

**Amendment,
etc., of section
42 (power to
extend appropri-
ate period) of
Act of 2000**

28.F23[(1) Section 42 of the Act of 2000 is amended—

(a) in subsection (1) by substituting the following for paragraph (a):

‘(a) (i) the authority is satisfied that—

(I) the development to which the permission relates was commenced before the expiration of the appropriate period sought to be extended,

(II) an environmental impact assessment or an appropriate assessment, or both of those assessments, was or were not required before the permission was granted,

(III) substantial works were carried out pursuant to the permission during that period, and

(IV) the development will be completed within a reasonable time,’

and

(b) by substituting the following for subsection (4):

‘(4) A decision to extend the appropriate period of a permission shall be made not more than twice under this section and a planning authority shall not further extend the appropriate period. Where a second decision to extend an appropriate period is made under this section, the combined duration of the 2 extensions of the appropriate period shall not exceed 5 years.’.]

(2) During the period from the passing of this Act until 31 December 2021, section 42 of the Act of 2000 has effect—

F24[(a) as if the following subsection were inserted after subsection (1):

‘(1A) (a) Notwithstanding anything to the contrary in subsection (1) or (4), a planning authority shall—

(i) as regards a particular permission in respect of a development that relates to 20 or more houses and in respect of which an environmental impact assessment or an appropriate assessment, or both of those assessments, were not required before the permission was granted, and

(ii) upon application being duly made to the authority setting out the reasons why the development cannot be reasonably completed within the appropriate period,

further extend the appropriate period by such additional period not exceeding 5 years, or until 31 December 2021, whichever first occurs, but the authority shall only so extend that period where the authority—

(I) considers it requisite to enable the development to which the permission relates to be completed,

(II) is satisfied that the application is in accordance with such regulations under the Planning and Development Acts 2000 to 2016 as apply to the application,

(III) is satisfied that any requirements of, or made under those regulations are complied with as regards the application,

(IV) is satisfied that the development to which the permission relates was—

(A) commenced, and

(B) substantial works were carried out,

before the expiration of the appropriate period or any extension of that period, and

(V) is satisfied that in the case of a permission—

(A) where the expiry of the appropriate period as extended occurred or occurs during the period from 19 July 2016 to the day preceding the day that section 28(2) of the Planning and Development (Housing) and Residential Tenancies Act 2016 comes into operation, the application is duly made within 6 months of the said commencement date, or

(B) where the appropriate period as extended expires on or after the date of commencement of section 28(2) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the application is duly made within the period prescribed for the purposes of section 43(2).¹]

(b) as if in subsection (2) there were substituted “subsection (1) or (1A)” for “subsection (1)”, and

(c) as if in subsection (4) there were substituted “Except where subsection (1A) applies, a decision” for “A decision”.

Annotations

Amendments:

F23 Substituted (19.07.2018) by *Planning and Development (Amendment) Act 2018* (16/2018), s. 57(1), commenced on enactment as per subs. (2).

F24 Substituted (19.07.2017) by *Planning and Development (Amendment) Act 2017* (20/2017), s. 1, commenced on enactment.

Amendment of section 179 (local authority own development) of Act of 2000

29. Section 179 of the Act of 2000 is amended—

(a) in subsection (3) by substituting in paragraph (a) “shall, within 8 weeks after the expiration of the period” for “shall, after the expiration of the period”,

(b) in subsection (4) by substituting in paragraph (a) “, within 6 weeks of the receipt of the report of the manager,” for “, as soon as may be,”, and

(c) in subsection (4), by substituting the following for paragraph (c):

“(c) For a resolution to have effect under paragraph (b) —

(i) it has to be passed not later than 6 weeks after the receipt of the manager’s report, and

(ii) in the case of a resolution not to proceed with a proposed development, it shall state the reasons for such resolution.”.