

Permission for Un-Commenced Housing Developments S28

Details below of the recent provision under Section 28 of the Planning and Development (Amendment) Act 2025 for extensions of duration for un-commenced residential permissions.

1. This provision relates to un-commenced residential development of **one or more houses** and a maximum of **3 years extension** of the permission can be applied for.
2. There are **strict timeframes** which require that an application can only be made within 2 years of the expiry date of the permission **and** must be made within 6 months of the commencement of the Act i.e. between **1st August 2025 and 31st January 2026**.
3. Any development granted an extension under this provision **must commence** within 18 months of the commencement of the Act i.e. by 31st January 2027.
4. A further extension may be granted where the development is **substantially completed** by the extended expiration date, up to a maximum of 5 years in total (i.e. for both extensions).

In order to manage future applications under the above provision, a separate application form specifically for the extension of un-commenced residential development has been prepared and is available below:



KILKENNY COUNTY COUNCIL

Application to Extend the Duration of Planning Permission PURSUANT TO SECTION 42(1A) & 42 (4A) OF THE PLANNING AND DEVELOPMENT ACTS, 2000 (AS AMENDED) as per SECTION 28 OF THE PLANNING AND DEVELOPMENT (AMENDMENT) ACT 2025

1. Name of applicant _____

2. Name of agent, if any _____

3. Name and address to which all correspondence and notices relating to the application are to be sent: Applicant ☐ Agent: ☐

*(Please complete **Form A** attached)*

4. Particulars of interests in land i.e. owner / occupier / other

5. Location of development.

6. Description of development

7. Reference number of planning permission and date of final grant of permission

Ref. No. _____ Date: _____

8. Date of Expiry of Planning Permission: _____

9. Expected date of commencement of development: _____

IN REGARD TO AN APPLICATION TO EXTEND THE APPROPRIATE PERIOD UNDER SECTION 42(1A) BY SUCH ADDITIONAL PERIOD NOT EXCEEDING 3 YEARS.

10. Date on which development is expected be completed:

11. Please outline particulars of works proposed to be carried out pursuant to the permission during the additional period by which the permission is sought to be further extended

Fee of €62.00 included ☐ {please tick box, if attached.}

If paying by credit/debit card, please contact the Planning office at 056-7794010 between 9am to 1pm and 2pm to 4pm, Monday to Friday, to arrange payment.

If paying by EFT please contact the Planning Department via email at planning@kilkennycoco.ie

If submitting by post, you can include a cheque/bank draft/postal order, made payable to Kilkenny County Council.

I hereby apply for an extension of duration of the appropriate period of planning permission in accordance with the foregoing particulars pursuant to the provisions of Section 42(1A) of the Planning & Development Acts, 2000, as amended & Section 28 of the Planning and Development (Amendment) Act 2025

Signed: Applicant: _____ Date: _____

Form A

Personal / Contact Details

This sheet must be completed in order to comply with the requirements of the Planning Acts, but please note, the information contained herein will not be made available to the public under Data Protection provisions of the Planning Regulations.

1. Name of Applicant _____

2. Address of Applicant _____

3. Telephone No: _____ E-Mail Address: _____

4. Name of Agent, if any _____

5. Address of Agent

6. Telephone No: _____ E-Mail Address: _____

7. Name and Address to which all correspondence and notices relating to the application are to be sent

Guidance Notes

Both the application form and these notes are intended for the guidance of the applicant in relation to applications for extension of duration of the appropriate period and shall not be regarded as a legal interpretation of the different Acts or Regulations referred to.

Section 28 of the Planning and Development (Amendment) Act 2025 (Act of 2025) provides for in accordance with section 42 of the Act of 2000 **allowing for extensions of duration of un-commenced permissions for development of one or more houses.**

Under subsection (1A) of section 42, where such 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 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 previously 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 out 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.