STATUTORY INSTRUMENTS.

S.I. No. of 2026

PLANNING AND DEVELOPMENT (PART 6) (IMPERATIVE REASONS OF OVERRIDING PUBLIC INTEREST REQUEST) REGULATIONS 2026

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PLANNING AND DEVELOPMENT (PART 6) (IMPERATIVE REASONS OF OVERRIDING PUBLIC INTEREST REQUEST) REGULATIONS 2026

I, James Browne, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by sections 4(2), 220(4) and 222(4) 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 (Part 6) (Imperative Reasons of Overriding Public Interest Request) Regulations 2026.

Definitions

2. In these Regulations –

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

"competent authority" has the meaning assigned to it under section 208(1) of the Act;

"explanation" has the meaning assigned to it under section 215(4) of the Act;

"request" means a request referred to in section 215(3) of the Act that complies with section 215(4) of the Act.

Consultation measures and prescribed persons for purposes of sections 220(4) and 222(4) of Act

3. (1) Where a request has been received by a competent authority following an invitation under section 220(1) or 222(1) of the Act, the competent authority shall -

(a) in addition to the documents published in accordance with section 216(1)(a) of the Act, publish the request and explanation on an internet website maintained by or on behalf of the competent authority,

(b) in addition to the documents made available in accordance with section 216(1)(c) of the Act, make the request and, explanation available for inspection (free of charge) at its offices by members of the public during normal office hours, and

(c) publish a notice on that website –

(i) specifying the times and places at which, and the period during which, a copy of that request and explanation may be inspected,

(ii) inviting submissions by members of the public in relation to the explanation, and

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(iii) specifying the period during which, and the manner in which, such submissions may be made.

(2) The competent authority shall –

(a) send a copy of the request and explanation to –

(i) such persons required to be consulted under section 216(2) of the Act, and

(ii) any person who made a submission to the competent authority in accordance with –

(I) Part 4 in relation to the application for permission, or

(II) section 216 of the Act in relation to the implications of the relevant development for any European site having regard to the conservation objectives relating to that site,

and

(b) invite each person to make submissions to the competent authority in relation to that explanation within the period and in the manner specified under paragraph (1)(c)(iii).

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GIVEN under my Official Seal,

____ _____ 2026.

_____,

Minister for Housing, Local Government and Heritage

EXPLANATORY NOTE

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

These Regulations set out the consultation process to be followed by a competent authority following receipt of a request following an invitation under section 220(1) or 222(1) of the Planning and Development Act 2024 and prescribe the persons who must be given the opportunity to make submissions in relation to an explanation (as to why Article 6(4) of the Habitats Directive applies) contained in such a request.

As provided for under that Act, where following the carrying out of an appropriate assessment:

- a competent authority concludes that a reasonable scientific doubt exists as to the absence of adverse effects on the integrity of a European site;
- the Natura Impact Statement submitted by the applicant did not include a request for the competent authority to submit a statement to the Minister under section 219(7) or 221(7) of that Act; and
- the competent authority considers that a reasonable case can be made that:
    - there is an absence of alternative solutions to the carrying out of the development;
    - imperative reasons of overriding public interest (within the meaning of section 219 or 221) exist for the carrying out of the relevant development; and
    - the compensatory measures proposed by the applicant for permission are adequate to ensure that the overall coherence of the Natura 2000 network is protected;

the competent authority can invite the applicant to submit a request to it (as provided for in section 215(3)) that the competent authority submit a statement to the Minister under section 219(7) or 221(7).

To ensure that the public, prescribed authorities, and those who have already made submissions on the application for permission, including with respect to the implications of the relevant development for any European site, are given an opportunity to make submissions in relation to the explanation, a consultation on the explanation must be held by the competent authority.

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