



Planning and Development Act 2024 Commencement Circular

Number: 2026/01

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To: Mayor of Limerick
Chief Executives and Director General, City and County Councils
Chief Executive, Office of the Planning Regulator
Chief Executive, An Coimisiún Pleanála
Directors of Service - Planning, City and County Councils
Directors, Regional Assemblies

CC: Senior Planners, City and County Councils
Deputy Regulator, Office of the Planning Regulator
Directors of Planning, An Coimisiún Pleanála
Assistant Directors, Regional Assemblies
Maritime Area Regulatory Authority
National Transport Authority

New costs provisions for judicial reviews relating to planning matters under the Planning and Development Act 2024

Partial commencement of Chapter 2 of Part 9 of the Planning and Development Act 2024 aligned with the signing of Regulations by the Minister for Climate, Energy and the Environment for 'Aarhus Convention proceedings'

Purpose of Circular

This circular notifies planning authorities and other key stakeholders of the partial commencement of Chapter 2 of Part 9 of the Planning and Development Act 2024 (Act of 2024). By way of the Planning and Development Act 2024 (Commencement) Order 2026 (S.I. No. 194 of 2026), these provisions came into operation from 8th May 2026. A copy of this circular and the Commencement Order will be published online at www.gov.ie/planning.



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1. Partial Commencement of Chapter 2 of Part 9

1.1. Key messages

- Under Chapter 2 of Part 9 of the Act of 2024, costs of proceedings to which that Chapter applies can be awarded to an applicant. Section 294 provides that monetary amounts are to be prescribed by the Minister for Climate, Energy and the Environment to limit the amount of costs awarded.
- The new costs procedures under Chapter 2 of Part 9 will only apply to the types of proceedings listed under section 292 of the Act of 2024.
- Subsection (3) of section 303 of the Act of 2024 provides that section 50B of the Planning and Development Act 2000 (Act of 2000) is now disapplied from the Act of 2024. Please note that section 50B is not disapplied from any other enactment.
- Section 50 and 50A of the Act of 2000 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.
- By way of section 294 of the Act of 2024, new regulations will be introduced by the Minister for Climate, Energy and the Environment to prescribe monetary amounts for different types of legal work conducted by legal professionals for specified proceedings and applications relating to planning matters under the Act of 2024.



- The provisions in Chapter 2 of Part 9 relating to the establishment of a ‘environmental legal costs financial assistance mechanism’ are not being brought into operation at this time.
- There are no repeals associated with the partial commencement of Chapter 2 of Part 9.

1.2. Summary of legislation commenced in Chapter 2 of Part 9 (Costs Relating to Certain Proceedings)

- **Section 291 (Interpretation)** contains definitions for the purposes of Chapter 2 of Part 9, including the key definition of “Aarhus Convention proceedings”.
- **Section 292 (Application of Chapter)** lists the proceedings to which Chapter 2 of Part 9 applies. This includes Aarhus Convention proceedings; motions made under section 298 of the Act of 2024; and references made by the High Court to the Court of Justice of the European Union in relation to Part 9 judicial review proceedings.
- **Section 293 (Costs in relation to certain proceedings)** broadly replicates section 50B of the Act of 2000 and provides that costs of proceedings, or a portion of such costs, may be awarded to an applicant in proceedings to which Chapter 2 of Part 9 applies. Subsection (4) of section 293 provides that, subject to specified exceptional circumstances, costs awarded to an applicant cannot exceed the monetary amounts prescribed by the Minister for Climate, Energy and the Environment under section 294.
- **Section 294 (Regulation of costs payable in respect of prescribed matters)** provides that the Minister for Climate, Energy and the Environment shall prescribe monetary amounts for the purposes of the matters set out under subsection (1) of that section. It is important to note that only paragraph (a) of subsection (1) of section 294 is coming into operation at this time. Further information in relation to these Regulations is set out below. Prescribed monetary amounts must be reviewed at least every 5 years.



- **Section 298 (Application for determination of application of Chapter to proceedings)** is commenced other than subsection (8) of that section. This section allows a party to proceedings to which Chapter 2 of Part 9 applies to apply to the High Court, at any time before or during the proceedings and on notice to all parties concerned, for a determination that Chapter 2 of Part 9 applies to such proceedings.
- **Section 300 (Provisions applicable to regulations under Chapter)** is commenced only insofar as it applies to regulations made by the Minister for Climate, Energy and the Environment under section 294. It provides that regulations made under section 294 must be laid before the Oireachtas and may be annulled within 21 days of being laid. It allows such regulations to contain incidental, supplementary and consequential provisions as necessary or expedient for the purposes of the regulations. The Minister for the Environment, Climate and Communications is also permitted to consult with any person as appropriate.
- **Section 301 (Amendment of Environment (Miscellaneous Provisions) Act 2011)** is a consequential amendment that disapplies proceedings to which Chapter 2 of Part 9 applies from section 3 of the Environment (Miscellaneous Provisions) Act 2011.
- **Section 302 (Provision for certain legal costs in relation to environmental matters)** is a set of consequential amendments to the Legal Services Regulation Act 2015. All consequential amendments are made other than paragraph (c) in so far as it inserts section 154B of that Act.

1.3. Transitional provisions

There are no transitional provisions brought into effect upon the partial commencement of Chapter 2 of Part 9.



Subsection (3) of section 303 originally came into operation on 18th June 2025 to make it explicitly clear that section 50B of the Act of 2024 applies to any decision or act of a planning authority or An Coimisiún Pleanála under the Act of 2024. Subsection (3) no longer applies to the Act of 2024 by way of paragraph (b) of that subsection.

2. Partial repeal of the Planning and Development Act 2000

There are no repeals associated with the commencement of Chapter 2 of Part 9 of the Act of 2024.

Please note that sections 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 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

Proposed regulations to be made under section 294 of the Act of 2024 are being prepared by the Minister for Climate, Energy and the Environment. Such regulations require prior consultation with the Minister for Housing, Local Government and Heritage and the Minister for Justice, Home Affairs and Migration and also require the consent of the Minister for Public Expenditure, Infrastructure, Public Sector Reform and Digitalisation.

The proposed regulations will clearly identify the proceedings to which they apply and will specify monetary amounts that costs awarded to applicants cannot exceed (subject to judicial discretion provided under subsection (4) of section 293 for specified exceptional circumstances). Different monetary amounts will be categorized under a range of headings, such as the types of legal practitioners involved or the complexity or stages of proceedings.



A further notice will issue from the Department of Climate, Energy and the Environment upon the signing of the proposed regulations.

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

- It is anticipated that the next Commencement Order for the Act of 2024 will bring the majority of the remaining provisions into operation.
- Details of the Act of 2024 commencement schedule and information on provisions already brought into operation are available to view [here](#).

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

Issued by:

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