



To: Directors of Planning in each local authority
Maritime Area Regulatory Authority

CC: Chief Executives and Director General
Senior Planners
An Coimisiún Pleanála
Office of the Planning Regulator
Directors of Regional Assemblies
Mayor of Limerick

Circular Letter PLR 02/2025

05 August 2025

Re: Extensions of duration of permissions for un-commenced housing development and suspension of running of duration of permission during judicial review proceedings

I have been asked by Minister James Browne T.D., Minister for Housing Local Government and Heritage to advise that he has signed:

- Planning and Development Act 2024 (Commencement) (No. 3) Order 2025 (S.I. No. 379/2025), and
- Planning and Development Act 2025 (Commencement) Order 2025 (S.I. No. 380/2025),

which have effect from 1 August 2025.

The Planning and Development (Extension of Duration – Planning and Development Act 2000) Regulations 2025 (S.I. No. 378/2025) have also been signed with effect from 2 August 2025.



A copy of the commencement orders and Regulations is attached for information.

Extensions of duration under section 42

Extensions of duration of permissions for un-commenced housing development

Section 28 of the Planning and Development (Amendment) Act 2025 (Act of 2025) inserts new provisions into section 42 of the Act of 2000 allowing for extensions of duration of un-commenced permissions for development of one or more houses. Under new subsection (1A) of section 42, where such a permission has not commenced within its appropriate period, a planning authority shall extend the appropriate period by such additional period (not exceeding 3 years) as the planning authority considers necessary to enable the development concerned to be completed. This is subject to the application being made—

- before, but not earlier than 2 years before, the expiry of the permission, and
- not later than 6 months after the commencement of section 28 of the Planning and Development (Amendment) Act 2025 (i.e. from 1 August 2025).

and that the planning authority is satisfied the development will be completed within a reasonable time.

An extension of the appropriate period under subsection (1A) ceases to have effect if the development is not commenced within 18 months of section 28 of the Planning and Development (Amendment) Act 2025 coming into operation (i.e. from 1 August 2025).

A person who avails of an extension under this new subsection (1A) for un-commenced housing development cannot subsequently seek a further extension under subsection (1) (which applies to commenced development with substantial works carried out). Subsection (4A) allows for housing development permissions already extended under subsection (1A) to be further extended by an additional period as the planning authority considers requisite to enable the development concerned to be completed, provided that—

- an application is made before, but not earlier than 2 years before, the expiry of the permission, and
- the planning authority is satisfied that –
 - development was commenced before the expiry of that permission's appropriate period,



- substantial works were carried during that period, and
- the development will be completed within a reasonable time.

This further extension under subsection (4A) can only be availed of once and the combined duration of the extensions of the appropriate period under subsections (1A) and (4A) shall not exceed 5 years.

Strategic Housing Development

The Act of 2025 amends section 42 of the Act of 2000 to clarify that ‘permission’ includes Strategic Housing Development (SHD) permissions, so that SHDs can avail of extensions of duration under section 42 of that Act.

Transitional provision in Act of 2024 - Continued application of section 42 of Act of 2000 until 2027

Under Section 140(14) of the Planning and Development Act 2024 (Act of 2024), notwithstanding the repeal of section 42 of the Act of 2000, section 42 and section 43 of the Act of 2000 will continue to apply and have effect in relation to—

- a permission granted under the Act of 2000, and
- SHD permissions.

This applies for a period of 3 years that commenced on the passing of the Act of 2024 (i.e. from 17 October 2024).

Planning and Development (Extension of Duration – Planning and Development Act 2000) Regulations 2025

Chapter 3 of Part 4 of the Planning and Development Regulations 2001 (Planning Regulations) is amended by the Planning and Development (Extension of Duration – Planning and Development Act 2000) Regulations 2025 with effect from 2 August 2025 to provide for the necessary procedures and requirements as will apply to extensions of duration of un-commenced housing development under section 42(1A) or further extensions under section 42(4A). The new Regulations also make technical amendments to Chapter 3 to remove references, and revoke provisions, related to spent or repealed provisions of section 42 of the Act of 2000.



Suspension of running of duration of permission during judicial review proceedings

The Planning and Development Act 2024 (Commencement) (No. 3) Order 2025 commences section 180 of the Planning and Development Act 2024 (Act of 2024) as amended by section 16 of the Planning and Development Act 2025 (Act of 2025). Section 180 of the Act of 2024 is contained within Part 4 of that Act which relates to development consents. As the rest of Part 4 is not yet commenced, section 180 currently has effect only in so far as it applies to judicial reviews under the Planning and Development Act 2000 (Act of 2000) in relation to a permission or approval under the Act of 2000 or a strategic housing development (SHD) permission under the Planning and Development (Housing) and Residential Tenancies Act 2016.

Section 180 of the Act of 2024 allows for a permission to be suspended or paused where it is subject to judicial review proceedings. The period that the permission is suspended will be from the date of the commencement of the judicial review proceedings until the date the proceedings are finally concluded. The section also sets out the arrangements for such a pause in permission, including notification arrangements.

Notices under section 180(1) of the Act of 2024 may be given in writing to, –

- where the permission relates primarily to land, the relevant planning authority, or
- where the permission relates primarily to a maritime site, the Maritime Area Regulatory Authority.

Section 16 of the Act of 2025 extends these provisions to permissions granted under the Act of 2000 that are or have been subject to judicial review under the Act of 2000. It provides that where a permission was or is subject to judicial review, the holder of the permission may seek a suspension of time for the period the judicial review was or is ongoing.

Retrospective applications for suspension of duration may be made in respect of active permissions where a judicial review has concluded, provided that the person applying



declares that development did not substantially commence (excluding works for the maintenance, security or protection of the development site) while the judicial review was ongoing.

Any queries in relation to this Circular letter should be emailed to

planningreform@housing.gov.ie

A handwritten signature in black ink that reads "Mary Jones".

Mary Jones

Principal

Planning Legislation Reform Unit

Attachment for information:

Planning and Development Act 2024 (Commencement) (No. 3) Order 2025

Planning and Development Act 2025 (Commencement) Order 2025

Planning and Development (Extension of Duration – Planning and Development Act 2000) Regulations 2025