



13 July 2021.

To: Cathaoirligh/Mayors, City and County Councils  
Cathaoirligh, Regional Assemblies  
Chief Executives, Local Authorities  
Directors, Regional Assemblies  
Regulator and Chief Executive, Office of the Planning Regulator  
Chairperson, An Bord Pleanála

**Re. Planning and Development (Amendment) Act 2021 (No 18 of 2021)  
Extension of Development Plan Review Process**

A Chara,

I write to inform you of the above legislation which has been approved by the Oireachtas and signed by President Higgins and will be commenced in the coming days. This new legislation includes provisions to enable the extension of local authority development plan review processes, arising from the impacts of Covid-19.

The Act enables a planning authority to take an additional period of up to 1 year to complete the preparation of a new development plan for the area, and as a necessary consequence to extend the duration of the existing development plan(s). There are several stages to this process, which I set out below for your information:-

**Step 1: Decision to Initiate the Process**

To initiate the extension of a development plan review period, the planning authority may make a decision that due to disruption arising from Covid, an additional period of up to 1 year may be needed to complete the review of the existing development and to make a new development plan. The decision must include the particular reasons that such additional time may be required having regard to the disruption caused by Covid-19 restrictions;



## **Step 2: Environmental Assessments**

Having initiated the process, the planning authority must then examine the impact of the proposed extension of duration of the existing development plan(s) with regard to the effects on the environment (Strategic Environmental Assessment) and on the integrity of European sites (Appropriate Assessment). The length of time this may take will depend on whether it is possible to screen out the need for SEA and AA, or whether SEA or AA are required to be undertaken.

### **2A: Screening**

Depending on the length of additional time sought and the particular circumstances of the plan in question, it may be possible for the planning authority to be satisfied, on the basis of screening for strategic environmental assessment (SEA) and appropriate assessment (AA), as to the environmental implications. The planning authority will be required to prepare screening reports which assess the implications of the proposed extension of the existing plan(s), including taking into account any previous extension of the plan(s).

With regard to SEA, this process of screening involves a statutory consultation with the environmental authorities within a minimum period of 4 weeks following the preparation of the draft screening report and notification to those authorities. Allowing for the preparation of reports and consideration of responses, the screening stage could take approximately 6-8 weeks to complete.

### **2B: Undertaking SEA or AA**

Where either the above screening exercises indicate, or the planning authority otherwise decides that a full SEA and/or AA is required, those full assessments will need to be carried out, and consultation with the relevant prescribed bodies undertaken before the planning authority can be satisfied as to the environmental implications of the extension of the plan(s), taking into account any previous extensions of the plan(s).

Given the varying lengths of additional time which a planning authority may decide are required and the particular circumstances of each plan, it is difficult to be definitive as to the timescale for this process, however, it will generally take approximately 5 months (20 weeks) to prepare the assessments and to undertake the necessary consultation.



### **Step 3: Consultation Stage**

Having considered the above, the next step required is to undertake consultation on the proposed extension of duration of the existing development plan(s), involving the following:

- (a) giving notice to the Minister, the Office of the Planning Regulator, the Board, the relevant Regional Assembly, and where appropriate, to any adjoining planning authority, the prescribed authorities, and any local community development committee within the area of the development plan(s), and
- (b) publishing notice of the proposed extension of the duration of the existing development plan(s) in one or more newspapers circulating in that area.

The consultation provisions require a minimum of 4 weeks for the receipt of submissions and observations in response to the above notices.

### **Step 4: Final Decision**

The final key step involves the preparation of a chief executive's report to the elected members within a period of 8 weeks from the notification of the proposals in Step 3, and a decision by the members (by resolution) at either an ordinary or a special meeting as to whether or not to extend the duration of the existing development plan(s). This step would therefore take a further 4 weeks.

This consideration must be based on the reasons for seeking the additional time to prepare a new development plan, and the environmental implications of extending the duration of the existing development plan(s).

Where the planning authority decides to extend the duration of the existing development plan(s), it may then decide to take the additional time to complete the preparation of the new development plan for the area.

To complete the process, it is estimated that a minimum period of 14-16 weeks is required if SEA/AA can be screened out, and that an estimated minimum period of 28-30 weeks is required if not.



During that time, even where a decision has been made to initiate the process, caution should be exercised with regard to extending any ongoing development plan review timescales until such time as a final Step 4 decision can be made. This will be after around 14-16 weeks, or longer if full SEA or AA is required to be undertaken. Clearly each local circumstance will vary, as development plan review processes are all at different stages of progression.

In conclusion, this legislation will primarily ensure that where necessary, the 2 year statutory ‘guillotine’ on plan review processes that requires the Chief Executive of the local authority to step in if the new plan is not made after that period, will not arise in cases where plans have been affected by Covid-19 and the extension of review period process has been undertaken.

Once a Step 4 decision has been made, it will also enable discretionary extension of any development plan timescales remaining thereafter, in combination with an extra period of up to 1 year.

Is mise, le meas,

**Darragh O’Brien, TD,  
Minister for Housing, Local Government & Heritage.**