



Planning and Development Act 2024 Commencement Circular

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To: Directors of Planning in each local authority

CC: Chief Executives and Director General
Senior Planners
An Coimisiún Pleanála
Office of the Planning Regulator
Directors of Regional Assemblies
Mayor of Limerick

Reformed judicial review processes and procedures under the Planning and Development Act 2024

Commencement of Chapter 1 of Part 9 of the Planning and Development Act 2024

Purpose of Circular

This circular notifies planning authorities and other key stakeholders of the commencement of Chapter 1 of Part 9 of the Planning and Development Act 2024 (Act of 2024). By way of the Planning and Development Act 2024 (Commencement) (No. 3) Order 2025 (S.I. No. 379 of 2025), these provisions came into operation from 01 August 2025. A copy of this circular and the Commencement Order will be published online at www.gov.ie/planning.

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1. Commencement of Chapter 1 of Part 9

1.1. Key messages

- Chapter 1 of Part 9 of the Act of 2024 concerns procedures through which decisions, acts or failures to act by specified bodies performing functions under the Act of 2024 may be challenged. Judicial review proceedings are to be brought by the special procedure provided for in Chapter 1 of Part 9 of the Act of 2024, addressing particular matters such as time limits for commencing proceedings, legal standing to take such proceedings and various procedural rules relating to such proceedings.
- The new procedures under Chapter 1 of Part 9 of the Act of 2024 will only apply to decisions made or acts done in the performance of, or alleged failure to perform, a function by a “relevant body” under the Act of 2024. The relevant bodies are listed under section 278 of the Act of 2024.
- There are no repeals associated with the commencement of Chapter 1 of Part 9 of the Act of 2024.
- Section 50 and 50A of the Planning and Development Act 2000 (Act of 2000) will continue to apply in relation to the judicial review of any decision made or act done by the bodies listed in subsection (2) of section 50 of that Act in the performance of their functions listed in that subsection. For example, section 50 and 50A of the Act of 2000 will continue to apply to the judicial review of planning permissions granted or approvals made by a planning authority or An Coimisiún Pleanála in the performance of their functions under the Act of 2000.
- Section 50B of the Act of 2000 (Costs in environmental matters) remains in effect and continues to apply to a judicial review of a decision made, an action taken or a failure to take action pursuant to a statutory provision that gives effect to specified provisions of the EIA Directive, SEA Directive, the Industrial Emissions Directive or the Habitats Directive. Under section 50B, a “statutory provision” is defined as a provision of an enactment or instrument under an



enactment - it does not solely apply to the Act of 2000 or to regulations made under that Act.

- Section 50B of the Act of 2000 continues to apply in respect of the Act of 2024 until such time as Chapter 2 of Part 9 is brought into operation.

1.2. Summary of new legislation - Chapter 1 of Part 9 (Part 9 Judicial Review)

- **Section 278 (Interpretation)** contains definitions for the purposes of Part 9.
- **Section 279 (Application of Chapter)** provides that the procedures in Chapter 1 of Part 9 are the exclusive means by which the validity of decisions made, acts done or failures to perform functions under the Act of 2024 may be challenged.
- **Section 280 (Procedure for commencing Part 9 judicial review)** identifies that Part 9 judicial review proceedings are to be commenced in the High Court in accordance with the Rules of the Superior Courts, and includes particular requirements with regard to notification of the commencement of proceedings and the form of proceedings, such as the swearing of an affidavit and, where applicable, provision of documentation to satisfy the requirements of section 286(4). It removes a requirement for an application for leave for Part 9 judicial review proceedings (which is a requirement under the Act of 2000). It further provides that Part 9 judicial review proceedings are considered to be commenced when a notice of the motion has issued from the High Court in respect of an application.
- **Section 281 (Time limits applicable to Part 9 judicial review)** re-enacts with modifications the requirement in the Act of 2000 that judicial review proceedings be commenced within 8 weeks of the decision, act or failure being challenged, and sets out limited criteria by which the High Court may extend that time limit. It further provides that where the 8 week period expires on a day that is a



Saturday, Sunday or public holiday the period shall be deemed to expire on the next working day.

- **Section 282 (Conduct of Part 9 judicial review)** provides that an applicant for Part 9 judicial review may only rely on the grounds raised in the statement of grounds filed with their application. This section also sets out limited criteria by which the High Court may allow subsequent amendments to that statement of grounds to be made.
- **Section 283 (Applications to strike out Part 9 judicial review)** provides a procedure that allows a party to judicial review proceedings to apply to the High Court for an order striking out the proceedings on stated reasons such as lack of standing, being out-of-time, a failure to exhaust any available appeal procedures or to disclose an arguable case. Where the Court is satisfied that only some of the applicants have sufficient interest, or an applicant has sufficient interest in only some of the matters grounded, the Court may, without striking out the proceedings in their entirety, strike out proceedings against any applicant who does not have a sufficient interest or direct an applicant not to continue proceedings in relation to a specified ground.
- **Section 284 (Stays on Part 9 judicial review)** provides for an application to be made by a relevant body to the Court to stay Part 9 judicial review proceedings when the matter to which the proceedings relate is still before the relevant body and pending a decision by that body.
- **Section 285 (Entitlement to bring proceedings)** provides that a party can only plead grounds in Part 9 judicial review proceedings if that party has a sufficient interest in the matter to which the ground relates.
- **Section 286 (Sufficient interest)** provides that an applicant is regarded as having a sufficient interest in a matter to which a ground pleaded in Part 9 judicial review proceedings relates where they are directly or indirectly materially affected by the matter. The section also provides that sufficient



interest is not limited to an interest in land or a financial interest and that certain parties are deemed to satisfy the sufficient interest requirements where certain circumstances or criteria apply.

- Section 286(2) preserves and clarifies the privileged status of environmental organisations that may bring proceedings in relation to a development that is likely to have significant effects on the environment or a European site, regardless of whether they are directly or indirectly affected by the matter. Certain governance criteria requirements must be met, such as being in existence for a period of not less than one year prior to the proceedings, having no fewer than 10 members and having a constitution that includes an object related to the promotion of environmental protection relevant to the matters to which the proceedings relate. It also requires the board of directors (or equivalent governing body) of the organisation to pass a resolution in accordance with its constitution authorising the bringing of the proceedings.
- Section 286(3) provides that an applicant, other than an unincorporated body of persons, shall be regarded as having sufficient interest in a matter where that applicant made submissions in the required manner and of a material nature to the relevant body whose decision, act or failure is at issue in the proceedings.
- Section 286(4) sets out sufficient interest requirements for an unincorporated body of persons, for example a residents' association. A number of governance requirements apply to unincorporated bodies wishing to take a judicial review, including that the unincorporated body must be either a partnership, a limited partnership, be able to sue or be sued in the High Court in its own name and hold a vote of its members on whether to apply for Part 9 judicial review proceedings with two thirds of those voting agreeing to bring the proceedings. Requirements relating to the application for Part 9 judicial review proceedings are also provided under this subsection.



- **Section 287 (Part 9 judicial review – appeals)** removes the right of appeal of a determination of the High Court to the Court of Appeal (previously available under the Act of 2000 but only with leave of the High Court) and recognises the right to seek leave to appeal to the Supreme Court (under Article 34.5.4° of the Constitution).
- **Section 288 (Amendments of decisions or documents subject to Part 9 judicial review)** is a new provision empowering the High Court, subject to specified criteria and instead of quashing a decision or act of a relevant body, to order that body to amend a decision or document, where the Court considers that such an amendment is a satisfactory remedy in respect of the ground of challenge giving rise to it. Where done to the Court's satisfaction, and by doing so the relevant body has addressed the ground to which the order related, or rendered it moot, the Court may make an order striking out the ground.
- **Section 289 (Declarations of invalidity)** sets out certain powers of the High Court with regard to an invalid decision, act or failure by a relevant body. This is a new provision that allows the High Court to quash an aspect of a decision made by a planning authority without declaring invalid or quashing the remainder of that decision. Alternatively, rather than quashing all or part of a decision, the High Court may remit the matter back to the relevant body and direct that body to take additional steps as appropriate. These provisions mean that an entire planning decision does not need to be quashed where appropriate remedies are available to address the matters raised.
- **Section 290 (Provisions generally applicable to Part 9 judicial review)** requires Part 9 judicial reviews to be determined as expeditiously as possible consistent with the administration of justice.

1.3. Transitional provisions

There are no transitional provisions brought into effect upon the commencement of Chapter 1 of Part 9.



Subsections (1) and (2) of section 303 of the Act of 2024 came into operation on 18 June 2025 and applied sections 50 and 50A of Act of 2000 for limited period to any decision or act of a planning authority or An Coimisiún Pleanála under the Act of 2024. Subsections (1) and (2) of section 303 of the Act of 2024 now cease to have effect upon commencement of Chapter 1 of Part 9 (see subsection (4) of section 303).

Subsection (3) of section 303 came into operation on 18 June 2025 to make it explicitly clear that section 50B of the Act of 2024 applies to any decision or an act of a planning authority or An Coimisiún Pleanála under the Act of 2024. Subsection (3) of section 303 has been amended by section 18 of the Planning and Development (Amendment) Act 2025 to clarify that section 50B of the Act of 2000 will continue to apply to the Act of 2024 until such time as Chapter 2 of Part 9 is brought into operation.

2. Partial repeal of the Planning and Development Act 2000

There are no repeals associated with the commencement of Chapter 1 of Part 9 of the Act of 2024.

Section 50 and 50A of the Act of 2000 remain in full effect in relation to judicial review of any decision made or act done by the administrative bodies listed in section 50(2) of the Act of 2000 in the performance of their functions listed in that subsection. For example, section 50 and 50A will continue to apply to the judicial review of planning permission decisions or approvals made by a planning authority or An Coimisiún Pleanála in the performance of functions under the Act of 2000.

3. Corresponding regulations

Chapter 1 of Part 9 of the Act of 2024 does not include enabling provisions for the Minister for Housing, Local Government and Heritage and accordingly, there are no regulations corresponding to the commencement of Chapter 1 of Part 9.

4. Commencement schedule for remaining Parts of the Act of 2024

- Details of the proposed phased commencement of the Act of 2024 are set out under Chapter 10 of the Implementation Plan available to view at www.gov.ie/planning.



- The subsequent elements of the first phase of commencements for the Act of 2024 that are scheduled to be brought into operation are:
 - Funfairs (Part 16) and supplemental provisions
 - Event Licensing (Part 16) and supplemental provisions
 - Consequential amendments (Part 24 – as required)
- Following the completion of the first phase of commencements, it is anticipated that the following elements of the Act of 2024 will be brought into operation throughout the remainder of 2025:
 - Plans, Policies and Related Matters (Part 3)
 - Environmental Assessments (Chapters 1 & 2 of Part 6)
 - Housing Strategy and Supply (Chapter 1 of Part 7)
 - Office of the Planning Regulator (Part 18)
- It is anticipated that the remaining provisions of the Act of 2024 will be brought into effect before the end of 2025.

5. Further information

A dedicated website for the Act of 2024 has been launched to provide updates, further information and useful resources. The website can be accessed at www.gov.ie/planning.

Any enquiries regarding this circular or the commencement of the Act of 2024 can be emailed to the Department at planningreform@housing.gov.ie

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