JSA PLANNING

PLANNING INSIGHT

21. Planning and Development Act 2024 & Planning and Development (Amendment) Act 2026: Implementation Update - Commencement, Transitional Arrangements & the Emerging Development Consent Framework

INTRODUCTION

This JSA Planning Insight provides an overview of key implementation matters arising from the ongoing commencement of the Planning and Development Act 2024 (P&D Act 2024), which was signed into law on the 17th of October 2024 & the Planning and Development (Amendment) Act 2026, which was signed into law on 20th July 2026.

The implementation of the P&D Act 2024 remains a phased and evolving process with some elements having been commenced. Due to circumstances beyond the control of the Department, the remainder of the sections of the Planning and Development Act 2024 are now due to commenced on the 26th of November 2026, with accompanying Regulations; relating to *inter alia* the "*Block C*" items (as identified by the Department) comprising Part 4 (Development Consents) and related including:Part 8, Part 12 and Part 20, Part 6 (Environmental Assessments), Part 11 (Enforcement) as well as Part 7 (Housing – formerly Part V) & Part 10 (Architectural Heritage), and we will follow with a separate Planning Insight on these matters.

PLANNING & DEVELOPMENT (AMENDMENT) ACT 2026

The Planning and Development (Amendment) Act 2026, which was signed into law on 20th July 2026, makes a wide range of amendments to the P&D Act 2024, together with amendments to the P&D Act 2000, and a range of other Acts.

The Minister signed the Planning and Development (Amendment) Act 2026 (Commencement) Order 2026 (S.I. No. 414 of 2026) on the 12th of August, which brings certain provisions of the Planning and Development (Amendment) Act 2026 (No. 27 of 2026) into effect.

The Department's Circular Letter PLR 04/2026 describes the primary purpose of the 2026 Act as supporting and assisting the smooth commencement of the remaining provisions of the P&D Act 2024 later in 2026. The Circular groups the 2026 Act's 149 sections under a number of principal themes, which are summarised below.

1. Amendments to Part 3 (Plans, Policies and Related Matters) of P&D Act 2024- Development Plans & RSES (Regional Spatial and Economic Strategies)

The 2026 Act introduces a number of amendments to Part 3 (Plans, Policies and Related Matters) of the P&D Act 2024 to facilitate the transition to the new plan-making framework, including:

- The change from a 6-year to a 10-year Development Plan;
- A 90-week timeframe for completion of the RSES review process;
- Transitional arrangements to extend the life of existing 6-year Development Plans made under the 2000 Act until specified dates between February and December 2030; and
- Amendments relating to the designation of Key Towns, including towns with populations of 10,000 or more.

Circular Letter PLR 04/2026 indicates that the 90-week timeframe for RSES is intended to ensure that the current RSES reviews are completed by the end of 2027 and allows the new 10-year Development plans to be fully aligned with the RSES reviews.

In relation to Development Plans, the applicable transitional expiry date is linked to the date on which the relevant plan was made under the 2000 Act, rather than applying a single national expiry date.

The Circular further indicates that reviews of Development Plans under the P&D Act 2024 are expected to commence between July 2027 and May 2028 and to be completed in advance of the revised expiry dates of the existing plans.

2. Amendments to Part 9 (Judicial Review and Decision-Making) of the Act of 2024

The 2026 Act seeks to speed up the implementation of the new procedural rules for planning judicial reviews introduced in the Act of 2024 through:

- Applying Part 9 of the 2024 Act to decisions or acts done under the Act of 2000 (after the date of the commencement of the 2026 Act); and
- To extend the suspension of the duration of permissions due to judicial review in section 180 of the Act of 2024 to permissions under the Act of 2000 that will be subject to judicial review under Chapter 1 of Part 9 of the Act of 2024.

3. Amendments to Part 4- Critical Infrastructure and Development Consents

A further group of amendments relates to Part 4 (Development Consents) of the P&D Act 2024 and is intended to support the delivery and processing of critical infrastructure projects. The changes include a statutory definition of "material contravention" (section 82 of the 2026 Act refers):

"'material contravention' means—
(a) in relation to a development plan made under Chapter 5 of Part 3, a contravention of the development plan that fundamentally conflicts with the integrated overall strategy for the proper planning and sustainable development of the functional area to which the development plan relates,

and (b)
in relation to a development plan made under the Act of 2000— (i) that continues in force by virtue of section 68, or (ii) is varied, in accordance with section 69, a contravention of the development plan that fundamentally conflicts with an objective of the development plan relating to the zoning of land in the functional area to which the development plan applies."

This is the first time that the concept of material contravention of a development plan is defined in legislation and the definition is much narrower in scope than the way it has been interpreted to date in both planning and legal decisions. It would appear to significantly reduce the range of circumstances where a material contravention of a development plan can arise.

Other amendments include:

- Clarification of who may make certain planning applications;
- Additional flexibility for statutory undertakers in relation to electricity infrastructure;
- Changes to the sequencing of certain maritime development procedures; and
- Transitional provisions for specified electricity transmission and strategic gas infrastructure consultations.

4. Alignment of Parts 4, 21 and 22 with Part 6- Environmental Assessment

The 2026 Act also makes a series of amendments to Parts 4 (Development Consents), 21 (SDZs) and 22 UDZs) of the P&D Act 2024, together with related amendments to Part 6 (Environmental Assessments), to align the development consent and plan-making provisions with the environmental assessment procedures in Part 6.

The amendments principally clarify the role of the competent authority and the applicable Appropriate Assessment (AA) & Environmental Impact Assessment (EIA) screening and assessment requirements across a range of consent procedures, including retention permission, retrospective consent, Local Authority & State Authority Development, and planning schemes.

5. Technical and Miscellaneous Amendments

The remaining provisions comprise a range of technical, clarificatory and miscellaneous amendments, including corrections to cross-references and drafting and amendments intended to clarify the operation of existing provisions without changing their underlying policy intent. These amendments are intended to facilitate implementation of the 2024 Act rather than introduce new policy.

DRAFT PLANNING REGULATIONS 2026

Revised draft regulations have recently been published by the Department (https://www.gov.ie/en/department-of-housing-local-government-and-heritage/publications/draft-planning-and-development-regulations/) on a rolling basis, which will replace existing regulations that were previously made under the Planning & Development Act 2000 and which are due to come into effect on the 26th of November 2026.

USEFUL SOURCES & LIVE LINKS

Planning & Development Act 2024 - Irish Statute Book (incl. commencement and SIs made under the Act)

Department of Housing - Planning & Development Act 2024 commencement schedule and details of commencements to date

Department of Housing - Proposed Commencement Schedule for the Planning & Development Act 2024

Planning & Development (Amendment) Act 2026 (No. 27 of 2026)

S.I. No. 194/2026 - Planning and Development Act 2024 (Commencement) Order 2026

Department Circular 2026/01 - partial commencement of Chapter 2 of Part 9 (judicial review costs)

PLR 04-2026 Planning & Development (Amendment) Act 2026- Partial Commencement

***Note**. This Planning Insight summarises some of the key provisions of the 2024 Act and 2026 Amendment Act. The provisions of the Act are complex, and specialist advice should be sought in assessing any particular case.*