

Section 57 of the Planning and Development (Amendment) Act 2018, which came into force on enactment, amends section 28(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016, which amends section 42 of the Planning and Development Act 2000. However the introduction of the changes to section 42 of the 2000 Act will not take effect until section 28(1) of the 2016 Act has been commenced.

The text below is a version of section 42 of the Planning and Development Act 2000, as if the amendments referenced above were in effect.

There have been no amendments to the provisions of section 42 listed below, but they have been included here for ease of reference:

- Section 42 (1) paragraphs (b), (c) or (d)
- Section 42 (2), (3), (5), (6) or (7).

*Planning and Development Act 2000.*

Part III

*Control of Development....*

**Power to extend appropriate period**

**42.** (1) On application to it in that behalf a planning authority shall, as regards a particular permission, extend the appropriate period by such additional period not exceeding 5 years as the authority considers requisite to enable the development to which the permission relates to be completed provided that each of the following requirements is complied with:

~~(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,~~

(b) the application is in accordance with such regulations under this Act as apply to it,

(c) any requirements of, or made under those regulations are complied with as regards the application, and

(d) the application is duly made prior to the end of the appropriate period.

(2) In extending the appropriate period under subsection (1) a planning authority may attach conditions requiring the giving of adequate security for the satisfactory completion of the proposed

**Commented [MT1]:** Substituted by Section 28(1) of the 2016 Act, (No.17 of 2016) which was in turn substituted by Section 57(1) of the 2018 Act (No. 16 of 2018). Not yet commenced – note above refers

development, and/or may add to or vary any conditions to which the permission is already subject under section 34(4)(g).

(3) (a) Where an application is duly made under this section to a planning authority and any requirements of, or made under, regulations under section 43 are complied with as regards the application, the planning authority shall make its decision on the application as expeditiously as possible.

(b) Without prejudice to the generality of paragraph (a), it shall be the objective of the planning authority to ensure that it shall give notice of its decision on an application under this section within the period of 8 weeks beginning on—

(i) in case all of the requirements referred to in paragraph (a) are complied with on or before the day of receipt by the planning authority of the application, that day, and

(ii) in any other case, the day on which all of those requirements stand complied with.

(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.

(5) Particulars of any application made to a planning authority under this section and of the decision of the planning authority in respect of the application shall be recorded on the relevant entry in the register.

(6) Where a decision to extend is made under this section, *section 40* shall, in relation to the permission to which the decision relates, be construed and have effect, subject to, and in accordance with, the terms of the decision.

(7) Notwithstanding subsection (1) or (4), where a decision to extend an appropriate period has been made by a planning authority prior to the coming into operation of this section, the planning authority, where an application is made to it in that behalf prior to the expiration of the period by which the appropriate period was extended, may further extend the appropriate period provided that each of the following requirements is complied with—

(i) an application is made in that behalf in accordance with regulations under section 43,

(ii) any requirements of, or made under, the regulations are complied with as regards the application, and

(iii) the authority is satisfied that the relevant development has not been completed due to circumstances beyond the control of the person carrying out the development.

**Commented [MT2]:** Substituted by Section 28(1) of the 2016 Act, (No.17 of 2016) which was in turn substituted by Section 57(1) of the 2018 Act (No. 16 of 2018). Not yet commenced – note above refers.