

NEW BILL TO PROVIDE A BLUEPRINT FOR PLANNING REFORM

Major reforms in Ireland's planning system are now afoot following recent government approval of the Planning and Development Bill 2023, following a comprehensive 15-month 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 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 over two decades since the Planning and Development Act 2000 was enacted.

The Government says that it will take a number of weeks to prepare the Planning and Development Bill 2023 for publication due to its size. The Bill runs to almost 700 pages and is the product of a 15-month review by the Office of the Attorney General and extensive stakeholder engagement, to ensure that the new Bill is fit to serve the planning systems and meet today's challenges and those to come in future decades.

Once published, the Planning and Development Bill 2023 will then proceed before the Houses of the Oireachtas, subject to its timetable. 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 earlier this year, which include more detail on statutory mandatory timelines for consent processes, including for the first time decisions for An Bord Pleanála. It also introduces a significantly revised corporate structure for An Bord Pleanála, which will be renamed An Coimisiún Pleanála, 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 year five, 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 also reforms aspects of planning judicial review, with changes such as 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 earlier this 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 ABP fails to make decisions with 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.

CHANGES TO 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 Cabinet approval 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 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 JR applicants

FROM PLANNING BOARD TO PLANNING COMMISSION

An Bord Pleanála (The Planning Board) will be renamed An Coimisiún Pleanála (The Planning Commission), as part of a significant restructure and 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:** Provision of 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, delivering increased

certainty for both the public and stakeholders involved in the delivery of key infrastructure. It is intended 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 has received an Exchequer allocation of €26.9m for 2023 (an increase of €4.7m on last year’s allocation).

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 includes related reforms such as the roll out of e-Planning and a programme of resource review to underpin the many reforms contained in the legislation.

KEY REFORMS IN THE PROPOSED LEGISLATION:

- New ten-year Development Plans for local authorities.
- Increased alignment among the tiers of planning.
- Significant restructuring of An Bord Pleanála, to be renamed An Coimisiún Pleanála.
- Mandatory timelines for decision-making by An Coimisiún Pleanála.
- Reform of Planning Judicial Review, including the introduction of an Environmental Legal Cost Scheme.
- New provisions for Urban Development Zones.
- Revision of Environmental Assessment provisions to ensure full compliance and alignment with EU Directives.
- Inclusion of further detail regarding changes to the processes and parameters of planning Judicial Review, such as the removal of the application for leave stage, and the introduction of a new Environmental Legal Costs Scheme.
- Further refinement of detail of the full organisational restructure of An Coimisiún Pleanála.
- The new Bill contains provision for Urban Development Zones (UDZs) which will empower local authorities to designate areas with significant potential for development, including housing. These areas will be a focus for State investment in key enabling infrastructure to ensure the potential for development can be realised in a timely manner, with critical land required for infrastructure identified early in the process.

SOME KEY CHANGES FROM ORIGINAL BILL:

- Revision of the plan-making provisions across all tiers of planning for operational consistency and a longer time for completion of development plans, taking on board stakeholder feedback.
- Statutory timelines across all consenting processes have been reviewed – including for the first time for An Coimisiún Pleanála. These range from between 18 and 48 weeks depending on the type of application or appeal, with a system of proportionately escalating measures in place if the Commission does not make decisions within the mandatory time limits detailed in the Bill.



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.”

Transport Minister Eamon Ryan added that while the Bill is both welcome and timely “It 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. This Bill can be a cornerstone to our sustainable and balanced development as a country.”

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 now 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.



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