



To: Directors of Planning in each local authority

CC: Chief Executives

Senior Planners

An Bord Pleanála

Office of the Planning Regulator

Directors of Regional Assemblies

Circular Letter PL 09/2022

11 November 2022

**Re: Planning and Development (Amendment)(No. 2) Regulations 2022 [S.I. 565/2022]**

I have been asked by Mr. Peter Burke, T.D., Minister of State at the Department of Housing, Local Government and Heritage to advise that he has recently signed the above-named Regulations which came into operation **with effect from 09 November 2022**. A copy of the Regulations is attached for information.

The new Regulations 2022 amend Article 22(2)(g) and Form 2 in Schedule 3 of the Planning and Development Regulations 2001 in relation to the information and documentation required to be provided with a planning application.

Under the pre-existing Article 22(2)(g) provisions, where Irish Water identified land as being suitable for the location of water-related infrastructure (such as a water treatment plant etc) but did not own the land in question and have landowner consent to submit a planning application for a proposed development on that land, it was effectively required to compulsorily acquire the land in question under its CPO powers before being able to submit a planning application for the proposed development. In this



regard, Article 22(2)(g)(i) of the pre-existing Regulations provides that a planning application shall be accompanied by “where the applicant is not the legal owner of the land or structure concerned, the written consent of the owner to make the application”. These arrangements had significant cost and time delay implications for Irish Water in progressing proposed water-related infrastructure.

On foot of the new amending Regulations, which are aimed at streamlining the planning process in relation to the progression of water-related infrastructure, Irish Water is now no longer required to submit the written consent of the landowner when making a planning application. Instead, the newly inserted sub-paragraph (iii) in Article 22(2)(g) requires Irish Water, when making a planning application for a proposed development on property it does not currently own, to furnish written confirmation of its intention to compulsorily acquire the land in question, along with the statutory provisions underpinning those powers, should planning permission be granted for the proposed development.

It is important to note that the new regulations do not pre-determine the outcome of either the planning process or of any subsequent compulsory purchase order process relating to the land concerned.

Any queries in relation to this Circular letter should be emailed to [planning@housing.gov.ie](mailto:planning@housing.gov.ie).

Terry Sheridan  
Principal  
Planning Policy and Legislation



**Attachment for information:**

Planning and Development (Amendment)(No. 2) Regulations 2022