



Number 20 of 2017

Planning and Development (Amendment) Act 2017



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PLANNING AND DEVELOPMENT (AMENEDMENT) ACT 2017

CONTENTS

Section

1. Amendment of section 28 (amendment, etc., of section 42 (power to extend appropriate period) of Act of 2000) of Planning and Development (Housing) and Residential Tenancies Act 2016
2. Short title, collective citation and construction

[No. 20.]

Planning and Development Act 2017.

[2017.]

ACTS REFERRED TO

Planning and Development (Housing) and Residential Tenancies Act 2016 (No. 17)

Planning and Development Act 2000 (No. 30)

Planning and Development Acts 2000 to 2016



Number 20 of 2017

PLANNING AND DEVELOPMENT (AMENEDMENT) ACT 2017

An Act to amend section 28 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and to provide for connected matters. [19th July, 2017]

Be it enacted by the Oireachtas as follows:

Amendment of section 28 (amendment, etc., of section 42 (power to extend appropriate period) of Act of 2000) of Planning and Development (Housing) and Residential Tenancies Act 2016

1. Section 28 of the Planning and Development (Housing) and Residential Tenancies Act 2016 is amended in subsection (2) (which provides for a construction of section 42 of the Planning and Development Act 2000) by substituting the following for paragraph (a):

“(a) as if the following subsection were inserted after subsection (1):

‘(1A) (a) Notwithstanding anything to the contrary in subsection (1) or (4), a planning authority shall—

- (i) as regards a particular permission in respect of a development that relates to 20 or more houses and in respect of which an environmental impact assessment or an appropriate assessment, or both of those assessments, were not required before the permission was granted, and
- (ii) upon application being duly made to the authority setting out the reasons why the development cannot be reasonably completed within the appropriate period,

further extend the appropriate period by such additional period not exceeding 5 years, or until 31 December 2021, whichever first occurs, but the authority shall only so extend that period where the authority—

- (I) considers it requisite to enable the development to which the permission relates to be completed,
- (II) is satisfied that the application is in accordance with such regulations under the Planning and Development Acts 2000 to 2016 as apply to the application,
- (III) is satisfied that any requirements of, or made under those regulations are complied with as regards the application,

- (IV) is satisfied that the development to which the permission relates was—
- (A) commenced, and
 - (B) substantial works were carried out,
- before the expiration of the appropriate period or any extension of that period, and
- (V) is satisfied that in the case of a permission—
- (A) where the expiry of the appropriate period as extended occurred or occurs during the period from 19 July 2016 to the day preceding the day that section 28(2) of the Planning and Development (Housing) and Residential Tenancies Act 2016 comes into operation, the application is duly made within 6 months of the said commencement date, or
 - (B) where the appropriate period as extended expires on or after the date of commencement of section 28(2) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the application is duly made within the period prescribed for the purposes of section 43(2).’”.

Short title, collective citation and construction

2. (1) This Act may be cited as the Planning and Development (Amendment) Act 2017.
- (2) The Planning and Development Acts 2000 to 2016 and this Act may be cited together as the Planning and Development Acts 2000 to 2017 and shall be construed together as one.