

NEW PLANNING LEGISLATION AIMS TO *Fit The Bill For Ireland*



Ireland's Planning and Development Bill 2023 aims to significantly reform the planning system by consolidating Irish planning law into a single piece of legislation, which will see changes to An Bord Pleanála, the introduction of mandatory timelines for decisions and reforming how judicial reviews can be taken against planning applications.

The Planning and Development Bill 2023 is the culmination of a comprehensive legal review of the Planning and Development Act 2000, led by the Office of the Attorney General, initiated by the Government in July 2021.

Since then, every aspect of the planning legislation has been reviewed with a view to improving clarity, consistency and confidence throughout the Irish planning system. The longest bill considered by the 33rd Dáil and the third largest in the history of the State, it was subject to extensive stakeholder engagement and Oireachtas scrutiny in recent times.

On welcoming the Bill's passage through the Houses of the Oireachtas, the Minister for Housing, Local Government and Heritage, Darragh O'Brien TD, described it as "a pivotal moment

for Government in our efforts to ensure we have a planning system that is fit for purpose, both now and into the future".

The Minister noted that the Government's 'Housing for All' strategy had committed to overhauling the planning legislation to ensure it was fit for purpose. "This legislation does just that by providing clarity, consistency and certainty for all users. Ireland will have a planning system which matches our strong ambitions for housing delivery and critical infrastructure over the coming decades."

"WIDESPREAD CONSULTATION"

"This legislation is the culmination of a 15-month review, ordered by then Taoiseach Micheál Martin and carried out by the former Attorney General Paul Gallagher. First published in

Planning Legislation

January 2023, it underwent widespread consultation and has been subject to more than 175 hours of debate across both houses of the Oireachtas.”

Alan Dillon TD, Minister of State for Local Government and Planning, said the Bill is “momentous” not only in its size, but in its significance to nearly every aspect of people’s lives, from housing delivery to critical infrastructure to future proof our country.

“The extra funding I secured in Budget 2025 will help to make sure our planning system, including An Bord Pleanála and our local planning authorities, has the staff and resources to underpin this transformation.”

Minister of State with responsibility for Nature, Heritage and Electoral Reform, Malcolm Noonan TD added: “Protection of our natural, built and archaeological heritage is vital as our country’s population continues to grow.

A robust planning regime with public participation at its core is a cornerstone of how we conserve our shared heritage. This Bill will help us to achieve our common goal.”

PHASED ROLLOUT PLANNED

Arrangements are being put in place to roll out the Act on a phased basis to allow for the smooth operational transition of this updated legislation across the planning system. Local authorities, An Bord Pleanála, the Office of the Planning Regulator, in addition to infrastructure providers and professional planning institutes are being consulted on this work.

The provisions in the current Planning and Development Act will remain in place until the relevant provisions in the new Act are commenced. A parallel assessment of planning regulations has been undertaken to identify any in need of updating and work on drafting of the secondary legislation is advanced. This will include public consultation on key aspects such as thresholds for exemption from planning permission and is being progressed in line with the transitional arrangements for the commencement of the new legislation.

PLANNING INSTITUTE REVIEW

A spokesperson for the Irish Planning Institute (IPI) described the Planning and Development Bill 2023 as “one of the largest, most complex and far-reaching pieces of legislation ever to come before the Oireachtas”.

The IPI spokesperson noted in a statement: “It [the Bill] has been subject to significant amendment since it was introduced a year ago. Having engaged with the process on behalf of our members, the IPI will now review the final legislation and will continue to work collaboratively with the department and the Government to ensure that the revision of the regulations to implement this legislation is carried out as effectively and efficiently as possible. Alongside this we will continue to advocate that sufficient planners are in place to deliver on the intent of the Bill.

“Our members are the professional planners working throughout the public, private and semi-state sectors that are



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crucial to the implementation of the new legislation. The Irish Planning Institute will be delivering training to them, and other key stakeholders such as Councillors, to ensure that they are ready to work with the legislation to advance proper planning in the interests of the common good.”



Key Reforms under Planning and Development Bill 2023

- Introduction of statutory timelines for all consenting processes, to give confidence and certainty to applicants.
- Significant reorganisation of An Bord Pleanála, to be known as An Coimisiún Pleanála.
- Greater mandatory alignment of all tiers of planning, improving consistency.
- Improvements to the planning judicial review processes.
- Clearer, more consistent policies and guidance.
- Longer term, more strategic, ten-year plans for local authorities.
- More agile local implementation, through the introduction of Urban and Priority Area Plans, including new bespoke plans for Gaeltacht and Island communities.
- Creation of Urban Development Zones to facilitate a more plan-led approach to development, increasing certainty at the master-planning stage.
- Provisions to deter abuse of planning processes through spurious planning submissions and appeals, as well as a ban on requesting payment for not opposing development.
- Ability to suspend the duration of a permission while subject to judicial review proceedings, so as not to lose any time available for completing the development.

CHAMBERS IRELAND REACTION

Chambers Ireland has welcomed the approval by the Dáil of the long-awaited Planning and Development Bill, which Chief Executive Ian Talbot said represents a vital step towards addressing Ireland’s long-standing infrastructure challenges.

“We’re optimistic that the legislation will streamline co-ordination, speed up decisions, and bring much-needed certainty. This should be the catalyst for delivering the infrastructure the State urgently needs. To remain a competitive economy the State needs to be an attractive place to invest in and live.”

The Chambers Ireland chief said that for too long, projects have been hampered by a sluggish and fragmented planning system. “This manifests itself in the repeated delays to key developments that are vital for our economic future. It’s now time to ‘push on’ and realise the objectives of the National Development Plan, to deliver on the transport, housing, energy and water infrastructure that is the lifeblood of our growing population.”

He said that ‘push on’ means being proactive and getting ahead of the curve to facilitate investment. “For example, attention should now be given to implementing the EU Revised Renewable Energy Directive 2023 to streamline permits for renewable energy projects. The urgency needs to be there.”

Talbot continued: “Alongside legislative reform, we’ve been advocating for stronger support and resources for planning authorities nationwide. To truly succeed, this effort must also extend to bolstering Local Government and the Courts and judicial system.”

CRITICISM FROM THE OPPOSITION

The Government’s controversial new planning laws have passed through the Dáil despite criticism from the opposition over a lack of time to debate the Bill. In a final vote on 9 October, the Bill passed by 72 votes in favour to 60 against, before it was signed into law by President Michael D. Higgins.

Opposition TDs had accused the Government of contempt, due to a lack of time to scrutinise the final stage of the bill, with three hours set aside to debate 177 pages of amendments to the legislation.

As reported across media circles, following the passing of the legislation, Sinn Féin’s Housing Spokesperson Eoin Ó Broin accused Housing Minister Darragh O’Brien of “contempt for the opposition” by rushing the final stages of the Bill.

“This is an entirely inappropriate way to progress legislation....it shows a level of contempt for the opposition and the important role that we play,” according to Ó Broin.

His comments were echoed by Social Democrats’ Housing Spokesperson Cian O’Callaghan, who said that Minister O’Brien has previously needed to fix legislation he introduced.

“It does show a complete lack of respect for the democratic process and a whole process of legislative scrutiny,” O’Callaghan said. Sinn Féin’s Eoin Ó Broin cited the concerns of the Irish Planning Institute (IPI), which he said noted that many professional planners had no confidence in the new bill.