

NEW BILL TO PROVIDE BLUEPRINT ON IRELAND'S PLANNING REFORMS

Reforms in Ireland's planning system are now afoot following government approval of the Planning and Development Bill 2023, after a comprehensive review. The proposed legislation aims to bring greater clarity, certainty and consistency on how planning decisions are made, and to make the system more coherent and user-friendly.



The new Planning and Development Bill 2023 (the third largest Bill in the State's history) represents the largest reshaping of the planning system in Ireland in almost 25 years since the Planning and Development Act 2000 was enacted. As of 30 November 2023, the Bill has completed the Second Stage through Dáil Éireann.

The Bill is the culmination of a 15-month review by the Office of the Attorney General and extensive stakeholder engagement, to ensure that it is fit to serve the planning systems and meet today's challenges and those to come in future decades.

The Bill will be enacted on a phased basis, alongside supports and resources for the planning sector and the public to support a smooth transition to the new system. It contains several changes from the Draft Bill published in January 2023, which includes more detail on statutory mandatory timelines for consent processes.

It also introduces a significantly revised corporate structure for An Bord Pleanála (ABP), which will be renamed An Coimisiún Pleanála (ACP) with a separation of corporate, decision making and governance functions.

Policies and guidance will be more consistent throughout all tiers of planning, from national to local. Ministerial guidelines and policy directives will be upgraded to National Planning Statements, approved by Government.

TEN-YEAR DEVELOPMENT PLANS

The lifespan of development plans will be extended from six to ten years, with a review after the fifth year, and they will be more strategic in nature. The cycles of these plans will align to the cycle of Census data availability, to be reviewed by local elected members every five years.

The Bill will also reform aspects of planning judicial review, such as the removal of leave for application; refinement of grounds; clarification of sufficient interest and the introduction of a new Environmental Legal Cost Scheme. The Bill builds upon the review undertaken by the Office of the Attorney

General and scrutiny by the Joint Oireachtas Committee for Housing of the Draft Bill published early last year.

The key time periods will range from 18 weeks for appeals of decisions of planning authorities to 48 weeks for strategic infrastructure developments. These will be introduced on a phased basis.

The headline period for planning authorities to make decisions will remain at eight weeks, with an additional four weeks allowed for applications that require an environmental assessment. If ACP fails to make decisions in these timelines, it will face "proportionately escalating measures". These include mutually agreed time extensions, public notification and reporting, fines and intervention by the Minister for Housing in the form of a review.

JUDICIAL REVIEW PROCESS

The Bill also sets out planned changes to the Judicial Review (JR) process for planning decisions. It proposes to remove the application-for-leave stage, to reduce time spent in court and legal costs, while it also limits the ability of applicants to bring amended grounds beyond those originally filed in their applications.

On announcing the Cabinet approval last October for the new Bill, Taoiseach Leo Varadkar said: "We need faster planning decisions, more timely judicial reviews and fewer of them. It's currently taking far too long for applications to get through the system and it's in all our interests to make sure the planning system is resourced properly."

He noted that the Planning and Development Bill 2023 will bring more certainty and consistency to the planning process and make it more coherent and user-friendly. "We have much to do – from housing to renewable energy, to regional development – and this legislation will be a real step change. So, let's get it done."

The new Bill also requires all JR applicants to have "exhausted any available appeal procedures or any other administrative remedy available in respect of the decision or act concerned".

HOUSING SUPPLY INCREASE

Tánaiste Micheál Martin said: “Housing is the single most urgent and important social issue facing our country at this time. This Bill will bring about fundamental improvements to our planning laws, meaning we can get on with the job of delivering Housing for All’s objectives and our other major infrastructure plans.”

Minister for Transport Eamon Ryan added that the Bill will “future proof our planning system whilst balancing key pillars of the Irish planning system such as public participation and access to justice, environmental considerations and delivery of key infrastructure such as public transport, housing and renewable energy”.

Emphasising the importance of the Bill for the delivery of more homes, Minister for Housing, Local Government and Heritage, Darragh O’Brien said the reforms will facilitate increased housing supply and critical infrastructure.

“It is vital we embed structural changes to our planning system to help tackle the many challenges we have, and this Bill represents a major step in achieving this, along with related reforms. These include the roll out of e-planning and a programme of resource review to underpin the many reforms contained in the legislation.”

The Minister is developing a Ministerial Action Plan, in consultation with relevant stakeholder groups, to address the resourcing challenge across the planning system and the shortage in the local authority planning service, to enable it to deliver on both current statutory obligations more effectively and efficiently and those set out in the Planning and Development Bill 2023.

THE PLANNING COMMISSION

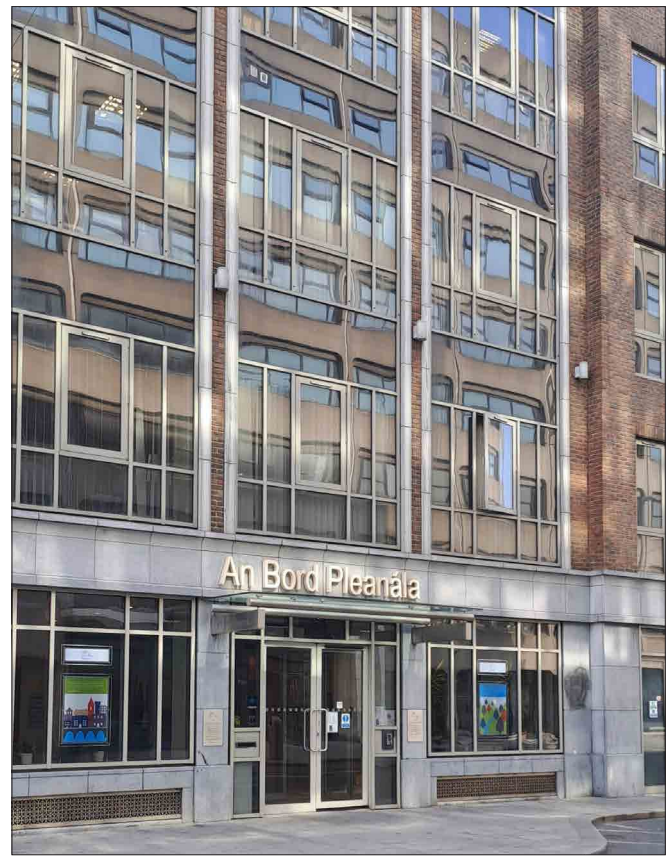
An Bord Pleanála will be renamed An Coimisiún Pleanála, as part of a significant restructure. Under a new structure the organisation will have three central pillars:

- * **Planning Commissioners:** Responsible for all decision-making regarding appeals and applications made and they will be overseen by a newly created position of Chief Planning Commissioner.
- * **Governing Board:** Responsible for the governance and organisation.
- * **Corporate Spine:** Providing support to all the organisations and functions will be overseen by a Chief Executive Officer.

Statutory time periods will be introduced for decision making for all consent and appeal processes of An Coimisiún Pleanála. These timelines will be introduced on a phased basis, starting with those for Strategic Infrastructure Developments (including energy and transport projects).

A new recruitment process will be rolled out for full-term board members, while interim temporary board members will continue to be appointed as vacancies arise. An Bord Pleanála received an Exchequer allocation of €26.9m for 2023 (an increase of €4.7m on the previous year).

When all approved posts are filled, over 300 people will be employed by ABP – over 50% increase in the agreed staffing levels since 2021. The total number of Board members serving in An Bord Pleanála is now 15, the maximum now provided for under the legislation.



The Bill will introduce a revised corporate structure for An Bord Pleanála (ABP), to be renamed An Coimisiún Pleanála (ACP).



KEY REFORMS IN PROPOSED LEGISLATION

- New ten-year Development Plans for local authorities.
- Increased alignment among the tiers of planning.
- An Bord Pleanála to be renamed An Coimisiún Pleanála.
- Mandatory timelines for decision-making by An Coimisiún Pleanála.
- Reform of Planning Judicial Review, including new Environmental Legal Cost Scheme.
- New provisions for Urban Development Zones.