



To: Directors of Planning in each local authority

CC: Chief Executives
Senior Planners
An Bord Pleanála
Office of the Planning Regulator
Directors of Regional Assemblies

Circular Letter PL 08/2022

20 October 2022

**Re: Planning and Development, Maritime and Valuation (Amendment) Act 2022
(Commencement of Certain Provisions) (No. 3) Order 2022 [S.I. 523/2022]**

I have been asked by Mr. Darragh O'Brien, T.D., Minister for Housing, Local Government and Heritage to advise that he has signed the above-named Commencement Order which **takes effect from** today's date, **20 October 2022**. A copy of the Commencement Order is attached for information.

The Planning and Development, Maritime and Valuation (Amendment) Act 2022 (No. 29 of 2022) (PDMV Act) was enacted in July 2022. The PDMV Act makes a number of amendments to provisions in Section 50A of the Planning and Development Act 2000, as amended regarding judicial reviews of planning matters. These new commenced provisions provide for the following:

1. The introduction of a requirement that any available appeal or other available administrative remedy should, unless special circumstances exist, be exhausted before a judicial review challenge of a planning decision can be initiated. In effect, an appeal to An Bord Pleanála rather than a judicial review challenge should be the default position in the first instance;
2. On the quashing of a planning decision by the Court, an applicant for planning permission – be it a developer of a large housing development, a strategic infrastructure



development or another form of development - may apply to the Court to have the quashed decision remitted back to a planning authority or the Board for reconsideration, having regard to such directions as the Court considers appropriate, thereby avoiding delays and the need for the planning proposal to re-commence the planning process again.

Any queries in relation to this Circular letter should be emailed to planning@housing.gov.ie.

Terry Sheridan
Principal
Planning Policy and Legislation

Attachment for information:

Planning and Development, Maritime and Valuation (Amendment) Act 2022
(Commencement of Certain Provisions) (No. 3) Order 2022 [S.I. 523/2022]