



An Roinn Tíreochta,
Rialtas Áimhí agus Oidhreachta
Department of Housing,
Local Government and Heritage

Update on Planning Bill and Development Bill

June 2023

Planning Division

Department of Housing, Local Government and Heritage

Benefits of the Draft Bill



- **Clarity, Consistency and Certainty.** It increases clarity, streamlines the legislation and improves coherence and usability for the public and practitioners.
- **Removes duplication, improves processes and reorganises layout and signposting.** Bill will be clearer to use and highlights the important points of **engagement for the public.**
- **Ensures alignment and consistency,** both with **European and environmental obligations** and in relation to the various tiers of **national, regional and local plan-making.**
- **Greater certainty through the introduction of a range of statutory and mandatory timelines** across the various consenting processes.

Plans and Policy



National Planning Statements

- Ministerial guidelines and policy directives will be replaced with National Planning Statements, comprising **National Planning Policies and Measures** and **National Planning Policy Guidance**.
- National Planning Statements will be approved by Government and alignment with them will be mandatory. The associated Policy Guidance will outline how they may be implemented. Brings greater clarity and consistency to where national policy and guidance interacts with the planning system.

National Planning Framework

- The NPF will continue to have a 20-year cycle, with opportunity for periodic review every five years now tied into census cycles.

Regional Spatial and Economic Strategies

- Regional Assemblies will adopt RSES with a 10 – 20 year timeline, with the Strategy to commence reviewed within 6 months of any NPF review and update.
- Metropolitan Area Strategic Plans (MASPs) for each of the five cities, embedded within the three RSES.

Local Development Plans



- Development Plans will be extended to a **10-year cycle, with a review after year 5 and a greater focus on strategies that comprise spatial planning framework for decision making.**
- LAs will prepare an **‘Interim Report on Implementation’** to take account of changes to national policies since the publication of the plan and propose variations to ensure consistency across the tiers of planning
- Variations may also be proposed to progress the overall strategy for proper planning and sustainable development based on performance over the first five years and can make changes to zoned land
- Local Area Plans will be replaced by specific types of area based plans
- Lower order plans will be required to be **aligned to higher order plans**

Consents



- Clearer distinction between different categories of consents:
 - ✓ *Standard Planning Application*
 - ✓ *Applications made directly to the Board*
 - ✓ *Alterations, extensions and revocations of permissions*
 - ✓ *Local authority and State authority development*
- **Statutory mandatory timelines for all consent processes**, including An Bord Pleanála.
- For An Bord Pleanála processes, **timelines are being introduced for appeals as well as the various consents applications** made directly to the Board, including Strategic Infrastructure Developments.
- Will be introduced on a phased basis, starting with Strategic Infrastructure Developments, including energy projects.
- The ability of local authorities or An Bord Pleanála to make decisions that **materially contravene a development plan will be limited.**
- Outline Planning Permission will be limited to developments of four or less housing units.

Judicial Review



- Changes should be seen in the context of other policy changes including consistency of approach with planning policy and **limited grounds for material contravention in planning decisions.**
- **Costs protection** for applicants and an **administrative scheme to deal with costs.**
- **Timelines for the various steps in the process** including for pleadings, hearing of cases and delivery of judgements by the court.
- An Coimisiún Pleanála or the local authority will be able to **correct an error of fact or law** in its planning decision and can also apply for a stay on the determination of proceedings while doing so.
- Provisions regarding standing will be updated to clarify who can take Judicial Reviews.
- **Residents Associations can still take Judicial Review proceedings** but must comply with standing requirements.

An Coimisiún Pleanála



- New organisational structure for An Bord Pleanála to separate the **decision-making** and **corporate/organisational roles**.
- An Bord Pleanála will be re-named as **An Coimisiún Pleanála** to bring greater clarity to the understanding of these distinct roles.
- The Bill contains a number of provisions reflecting this new organisational structure and will clearly outline the role of:
 - ✓ *Planning Commissioners* – who will be responsible for all decision making regarding consents and applications made to it under the new Bill. There will be *Chief Planning Commissioner* and up to 14 *Planning Commissioners*. These will be full-time posts and will replace the current *Chairperson* and *Board Member* roles.
 - ✓ *The Governing Executive* - which will be responsible for the governance and organisation of the body and will comprise a *Chief Executive*, and up to 7 non-executive members.



Questions?