



STATUTORY INSTRUMENTS.

S.I. No. 455 of 2021



PLANNING AND DEVELOPMENT (HOUSING) AND RESIDENTIAL
TENANCIES ACT 2016 (COMMENCEMENT) ORDER 2021

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I, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by paragraph (a) of subsection (3) of section 1 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (No. 17 of 2016), hereby order as follows:

1. This Order may be cited as the Planning and Development (Housing) and Residential Tenancies Act 2016 (Commencement) Order 2021.

2. The 9th day of September 2021 is appointed to be the day on which subsection (1) (amended by subsection (1) of section 57 of the Planning and Development (Amendment) Act 2018 (No. 16 of 2018)) of section 28 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (No 17 of 2016)) shall come into operation.



GIVEN under my Official Seal,
8 September, 2021.

DARRAGH O'BRIEN,
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)

This Order brings section 28(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (No. 17 of 2016) (as amended by subsection (1) of section 57 of the Planning and Development (Amendment) Act 2018 (No. 16 of 2018)) into operation on the 9th day of September 2021. Section 28(1) of the 2016 Act, as amended, amends section 42 of the Planning and Development Act 2000 to delete section 42(1)(a)(ii), which allows for applications for extensions of the appropriate period of a planning permission where commercial, economic or technical considerations beyond the applicant's control substantially militated against either commencement or substantial works in respect of the development.

Section 28(1) of the 2016 Act, as amended, also amends section 42 of the Planning and Development Act 2000 to introduce a requirement at section 42(1)(a)(i)(II) that an authority must be satisfied that an environmental impact assessment or appropriate assessment was not required before the original planning permission was granted, prior to extending an appropriate period of a permission, and amends section 42(4) of the Planning and Development Act 2000 to allow up to two extensions of the appropriate period of a planning permission provided the combined duration of both extensions does not exceed 5 years.

To note, section 42(1)(a)(i)(II) is further amended by the European Union (Planning) (Habitats, Birds and Environmental Impact) Regulations 2021, which also came into operation on 9 September 2021.

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