v) In respect of a claim for compensation to which subparagraph (iv) applies, the time limits referred to in paragraph (e) of subsection (1) of section 469 of the Act of 2024 shall apply to a claim for compensation under this subsection as if a reference in that paragraph (e) to the consent given pursuant to subsection (5) of section 276 of the Act of 2024 or the order made under subsection (6) of section 276 of the Act of 2024 were a reference to the taking of the action concerned under this section.”,

and

(b) in subsection (8) of section 97—

(i) in paragraph (a), by the substitution of “section 443 or 465 of the Act of 2024, as the case may be” for “section 199 of the Act of 2000”, and

(ii) by the substitution of the following paragraph for paragraph (b):

“(b) Subject to paragraph (c), the provisions of Chapter 3 of Part 15 of the Act of 2024 shall, in so far as they are relevant to this section, apply in relation to a claim for compensation under this subsection as if—

(i) references to a planning authority were references to a water services authority or such other person performing the action concerned pursuant to this section, and

(ii) references to section 443 of the Act of 2024 were references to this subsection,

and subject to any other necessary modifications.”,

and

(iii) by the addition of the following paragraphs after paragraph (b):

“(c) In respect of a claim for compensation to which paragraph (b) applies, the time limits referred to in paragraph (f) of subsection (1) of section 447 of the Act of 2024 shall apply to a claim for compensation under this subsection as if a reference in that paragraph (f) to the consent given pursuant to subsection (4) of section 275 of the Act of 2024 or the order made under subsection (5) of section 275 of the Act of 2024 were a reference to the taking of the action concerned under this section.

(d) Subject to paragraph (e), the provisions of Chapter 7 of Part 15 of the Act of 2024 shall, in so far as they are relevant to this section, apply in relation to a claim for compensation under this subsection as if—

(i) references to a planning authority were references to a water services authority or such other person performing the action concerned pursuant to this section, and

(ii) references to section 465 of the Act of 2024 were references to this subsection,

and subject to any other necessary modifications.

(e) In respect of a claim for compensation to which paragraph (d) applies, the time limits referred to in paragraph (e) of subsection (1) of section 469 of the Act of 2024 shall apply to a claim for compensation under this subsection as if a reference in that paragraph (e) to the consent given pursuant to subsection (5) of section 276 of the Act of 2024 or the order made under subsection

(6) of section 276 of the Act of 2024 were a reference to the taking of the action concerned under this section.”.

- (2) Schedule 7 of the Principal Act is amended by the deletion of—
- (a) the amendments to subsection (7) of section 92 of the Act of 2007, and
 - (b) the amendments to subsection (8) of section 97 of the Act of 2007,
- specified at reference number 29 of column (1) of Schedule 7 of the Principal Act.

Amendment of section 33B of Act of 2021 and consequential amendment of Principal Act

- 146.** (1) Section 33B of the Act of 2021 is amended, in subparagraph (ii) of paragraph (b) of subsection (3), by the insertion of “or regulations made under section 225 of the Act of 2024” after “Act of 2000”.
- (2) Schedule 7 of the Principal Act is amended by the deletion of the amendment to section 33B of the Act of 2021 specified at reference number 58 of column (1) of Schedule 7 of the Principal Act.

Amendment of section 25 of Act of 2023 and consequential amendment of Principal Act

- 147.** (1) Section 25 of the Act of 2023 is amended, in subsection (1), by the substitution of the following definition for the definition of “EIA portal”:
- “ ‘EIA portal’ means the environmental impact assessment portal referred to in section 241 of the Act of 2024;”.
- (2) Schedule 7 of the Principal Act is amended by the deletion of the amendment to section 25 of the Act of 2023 specified at reference number 66 of column (1) of Schedule 7 of the Principal Act.

Amendment of section 35 of Planning and Development (Amendment) Act 2025

- 148.** The Planning and Development (Amendment) Act 2025 is amended by the substitution of the following section for section 35—

“35. (1) In so far as—

- (a) the repeal, by section 6 of the Principal Act, of a provision of the Act of 2000 and any instrument made under it has not come into operation, or
- (b) the repeal of the provision has come into operation but the provision continues to apply and have effect in accordance with the Principal Act after the repeal,

the provision or instrument shall, on and after the date of the coming into operation of *section 148 of the Planning and Development (Amendment) Act 2026*, apply subject to the modifications referred to in subsection (2).

- (2) The modifications to apply under subsection (1) are as follows:
- (a) references in the provision of the Act of 2000, or an instrument under it, to the National Planning Framework shall be construed as references to the National Planning Framework within the meaning of the Principal Act;
 - (b) references in the provision of the Act of 2000, or an instrument under it, to guidelines under section 28 of the Act of 2000 shall be construed as including references to National Planning Policy Guidance within the meaning of the Principal Act;
 - (c) references in the provision of the Act of 2000, or an instrument under it, to specific planning policy requirements shall be construed as references to National Planning Policies and Measures within the meaning of the Principal Act;
 - (d) references in the provision of the Act of 2000, or an instrument under it, to a regional spatial and economic strategy shall be construed as including references to a regional spatial and economic strategy within the meaning of the Principal Act;
 - (e) references in the provision of the Act of 2000, or an instrument under it, to a development plan shall be construed as including references to a development plan within the meaning of the Principal Act.”.

PART 4

AMENDMENT OF HOUSING FINANCE AGENCY ACT 1981

Amendment of section 10 of Housing Finance Agency Act 1981

- 149.** Section 10 of the Housing Finance Agency Act 1981 is amended, in subsection (3), by the substitution of “€15,000,000,000” for “€13,500,000,000”.