



Comhairle Contae Chorcaí

Cork County Council

26/10/23

Re: Section 179A Exempted Development Assessment

To whom it concerns.

Section 4 of the Planning and Development and Foreshore (Amendment) Act 2022 provides that housing developments being constructed by local authorities under section 179A of the Act are classed as exempted development.

Amendment of section 179 of the Act to ensure that the local authority “own development” approval process under section 179 of the Act is not applied to housing developments constructed under section 179A of the Act.

This is a temporary time-limited measure to help expedite the provision of housing by local authorities in the context of the need to accelerate the delivery of housing supply, effective 8th March 2023 under SI 107 of 2023 and SI 101 of 2023.ⁱ

The following criteria must be satisfied to be considered exempted:

- the land is owned by the local authority or another specified State Body;
- the land is zoned for residential development;
- the proposed development does not materially contravene the development plan or local area plan for the area;
- the proposed development is in accordance with the relevant local authority’s housing strategy;
- the land is serviced or will be serviced with the necessary supporting infrastructure or facilities within the timeframe of the development;
- the proposed development is not required to undergo environmental impact assessment (EIA) under the EIA Directive or appropriate assessment (AA) under the Habitats Directive; and
- the development works in question are commenced by no later than 31 December 2024.

Section 179A Assessment	
land is owned by local authority/ State Body	Yes
land is zoned for residential development	Yes
proposed development does not materially contravene the development plan	Accords with CDP
proposed development is in accordance with the local authority’s housing strategy	Accords with strategy

the land is serviced or will be serviced with the necessary supporting infrastructure or facilities within the timeframe of the development	Yes. IW Pre-connection Enquiry letter, dated Aug 2023, confirms feasibility of connections without infra. upgrades. Note. There is limited wastewater capacity and applicant may be required to fund upgrades depending on uptake demands in short term.
the proposed development is not required to undergo environmental impact assessment (EIA) under the EIA Directive or appropriate assessment (AA) under the Habitats Directive	AA & EIA screened out
the development works in question are commenced by no later than 31 December 2024.	-
It is considered that the proposal accords with s.179A criteria and is exempted development	



Thomas Watt
Senior Planner

ⁱ The Planning and Development and Foreshore (Amendment) Act 2022 (Commencement) (No. 2) Order 2023 [S.I. 107/2023] has been signed, providing for commencement of Section 179A of the Planning and Development and Foreshore (Amendment) Act 2022 with effect from 08 March 2023. Planning and Development (Section 179A) Regulations To supplement the provisions in new section 179A of the Act, the Planning and Development (Section 179A) Regulations 2023 [S.I. 101/2023] were signed by the Minister on 08 March 2023.