



To: Directors of Services for Planning for each City and County Council
Chief Executives, City and County Councils
Senior Planners, City and County Councils
Directors of Regional Assemblies
Office of Planning Regulator

Circular Letter: NRUP 04/2022

27th July 2022

A Chara,

Re: Planning and Development, and Maritime and Valuations (Amendment) Act 2022 – commencement of amendments affecting Ministerial Directions on development plans and local area plans in the Planning and Development Act, 2000 (as amended) ('the Act').

I am directed by Mr. Peter Burke T.D., Minister of State with responsibility for Local Government and Planning **to bring to your attention the commencement, effective as of 24th July 2022**, of certain provisions of the above Act.

Commencement of provisions in the Act

Two groups of provisions in the new Act, comprising amendments to the Valuation Acts and to Ministerial directions on statutory plans in the Act, have commenced immediately upon the signing of the Bill by the President. This Circular concerns the amendment of provisions to **Ministerial directions on development plans and local area plans** in the Act.



Provisions concerning amendments to Ministerial directions on development plans and local area plans

Background

It has been necessary to address a number of technical matters regarding the legislative procedures of Section 31 of the Planning and Development Act 2000 including, but not limited to, sections 31AM and 31AN (Development Plans and Variations), sections 31AO and 31AP (Local Area Plans). The new Act applies minor technical amendments to the Planning Act, required to address cross-referencing, standardised wording, notifications and consistency in procedure.

Specific provisions

Appendix 1 of this Circular specifies those amendments that relate to Ministerial directions on statutory plans (as set out in Sections 5 – 9 of the new Act). An electronic copy of the Act shall be available shortly at <https://www.irishstatutebook.ie/>.

Implementation

Please bring this Circular to the attention of all relevant persons in the planning and development sections of your organisation, for immediate implementation.

Enquiries

Any queries in relation to this letter should be addressed to:

ForwardPlanning@housing.gov.ie .

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A handwritten signature in black ink, appearing to be 'Paul Hogan', is written over a horizontal line.

Paul Hogan

Chief Planning Adviser

Department of Housing, Local Government and Heritage

Appendix I – Specific provisions of the *Planning and Development, Maritime and Valuation (Amendment) Act 2022* (Sections 5 – 9) concerning Ministerial directions on statutory plans, immediate commencement.

(Full Act may be accessed at <https://www.irishstatutebook.ie/eli/acts.html>)

Amendment of Section 31 of Principal Act:

5. Section 31 of the Principal Act is amended—

- (a) in subsection (3), by the substitution of “section 31AM(8) or 31AO(7)” for “section 31AN(9) or 31AP(9)”,
- (b) in subsection (4)(b), by the deletion of “, in the case of a plan,”,
- (c) in subsection (8), by the substitution of “, the Minister and, where relevant, the regional assembly concerned” for “and the Minister”, and
- (d) by the substitution of the following subsection for subsection (16):

“(16) Where paragraph (a) of section 31AN(4A), paragraph (a) or (c) of section 31AN(9), paragraph (a) of section 31AP(4A) or paragraph (a) or (c) of section 31AP(9) applies to a matter to which this section relates, then the Minister shall issue a direction accordingly.”.

Amendment of section 31AM of Principal Act

6. Section 31AM of the Principal Act is amended—

- (a) in subsection (2)(b), by the substitution of “consistency of the development plan with the National Planning Framework” for “consistency with the development plan and the National Planning Framework”, and
- (b) in subsection (5)(c), by the substitution of “of a development plan” for “in a development plan”.

Amendment of section 31AN of Principal Act

7. Section 31AN of the Principal Act is amended—

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

“(2) As soon as practicable after a statement has been prepared under subsection (1)(b), the Minister shall cause a copy of it to be sent to the Office, the planning authority concerned and, where relevant, the regional assembly concerned and the Office and that authority shall, as

soon as practicable thereafter, make it available on their respective websites.”,

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

“(4) The Office shall consider the report of the chief executive on the submissions, together with any submission made under section 31(10), and shall, no later than 3 weeks after receipt of that report—

(a) recommend to the Minister that he or she issue the direction with or without minor amendments, or

(b) for stated reasons, where the Office is of the opinion that—

(i) a material amendment to the draft direction may be required,

(ii) further investigation is necessary in order to clarify any aspect of the report furnished or submissions made, or

(iii) it is necessary for any other reason, appoint a person to be an inspector.”,

(c) by the insertion of the following subsections after subsection (4):

“(4A) The Minister shall consider a recommendation of the Office under subsection (4)(a) that he or she issue a direction with or without minor amendments and—

(a) where the Minister agrees with the recommendation, the Minister shall, no later than 6 weeks after receipt of the recommendation, subject to subsection (16), issue the direction under section 31 with or without minor amendments, or

(b) where the Minister does not so agree with the recommendation, then the Minister shall—

(i) prepare a statement in writing of his or her reasons for not agreeing,

(ii) cause that statement to be laid before each House of the Oireachtas, and

(iii) as soon as practicable, make that statement available on the website of the Department of Housing, Local Government and Heritage.

(4B) As soon as practicable after a statement has been prepared under subsection (4A)(b), the Minister shall cause a copy of it to be sent to the Office, the planning authority concerned and, where relevant, the regional assembly concerned and the Office and that authority shall, as soon as practicable thereafter, make it available on their respective websites.”,

(d) in subsection (7)(a), by the insertion of “and the Cathaoirleach of the planning authority” after “the chief executive”,

(e) by the insertion of the following subsections after subsection (9):

“(9A) Where the Minister does not agree with a recommendation of the Office under subsection (9) where paragraph (a) or (c) of that subsection applies, then the Minister shall—

(a) prepare a statement in writing of his or her reasons for not agreeing,

(b) cause that statement to be laid before each House of the Oireachtas, and

(c) as soon as practicable, make that statement available on the website of the Department of Housing, Local Government and Heritage.

(9B) As soon as practicable after a statement has been prepared under subsection (9A), the Minister shall cause a copy of it to be sent to the Office, the planning authority concerned and, where relevant, the regional assembly concerned and the Office and that authority shall, as soon as practicable thereafter, make it available on their respective websites.”,

(f) by the deletion of subsections (12), (13) and (15), and

(g) in subsection (16), by the substitution of “subsection (4A) or (9)” for “subsection (9)” in each place where it occurs.

Amendment of section 31AO of Principal Act

8. Section 31AO of the Principal Act is amended in subsection (7)(i) by the substitution of “as amended by the planning authority” for “as varied by the planning authority”.

Amendment of section 31AP of Principal Act

9. Section 31AP of the Principal Act is amended—

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

“(4) The Office shall consider the report of the chief executive on the submissions, together with any submission made under section 31(10), and shall, no later than 3 weeks after receipt of that report—

(a) recommend to the Minister that he or she issue the direction with or without minor amendments, or

(b) for stated reasons, where the Office is of the opinion that—

(i) a material amendment to the draft direction may be required,

(ii) further investigation is necessary in order to clarify any aspect of the report furnished or submissions made, or

(iii) it is necessary for any other reason,

appoint a person to be an inspector.”,

(b) by the insertion of the following subsections after subsection (4):

“(4A) The Minister shall consider a recommendation of the Office under subsection (4)(a) that he or she issue a direction with or without minor amendments and—

(a) where the Minister agrees with the recommendation, then the Minister shall, no later than 6 weeks after receipt of the recommendation, subject to subsection (16), issue the direction under section 31 with or without minor amendments, or

(b) where the Minister does not so agree with the recommendation, then the Minister shall—

(i) prepare a statement in writing of his or her reasons for not agreeing,

(ii) cause that statement to be laid before each House of the Oireachtas, and

(iii) as soon as practicable, make that statement available on the website of the Department of Housing, Local Government and

Heritage.

(4B) As soon as practicable after a statement has been prepared under subsection (4A)(b), the Minister shall cause a copy of it to be sent to the Office, the planning authority concerned and, where relevant, the regional assembly concerned and the Office and that authority shall, as soon as practicable thereafter, make it available on their respective websites.”,

(c) in subsection (7)(a), by the insertion of “and the Cathaoirleach of the planning authority” after “the chief executive”,

(d) by the insertion of the following subsections after subsection (9):

“(9A) Where the Minister does not agree with a recommendation of the Office under subsection (9) where paragraph (a) or (c) of that subsection applies, then the Minister shall—

(a) prepare a statement in writing of his or her reasons for not agreeing,

(b) cause that statement to be laid before each House of the Oireachtas, and

(c) as soon as practicable, make that statement available on the website of the Department of Housing, Local Government and Heritage.

(9B) As soon as practicable after a statement has been prepared under subsection (9A), the Minister shall cause a copy of it to be sent to the Office, the planning authority concerned and, where relevant, the regional assembly concerned and the Office and that authority shall, as soon as practicable thereafter, make it available on their respective websites.”,

(e) by the deletion of subsections (12), (13) and (15), and

(f) in subsection (16), by the substitution of “subsection (4A) or (9)” for “subsection (9)” in each place where it occurs.
