STATUTORY INSTRUMENTS.

**S.I. No. of 2026**

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# PLANNING AND DEVELOPMENT (CONTROL OF DEVELOPMENT - AN COIMISIÚN PLEANÁLA) REGULATIONS 2026

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# PLANNING AND DEVELOPMENT (CONTROL OF DEVELOPMENT - AN COIMISIÚN PLEANÁLA) REGULATIONS 2026

I, James Browne, Minister for Housing, Local Government and Heritage in exercise of the powers conferred on him by sections 4(1), 116(4)(b)(vi), 120(1) and (2), 122(3), 140(3), 140(4), 140(9), 140(10), 145(1), 145(2), 147(3), 183, 377(1) and 588(1) of the Planning and Development Act 2024 (No. 34 of 2024), hereby make the following regulations:

## Citation

1. These Regulations may be cited as the Planning and Development (Control of Development - An Coimisiún Pleanála) Regulations 2026.

## Definitions

2. In these Regulations -

"Act" means Planning and Development Act 2024 (No. 34 of 2024);

"alteration request" means a request for an alteration or extension of duration of a permission made under section 140(1) of the Act;

"application" means an application for Chapter 4 development;

"Chapter 4 development" has the meaning assigned to it in section 82(1) of the Act;

"pre-application consultation" means the consultations provided for in section 116 of the Act;

"prospective applicant" has the meaning assigned to it by subsection (1) of section 116 of the Act;

"requester" means a person who makes an alteration request under section 140 of the Act.

## Pre-application consultation

3. (1) On receipt of a request to enter into pre-application consultations, the Commission shall notify the relevant planning authority of the request.

(2) The Commission shall, during the course of a pre-application consultation, indicate to a prospective applicant:

(a) the plans, particulars or other information which the Commission will require for the purposes of consideration of an application,

(b) the time frames and sequencing to be applied to the application process, and

(c) any other matters in relation to the application process as the Commission considers appropriate.

DRAFT

(3) Where the Commission forms the opinion that there is the potential for the proposed development to have significant effects on the environment in a Transboundary Convention State, or on the maritime area, it shall indicate to the prospective applicant:

(a) which bodies, in which Transboundary Convention States, should be notified for the purposes of Chapter 4 development, as appropriate, and

(b) how many copies of the application and environmental impact assessment report should be sent with the notification referred to in paragraph (a).

(4) The Commission may, during the course of a pre-application consultation, require a prospective applicant to give notice to the public or to carry out consultations specified by the Commission with the public in advance of an application being submitted.

(5) During the course of a pre-application consultation, the Commission shall indicate to a prospective applicant which of the bodies prescribed under Regulation 6 should, in the opinion of the Commission, be notified by the prospective applicant of the making of an application and the prospective applicant shall notify those bodies.

(6) Notwithstanding any indication given under paragraph (2), (3) or (4), nothing shall prevent the Commission from requiring a prospective applicant for Chapter 4 development to submit further information or from giving further notice to the public or to any person or body.

**Consultations on information to be contained in an environmental impact assessment report.**

4. (1) The specified bodies for the purposes of section 235 of the Act shall be—

(a) the Minister,

(b) the Environmental Protection Agency,

(c) the Minister for Climate, Energy and the Environment,

(d) the relevant planning authority, and

(e) where it appears to the Commission the proposed development would be likely to have significant effects on the environment in a Transboundary Convention State, to the Transboundary Convention State, as appropriate.

(2) In addition to the provisions of paragraph (1), the Commission may invite submissions or observations in relation to the information to be contained in the environmental impact assessment report from the bodies referred to in Regulation 6, as appropriate.

DRAFT

**Additional requirement for public notice in respect of application**

5. Any notice which an applicant is required to give to the public in respect of an application for Chapter 4 development shall indicate the types of decision the Commission can make in relation to the application.

**Prescribed bodies**

6. (1) The prescribed bodies for the purposes of Chapter 4 development are:

(a) where it appears to the Commission that the land or structure is situated in an area of special amenity, whether or not an order in respect of that area has been confirmed under section 266(7) (or deemed to be so confirmed under section 271(1)) of the Act, or that the development or retention of the structure might obstruct any view or prospect of special amenity value or special interest — to An Chomhairle Ealaíon, Fáilte Ireland, and An Taisce — the National Trust for Ireland,

(b) where it appears to the Commission that the development might obstruct or detract from the value of any tourist amenity or tourist amenity works— to Fáilte Ireland,

(c) where it appears to the Commission that the development—

(i) would involve the carrying out of works to a protected structure or proposed protected structure, or to the exterior of a structure which is located within an architectural conservation area,

(ii) might detract from the appearance of a structure referred to in sub-paragraph (i).

(iii) might affect or be unduly close to -

(I) a cave, site, feature or other object of archaeological, geological, scientific, ecological or historical interest,

(II) a monument or place recorded under section 12 of the National Monuments (Amendment) Act 1994 (No. 17 of 1994),

(III) a historic monument or archaeological area entered in the Register of Historic Monuments under Section 5 of the National Monuments (Amendment) Act 1987 (No. 17 of 1987),

(IV) a national monument in the ownership or guardianship of the Minister under the National Monuments Acts 1930 to 2014, or

(iv) might obstruct any scheme for improvement of the surroundings of, or any means of access to, any structure, place, feature or object referred to in sub-paragraph (iii),

– to the Minister, the Heritage Council, and An Taisce – the National Trust for Ireland, and in the case of development of a

DRAFT

type referred to in sub-paragraph (i) or (ii), An Chomhairle Ealaíon and Fáilte Ireland.

(d) where it appears to the Commission that the area of another local authority might be affected by the development — to that local authority.

(e) where it appears to the Commission that the development would not be consistent with any regional planning guidelines (or any objective thereof) of a regional assembly—to that regional assembly,

(f) where it appears to the Commission that if permission were granted, a condition should be attached under section 87 of the Act— to any local authority (other than the planning authority) who would be affected by any such condition,

(g) where it appears to the Commission that—

(i) the development might cause the significant abstraction or addition of water either to or from surface or ground waters, whether naturally occurring or artificial,

(ii) the development might give rise to significant discharges of polluting matters or other materials to such waters or be likely to cause serious water pollution or the danger of such pollution, or

(iii) the development would involve the carrying out of works in, over, along or adjacent to the banks of such waters, or to any structure in, over or along the banks of such waters, which might materially affect the waters,

—to Inland Fisheries Ireland and, in any case where the waters concerned are listed in Part 1 of Annex 1 of the Schedule to the British-Irish Agreement Act, 1999 (No. 1 of 1999), to Waterways Ireland,

(h) where it appears to the Commission that the development might endanger or interfere with the safety of, or the safe and efficient navigation of aircraft — to the Irish Aviation Authority and to the Irish Air Navigation Service, known as AirNav Ireland,

(i) where it appears to the Commission that the development might interfere with the operation and development of a licensed airport, whose annual traffic is not less than 1 million passenger movements — to the airport operator,

(j) where the development may have an impact on bus or rail-based transport, to the National Roads Authority, National Transport Authority and Transport Infrastructure Ireland as appropriate,

(k) where it appears to the Commission that—

(i) the development consists of or comprises the formation, laying out or material widening of an access to a national road within the meaning of section 2 of the Roads Act 1993

DRAFT

(No. 14 of 1993), not being a national road within a built-up area, or

(ii) the development might give rise to a significant increase in the volume of traffic using a national road,

— to the National Roads Authority,

(l) where the development might significantly impact on surface transport in an area covered by a relevant transport strategy published by the National Transport Authority – to the National Transport Authority,

(m) where the development comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence— to the Environmental Protection Agency,

(n) where it appears to the Commission that the development might have significant effects in relation to nature conservation— to the Heritage Council, the Minister and An Taisce — the National Trust for Ireland,

(o) where the development is in a Gaeltacht area and it appears to the competent authority that it might materially affect the linguistic and cultural heritage of the Gaeltacht, including the promotion of Irish as the community language — to the Minister for Rural and Community Development and the Gaeltacht and Údarás na Gaeltachta,

(p) where the development is in the vicinity of an explosives factory, storage magazine or local authority explosives store—to the Minister for Justice, Home Affairs and Migration,

(q) where the application relates to development for the purposes of breeding or rearing of salmonid fish— to the Minister for Agriculture, Food and the Marine and the Minister for Climate, Energy and the Environment,

(r) where the application relates to development for the purposes of initial afforestation, deforestation for the purpose of conversion to another type of land use or the replacement of broadleaf high forest by conifer species— to the Minister for Agriculture, Food and the Marine, The Heritage Council and An Taisce - the National Trust for Ireland,

(s) where it appears to the Commission that the development might have significant effects on public health— to the Health Service Executive,

(t) where the application relates to extraction of minerals within the meaning of the Minerals Development Acts, 1940 to 1995— to the Minister for Climate, Energy and the Environment,

(u) where it appears to the Commission that the development might impact on the foreshore—to the Minister for Agriculture, Food and the Marine and the Minister for Climate, Energy and the Environment,

DRAFT

(v) where the application relates to the development of energy infrastructure, or may have an impact on energy infrastructure— to the Commission for Regulation of Utilities,

(w) where the development might—

(i) give rise to a significant increase in the volume or type of traffic (including construction traffic) passing under a height restricted railway bridge, or using a railway level crossing, or a bridge over a railway,

(ii) because of its proximity to a railway, impact on the structural integrity of railway infrastructure during construction of the development, or

(iii) endanger or interfere with the safe operation of a railway, during or after construction,

— to the railway operator, the Commission for Railway Regulation, and, in the case of development which might impact on a light railway or metro, the National Roads Authority, National Transport Authority, and Transport Infrastructure Ireland,

(x) where the application relates to—

(i) the extraction of minerals, other than minerals within the meaning of the Minerals Development Acts 1940-1999, whether by surface or underground means,

(ii) the development of, or extensions to, quarries, including sand or gravel pits, for the extraction of earth materials, or

(iii) a development which, for other purposes, requires the excavation of earth materials greater than a total volume of 50,000m3 or the excavation of earth materials on a site area greater than 1 hectare,

— to the Minister for Climate, Energy and the Environment,

(y) where it appears to the Commission that the development might impact on the provision of public water services— to Uisce Éireann,

(z) where it appears to the Commission that the development would likely give rise to significant additional demand for early learning and childcare provision— to the Minister for Children, Disability and Equality,

(aa) where the application relates to the development of purpose built student accommodation or may alter the use of purpose built student accommodation—to the Minister for Further and Higher Education, Research, Innovation and Science,

(ab) where the proposed development is in the vicinity of a military installation, including a military aerodrome used by the Irish Air Corps, or berthage facilities used by the Irish Naval Service or where the proposed development may otherwise infringe, restrict

DRAFT

or interfere with military operations be they land, sea or air based activities— to the Minister for Defence.

(2) Where the Commission receives an application for development in the nearshore or maritime area, the Commission shall in addition to the bodies prescribed in paragraph (1), include the following bodies as required:

(a) The Minister;

(b) the Minister for Climate, Energy and the Environment;

(c) the Minister for Transport;

(d) the Minister for Defence;

(e) the Minister for Agriculture, Food and the Marine;

(f) the Environmental Protection Agency;

(g) the Maritime Area Regulatory Authority;

(h) the Minister for Rural and Community Development and the Gaeltacht;

(i) Marine Institute;

(j) Inland Fisheries Ireland;

(k) Health and Safety Authority;

(l) Commission for Regulation of Utilities;

(m) Fáilte Ireland, where the development might obstruct or detract from any tourist amenity;

(n) An Taisce - the National Trust for Ireland;

(o) a local authority, where the area of the local authority might be affected by the development;

(p) a relevant regional assembly;

(q) National Transport Authority;

(r) Irish Aviation Authority, where the development might endanger or interfere with the safety of, or the safe and efficient operation of, aircraft;

(s) Sustainable Energy Authority of Ireland;

(t) Eirgrid;

(u) Commissioners of Irish Lights;

(v) Irish Coastguard;

(w) if any transboundary considerations apply, the Northern Ireland Department for Regional Development, the Loughs Agency and the Minister for Foreign Affairs and Trade;

(x) Transport Infrastructure Ireland;

(y) National Roads Authority.

DRAFT

(3) A reference in paragraph (1) to Fáilte Ireland shall, in the case of a planning application relating to land or a structure situated in the functional area of the Shannon Commercial Enterprises DAC, be construed as a reference to that Company.

**Application procedure**

7. (1) Before a prospective applicant applies for Chapter 4 development, the prospective applicant shall—

(a) publish in one or more newspapers circulating in the area or areas in which it is proposed to carry out the development a notice indicating the nature and location of the proposed development and –

(i) indicate -

(I) that the person proposes to make an application to the Commission for permission for the proposed Chapter 4 development and, where applicable,

(II) whether the proposed development is located on land or in the maritime area or both,

(III) whether the proposed development is located in an Architectural Conservation Area,

(IV) whether the proposed development will affect a protected structure,

(V) whether an environmental impact assessment report has been prepared in respect of the proposed development,

(VI) whether a Natura impact statement has been prepared in respect of the proposed development,

(VII) where relevant, the proposed development is likely to have significant effects on the environment of another Member State or a Transboundary Convention State,

(VIII) where relevant, the proposed development includes renewable energy infrastructure,

(IX) where relevant, indicate whether a particular Environmental Protection Agency licence is required, and

(X) whether the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015 (S.I. No. 209 of 2015 ) applies to the proposed development.

(ii) specifying the times and places at which, and the period (not being less than 6 weeks) during which, a copy of the application and where applicable any environmental impact

DRAFT

assessment report or Natura impact statement may be inspected free of charge or purchased on payment of a specified fee (which fee shall not exceed the reasonable cost of making such copy),

(iii) inviting the making, during such period, of submissions and observations to the Commission relating to—

(I) the implications of the proposed development for proper planning and sustainable development,

(II) the implications of the proposed development for maritime spatial planning and

(III) the likely effects on the environment or any European site of the proposed development, if carried out, and

(iv) specifying the types of decision the Commission may make, under section 123 of the Act, in relation to the application,

(b) send a copy of the application and the environmental impact assessment report to the planning authority or authorities in whose area or areas the proposed development would be situated,

(c) prior to the making of an application, send a copy of the application and the environmental impact assessment report to any prescribed authorities together with a notice stating that submissions or observations may, during the period referred to in paragraph (a)(ii), be made in writing to the Commission in relation to—

(i) the implications of the proposed development for proper planning and sustainable development,

(ii) the implications of the proposed development for maritime spatial planning,

(iii) the likely effects on the environment of the proposed development, if carried out, and

(d) where the proposed development is likely to have significant effects on the environment of another Member State or Transboundary Convention State, send a copy of the application to the prescribed authority of the relevant state or states together with a notice stating that submissions or observations may, during the period referred to in paragraph (a)(ii), be made in writing to the Commission.

(2) Subject to paragraph (3), when making an application for Chapter 4 development, the applicant shall send to the Commission –

(a) a copy of the plans and particulars, in a format specified by the Commission, of the proposed development (including any plans, particulars or other information indicated by the Commission under Regulation 3(2)) and where the application is accompanied by an environmental impact assessment report, of the

DRAFT

environmental impact assessment report and, where the application is accompanied by a Natura impact statement, of the Natura impact statement,

(b) a copy of the confirmation notice received by the applicant in respect of the upload of any necessary information to the environmental impact assessment portal under section 241 of the Act,

(c) a copy of the notice published in accordance with paragraph (1),

(d) a copy of the notices sent to all of the bodies notified of the application under paragraph (1), as may be appropriate, and an indication of the date on which notice was sent,

(e) a list of any other public notice given or other public consultations conducted by the applicant, including any notice or consultations done on foot of a requirement by the Commission under Regulation 3, and an indication of the date or dates of such additional notice or consultations, and

(f) where applicable a copy of an application form in a form as may be specified by the Commission and published on its website.

(3) Where any environmental impact assessment report or Natura impact statement is submitted in electronic form it shall be searchable by electronic means as far as practicable.

(4) Subject to Regulation 3(2), the principal dimensions of any subterranean ancillary structure not intended for occupation or use by persons are not required to be indicated in the plans or particulars, or both, for a development.

(5) Where the Commission requires, they may request additional copies of any or all information supplied by the applicant for Chapter 4 development and may specify the form in which the additional copies are required.

(6) Where the Commission receives an application for Chapter 4 development which includes an environmental impact assessment report, as soon as may be after placing any environmental impact assessment report or any revised environmental impact assessment report on its website, the Commission shall send to the environmental impact assessment portal in electronic form in the manner set out on the portal—

(a) a copy of the confirmation notice or notices, and

(b) the Commission's file reference number of the application.

(7) Where the Commission consents an application for Chapter 4 development may be made in electronic form.

**EU Directives**

8. (1) Any development of a type referred to in these Regulations shall be subject to any requirements under section 169 of the Act regarding major accident establishments within the meaning of the Seveso III Directive, in addition to the requirement of these Regulations.

DRAFT

**Weekly list**

9. (1) The Commission shall, not later than the third working day following a particular week, make available, and display for inspection on its website, a list of:

(a) applications for Chapter 4 development, and

(b) any applications for Chapter 4 development determined or otherwise disposed of by the Commission.

(2) A list referred to in paragraph (1) in respect of any applications in respect of Chapter 4 development shall indicate:

(a) the reference number of the application,

(b) the name of the applicant,

(c) the location of the proposed development,

(d) the nature and extent of the development, and

(e) the date of receipt of the application.

(3) A list referred to in paragraph (1) in respect of any applications for Chapter 4 development determined or dismissed by the Commission, or withdrawn shall indicate:

(a) the reference number of the application,

(b) the nature and location of the development,

(c) the name of the applicant,

(d) the nature of the decision,

(e) the date of the decision, and

(f) the locations at which a full copy of the decision will be available.

**Submissions or observations in relation to an application**

10. (1) (a) Any submission or observation to the Commission in relation to an application for Chapter 4 development shall be made within the period specified in the published notice, shall be accompanied by such fee (if any) as may be payable and shall –

(i) be in a form as where specified by the Commission and published on its website,

(ii) state the name of the person making the submission or observation, the name of the person acting on his or her behalf, if any, and the contact address and Eircode (including email address, where appropriate) to which any correspondence relating to the application should be sent,

(iii) state the subject matter of the submission or observation,

(iv) state the reasons, considerations and arguments on which the submission or observation is based in full,

DRAFT

(v) include a declaration in accordance with section 588(1) of the Act in the form set out in the Schedule,

(vi) in the case of retrospective consent, may include comment on the existence or absence of exceptional circumstances as it relates to the proposed development on hand,

(vii) in compliance with section 378 of the Act, all submissions shall comply with any rules or guidance published by the Commission on its website in relation to the format and contents of the submission or observation, including any requirement for a non-technical summary of submissions.

(b) Where the Commission so consents, a submission or observation may be made in electronic form.

(2) (a) The Commission shall acknowledge in writing the receipt of any submission or observation referred to in paragraph (1) as soon as may be following receipt of the submission or observation.

(b) The acknowledgement and any further correspondence from the Commission in relation to the matter shall issue in the format in which the submission or observation was received unless otherwise agreed.

(3) Any submissions or observations that do not comply with paragraph (1) shall not be considered by the Commission.

(4) (a) Without prejudice to paragraph (b), a person who makes submissions or observations to the Commission in accordance with this regulation shall not be entitled to elaborate upon the submissions or observations or make further submissions or observations in relation to the application and any such elaboration, submissions or observations that is or are received by the Commission shall not be considered by it.

(b) The Commission may, at any time before making its decision ask any person to make submissions or observations or elaborate upon submissions or observations in relation to an application, and responses are limited to those matters raised by the Commission.

**Further information, submissions, meetings, etc.**

11. (1) Before determining any application for Chapter 4 development, the Commission may in accordance with section 366 of the Act, at any time, where it considers it necessary or expedient in respect of making a decision:

(a) request further submissions or observations from the applicant for permission, any person who made submissions or observations, or any other person who may, in the opinion of the Commission, have information, which is relevant to the determination of the application,

DRAFT

(b) make any information relating to the application available for inspection, notify any person or the public that the information is so available and, if it considers appropriate, invite further submissions or observations to be made to it within such period as it may specify, or

(c) hold meetings with the applicant for approval or any other person-

(i) where it appears to the Commission to be expedient for the purpose of determining the application, or

(ii) where it appears to the Commission to be necessary or expedient for the purpose of resolving any issue with the applicant for permission or any disagreement between the applicant and any other party, including resolving any issue or disagreement in advance of an oral hearing.

(2) The Commission shall keep a record in writing of any consultation undertaken under paragraph (1) and a copy of such record shall be placed and kept with the documents to which any application in respect of the proposed development relates.

**Content of notice of Commission's decision on application for permission**

12. Any notice of a decision made by the Commission in respect of an application for permission for Chapter 4 development shall state that, in making a decision, the Commission has had regard to any submissions or observations received in accordance with the Act or these Regulations.

**Content of decision on application for approval of Chapter 4 development**

13. (1) The Commission shall, as soon as may be following the making of its decision on an application for Chapter 4 development notify the applicant concerned, the planning authority or authorities in whose area the development would be situated, or in the case of marine development, the Maritime Area Regulatory Authority (MARA), and any person or body who made a submission or observation in respect of the application for approval concerned.

(2) Notice of the decision of the Commission under paragraph (1) shall include-

(a) the reference number of the application,

(b) the development to which the decision relates,

(c) the nature of the decision,

(d) the date of the decision,

(e) the main reasons and considerations on which the decision is based,

(f) where the application is for retrospective consent, the exceptional circumstances applying shall be outlined,

DRAFT

(g) any conditions attached to a decision, including conditions relating to community gain and the main reasons for the imposition of any such conditions,

(h) a statement that a person may question the validity of any such decision by the Commission by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with Part 9 of the Act, and

(i) a statement describing where practical information on the review mechanism can be found.

**Notice under Transboundary Convention**

14. (1)(a) Where the applicant is required to send a copy of the environmental impact assessment report together with a notice, to another Member State or Transboundary Convention State under section 238 of the Act, the Commission shall indicate to the applicant which bodies, in which states, are to be notified.

(b) For the purposes of determining which bodies are to be included under paragraph (a), the Commission may consult with –

(i) the Minister,

(ii) the Environmental Protection Agency,

(iii) the Minister for Climate, Energy and the Environment, or

(iv) the relevant planning authority,

as appropriate.

(2) A notice in accordance with section 238 of the Act shall include:

(a) a description of the development, including location,

(b) the reference number of the initial approval or permission,

(c) the nature and extent of the proposed alteration,

(d) the name of the applicant,

(e) the types of the decision the Commission may make in relation to the application, and

(f) a time period for submission of observations, specified by the Commission, but not less than 4 weeks from the date of receipt of the notice.

**Prospective applicant's request for a meeting with the Commission where certain aspects of proposed development not confirmed**

15. (1) When a person requests a meeting with the Commission under section 118 of the Act relating to a proposed application for permission for development but not all aspects of the development are likely to be confirmed by the date of the application, that request shall be in a form as may be specified by the Commission and published on its website.

DRAFT

(2) Where the Commission consents, the request to enter into a meeting referred to in paragraph (1) may be made in electronic form.

**Additional requirements for an application accompanied by an opinion under section 119(1) of the Act**

16. (1) An application for permission for Chapter 4 development may be accompanied by an opinion issued under section 119(1) of the Act.

(2) Where an application for permission for Chapter 4 development is accompanied by an opinion issued under section 119(1) of the Act, any requirement of these regulations to provide plans or particulars, or both, may be complied with by providing the following in respect of the aspects, or aspects falling within a specified category, of the proposed development to which the opinion relates:

(a) plans or particulars, or both, of each approach proposed in respect of each unconfirmed aspect or category, or

(b) such information in respect of the range within which each such aspect or category will fall as is necessary to enable the Commission to make a decision on the application for permission for Chapter 4 development.

(3) Where an application for permission for Chapter 4 development is accompanied by an opinion under section 119(1) of the Act:

(a) any notice that an applicant is required to give to the public in respect of the application shall include an indication that certain aspects of the proposed development are unconfirmed in the application and that an opinion under section 119(1) of the Act accompanies the application, and

(b) any weekly list of applications for permission for Chapter 4 development or decisions prepared under these regulations shall include an indication of that fact.

(4) Where the Commission attaches a condition under section 123(2) of the Act, the applicant shall, not later than 2 weeks prior to the commencement of the part of the development to which the condition relates, notify the planning authority in whose functional area or areas the development is situated in writing of the actual particulars of the aspect of the proposed development that has not yet been confirmed.

**Content of an alteration request for alteration or extension of permissions under section 140 of the Act**

17. An alteration request shall be made in writing, shall be accompanied by the appropriate fee, and shall contain the following information-

(a) the name and address of the requester;

(b) the telephone number and e-mail address, if any, of the requester;

DRAFT

(c) the address to which any communication relating to the request should be sent,

(d) the location, townland or postal address of the land, maritime site or structure concerned, as may be appropriate,

(e) proof of eligibility in accordance with section 85 of the Act (as modified by section 140(2) of that Act),

(f) the date of the grant of the permission the subject of the alteration request and its reference,

(g) where the alteration request is accompanied by an environmental impact assessment report, evidence of compliance with any requirements relating to the environmental impact assessment portal referred to in section 241 of the Act), a copy of the confirmation notice.

**Additional content of a request for an alteration of a permission**

18. In addition to the information specified in Regulation 17, a request for an alteration of permission under section 140 of the Act shall be accompanied by plans and particulars of the alteration request, highlighting the proposed alteration of the permission which was previously granted by the Commission and providing details of the differences between the proposed alteration and the existing planning permission, and any such information that the Commission may require to enable it to make its decision.

**Additional content of a request for an extension of duration of a permission**

19. In addition to the information specified in Regulation 17, a request for an extension of duration of a permission under section 140 shall be accompanied by the following information-

(a) date of expiration of the permission the subject of the request,

(b) particulars of the works which are proposed to be carried out pursuant to the permission during the additional duration by which the permission is sought to be extended,

(c) the date of commencement of the development to which the permission relates,

(d) an indication of whether the duration of permission has previously been extended, in accordance with the Act or the Act of 2000,

(e) subject to section 141(2) of the Act, the additional duration that the person making the request considers necessary to enable the development to which the permission relates to be completed,

(f) particulars of the works which are proposed to be carried out pursuant to the permission during the additional duration, and

the date by which the development is expected to be completed.

DRAFT

**Time limits for extensions of duration**

20. A request for an extension of duration of a permission under section 140 shall be made not earlier than one year before the date of expiration of that permission.

**Procedure on receipt of an alteration request**

21. (1) Where the Commission consents, an alteration request may be made in electronic form.

(2) On receipt of an alteration request, the Commission shall consider whether or not that request is in accordance with section 140 of the Act.

(3) Where the Commission considers that an alteration request received in accordance with section 140 of the Act, the Commission shall stamp each document either physically or electronically with the date of its receipt and shall send to the requester an acknowledgement stating the date of receipt of the request.

(4) Where the Commission considers that an alteration request received is invalid under section 140(5) or section 140(6)(b), the Commission shall -

(a) by notice in writing-

(i) inform the requester that the alteration request is invalid and cannot be considered by the Commission, and

(ii) indicate which requirements of section 140 of the Act or these Regulations, or both, the alteration request is not in accordance with,

(b) return to the requester that made the alteration request, any paper copies, including all particulars, information and documents,

(c) record that an invalid alteration request has been made, and

(d) enter the reference number of the invalid alteration into a list of invalid alteration requests published on its website.

(5) Where a notice is served in accordance with paragraph (4) on a requester, the Commission shall return to the requester any fee that accompanied the alteration request.

(6) A request for alteration may be withdrawn, by notice in writing by the requester, at any time before the giving of any determination or decision of the Commission in respect of the request.

**Consultation on whether an alteration request is a material alteration**

22. (1) Where the Commission considers in accordance with section 140(8) of the Act that submissions may be invited on an alteration request for the purposes of its determination under subsection (7) of that section, the Commission shall:

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(a) where it considers that submissions may be sought from such person or class of person, give notice in writing to such persons or class of persons stating–

(i) that an alteration request has been received by the Commission and is available for inspection or purchase at a fee not exceeding the cost of making a copy, at the offices of the Commission during its public opening hours and the Commission's website,

(ii) the reference number of the alteration request,

(iii) the proposed development or development to which permission the subject of the alteration request relates, and that permission's reference number,

(iv) the nature of the alteration,

(v) that the Commission is required for the purposes of section 140(7) of the Act to determine whether the alteration request is a material alteration request, and

(vi) that a submission in relation to the determination by the Commission as to whether the alteration request is a material alteration or not may be made in writing to the Commission within a period specified by the Commission;

(b) where it considers that submissions may be sought from the public, publish a notice in an approved local newspaper, containing as a heading the name of the Commission, marked "Determination whether an alteration request of a permission is a material alteration" and stating –

(i) that an alteration request has been received by the Commission and is available for inspection or purchase at a fee not exceeding the cost of making a copy, at the offices of the Commission during its public opening hours,

(ii) the reference number of the alteration request,

(iii) the proposed development or development to which the grant of permission the subject of the alteration request relates, and that permission's reference number,

(iv) the nature of the alteration,

(v) that the Commission is required for the purposes of section 140(7) to determine whether the alteration request is a material alteration request, and

(vi) that a submission in relation to the determination by the Commission as to whether the alteration request is a material alteration or not may be made in writing to the Commission within the period specified by the Commission.

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(vii) a submission referred to in paragraph (vi) shall be accompanied by a declaration under section 588(1) of the Act in a form as set out in the Schedule.

(2) The Commission shall as soon as may be acknowledge receipt of any submissions referred to in paragraph (1).

**Notice of the making of a non-material alteration**

23. Notice of the making the alteration or extension in accordance with section 142(1) of the Act shall be given to the requester and to any person who made a submission in accordance with section 140(8) of the Act and shall specify –

(a) the reference number of the alteration request,

(b) the proposed development or development to which the grant of permission the subject of the alteration request relates, and that permission's reference number,

(c) the nature of the alteration,

(d) the main reasons and considerations on which the determination under section 140(7) of the Act is based, and

(e) the date of the making of the alteration.

**Notice of the determination of a material alteration request**

24. (1) A notice under section 140(9) of the Act shall be given within 3 working days of the day of the making of the determination under subsection (7) of that section and shall include –

(a) the reference number of the material request,

(b) the proposed development or development to which the grant of permission the subject of the alteration request relates, and that permission's reference number,

(c) the nature of the material alteration, and

(d) the main reasons and considerations on which the determination under section 140(7) of the Act is based.

(2) A notice given under section 140(9) of the Act to the requester shall:

(a) require the requester, within a specified period, to publish a notice in an approved local newspaper, containing as a heading the name of the Commission, marked "Request for material alteration of a permission" and stating –

(i) the name of the requester who made the request,

(ii) the location, townland or postal address of the land, maritime site or structure to which the material alteration request relates (as may be appropriate),

(iii) the reference number of the material alteration,

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(iv) a description of the proposed development or development to which the grant of permission the subject of the alteration request relates, and that permission's reference number,

(v) the nature of the material alteration,

(vi) that the request is available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy, at the offices of the Commission during its public opening hours,

(vii) that any person may, upon payment of the prescribed fee, make a submission in writing to the Commission in relation to a material alteration request, not later than 5 weeks after the receipt of the newspaper notice and site notice by the Commission under (a) and (b) of this paragraph,

and to submit a copy of the notice to the Commission,

(b) require the requester, within the specified period referred to in sub-paragraph (a) for publication of the newspaper notice, to erect or fix a site notice on the land or structure to which the material alteration request relates, in a form as may be specified by the Commission and published on its website.

(c) require the requester to submit to the Commission such information as specified by the Commission with details of the material alteration,

(d) require that any information specified under paragraph (c) shall be accompanied by sufficient plans, drawings and maps detailing the proposed material alterations as required by the Commission, to make its decision on the request for material alteration, and

(e) require that where the request for material alteration solely relates to extension of duration of permission of a commenced development, the specific details shall clearly indicate the duration of the proposed extension and the rationale for the proposed duration as required by the Commission to make its decision on the request for material alteration.

(3) Following compliance with the requirements of a notice given under section 140(9) of the Act, the Commission shall –

(a) as soon as may be, give notice and a copy of the material alteration request, to any body as considered appropriate by the Commission and specified in Regulation 6, as appropriate, indicating that a submission in relation to the material alteration request may be made in writing to the Commission not later than 6 weeks after receipt of the newspaper notice and site notice by the Commission under paragraph (2)(a) and (b),

(b) as soon as may be, notify any person who made a submission in accordance with section 140(8) of the Act, indicating that -

(i) that a material alteration request has been received by the Commission and is available for inspection or purchase at a

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fee not exceeding the cost of making a copy, at the offices of the Commission during its public opening hours,

(ii) that a submission in relation to the material alteration request may be made in writing to the Commission within the period referred to in paragraph (2)(a)(vii),

(iii) that no fee shall be payable on condition that any submission referred to in sub-paragraph (ii) where the person has previously made a submission.

(c) if the alteration request was accompanied by an environmental impact assessment report, send to the environmental impact assessment portal in electronic form in the manner set out on the portal—

(i) a copy of the evidence of compliance with any requirements relating to the environmental impact assessment portal referred to section 241 of the Act,

(ii) the reference number of the alteration request, and

(iii) the URL to the information and documents relating to the alteration request published on its website.

(4) Where the Commission considers that the notices published in accordance with paragraph (2)(a) and (b) do not adequately inform the public, the Commission may require the requester to give such further notices in such a manner and in such terms as the Commission may specify.

(5) The Commission shall acknowledge any submissions made in accordance with section 145(1) of the Act.

(6) Where a submission under section 145(1) of the Act following notice under paragraph (3)(b)(ii) is received by the Commission after the period referred to in paragraph (2)(a)(vii), the Commission shall return to the person concerned any paper copies of the submission received and the fee and notify the person that their submission cannot be considered by the Commission.

(7) (a) The Commission may, with the consent of any person or body referred to in paragraph (3), send notice under that paragraph, in electronic form.

(b) Where any body to whom notice is sent pursuant to subparagraph (a) does not make a submission in relation to a material alteration request within a period specified in paragraph (3)(a), the Commission may determine the material alteration request without further notice to that body.

(c) Where the Commission so consents, a submission under section 145(1) of the Act or paragraph (3) may be made in electronic form in a manner specified by the Commission and in that case the person or body making the submission is deemed to consent to the receipt of an acknowledgement and all other communications in relation to the alteration request in electronic form.

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(d) Where a submission referred to in subparagraph (c) is made in electronic form, with the consent of the Commission, the submission will be considered by the Commission if it is received before midnight on the last day of the period referred to in paragraph (2)(a)(vii) or paragraph (3)(a), as appropriate.

(e) Notwithstanding paragraph (6), a submission in electronic form which is received following the expiration of the period referred to in paragraph (2)(a)(vii) is not required to be returned by the Commission to the person who made the submission.

(8) The period:

(a) specified by the Commission under paragraph (2)(a) following notice under section 140(9) of the Act, or

(b) from the date of a notice issued under section 140(9) of the Act until the date of the submission of the specified information under paragraph (2)(c),

whichever is shorter, shall be disregarded in the reckoning of any period for the purpose of section 147(1) of the Act.

**Notice of decision on material alteration request**

25. (1) A notice under section 143(4) of the Act of a decision by the Commission under section 143(1) of the Act shall be given to the requester and to any other person or body who made a submission in accordance with this Chapter or the Act (including Part 6 of that Act), within 3 working days of the day of the decision and shall, in addition to the matters specified in section 143 (5), specify—

(a) the reference number of the request.

(b) the proposed development or development to which the grant of permission the subject of the alteration request relates, and that permission's reference number,

(c) the nature of the material alteration,

(d) the date of the decision,

(e) in the case of a decision to grant a permission for the construction, erection or making of a structure and to specify the purposes for which the structure may or may not be used — such purposes,

(f) in the case of a decision to grant an extension of duration of a permission —the period so extended during which the permission is to have effect,

(2) (a) Where an alteration request was made in electronic form, the Commission may give the notice under paragraph (1) in electronic form to the applicant.

(b) Where a submission was received in electronic form, the Commission may give the notice referred to in paragraph (1) in electronic form to the person or body who made that submission.

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**Further information**

26. (1) (a) Subject to paragraph (2), a request under section 145(2)(a) of the Act shall be made by notice in writing to the requester within 18 weeks from the date of the notice that the request is a material alteration request under section 140(9)(a) of the Act.

(b) The Commission shall not accept nor consider any further information or revised particulars, plans or drawings submitted by the requester save as may be requested in accordance with section 145(2) of the Act.

(2) Where a request under section 145(2)(a) of the Act is not complied with within –

(a) the period of 6 months from the date of the request being made, or

(b) such additional period, not exceeding 3 months, as may be agreed with the Commission,

the material alteration request shall be declared to be withdrawn and the Commission shall, as soon as may be, notify the requester of that fact.

(3) When the Commission makes a request in accordance with section 145(2)(a), the Commission shall maintain a record and evidence of when the request was made.

**Notice of additional material information**

27. (1) Where additional material information has been received in accordance with section 145(5) of the Act, the notification under section 145(3)(b) shall require the requester to:

(a) to publish, within a specified period, a notice in an approved local newspaper, containing as a heading the name of the Commission, marked "Further Information" as appropriate, and stating –

(i) the name of the requester,

(ii) the location, townland or postal address of the land or structure to which the material alteration request relates (as may be appropriate),

(iii) the reference number of the material alteration request,

(iv) that additional material information in relation to the material alteration request has been furnished to the Commission, and is available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy, at the offices of the Commission during its public opening hours, and

(v) that a submission in relation to the additional material information may be made in writing to the Commission on payment of the appropriate fee, within a period of time

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specified by the Commission, after the receipt of the newspaper notice and site notice by the Commission in accordance with subparagraphs (b) and (c).

(b) to submit a copy of the notice referred to in subparagraph (a) to the Commission,

(c) within the specified period referred to in subparagraph (a) for publication of the newspaper notice, to erect or fix a site notice on the land or structure to which the additional material information relates, in a form as may be specified by the Commission and published on its website.

(2) Where additional material information has been received in accordance with section 145(5) of the Act, the Commission shall:

(a) as soon as may be, give notice and a copy of the additional material information, to any body specified in Regulation 6, as appropriate, indicating that a submission in relation to the additional material information may be made in writing to the Commission within the period specified or to be specified in the notice in accordance with paragraph (1)(a)(v), as appropriate.

(b) as soon as may be, notify any person who made a submission in relation to the material alteration request in accordance with the Act (including Part 6 of the Act) or these Regulations, indicating-

(i) that additional material information, as appropriate in relation to the material alteration request has been furnished to the Commission, and is available for inspection or purchase at a fee not exceeding the cost of making a copy, at the offices of the Commission during its public opening hours,

(ii) that a submission in relation to the additional material information may be made in writing to the Commission within the period specified or to be specified in the notice in accordance with paragraph (1)(a)(v), as appropriate, and

(iii) that no fee shall be payable on condition that any submission referred to in sub-paragraph (ii) where the person has previously made a submission.

(3) The Commission shall acknowledge any submissions received.

(4) Where the Commission considers that the notices published in accordance with paragraph (1)(a) and (b) do not adequately inform the public, the Commission may require the applicant to give such further notices in such a manner and in such terms as the Commission may specify.

(5) (a) The Commission may, with the consent of any person or body referred to in paragraph (2), give notice under that paragraph, in electronic form.

(b) Where the Commission so consents, a submission referred to in paragraph (1) or (2) may be made in electronic form.

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(c) Where a submission is made in electronic form, with the consent of the Commission, the submission will be considered by the Commission if it is received before midnight on the last day of the period specified in the notice in accordance with paragraph (1)(a)(v).

(d) A person or body making a submission in electronic form is deemed to consent to the receipt of an acknowledgement and all other communications in relation to the alteration request in electronic form.

(6) Where a person or body to whom notice is sent pursuant to paragraph (2) does not make a submission in relation to additional material information within a period specified in the notice in accordance with paragraph (1)(a)(v), the Commission may determine the alteration request without further notice to that body.

**Transitional:**

28. Any application or referral lodged prior to the signing of these regulations, and any appeal or referral appeal or application direct to the Commission made prior to the signing of these regulations, shall follow any procedures as set out in the Planning and Development Act 2000 (No. 30 of 2000) and the Planning and Development Regulations 2001 (S.I. No. 600 of 2001).

**Revocation:**

29. Part 18 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) is revoked.

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*Regulation 10(1)(a)(v)*

**Schedule**

Form – Declaration on Submissions and Observations

Section 588(1)

| |
|---|
| Insert Logo and Letterhead |

**Planning and Development Act 2024**

**Declaration under Section 588(1)**

**Submissions and Observations**

*Any submission or observation cannot be accepted where not accompanied by this declaration.*

| | |
|---|---|
| I/We: | |
| Residing at: | |
| | |
| Email: | |
| Telephone: | |

do solemnly and sincerely declare that the making of the submission or observation in relation to application:

| | |
|---|---|
| **Planning Reference:** | |

is not made for the purpose of

(a) delaying the carrying out of any development or proposed development,

or

(b) securing the payment of any consideration to, or the doing of any other thing for the benefit of, any person.

| | | | |
|---|---|---|---|
| Signed: | | Date: | |

*Only individuals over 18 years of age may make this declaration.*

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*This form shall not be published to the public in any manner, a copy of this declaration shall be provided to Planning Authorities, An Coimisiún Pleanála or the Courts when required for the undertaking of their statutory functions under the Planning and Development Act 2024.*

**Warning:** A person who fails to comply with section 588 of the Planning and Development Act 2024 or in purported compliance with section 588, makes a declaration that is false or misleading in any material respect, knowing it to be so false or misleading, shall be guilty of an offence and shall be liable, on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months or to both.

GIVEN under my Official Seal,

____ _____ 2026.

_____,

Minister for Housing, Local Government and Heritage.

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EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations set out the procedures for the Commission to deal with applications for development made directly to the Commission under the Planning and Development Act 2024.

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BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

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