STATUTORY INSTRUMENTS.

S.I. No. of 2026

PLANNING AND DEVELOPMENT (DISPOSAL AND COMPENSATION) REGULATIONS 2026

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I, JAMES BROWNE, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by sections 4(1), 406(3), 437(1) and 448(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 (Disposal and Compensation) Regulations 2026.

Definitions

2. In these Regulations—

"Regulations of 2001" means the Planning and Development Regulations 2001 (S.I. No. 600 of 2001);

"claim for compensation" means a claim for compensation under Part 15 of the Principal Act;

"Minister" means the Minister for Housing, Local Government and Heritage;

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

Disposal of land without consent of Minister under section 406 of Principal Act

3. (1) Subject to the conditions specified in paragraph (2), the consent of the Minister to a disposal of land under section 406(1) of the Principal Act, as required by subsection (2) of that section, shall not be required where a local authority is of the opinion that, for economic or social reasons, it is reasonable that the disposal of land be carried out in accordance with the terms specified by the authority in the notice which is to be sent or delivered to the members of the authority in relation to the proposed disposal of land in accordance with section 183 of the Local Government Act 2001 (No. 37 of 2001).

(2) The following conditions shall apply in relation to a disposal of land referred to in paragraph (1):

(a) the manager of the local authority concerned shall prepare a report setting out the economic or social reasons which apply in relation to the disposal of land;

(b) the report, mentioned in subparagraph (a), shall be incorporated in or accompany the notice referred to in paragraph (1);

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(c) the notice referred to in paragraph (1) and the report referred to in subparagraph (a) shall be made available for public inspection at the offices of the local authority during office hours for a period of one year commencing on the date of its conclusion by the manager concerned.

(3) A disposal of land under this Regulation shall be carried out in accordance with the terms of the notice referred to in paragraph (1).

Claim for compensation under Part 15 of Principal Act

4. (1) A claim for compensation shall include the following:

(a) the name and address of the claimant and a statement of his or her interest in the land to which the claim relates;

(b) a statement of the matter in respect of which the claim is made, the provision of the Principal Act under which it is made, the amount of compensation claimed and the basis on which that amount has been calculated;

(c) the names and addresses of all other persons (so far as they are known to the claimant) having an interest in the land to which the claim relates, or, where the claimant does not know of any such persons, a statement to that effect.

(2) Where a planning authority receives a claim for compensation which fails to comply with a requirement of paragraph (1), the authority shall, by notice in writing, require the claimant to comply with such requirement and the authority shall defer consideration of the claim until the claimant has complied with such requirement.

Notice of claim

5. (1) Subject to paragraph (3), a planning authority in receipt of a claim for compensation under these Regulations shall, other than where the claim is withdrawn, give notice in writing to every person, other than the claimant, appearing to them to have an interest in the land to which the claim relates—

(a) not later than 4 weeks after the date of receipt by the authority concerned of the claim, or

(b) where a requirement is made by notice under Regulation 4(2), not later than 4 weeks after the date of compliance with such requirement.

(2) A notice given under paragraph (1) shall state the following:

(a) the name and address of the claimant;

(b) the land to which the claim relates;

(c) the matter in respect of which the claim is made;

(d) where the relevant period under section 447 of the Principal Act for the making of a claim for compensation has not expired, the

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date after which a further claim for compensation in respect of that matter cannot be made having regard to, subject to subsection (2) of that section, the time limits specified in subsection (1) of that section.

(3) Where more than one claim for compensation in respect of the same matter has been received by a planning authority, the provisions of paragraph (1) shall not apply in respect of any other claimant or persons who have already been given notice of a claim in respect of that matter under that paragraph.

Provision of certain evidence and information

6. Where a claim for compensation is made, the planning authority concerned may, by notice in writing, require the claimant to provide evidence—

(a) in support of the claim, and

(b) as to the claimant's interest in the land to which the claim relates,

and may defer consideration of the claim until the claimant has complied with such requirement.

Notice under section 437 of Principal Act

7. A notice under section 437 of the Principal Act served on a person by whom or on behalf of whom a claim for compensation under section 434 of the Principal Act has been made shall—

(a) indicate the land to which the notice relates,

(b) state that, notwithstanding the refusal of permission to develop the land or the grant of such permission subject to conditions (as the case may be), the land in question is, in the opinion of the planning authority, capable of other development for which permission under Part 4 of the Principal Act ought to be granted,

(c) indicate in outline the nature and extent of the other development (being other development within the meaning of section 437 of the Principal Act) of which, in the opinion of the planning authority, the land is capable,

(d) state that the notice shall continue in force for a period of 5 years commencing on the day of service of the notice, other than where, before the expiration of that period—

(i) the notice is withdrawn by the planning authority,

(ii) a permission is granted under Part 4 of the Principal Act to develop the land to which the notice relates in a manner consistent with the other development specified in the notice, subject to no conditions or to conditions of a class or description set out in Schedule 5 to the Principal Act, or

(iii) the notice is annulled by virtue of section 437(7) of the Principal Act, and

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(a) state that compensation shall not be payable on the claim in respect of the land in question where—

(i) the notice is in force,

(ii) an application for permission under Part 4 of the Principal Act to develop the land to which the notice relates in a manner consistent with the other development specified in the notice has not been made before the expiration of the notice, or

(iii) permission is granted under Part 4 of the Principal Act to develop the land to which the notice relates in a manner consistent with the other development specified in the notice, subject to no conditions or to conditions of a class or description set out in Schedule 5 to the Principal Act.

Transitional

8. Where a claim for compensation has been made in accordance with Part 13 of the Regulations of 2001 prior to the date of the coming into operation of these Regulations, the claim shall be determined in accordance with those Regulations as if those Regulations had not been revoked.

Revocations

9. Part 13 and Article 206 of the Regulations of 2001 are revoked.

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GIVEN under my Official Seal,

_____ 2026.

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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.*)

The purpose of these Regulations is to facilitate the disposal of local authority land without the need for Ministerial consent under section 406 of the Planning and Development Act 2024 where there are economic or social reasons of urgency or benefit to the public interest; to provide the procedure for claims for compensation under Part 15 of that Act; to provide for transitional arrangements for, and revocations of, corresponding provisions of the Planning and Development Regulations 2001.

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