

PLANNING AND DEVELOPMENT REGULATIONS 2001 – 2013

(Unofficial Consolidation)

Updated to 26 January 2015

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PLANNING AND DEVELOPMENT REGULATIONS 2001 – 2013

The Minister for the Environment, Community and Local Government, in exercise of the powers conferred on him by sections 4, 10, 11, 12, 13, 20, 24, 33, 34, 43, 45, 51, 55, 73, 75, 85, 97, 100, 105, 106, 142, 147, 150, 169, 172, 173, 174, 175, 176, 177, 179, 181, 185, 192, 221(9) (as inserted by section 247(k) of the Local Government Act, 2001 (No. 37 of 2001)), 230, 231, 238, 246, 254 and 262 of the Planning and Development Act, 2000 (No. 30 of 2000) hereby makes the following Regulations:

PART 1

PRELIMINARY AND GENERAL

- | | | |
|-----------------|----|---|
| Citation. | 1. | These Regulations may be cited as the Planning and Development Regulations, 2001. |
| Commencement. | 2. | (1) Parts 1, 2, 3, 5, 6, 14, 15, 16 and Chapter 1 of Part 7 and Schedules 1, 2, 11 and Forms No. 1 and 2 of Schedule 4 of these Regulations shall come into operation on 21 January, 2002. |
| | | (2) Part 4, 8, 9, 10, 11, 12, 13 and 17 and Chapter 2 of Part 7 and Schedules 3, 5, 6, 7, 8, 9, 10 and 12 and Form No. 3 of Schedule 4 of these Regulations shall come into operation on 11 March, 2002. |
| Interpretation. | 3. | (1) In these Regulations, any reference to a Schedule, Part or article which is not otherwise identified is a reference to a Schedule, Part or article of these Regulations. |
| | | (2) In these Regulations, any reference to a sub-article, paragraph or sub-paragraph which is not otherwise identified is a reference to the sub-article, paragraph or sub-paragraph of the provision in which the reference occurs. |
| | | (3) In these Regulations, except where the context otherwise requires—

“the 1994 Regulations” mean the Local Government (Planning and Development) Regulations, 1994 (S.I. No. 86 of 1994), as amended;

“the 1998 Regulations” means the Local Government (Planning and Development) (Fees) (Amendment) (No. 2) Regulations, 1998 (S.I. No. 128 of 1998); |

“the 2001 Regulations” means the Local Government (Planning and Development) (Fees) Regulations, 2001 (S.I. No. 525 of 2001);

“the Act” means the Planning and Development Act, 2000;

“the Act of 1963” means the Local Government (Planning and Development) Act, 1963 (No. 28 of 1963);

“approved newspaper” means a newspaper approved by a planning authority for the purposes of these Regulations in accordance with article 18;

“bring facility” means a facility of purpose-built receptacles in which segregated domestic wastes may be deposited by the public, provided in an area to which the public have access;

“built-up area” means a city or town (where “city” and “town” have the meanings assigned to them by the Local Government Act, 2001) or an adjoining developed area;

“DTI Strategy” has the meaning assigned to it by the Dublin Transportation Office (Establishment) Order (Amendment) Order, 1999 (S.I. No. 337 of 1999);

“Dublin Docklands Area” has the meaning assigned to it by section 4 of the Dublin Docklands Development Authority Act, 1997 (No. 7 of 1997);

“EIS” means an environmental impact statement;

“electricity undertaking” means an undertaker authorised to provide an electricity service;

Comment [i1]: Inserted by article 4 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

“environmental assessment” means the preparation of an environmental report, the carrying out of consultations, the taking into account of the environmental report and the results of the consultations in decision-making and the provision of information on the decision in accordance with these Regulations;

Comment [i2]: Inserted by article 5(a) of S.I. No. 436/2004 – Planning and Development (Strategic Environmental Assessment) Regulations 2004

“establishment” means an establishment to which the Major Accident Regulations apply;

“gross floor space” means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions),

disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to the primary purpose of the building;

“hazard” means the intrinsic property of a dangerous substance or physical situation, with a potential for creating damage to human health or the environment;

“Major Accident Regulations” means the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006 (S.I. No. 74 of 2006);

Comment [i3]: Substituted by article 3 of S.I. No. 685/2006 – Planning and Development Regulations 2006

“Member State” means any State, other than Ireland, which is a Member State of the European Communities;

Comment [i4]: Inserted by article 5(b) of S.I. No. 436/2004 – Planning and Development (Strategic Environmental Assessment) Regulations 2004

“minerals” means all minerals and substances in or under land of a kind ordinarily worked by underground or by surface working for the removal but does not include turf;

“motor vehicle” means a mechanically propelled vehicle for the purposes of the Road Traffic Act, 1961 (No. 24 of 1961);

“NIS” means a Natura impact statement within the meaning of section 177T of the Act,

Comment [i5]: Inserted by article 4 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

“outline application” means an application for outline permission;

“outline permission” has the meaning assigned to it in section 36(6) of the Act;

“peat extraction” includes any related drainage of bogland;

“plan” for the purposes of Schedules 2A and 2B, means, where the context requires, a development plan, a variation of a development plan, a local area plan (or an amendment thereto), regional planning guidelines or a planning scheme;

Comment [i6]: Inserted by article 5(c) of S.I. No. 436/2004 – Planning and Development (Strategic Environmental Assessment) Regulations 2004

“provision of an establishment” means development as a result of which an area would become an establishment;

“regional assembly” means a regional authority established by the Local Government Act, 1991

(Regional Authorities) (Establishment) Order, 1999 (S.I. No. 226 of 1999);

“remedial EIS” means a remedial environmental impact statement within the meaning of section 177F of the Act;

“remedial NIS” means a remedial Natura impact statement within the meaning of section 177G of the Act.

“the SEA Directive” means directive 2001/42/EC of the European Parliament and Council of 27 June 2001 (O.J. No. L 197, 21 July 2001) on the assessment of the effects of certain plans and programmes on the environment.

Comment [i7]: Inserted by article 4 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i8]: Inserted by article 5(d) of S.I. No. 436/2004 – Planning and Development (Strategic Environmental Assessment) Regulations 2004

“transboundary State” means any State, other than Ireland, which is a Member State of the European Communities or a party to the Transboundary Convention.

- (4) In these Regulations, any reference to a permission under the Act shall include a reference to a permission under the Act of 1963, and any reference to conditions to which a permission is subject shall be construed accordingly.
- (5) In these Regulations, any reference to the making available for purchase of any document shall be construed as including the making available for purchase of an extract from such document.

Revocations. 4. The Regulations mentioned in Schedule 1 are hereby revoked.

PART 2

EXEMPTED DEVELOPMENT

- Interpretation for this Part. 5. (1) In this Part—
- “aerodrome” means any definite and limited area (including water) intended to be used, either wholly or in part, for or in connection with the landing or departure of aircraft;
- “airport” means an area of land comprising an aerodrome and any buildings, roads and car parks connected to the aerodrome and used by the airport authority in connection with the operation thereof;

“airport operational building” means a building other than a hotel, required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, livestock or goods at an airport;

“amusement arcade” means premises used for the playing of gaming machines, video games or other amusement machines;

“betting office” means premises for the time being registered in the register of bookmaking offices kept by the Revenue Commissioners under the Betting Act, 1931 (No. 27 of 1931);

‘Biomass’ means the biodegradable fraction of products, waste and residues from agriculture (including vegetal and animal substances), forestry and related industries, as well as the biodegradable fraction of industrial and municipal waste

Comment [i9]: Inserted by article 3 of S.I. No. 235/2008 – Planning and Development Regulations 2008

“business premises” means—

- (a) any structure or other land (not being an excluded premises) which is normally used for the carrying on of any professional, commercial or industrial undertaking or any structure (not being an excluded premises) which is normally used for the provision therein of services to persons,
- (b) a hotel or public house,
- (c) any structure or other land used for the purposes of, or in connection with, the functions of a State authority;

“care” means personal care, including help with physical, intellectual or social needs;

“childminding” means the activity of minding no more than 6 children, including the children, if any, of the person minding, in the house of that person, for profit or gain;

‘CHP’ has the meaning assigned to it by the Electricity Regulation Act 1999

Comment [i10]: Inserted by article 3 of S.I. No. 235/2008 – Planning and Development Regulations 2008

“day centre” means non-residential premises used for social or recreational purposes or for the provision of care (including occupational training);

“Director of Telecommunications Regulation” means the Director of Telecommunications Regulation appointed under the Telecommunications (Miscellaneous Provisions) Act, 1996 (No. 34 of 1996);

“excluded premises” means—

- (a) any premises used for purposes of a religious, educational, cultural, recreational or medical character,
- (b) any guest house or other premises (not being a hotel) providing overnight guest accommodation, block of flats or apartments, club, boarding house or hostel,
- (c) any structure which was designed for use as one or more dwellings, except such a structure which was used as business premises immediately before 1 October, 1964 or is so used with permission under the Act;

“fish counter” means a device capable of mechanically or electrically enumerating fish as they pass a specific point or area;

“Greater Dublin Area” means the area comprising the County Borough of Dublin and the administrative counties of Dun Laoghaire-Rathdown, Fingal, Kildare, Meath, South Dublin and Wicklow;

“house” does not, as regards development of classes 1, 2, 3, 4, 6(b)(ii), 7 or 8 specified in column 1 of Part 1 of Schedule 2, or development to which articles 10(4) or 10(5) refer, include a building designed for use or used as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

“illuminated” in relation to any advertisement, sign or other advertisement structure means illuminated internally or externally by artificial lighting, directly or by reflection, for the purpose of advertisement, announcement or direction;

“industrial building” means a structure (not being a shop, or a structure in or adjacent to and belonging to a quarry or mine) used for the carrying on of any industrial process;

“light industrial building” means an industrial building in which the processes carried on or the plant or

machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

"industrial process" means any process which is carried on in the course of trade or business, other than agriculture, and which is-

- (a) for or incidental to the making of any article or part of an article, or
- (b) for or incidental to the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals,

and for the purposes of this paragraph, "article" includes-

- (i) a vehicle, aircraft, ship or vessel, or
- (ii) a sound recording, film, broadcast, cable programme, publication and computer program or other original database;

“industrial undertaker” means a person by whom an industrial process is carried on and “industrial undertaking” shall be construed accordingly;

“mobile telephony” means public mobile telephony;

“painting” includes any application of colour;

“repository” means a structure (excluding any land occupied therewith) where storage is the principal use and where no business is transacted other than business incidental to such storage;

‘school’ has the meaning assigned to it by the Education Act 1998.

‘shop’ means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public –

- (a) for the retail sale of goods,
- (b) as a post office,

Comment [i11]: Inserted by article 3 of S.I. No. 235/2008 – Planning and Development Regulations 2008

- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and “wine” is defined as any intoxicating liquor which may be sold under a wine retailer's off-licence (within the meaning of the Finance (1909-1910) Act, 1910), 10 Edw. 7. & 1 Geo. 5, c.8,
- (e) for hairdressing,
- (f) for the display of goods for sale,
- (g) for the hiring out of domestic or personal goods or articles,
- (h) as a launderette or dry cleaners,
- (i) for the reception of goods to be washed, cleaned or repaired,

but does not include any use associated with the provision of funeral services or as a funeral home, or as a hotel, a restaurant or a public house, or for the sale of hot food or intoxicating liquor for consumption off the premises except under paragraph (d), or any use to which class 2 or 3 of Part 4 of Schedule 2 applies;

Comment [i12]: Inserted by article 3 of S.I. No. 364/2005 – Planning and Development Regulations 2005

“supermarket” means a self-service shop selling mainly food;

“telecommunications network” means the whole of the telecommunications infrastructure and any associated physical infrastructure of any network operator;

“telecommunications service” means services which consist wholly or partly in the transmission or routing of signals on a telecommunications network or both transmission and routing;

“Wetlands” means natural or artificial areas where biogeochemical functions depend notably on constant or periodic shallow inundation, or saturation, by standing or flowing fresh, brackish or saline water.

Comment [i13]: Inserted by article 3 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

“wholesale warehouse” means a structure where business, principally of a wholesale nature is transacted, and goods are stored or displayed incidentally to the transaction of that business.

- (2) In Schedule 2, unless the context otherwise requires, any reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground level, and for that purpose “ground level” means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situated or is to be situated is not uniform, the level of the lowest part of the ground adjacent to it.
- Exempted Development. 6. (1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.
- (2) (a) Subject to article 9, development consisting of the use of a structure or other land for the exhibition of advertisements of a class specified in column 1 of Part 2 of Schedule 2 shall be exempted development for the purposes of the Act, provided that—
- (i) such development complies with the conditions and limitations specified in column 2 of the said Part 2 opposite the mention of that class in the said column 1, and
- (ii) the structure or other land shall not be used for the exhibition of any advertisement other than an advertisement of a class which is specified in column 1 of the said Part 2 and which complies with the conditions and limitations specified in column 2 of the said Part 2 opposite the mention of that class in the said column 1.
- (b) Subject to article 9, development consisting of the erection of any advertisement structure for the exhibition of an advertisement of any one of the classes specified in column 1 of Part 2 of Schedule 2 shall be exempted development for the purposes of the Act, provided that—
- (i) the area of such advertisement structure which is used for the exhibition of an advertisement does not exceed the area, if any, specified in column 2 of the said Part 2 opposite the mention of that class in the said column 1,

- (ii) the advertisement structure is not used for the exhibition of advertisements other than advertisements of the class to which the exemption relates,
 - (iii) further to section 57 of the Act, the advertisement structure is not erected on a protected structure or a proposed protected structure save an advertisement structure referred to in Classes 5, 9 or 15 of column 1 of Part 2 of Schedule 2,
 - (iv) further to section 82 of the Act, the advertisement structure is not located on the exterior of a structure where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft development plan, so as to materially affect the character of the area, save an advertisement structure referred to in Classes 5, 9 or 15 of column 1 of Part 2 of Schedule 2, and
 - (v) where the advertisement structure is within a Gaeltacht area, any advertisement exhibited is—
 - (I) in Irish, or
 - (II) in Irish and other languages, with prominence given to the Irish text, and identical content in all versions of the text.
- (3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.
- (4) (a) Subject to paragraph (b), the carrying out of such works as are necessary to secure compliance with the Building Regulations, 1997 (S.I. No. 497 of 1997) shall, in the case of development consisting of the construction of a dwelling or dwellings in respect of which permission under Part IV of the Act of 1963

was granted before 1 June 1992, be exempted development.

(b) Paragraph (a) shall not apply in the case of development consisting of the construction of a building designed for use as 2 or more separate dwellings.

Development under other enactments.

7. (1) Works consisting of or incidental to the carrying out of development referred to in section 86(8) of the Environmental Protection Agency Act 1992 (No.7 of 1992), as amended for the purpose of giving effect to a condition attached to a licence or revised licence granted by the Environmental Protection Agency under Part IV of the said Act shall be exempted development.
- (2) Works consisting of or incidental to the carrying out of development referred to in section 54(4) (a) of the Waste Management Act, 1996 (No. 10 of 1996) for the purpose of giving effect to a condition attached to a licence or revised licence granted by the Environmental Protection Agency under Part V of the said Act shall be exempted development.

Comment [i14]: Substituted by article 4 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Works specified in a drainage scheme

8. Works specified in a drainage scheme confirmed by the Minister for Finance under Part II of the Arterial Drainage Act 1945 (No. 3 of 1945) or the Arterial Drainage (Amendment) Act 1995 (No. 14 of 1995), carried out by, on behalf of, or in partnership with, the Commissioners, with such additions, omissions, variations and deviations or other works incidental thereto, as may be found necessary by the Commissioners or their agent or partner in the course of the works, shall be exempted development.
- 8A. Initial afforestation shall be exempted development.
- 8B. Works consisting of field drainage for agriculture, other than drainage and/or reclamation of wetlands, shall be exempted development.
- 8C. Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development.
- 8D. Works consisting of the removal for the purposes of agriculture of field boundaries including stone walls, clay banks or wire or post fences shall be exempted development.

Comment [i15]: Substituted by article 4 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

Comment [i16]: Inserted by article 4 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

Comment [i17]: Amended by article 3(a) of S.I. No. 464/2011 – European Communities (Amendment to Planning and Development Regulations) Regulations 2011

Comment [i18]: Inserted by article 4 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

Comment [i19]: Amended by article 3(b) of S.I. No. 464/2011 – European Communities (Amendment to Planning and Development Regulations) Regulations 2011

Comment [i20]: Inserted by article 4 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

Comment [i21]: Substituted by article 7 of S.I. No. 584/2011 – European Union (Environmental Impact Assessment and Habitats) (No. 2) Regulations 2011

	8E.	Articles 8B to 8D shall not apply in an area to which a special amenity area order relates.	<p>Comment [i22]: Inserted by article 7 of S.I. No. 584/2011 – European Union (Environmental Impact Assessment and Habitats) (No. 2) Regulations 2011</p>
	8F.	Development consisting of the thinning, felling or replanting of trees, forests or woodlands, or works ancillary to that development, but not including the replacement of broadleaf high forest by conifer species, shall be exempted development.	<p>Comment [i23]: Inserted by article 3 of S.I. No. 219/2013 – Planning and Development (Amendment) Regulations 2013</p>
	8G.	Development (other than where the development consists of provision of access to a public road) consisting of the construction, maintenance or improvement of a road (other than a public road), or works ancillary to such road development, where the road serves forests and woodlands, shall be exempted development.	<p>Comment [i24]: Inserted by article 3 of S.I. No. 219/2013 – Planning and Development (Amendment) Regulations 2013</p>
Restrictions on exemption.	9. (1)	<p>Development to which article 6 relates shall not be exempted development for the purposes of the Act—</p> <p>(a) if the carrying out of such development would—</p> <p>(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,</p> <p>(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,</p> <p>(iii) endanger public safety by reason of traffic hazard or obstruction of road users,</p> <p>(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development</p>	

plan,

- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,
- (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,
- (viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,
- (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the

competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

- (viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.
- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,
- (ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
- (x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,
- (xi) obstruct any public right of way,
- (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the

Comment [j25]: Substituted by article 5 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

- (b) in an area to which a special amenity area order relates, if such development would be development:—
- (i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or
 - (ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or
 - (iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or
 - (iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,
- (c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,
- (d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.
- (2) Sub-article (1)(a)(vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding 100 metres in length for the purpose of conducting electricity from a distribution or transmission

line to any premises.

- (3) For the avoidance of doubt, sub-article (1)(a)(vii) shall not apply to any operation or activity in respect of which a Minister of the Government has granted consent or approval in accordance with the requirements of regulation 31 of the Habitats Regulations 1997, and where regulation 31(5) does not apply.

Comment [i26]: Inserted by article 3 of S.I. No. 256/2008 – Planning and Development (Amendment) Regulations 2008

Changes of use.

10. (1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—
- (a) involve the carrying out of any works other than works which are exempted development,
 - (b) contravene a condition attached to a permission under the Act,
 - (c) be inconsistent with any use specified or included in such a permission, or
 - (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.
- (2) (a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.
- (b) Nothing in any class in Part 4 of the Schedule 2 shall include any use—
- (i) as an amusement arcade,
 - (ii) as a motor service station,
 - (iii) for the sale or leasing, or display for sale or leasing, of motor vehicles,
 - (iv) for a taxi or hackney business or for the hire of motor vehicles,
 - (v) as a scrap yard, or a yard for the breaking of motor vehicles,

- (vi) for the storage or distribution of minerals,
- (vii) as a supermarket, the total net retail sales space of which exceeds 3,500 square metres in the greater Dublin Area and 3,000 square metres in the remainder of the State,
- (viii) as a retail warehouse, the total gross retail sales space of which exceeds 6,000 square metres (including any ancillary garden centre), or
- (ix) as a shop, associated with a petrol station, the total net retail sales space of which exceeds 100 square metres.

- (3) Development consisting of the provision within a building occupied by, or under the control of, a State authority of a shop or restaurant for visiting members of the public shall be exempted development for the purposes of the Act.
- (4) Development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for the accommodation of not more than 4 persons as overnight guest accommodation, shall be exempted development for the purposes of the Act, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.
- (5) Development consisting of the use of a house for child minding shall be exempted development for the purposes of the Act.

Saver for certain development.

- 11. Development commenced prior to the coming into operation of this Part and which was exempted development for the purposes of the Act of 1963 or the 1994 Regulations, shall notwithstanding the repeal of that Act and the revocation of those Regulations, continue to be exempted development for the purposes of the Act.

PART 3

PLANS AND GUIDELINES

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|---|-----|---|
| Sites prescribed under section 10(2)(c) of Act. | 12. | The sites prescribed for the purposes of section 10(2)(c) of the Act shall be—

(a) any area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act, 2000 (No. 38 of 2000), and

(b) any area the subject of a notice under section 16(2)(b) of the Wildlife (Amendment) Act, 2000. |
| Authorities prescribed under sections 11, 12 and 13 of Act. | 13. | The prescribed authorities for the purposes of sections 11, 12 and 13 of the Act shall be—

(a) the Minister,

(b) the Board,

(c) the Minister for Agriculture, Fisheries and Food,

(d) the Minister for Arts, Heritage and the Gaeltacht,

(e) the Minister for Communications, Energy and Natural Resources,

(f) the Minister for Defence,

(g) the Minister for Education and Skills,

(h) the Minister for Transport, Tourism and Sport,

(i) An Chomhairle Ealaíon,

(j) the Commissioners,

(k) Dublin Airport Authority,

(l) in the case of a planning authority any part of whose functional area is affected by the DTI Strategy, the Dublin Transportation Office (or any body that replaces that office),

(la) EirGrid,

(lb) the Environmental Protection Agency,

(m) ESB (Electric Ireland), |

Comment [i27]: Inserted by article 5 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (n) Forfás,
- (o) Fáilte Ireland,
- (p) the Health Service Executive,
- (q) the Heritage Council,
- (r) the Health and Safety Authority,
- (s) Inland Fisheries Ireland,
- (t) the National Roads Authority,
- (u) in the case of a planning authority any part of whose functional area is situated within the functional area of the Shannon Free Airport Development Company Ltd., that Company,
- (v) An Taisce — the National Trust for Ireland,
- (w) any planning authority whose area is contiguous to the area of the planning authority that prepared the draft,
- (x) any local authority, including town councils, and any city and county development board in the area to which the draft relates, and
- (y) the regional authority or regional assembly within whose region the functional area of the planning authority is situated, and any regional authority whose region is contiguous to the region of the first-mentioned authority,
- (z) Irish Water.

Comment [i28]: Substituted by article 3 of S.I. No. 262/2011 – Planning and Development (Amendment) Regulations 2011

Comment [i29]: Substituted by article 3 of S.I. No. 520 of 2013 – Planning and Development (Amendment) (No. 2) Regulations 2013

Comment [i30]: Substituted by article 3(a) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

Determination of need for environmental assessment of development plan

- 13A. (1) This article applies to a development plan for an area the population or the target population of which is less than 10,000 persons.
- (2) Where a planning authority proposes to prepare a new development plan referred to in sub-article (1), the planning authority shall, prior to giving notice under section 11(1) of the Act, consider whether or not the implementation of a new development plan would be likely to have significant effects on the environment, taking account of relevant criteria set out in Schedule 2A.

- (3) Where the planning authority, following consideration under sub-article (2), determines that the implementation of a new development plan referred to in sub-article (1) would be likely to have significant effects on the environment, sub-articles (4) and (5) shall not apply.
- (4) (a) Where, following consideration under sub-article (2), a determination under sub-article (3) has not been made by the planning authority, the authority shall give notice in accordance with paragraph (b) to the following environmental authorities and planning authorities—
- (i) the Environmental Protection Agency,
 - (ii) the Minister for the Environment, Community and Local Government,
 - (iii) where it appears to the planning authority that the plan or programme, or modification of the plan or programme, might have significant effects on fisheries or the marine environment, the Minister for Agriculture, Marine and Food, and the Minister for Communications, Marine and Natural Resources,
 - (iv) where it appears to the competent authority that the plan or programme, or amendment to a plan or programme, might have significant effects in relation to the architectural or archaeological heritage or to nature conservation, the Minister for Arts, Heritage and Gaeltacht Affairs, and
 - (v) any adjoining planning authority whose area is contiguous to the area of a planning authority which prepared a draft plan, proposed variation, or local area plan.
- (b) A notice under paragraph (a) shall—
- (i) state that the planning authority intends to review its existing development plan and to prepare a new development plan for its area.
 - (ii) state that the planning authority must determine whether or not the implementation of a new development plan would be likely to have significant effects on the environment and that, in so doing, it must take account of relevant criteria set out in Schedule 2A, and

Comment [i31]: Substituted by article 3(b) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

(iii) indicate that a submission or observation in relation to whether or not the implementation of a new development plan would be likely to have significant effects on the environment may be made to the authority within a specified period which shall be not less than 4 weeks from the date of the notice.

(5) Following the period specified in sub-article 4(b)(iii), the planning authority shall determine whether or not the implementation of a new development plan would be likely to have significant effects on the environment, taking account of relevant criteria set out in Schedule 2A and any submission or observation received in response to a notice under sub-article (4).

(6) As soon as practicable after making a determination under sub-article (3) or (5), the planning authority shall—

(a) make a copy of its decision, including, as appropriate, the reasons for not requiring an environmental assessment, available for public inspection at the offices of the planning authority during office hours and on the website of the authority, and

(b) notify its decision to any environmental authority which was notified under sub-article (4).

Comment [i32]: Substituted by article 3(c) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

Notice of review of development plan. 13B.

Where—

(a) the population or the target population of the area of a planning authority is 10,000 persons or more, or

(b) where the planning authority determines under article 13A(3) or (5) that the implementation of a new development plan would be likely to have significant effects on the environment,

(i) the notice under section 11(1) of the Act shall, in addition to the requirements of section 11(2) of the Act, state that—

(I) the planning authority proposes to carry out an environmental assessment as part of the review of the existing development plan and the preparation of a new development plan, and

Comment [i33]: Substituted by article 3(d) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

		(II) for this purpose, the planning authority will prepare an environmental report of the likely significant effects on the environment of implementing the new plan, and
		(ii) the provisions of articles 13C to 13J shall apply.
Requirement to prepare environmental report.	13C.	A draft development plan prepared by the manager under section 11(5) of the Act shall be accompanied by or include an environmental report and any reference to a draft development plan in that subsection or in subsections (1), (2), (5) or (6) of section 12 of the Act shall be construed as also referring to the environmental report.
Scoping of environmental report.	13D.	(1) The planning authority shall, as soon as practicable after the giving of notice under section 11(1) of the Act, give notice in accordance with sub-article (2) to the environmental authorities specified in article 13A(4), as appropriate.
		(2) A notice under sub-article (1) shall—
		(a) state that, as part of the review of the existing development plan and the preparation of a new development plan, the planning authority will prepare an environmental report of the likely significant effects on the environment of implementing the plan.
		(b) state that the environmental report is required to include the information that may reasonably be required, taking into account—
		(i) current knowledge and methods of assessment,
		(ii) the contents and level of detail in the plan,
		(iii) the stage of the plan in the decision-making process, and
		(iv) the extent to which certain matters are more appropriately assessed at different levels in the decision-making process in order to avoid duplication of environmental assessment, and
		(c) indicate that a submission or observation in relation to the scope and level of detail of the information to be included in the environmental report may be

made to the planning authority within a specified period which shall be not less than 4 weeks from the date of the notice.

Content of environmental report.

- 13E. (1) Subject to sub-article (2), an environmental report under article 13C shall identify, describe and evaluate the likely significant effects on the environment of implementing the plan, and reasonable alternatives taking account of the objectives and the geographical scope of the plan, and, for this purpose, the report shall—
- (a) contain the information specified in Schedule 2B.
 - (b) take account of any submission or observation received in response to a notice under article 13D(1), and
 - (c) be of sufficient quality to meet the requirements of these Regulations.
- (2) An environmental report shall include the information that may reasonably be required taking into account—
- (a) current knowledge and methods of assessment,
 - (b) the contents and level of detail in the plan,
 - (c) the stage of the plan in the decision-making process, and
 - (d) the extent to which certain matters are more appropriately assessed at different levels in the decision-making process in order to avoid duplication of environmental assessment.

Transboundary environmental effects.

- 13F. (1) In addition to the notification requirements under section 12(1) of the Act, a planning authority shall, following consultation with the Minister, forward a copy of the draft development plan and associated environmental report to a Member State—
- (a) where the planning authority considers that implementation of the plan is likely to have significant effects on the environment of such Member State, or
 - (b) where a Member State, likely to be significantly affected, so requests.
- (2) Where a Member State is sent a copy of a draft plan and

environmental report under sub-article (1) and it indicates that it wishes to enter into consultations before the adoption of the plan, the planning authority shall—

- (a) enter into consultations with the State concerned in relation to the likely transboundary environmental effects of implementing the plan, including, as appropriate, any likely transboundary environmental effects of implementing a proposed amendment under section 12(7) of the Act, and the measures envisaged to reduce or eliminate such effects, and
 - (b) agree with the State concerned—
 - (i) a reasonable timeframe for the completion of the consultations, having regard to the timeframes for the making of a new development plan under section 12 of the Act, and
 - (ii) detailed arrangements to ensure that the authorities referred to in article 6(3) of the SEA Directive and the public referred to in article 6(4) of the SEA Directive in the Member State concerned are informed and given an opportunity to forward their opinion within a reasonable timeframe.
- (3) The report required of the manager under subsection (4) or (8) of section 12 of the Act shall take account of any transboundary consultations under this article.
- (4) Where, in response to a request to a Member State or otherwise, a planning authority receives from a Member State, either directly from the Member State or communicated by the Minister, a draft development or land-use plan and associated environmental report in relation to such State, or part thereof, the planning authority shall, as soon as may be following receipt of such plan and environmental report—
- (a) enter into consultations with the State concerned in relation to the likely transboundary environmental effects of implementing the plan and the measures envisaged to reduce or eliminate such effects.
 - (b) agree with the State concerned—
 - (i) a reasonable timeframe for the completion of the consultations, having regard to any statutory or other timeframes for the adoption of the plan,

and

- (ii) detailed arrangements to ensure that the authorities referred to in article 6(3) of the SEA Directive and the public referred to in article 6(4) of the SEA Directive in the area likely to be significantly affected are informed and given an opportunity to forward their opinion within a reasonable timeframe,
 - (c) publish a notice in accordance with sub-article (5) in an approved newspaper, and
 - (d) send notice of, and a copy of, the draft plan and associated environmental report to the environmental authorities specified in article 13A(4), as appropriate, indicating that a submission or observation in relation to the draft plan and associated environmental report may be made in writing to the authority within a specified period which shall be not less than 4 weeks from the date of the notice.
- (5) A notice in accordance with sub-article (4)(c) shall state that—
- (a) a draft development or land-use plan and associated environmental report have been received from a Member State,
 - (b) the draft plan has potential transboundary environmental effects,
 - (c) a copy of the draft plan and associated environmental report are available for public inspection at the offices of the planning authority during office hours and on the website of the authority or any other stated place or places at the stated times during a specified period which shall be not less than 4 weeks from the date of the notice (and the copy shall be kept available for inspection accordingly), and
 - (d) a submission or observation in relation to the draft plan and associated environmental report may be made in writing to the planning authority within the specified period.
- (6) As soon as may be following receipt of any submission or observation in response to a notice under sub-article

Comment [i34]: Substituted by article 3(e) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) Regulations 2011

			(4) or (5), or where the planning authority otherwise considers it necessary, the relevant planning authority shall consult with the State concerned in relation to the likely transboundary environmental effects of the draft plan and the measures envisaged to reduce or eliminate such effects.
Notice of material alteration of draft development plan	13G.		A notice under section 12(7) of the Act shall, as appropriate, in addition to the requirements of paragraph (b), state that information on the likely significant effects on the environment of implementing the proposed amendment will also be available for inspection at the offices of the planning authority during office hours and on the website of the authority and that a submission or observation in relation to such information made to the planning authority within the period stated in the notice will also be taken into consideration before the making of any amendment.
Decision-making	13H.		The planning authority shall take account of <ul style="list-style-type: none"> (a) the environmental report, (b) any submission or observation made to the planning authority in response to a notice under section 12(1) or (7) of the Act, and (c) any consultations under article 13F, during the preparation of the plan, and before its adoption.
Information on decision	13I.	(1)	In addition to the requirement of section 12(12)(b) of the Act, a notice under section 12(12)(a) of the Act shall state that a statement is also available, summarising— <ul style="list-style-type: none"> (a) how environmental considerations have been integrated into the plan, (b) how <ul style="list-style-type: none"> (i) the environmental report prepared pursuant to article 13C, (ii) submissions and observations made to the planning authority in response to a notice under section 12(1) or (7) of the Act, and (iii) any consultations under article 13F.

Comment [i35]: Substituted by article 3(f) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

have been taken into account during the preparation of the plan.

(c) the reasons for choosing the plan, as adopted, in the light of the other reasonable alternatives dealt with, and

(d) the measures decided upon to monitor, in accordance with article 13J, the significant environmental effects of implementation of the plan.

(2) A planning authority shall, in addition to the requirements of paragraph (c) of section 12(12) of the Act—

(a) send a copy of the statement referred to in sub-article (1) to the bodies referred to in that paragraph, and

(b) send a copy of the statement and development plan to any Member State consulted under article 13F.

Monitoring

13J. (1) The planning authority shall monitor the significant environmental effects of implementation of the development plan in order, inter alia, to identify at an early stage unforeseen adverse effects and to be able to undertake appropriate remedial action and, for this purpose, existing monitoring arrangements may be used, if appropriate, with a view to avoiding duplication of monitoring.

(2) The report required of the manager under section 15(2) of the Act shall include information in relation to progress on, and the results of, monitoring the significant environmental effects of implementation of the development plan.

Determination of need for environmental assessment of variation of development plan.

13K. (1) Where a planning authority proposes to make a variation of a development plan under section 13 of the Act, it shall, before giving notice under section 13(2) of the Act, consider whether or not the proposed variation would be likely to have significant effects on the environment, taking into account of relevant criteria set out in Schedule 2A.

(2) Where the planning authority, following consideration under sub-article (1), determines that the proposed variation would be likely to have significant effects on the environment, sub-articles (3) and (4) shall not apply.

(3) (a) Where, following consideration under sub-article

(1), a determination under sub-article (2) has not been made by the planning authority, the authority shall give notice in accordance with paragraph (b) to the environmental authorities specified in article 13A(4), as appropriate.

(b) A notice under paragraph (a) shall—

- (i) state that the planning authority proposes to make a variation of the development plan under section 13 of the Act,
- (ii) state that the planning authority must determine whether or not the proposed variation would be likely to have significant effects on the environment and that, in so doing, it must take account of relevant criteria set out in Schedule 2A, and
- (iii) indicate that a submission or observation in relation to whether or not the proposed variation would be likely to have significant effects on the environment may be made to the authority within a specified period which shall be not less than 3 weeks from the date of the notice.

(4) Following the period specified in sub-article 3(b)(iii), the planning authority shall determine whether or not the proposed variation of the development plan would be likely to have significant effects on the environment, taking account of relevant criteria set out in Schedule 2A and any submission or observation received in response to a notice under sub-article (3).

(5) As soon as practicable after making a determination under sub-article (2) or (4), the planning authority shall—

- (a) make a copy of its decision, including, as appropriate, the reasons for not requiring an environmental assessment, available for public inspection at the offices of the planning authority during office hours and on the website of the authority, and
- (b) notify its decision to any environmental authority which was notified under sub-article (3).

Comment [i36]: Substituted by article 3(g) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

(6) The provisions of articles 13L to 13R shall only apply where a planning authority determines under this article that a proposed variation would be likely to have

		significant effects on the environment.
Requirement to prepare environmental report.	13L.	A proposed variation of a development plan under section 13 of the Act shall be accompanied by or include an environmental report and any reference to a proposed variation in subsections (2), (3)(b) and (c), (5) and (6) of Section 13 of the Act shall be construed as also referring to the environmental report.
Scoping of environmental report.	13M.	<p>(1) Before giving notice under section 13(2) of the Act, the planning authority shall give notice in accordance with sub-article (2) to the environmental authorities specified in article 13A(4), as appropriate.</p> <p>(2) A notice under sub-article (1) shall—</p> <p>(a) state that the planning authority proposes to carry out an environmental assessment of the proposed variation of the development plan.</p> <p>(b) state that, for this purpose, the planning authority will prepare an environmental report of the likely significant effects on the environment of implementing the proposed variation,</p> <p>(c) state that the environmental report is required to include the information that may reasonably be required, taking into account—</p> <p>(i) current knowledge and methods of assessment,</p> <p>(ii) the contents and level of detail of the proposed variation,</p> <p>(iii) the stage of the proposed variation in the decision-making process, and</p> <p>(iv) the extent to which certain matters are more appropriately assessed at different levels in the decision-making process in order to avoid duplication of environmental assessment, and</p> <p>(d) indicate that a submission or observation in relation to the scope and level of detail of the information to be included in the environmental report may be made to the planning authority within a specified period which shall be not less than 3 weeks from the date of the notice.</p>
Content of	13N.	(1) Subject to sub-article (2), an environmental report under

environmental report.

article 13L shall identify, describe and evaluate the likely significant effects on the environment of implementing the proposed variation and reasonable alternatives taking account of the objectives and the geographical scope of the proposed variation and, for this purpose, the report shall—

- (a) contain the information specified in Schedule 2B,
- (b) take account of any submission or observation received in response to a notice under article 13M(1), and
- (c) be of sufficient quality to meet the requirements of these Regulations.

(2) An environmental report shall include the information that may reasonably be required taking into account—

- (a) current knowledge and methods of assessment,
- (b) the contents and level of detail of the proposed variation,
- (c) the stage of the proposed variation in the decision-making process, and
- (d) the extent to which certain matters are more appropriately assessed at different levels in the decision-making process in order to avoid duplication of environmental assessment.

Transboundary environmental effects.

13O. (1) In addition to the notification requirements under section 13(2) of the Act, a planning authority shall, following consultation with the Minister, forward a copy of the proposed variation and associated environmental report to a Member State—

- (a) where the planning authority considers that implementation of the proposed variation is likely to have significant effects on the environment of such Member State, or
- (b) where a Member State, likely to be significantly affected, so requests.

(2) Where a Member State is sent a copy of a proposed variation and environmental report under sub-article (1) and it indicates that it wishes to enter into consultations before the adoption of the proposed variation, the

planning authority shall—

- (a) enter into consultations with the State concerned in relation to the likely transboundary environmental effects of implementing the proposed variation and the measures envisaged to reduce or eliminate such effects, and
 - (b) agree with the State concerned—
 - (i) a reasonable timeframe for the completion of the consultations, having regard to the timeframes for the making of a variation of a development plan under section 13 of the Act, and
 - (ii) detailed arrangements to ensure that the authorities referred to in article 6(3) of the SEA Directive and the public referred to in article 6(4) of the SEA Directive in the Member State concerned are informed and given an opportunity to forward their opinion within a reasonable timeframe.
- (3) The report required of the manager under section 13(4) of the Act shall take account of any transboundary consultations under this article.
- (4) Where, in response to a request to a Member State or otherwise, the planning authority receives from a Member State, either directly from the Member State or communicated by the Minister, a proposed variation of a development or land-use plan and associated environmental report in relation to such State, or part thereof, the planning authority shall, as soon as may be following receipt of such variation and environmental report—
- (a) enter into consultations with the State concerned in relation to the likely transboundary environmental effects of implementing the variation and the measures envisaged to reduce or eliminate such effects,
 - (b) agree with the State concerned—
 - (i) a reasonable timeframe for the completion of the consultations, having regard to any statutory or other timeframes for the making of the variation, and

- (ii) detailed arrangements to ensure that the authorities referred to in article 6(3) of the SEA Directive and the public referred to in article 6(4) of the SEA Directive in the area likely to be significantly affected are informed and given an opportunity to forward their opinion within a reasonable timeframe,
 - (c) publish a notice in accordance with sub-article (5) in an approved newspaper, and
 - (d) send notice of, and a copy of, the proposed variation and associated environmental report to the environmental authorities specified in article 13A(4), as appropriate, indicating that a submission or observation in relation to the proposed variation and associated environmental report may be made in writing to the authority within a specified period which shall be not less than 4 weeks from the date of the notice.
- (5) A notice in accordance with sub-article (4)(c) shall state that—
- (a) a proposed variation of a development or land-use plan and associated environmental report have been received from a Member State,
 - (b) the proposed variation has potential transboundary environmental effects,
 - (c) a copy of the draft plan and associated environmental report are available for public inspection at the offices of the planning authority during office hours and on the website of the planning authority or any other stated place or places at the stated times during a specified period which shall be not less than 4 weeks from the date of the notice (and the copy shall be kept available for inspection accordingly), and
 - (d) a submission or observation in relation to the proposed variation and associated environmental report may be made in writing to the authority within the specified period.
- (6) As soon as may be following receipt of any submission or observation in response to a notice under sub-article (4) or (5), or where the planning authority otherwise considers it necessary, the relevant planning authority

Comment [i37]: Substituted by article 3(h) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) regulations 2011

shall consult with the State concerned in relation to the likely transboundary environmental effects of the proposed variation and the measures envisaged to reduce or eliminate such effects.

Decision-making. 13P.

The planning authority shall take account of—

- (a) the environment report,
- (b) any submission or observation made to the planning authority in response to a notice under section 13(2) of the Act, and
- (c) any consultations under article 13O.

during the making of the variation, and before its adoption.

Information on decision.

13Q. (1)

In addition to the requirement of section 13(8)(b) of the Act, a notice under section 13(8)(a) of the Act shall state that a statement is also available summarising—

- (a) how environmental considerations have been integrated into the variation,
 - (b) how
 - (i) the environmental report prepared pursuant to article 13L,
 - (ii) submissions and observations made to the planning authority in response to a notice under section 13(2) of the Act, and
 - (iii) any consultations under article 13O,
- have been taken into account during the making of the variation,
- (c) the reasons for choosing the variation, as adopted, in the light of the other reasonable alternatives dealt with, and
 - (d) the measures decided upon to monitor, in accordance with article 13R, the significant environmental effects of implementation of the variation.

- (2) A planning authority shall, in addition to the requirements of paragraph (c) of section 13(8) of the Act—

		(a) send a copy of the statement referred to in sub-article (1) to the bodies referred to in that paragraph, and	
		(b) send a copy of the statement and the variation to any Member State consulted under article 13O.	
Monitoring.	13R. (1)	The planning authority shall monitor the significant environmental effects of implementation of the variation of a development plan in order, inter alia, to identify at an early stage unforeseen adverse effects and to be able to undertake appropriate remedial action and, for this purpose, existing monitoring arrangements may be used, if appropriate, with a view to avoiding duplication of monitoring.	
	(2)	Monitoring required under sub-article (1) shall, as appropriate, be incorporated as part of any monitoring under article 13J.	
Authorities prescribed under section 20 of Act.	14.	The prescribed authorities for the purposes of section 20 of the Act shall be—	Comment [i38]: Inserted by article 7 of S.I. No. 436/2004 – Planning and Development (Strategic Environmental Assessment) Regulations 2004
	(a)	the Minister,	Comment [i39]: Substituted by article 6 of S.I. No. 685/2006 – Planning and Development Regulations 2006
	(b)	the Minister for Arts, Heritage and the Gaeltacht,	Comment [i40]: Substituted by article 4 of S.I. No. 262/2011 – Planning and Development (Amendment) Regulations 2011
	(c)	any local authority, including town councils, in the area to which the local area plan, proposed local area plan or proposed amended plan, as appropriate, relates, and any relevant city and county development board,	
	(d)	any planning authority whose area is contiguous to the area to which the local area plan, proposed local area plan or proposed amended plan, as appropriate, relates, and	
	(e)	Irish Water.	Comment [i41]: Substituted by article 4 of S.I. No. 520 of 2013 – Planning and Development (Amendment) (No. 2) Regulations 2013
Determination of need for environmental assessment of local area plan.	14A. (1)	This article applies to a local area plan or an amendment to a local area plan for an area the population or the target population of which is less than 5,000 persons or where the area covered by the local area plan is less than 50 square kilometres.	Comment [i42]: Substituted by article 3(i) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011
	(2)	Where a planning authority proposes to prepare or amend a local area plan referred to in sub-article (1), the planning authority shall, prior to giving notice under section 20(3) of the Act, consider whether or not	

implementation of the local area plan or amended plan would be likely to have significant effects on the environment, taking account of relevant criteria set out in Schedule 2A.

- (3) Where the planning authority, following consideration under sub-article (2), determines that implementation of a local area plan or amended plan referred to in sub-article (1) would be likely to have significant effects on the environment, sub-articles (4) and (5) shall not apply.
- (4)
 - (a) Where, following consideration under sub-article (2), a determination under sub-article (3) has not been made by the planning authority, the authority shall give notice in accordance with paragraph (b) to the environmental authorities specified in article 13A(4), as appropriate.
 - (b) A notice under paragraph (a) shall—
 - (i) state that the planning authority intends to prepare or amend a local area plan.
 - (ii) state that the planning authority must determine whether or not implementation of the local area plan or amended plan would be likely to have significant effects on the environment and that, in so doing, it must take account of relevant criteria set out in Schedule 2A, and
 - (iii) indicate that a submission or observation in relation to whether or not implementation of the local area plan or amended plan would be likely to have significant effects on the environment may be made to the authority within a specified period which shall be not less than 4 weeks from the date of the notice.
- (5) Following the period specified in sub-article 4(b)(iii), the planning authority shall determine whether or not implementation of the local area plan or amended plan would be likely to have significant effects on the environment, taking account of relevant criteria set out in Schedule 2A and any submission or observation received in response to a notice under sub-article (4).
- (6) As soon as practicable after making a determination under sub-article (3) or (5), the planning authority shall—
 - (a) make a copy of its decision, including, as

Requirement to prepare environmental report.

14B.

- appropriate, the reasons for not requiring an environmental assessment, available for public inspection at the offices of the planning authority during office hours and on the website of the authority, and
- (b) notify its decision to any environmental authority which was notified under sub-article (4).
- Where—
- (a) the population or the target population of the area of a local area plan is 5,000 persons or more, or
- (b) the area covered by the local area plan is greater than 50 square kilometres, or
- (c) the local area plan is being prepared for a town and its environs area, or
- (d) where the planning authority determines under article 14A(3) or (5) that the implementation of a local area plan, an amended plan or an amendment to a local area plan would be likely to have significant effects on the environment,

Comment [i43]: Substituted by article 3(j) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

the planning authority shall, prior to giving notice under section 20(3) of the Act, prepare an environmental report of the likely significant effects on the environment of implementing the local area plan, an amended plan or an amendment to a local area plan, and the provisions of articles 14C to 14J shall apply.

Scoping of environmental report.

14C.

- (1) The planning authority shall, prior to giving notice under section 20(3) of the Act, give notice in accordance with sub-article (2) to the environmental authorities specified in article 13A(4), as appropriate.
- (2) A notice under sub-article (1) shall—
- (a) state that, as part of the preparation or amendment of the local area plan, the planning authority will prepare an environmental report of the likely significant effects on the environment of implementing the plan or amended plan,
- (b) state that the environmental report is required to include the information that may reasonably be required, taking into account—

Comment [i44]: Substituted by article 3(k) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

- (i) current knowledge and methods of assessment,
 - (ii) the contents and level of detail in the plan or amended plan
 - (iii) the stage of the plan or amended plan in the decision-making process, and
 - (iv) the extent to which certain matters are more appropriately assessed at different levels in the decision-making process in order to avoid duplication of environmental assessment, and
- (c) indicate that a submission or observation in relation to the scope and level of detail of the information to be included in the environmental report may be made to the planning authority within a specified period which shall be not less than 4 weeks from the date of the notice.

Content of environmental report.

- 14D. (1) Subject to sub-article (2), an environmental report under article 14B shall identify, describe and evaluate the likely significant effects on the environment of implementing the plan or amended plan, and reasonable alternatives taking account of the objectives and the geographical scope of the plan or amended plan, and, for this purpose, the report shall—
- (a) contain the information specified in Schedule 2B.
 - (b) take account of any submission or observation received in response to a notice under article 14C(1), and
 - (c) be of sufficient quality to meet the requirements of these Regulations.
- (2) An environmental report shall include the information that may reasonably be required taking into account—
- (a) current knowledge and methods of assessment,
 - (b) the contents and level of detail in the plan or amended plan,
 - (c) the stage of the plan or amended plan in the decision-making process, and
 - (d) the extent to which certain matters are more appropriately assessed at different levels in the

decision-making process in order to avoid duplication of environmental assessment.

Notice of local area plan and environmental report.

- 14E. (1) The documentation made available under section 20(3) of the Act shall be accompanied by or include an environmental report and the notice under section 20(3)(a) of the Act shall, in addition to the requirements of section 20(3)(b) of the Act, state that the planning authority has prepared an environmental report of the likely significant effects on the environment of implementing the local area plan or amended plan and that submissions or observations in respect of the environmental report made to the planning authority within the period specified in the notice will also be taken into consideration.
- (2) A notice under section 20(3)(a) of the Act shall, in addition to the authorities specified in article 14, be sent to the environmental authorities specified in article 13A(4), as appropriate.

Transboundary environmental effects.

- 14F. (1) In addition to the notification requirements under section 20(3) of the Act, the planning authority shall, following consultation with the Minister, forward a copy of the proposal to make or amend a local area plan, and, where appropriate, the proposed local area plan or proposed amended plan, and associated environmental report to a Member State—
- (a) where the planning authority considers that implementation of the plan or amended plan is likely to have significant effects on the environment of such Member State, or
- (b) where a Member State, likely to be significantly affected, so requests.
- (2) Where a Member State is sent documentation under sub-article (1) and it indicates that it wishes to enter into consultations before the making or amending of the plan or amended plan, the planning authority shall—
- (a) enter into consultations with the State concerned in relation to the likely transboundary environmental effects of implementing the plan or amended plan, including, as appropriate, any likely transboundary environmental effects of implementing a proposed variation or modification under paragraph (e) of section 20(3) of the Act, and the measures envisaged to reduce or eliminate such effects, and

		(b) agree with the State concerned—
		(i) a reasonable timeframe for the completion of the consultations, having regard to the timeframes for the making or amending of a local area plan under section 20 of the Act, and
		(ii) detailed arrangements to ensure that the authorities referred to in article 6(3) of the SEA Directive and the public referred to in article 6(4) of the SEA Directive in the Member State concerned are informed and given an opportunity to forward their opinion within a reasonable timeframe.
		(3) The report required of the manager under paragraphs (c) or (e) of section 20(3) of the Act shall take account of any transboundary consultations under this article.
Notice of material alteration of local area plan.	14G.	A notice under section 20(3)(e) of the Act shall, as appropriate, in addition to the requirements of subparagraph (ii), state that information on the likely significant effects on the environment of implementing the proposed variation or modification will also be available for inspection and that a submission or observation in relation to such information made to the planning authority within the period stated in the notice will also be taken into consideration before the making of any variation or modification.
Decision-making.	14H.	The planning authority shall take account of
		(a) the environmental report,
		(b) any submission or observation made to the planning authority in response to a notice under section 20(3) of the Act, and
		(c) any consultations under article 14F.
		during the preparation or amendment of the plan, and before its adoption.
Information on decision	14I.	(1) As soon as may be following the making or amending of a local area plan, the planning authority shall prepare a statement summarising—
		(a) how environmental considerations have been integrated into the plan.

- (b) how
- (i) the environmental report prepared pursuant to article 14B.
 - (ii) submissions and observations made to the planning authority in response to a notice under section 20(3) of the Act, and
 - (iii) any consultations under article 14F,
- have been taken into account during the preparation or amendment of the plan,
- (c) the reasons for choosing the plan or amendment, as adopted, in the light of the other reasonable alternatives dealt with, and
 - (d) the measures decided upon to monitor, in accordance with article 14J, the significant environmental effects of implementation of the plan or amended plan.
- (2) A planning authority shall, as soon as may be following the making or amending of a local area plan—
- (i) publish notice, in accordance with sub-article (3), of the making or amending of a local area plan in at least one newspaper with a sufficiently large circulation in the area covered by the local area plan,
 - (ii) in addition to the requirements of section 20(5) of the Act, send a copy of the statement referred to in sub-article (1) to the bodies referred to in section 20(5) of the Act, and
 - (iii) send a copy of the plan and the statement referred to in sub-article (1) to the authorities referred to in article 13A(4), as appropriate, and to any Member State consulted under article 14F, as appropriate.
- (3) A notice under sub-article (2)(i) shall state that a copy of the draft plan and associated environmental report are available for public inspection at the offices of the planning authority during office hours and on the website of the authority or any other stated place or places at the stated times during a specified period which shall be not less than 4 weeks from the date of the notice (and the copy shall be kept available for inspection accordingly), and

Comment [i45]: Substituted by article 3(1) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

Monitoring.

- 14J. (1) The planning authority shall monitor the significant environmental effects of implementation of the local area plan in order, inter alia, to identify at an early stage unforeseen adverse effects and to be able to undertake appropriate remedial action and, for this purpose, existing monitoring arrangements may be used, if appropriate, with a view to avoiding duplication of monitoring.
- (2) Monitoring required under sub-article (1) shall, as appropriate, be incorporated as part of any monitoring under article 13J.

Authorities prescribed under section 24 of the Act.

15. The prescribed authorities for the purposes of section 24 of the Act shall be—
- (a) the Minister,
 - (b) the Board,
 - (c) the Minister for Agriculture, Fisheries and Food,
 - (d) the Minister for Arts, Heritage and the Gaeltacht,
 - (e) the Minister for Communications, Energy and Natural Resources,
 - (f) the Minister for Defence,
 - (g) the Minister for Education and Skills,
 - (h) the Minister for Transport, Tourism and Sport,
 - (i) An Chomhairle Ealaíon,
 - (j) the Commissioners,
 - (k) Dublin Airport Authority,
 - (l) in any case where the Dublin Docklands Area is within the region for which the guidelines are prepared, to the Dublin Docklands Development Authority,
 - (m) in the case where an area which is affected by the DTI Strategy is within the region for which the guidelines are prepared, the Dublin Transportation Office (or any body that replaces that office),
 - (ma) EirGrid,

Comment [i46]: Inserted by article 8 of S.I. No. 436/2004 – Planning and Development (Strategic Environmental Assessment) Regulations 2004

Consultation regarding regional planning guidelines.

15A.

- (mb) the Environmental Protection Agency,
- (n) ESB (Electric Ireland),
- (o) Fáilte Ireland,
- (p) Forfás,
- (q) the Health Service Executive,
- (r) the Heritage Council,
- (s) the Health and Safety Authority,
- (t) Inland Fisheries Ireland,
- (u) the National Roads Authority,
- (v) in any case where the functional area of the Shannon Free Airport Development Company Ltd. is within the region for which the guidelines are prepared, that Company,
- (w) An Taisce — the National Trust for Ireland,
- (x) any regional authority whose area is contiguous to the region for which the guidelines are prepared,
- (y) the regional assembly within whose region the region for which the guidelines are prepared is situated, and
- (z) any local authority, including town councils, in the region for which the guidelines are prepared,
- (aa) Irish Water.

Comment [i47]: Inserted by article 6 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i48]: Substituted by article 5 of S.I. No. 262/2011 – Planning and Development (Amendment) Regulations 2011

Comment [i49]: Substituted by article 5 of S.I. No. 520 of 2013 – Planning and Development (Amendment) (No. 2) Regulations 2013

A notice under section 24(1) of the Act shall, in addition to the requirements of section 24(2) of the Act, state that—

- (a) the regional authority proposes to carry out an environmental assessment as part of the making of regional planning guidelines, and
- (b) for this purpose, the regional authority will prepare an environmental report of the likely significant effects on the environment of implementing the regional planning guidelines.

Requirement to prepare environmental report.

15B. Draft regional planning guidelines prepared by the regional authority under section 24(4) of the Act shall be accompanied by or include an environmental report and any reference to draft guidelines in subsections (4)(a) and (b) or (5) of section 24 of the Act shall be construed as also referring to the environmental report, and in addition to the requirements of subsection (5)(a) make the draft guidelines and environmental report available on the website of the authority.

Scoping of environmental report.

15C. (1) As soon as practicable after the giving of notice under section 24(1) of the Act, the regional authority shall give notice in accordance with sub-article (2) to the environmental authorities specified in article 13A(4), as appropriate.

(2) A notice under sub-article (1) shall

- (a) state that, as part of the making of regional planning guidelines, the regional authority will prepare an environmental report of the likely significant effects on the environment of implementing the guidelines,
- (b) state that the environmental report is required to include the information that may reasonably be required, taking into account—
 - (i) current knowledge and methods of assessment,
 - (ii) the contents and level of detail of the guidelines,
 - (iii) the stage of the guidelines in the decision-making process, and
 - (iv) the extent to which certain matters are more appropriately assessed at different levels in the decision-making process in order to avoid duplication of environmental assessment, and
- (c) indicate that a submission or observation in relation to the scope and level of detail of the information to be included in the environmental report may be made to the regional authority within a specified period which shall be not less than 4 weeks from the date of the notice.

Comment [i50]: Substituted by article 3(m) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

Content of environmental report.

15D. (1) Subject to sub-article (2), an environmental report under article 15B shall identify, describe and evaluate the likely significant effects on the environment of implementing

the regional planning guidelines and reasonable alternatives taking account of the objectives and the geographical scope of the guidelines and, for this purpose, the report shall—

- (a) contain the information specified in Schedule 2B.
- (b) take account of any submission or observation received in response to a notice under article 15C(1), and
- (c) be of sufficient quality to meet the requirements of these Regulations.

(2) An environmental report shall include the information that may reasonably be required taking into account—

- (a) current knowledge and methods of assessment,
- (b) the contents and level of detail of the regional planning guidelines,
- (c) the stage of the guidelines in the decision-making process, and
- (d) the extent to which certain matters are more appropriately assessed at different levels in the decision-making process in order to avoid duplication of environmental assessment.

Transboundary environmental effects.

15E. (1) In addition to the notification requirements under section 24(4) of the Act, a regional authority shall, following consultation with the Minister, forward a copy of the draft guidelines and associated environmental report to a Member State—

- (a) where the regional authority considers that implementation of the guidelines is likely to have significant effects on the environment of such Member State, or
- (b) where a Member State, likely to be significantly affected, so requests.

(2) Where a Member State is sent a copy of draft regional planning guidelines and environmental report under sub-article (1) and it indicates that it wishes to enter into consultations before the adoption of the guidelines, the regional authority shall—

- (a) enter into consultation with the State concerned in relation to the likely transboundary environmental effects of implementing the guidelines and the measures envisaged to reduce or eliminate such effects, and
 - (b) agree with the State concerned—
 - (i) a reasonable timeframe for the completion of the consultations, having regard to the timeframes for the making of guidelines under sections 24 and 26 of the Act, and
 - (ii) detailed arrangements to ensure that the authorities referred to in article 6(3) of the SEA Directive and the public referred to in article 6(4) of the SEA Directive in the Member State concerned are informed and given an opportunity to forward their opinion within a reasonable timeframe.
- (3) A report under article 7(1) or (2) of the Planning and Development (Regional Planning Guidelines) Regulations 2003 (S.I. No. 175 of 2003) shall take account of any transboundary consultations under this article.
- (4) Where, in response to a request to a Member State or otherwise, a regional authority receives from a Member State, either directly from the Member State or communicated by the Minister, draft regional planning guidelines or a draft regional land-use plan and associated environmental report in relation to such State, or part thereof, the regional authority shall, as soon as may be following receipt of such guidelines or plan and environmental report,
- (a) enter into consultations with the State concerned in relation to the likely transboundary environmental effects of implementing the guidelines or land-use plan and the measures envisaged to reduce or eliminate such effects,
 - (b) agree with the State concerned—
 - (i) a reasonable timeframe for the completion of the consultations, having regard to any statutory or other timeframes for the adoption of the guidelines or land-use plan, and

- (ii) detailed arrangements to ensure that the authorities referred to in article 6(3) of the SEA Directive and the public referred to in article 6(4) of the SEA Directive in the area likely to be significantly affected are informed and given an opportunity to forward their opinion within a reasonable timeframe,
 - (c) publish a notice in accordance with sub-article (5) in at least one newspaper which the regional authority considers has a sufficiently large circulation in its area, and
 - (d) send notice of, and a copy of, the draft regional planning guidelines or draft regional land-use plan and associated environmental report to the environmental authorities specified in article 13A(4), as appropriate, indicating that a submission or observation in relation to the guidelines or land-use plan and associated environmental report may be made in writing to the authority within a specified period which shall be not less than 4 weeks from the date of the notice.
- (5) A notice in accordance with a sub-article (4)(c) shall state that—
- (a) draft regional planning guidelines or a draft regional land-use plan and associated environmental report have been received from a Member State.
 - (b) the draft guidelines or land-use plan have potential transboundary effects,
 - (c) a copy of the draft guidelines or land-use plan and associated environmental report are available for inspection at a stated place or places and at stated times during a specified period which shall be not less than 4 weeks from the date of the notice (and the copy shall be kept available for inspection accordingly), and
 - (d) a submission or observation in relation to the draft guidelines or land-use plan and associated environmental report may be made in writing to the authority within the specified period.
- (6) As soon as may be following receipt of any submission or observation in response to a notice under sub-article (4) or (5), or where the regional authority otherwise

- considers it necessary, the relevant regional authority shall consult with the State concerned in relation to the likely transboundary environmental effects of the draft guidelines or land-use plan and the measures envisaged to reduce or eliminate such effects.
- Decision-making. 15F. The regional authority shall take account of—
- (a) the environmental report,
 - (b) any submission or observation made to the regional authority in response to a notice under section 24(4) of the Act, and
 - (c) any consultations under article 15E,
- during the preparation of the guidelines, and before their adoption.
- Information on decision. 15G. (1) In addition to the requirements of section 24(7)(b) of the Act, a notice under section 24(7)(a) of the Act shall state that a statement is also available summarising—
- (a) how environmental considerations have been integrated into the guidelines,
 - (b) how
 - (i) the environmental report prepared pursuant to article 15B,
 - (ii) submissions and observations made to the regional authority in response to a notice under section 24(4) of the Act, and
 - (iii) any consultations under article 15E,
 have been taken into account during the preparation of the guidelines.
 - (c) the reasons for choosing the guidelines, as adopted, in the light of the other reasonable alternatives dealt with, and
 - (d) the measures decided upon to monitor, in accordance with article 15H, the significant environmental effects of implementation of the guidelines.
- (2) In addition to the requirements of section 24(7) of the Act, the regional authority shall send a copy of the

regional planning guidelines and the statement referred to in sub-article (1) to—

- (a) the authorities specified in article 13A(4), as appropriate, and
- (b) any Member State consulted under article 15E.

Monitoring.

15H.

Where the provisions of articles 15A to 15G apply, the regional authority shall monitor the significant environmental effects of implementation of the regional planning guidelines in order, inter alia, to identify at an early stage unforeseen adverse effects and to be able to undertake appropriate remedial action and, for this purpose, existing monitoring arrangements may be used, if appropriate, with a view to avoiding duplication of monitoring.

Comment [i51]: Inserted by article 10 of S.I. No. 436/2004 – Planning and Development (Strategic Environmental Assessment) Regulations 2004

PART 4

Control of Development

Chapter 1

Comment [i52]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Permission Regulations - planning applications and decisions

Planning application accompanied by EIS or which relates to establishment to which Major Accident Regulations apply.

16. (1) Any person who makes a planning application which is required to be accompanied by an EIS in accordance with section 172 of the Act or these Regulations shall comply with the requirements of Part 10 in addition to the requirements of this Part.
- (2) Any planning application for development of a type referred to in article 137(1)(a) shall be subject to the requirements of Part 11 in addition to the requirements of this Part.

Comment [i53]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Notice of planning application.

17. (1) An applicant shall within the period of 2 weeks before the making of a planning application—
- (a) give notice of the intention to make the application in a newspaper in accordance with article 18, and
 - (b) give notice of the intention to make the application by the erection or fixing of a site notice in accordance with article 19.
- (2) Where the last day of the 2 week period referred to in sub-article (1) is a Saturday, Sunday, a public holiday

(within the meaning of the Organisation of Working Time Act 1997 (No. 20 of 1997)), or any other day on which the offices of the planning authority are closed, the application shall be valid if received on the next following day on which the offices of the planning authority are open.

- (3) The requirement of sub-article (1)(b) shall not apply in relation to a planning application for development consisting of the construction or erection by an electricity undertaker of overhead transmission or distribution lines for conducting electricity, or development consisting of the construction or erection by any statutory undertaker authorised to provide a telecommunications service of overhead telecommunications lines.

Comment [i54]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Notice in newspaper.

18. (1) A notice published in accordance with article 17(1)(a) shall be published in a newspaper approved for this purpose in accordance with sub-article (2), shall contain as a heading the name of the planning authority to which the planning application will be made and shall state—
- (a) the name of the applicant,
 - (b) the location, townland or postal address of the land or structure to which the application relates (as may be appropriate),
 - (c) whether the application is for permission for development, permission for retention of development, outline permission for development or permission consequent on the grant of outline permission (stating the reference number on the register of the relevant outline permission),
 - (d) a brief description of the nature and extent of the development, including -
 - (i) where the application relates to development consisting of or comprising the provision of houses, the number of houses to be provided,
 - (ii) where the application relates to the retention of a structure, the nature of the proposed use of the structure and, where appropriate, the period for which it is proposed to retain the structure,
 - (iii) where the application relates to development which would consist of or comprise the carrying out of works to a protected structure or

proposed protected structure, an indication of that fact,

- (iv) where the application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution prevention and control licence or a waste licence, an indication of that fact, or
- (v) where a planning application relates to development in a strategic development zone, an indication of that fact,

and

(e) that the planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours and that a submission or observation in relation to the application may be made to the authority in writing on payment of the prescribed fee within the period of 5 weeks beginning on the date of receipt by the authority of the application.

- (2) (a) For the purposes of these Regulations, each planning authority shall approve a list of the newspapers, including national newspapers, it considers have a sufficiently large circulation in its functional area, and different newspapers may be approved in respect of different parts of such functional area.
- (b) The list referred to in paragraph (a) shall be reviewed by the planning authority as may be appropriate and at least once a year.
- (c) The list referred to in paragraph (a) shall be displayed in or at the offices of the planning authority or at any other place or by any other means, including in electronic form, that the authority considers appropriate, and copies shall be made available at the offices of the planning authority during office hours, free of charge.

Comment [i55]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Site Notice.

- 19. (1) A site notice erected or fixed on any land or structure in accordance with article 17(1)(b) shall be—
 - (a) in the form set out at Form No. 1 of Schedule 3, or a form substantially to the like effect,

- (b) subject to sub-article (4), inscribed or printed in indelible ink on a white background, affixed on rigid, durable material and secured against damage from bad weather and other causes, and
- (c) subject to sub-article (2), securely erected or fixed in a conspicuous position on or near the main entrance to the land or structure concerned from a public road, or where there is more than one entrance from public roads, on or near all such entrances, or on any other part of the land or structure adjoining a public road, so as to be easily visible and legible by persons using the public road, and shall not be obscured or concealed at any time.

(2) Where the land or structure to which a planning application relates does not adjoin a public road, a site notice shall be erected or fixed in a conspicuous position on the land or structure so as to be easily visible and legible by persons outside the land or structure, and shall not be obscured or concealed at any time.

(3) Where a planning authority considers that the erection or fixing of a single site notice is not sufficient to comply with the requirements of sub-articles (1) and (2), or does not adequately inform the public, the authority may require the applicant to erect or fix such further site notice or notices in such a manner and in such terms as it may specify and to submit to the authority such evidence as it may specify in relation to compliance with any such requirements.

(4) Where a valid planning application is made in respect of any land or structure, and a subsequent application is made within 6 months from the date of making the first-mentioned application in respect of land substantially consisting of the site or part of the site to which the first-mentioned application related, in lieu of the requirements of sub-article (1)(b), the site notice for the subsequent application shall be inscribed or printed in indelible ink on a yellow background and affixed on rigid, durable material and be secured against damage from bad weather and other causes.

Comment [i56]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Time limits for site notice. 20.

In addition to the requirements of article 17(1)(b), a site notice shall be maintained in position on the land or structure concerned for a period of 5 weeks from the date of receipt of the planning application by the planning authority, shall be renewed or replaced if it is removed or becomes defaced or illegible within that period and shall

Restriction on outline application.	21.	<p>be removed by the applicant following the notification of the planning authority decision under article 31.</p> <p>Notwithstanding section 36 of the Act, an outline application may not be made for permission for —</p> <p>(a) retention of development,</p> <p>(b) development which would consist of or comprise the carrying out of works to a protected structure or a proposed protected structure, or</p> <p>(c) development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence.</p>	<p>Comment [i57]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006</p>
Content of planning applications generally.	22.	<p>(1) A planning application under section 34 of the Act shall be in the form set out at Form No. 2 of Schedule 3, or a form substantially to the like effect.</p> <p>(2) A planning application referred to in sub-article (1) shall be accompanied by -</p> <p>(a) the relevant page of the newspaper, or a copy of the relevant page, including the date and title of the newspaper, in which notice of the application has been published pursuant to article 17(1)(a), and a copy of the site notice erected or fixed on the land or structure pursuant to article 17(1)(b),</p> <p>(b) 6 copies of a location map of sufficient size and containing details of features in the vicinity such as to permit the identification of the site to which the application relates, to a scale (which shall be identified thereon) of not less than 1:1000 in built up areas and 1:2500 in all other areas, or such other scale as may be agreed with the planning authority prior to the submission of the application, in any particular case and marked so as to identify clearly:</p> <p>(i) the land or structure to which the application relates and the boundaries thereof in red,</p> <p>(ii) any land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land which is the subject of the application in blue.</p> <p>(iii) any wayleaves in yellow, and</p>	<p>Comment [i58]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006</p>

- (iv) the position of the site notice or notices erected or fixed to the land or structure pursuant to article 17(1)(b),
 - (c) where it is proposed to dispose of wastewater from the proposed development other than to a public sewer, information on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed,
 - (d) the documents, particulars, plans, drawings and maps referred to in sub-article (4),
 - (e) in the case of an application for permission for the development of houses or of houses and other development, to which section 96 of the Act applies, proposals as to how the applicant proposes to comply with a condition referred to in sub-section (2) of that section to which the permission, if granted, would be subject,
 - (f) where appropriate, a certificate issued by the planning authority in accordance with section 97 of the Act, or if such certificate has been applied for but not issued, a copy of the application made in accordance with article 48,
 - (g) where the applicant is not the legal owner of the land or structure concerned, the written consent of the owner to make the application, and
 - (h) the appropriate fee as set out in Schedule 9.
- (3) Where the planning authority consents to the making of a planning application wholly or partly in electronic form, an application or any part thereof may be made by the applicant in that form; where that occurs, one copy of the application or part thereof will be sufficient.
- (4) Subject to articles 24 and 25 -
- (a) a planning application in respect of any development consisting of or mainly consisting of the carrying out of works on, in, over or under land or for the retention of such works shall be accompanied by 6 copies of such plans (including a site or layout plan and drawings of floor plans, elevations and sections which comply with the requirements of article 23), and such other particulars, as are necessary to

describe the works to which the application relates,

- (b) a planning application for any development consisting of or mainly consisting of the making of any material change in the use of any structure or other land, or for the retention of any such material change of use, shall be accompanied by-
 - (i) a statement of the existing use and of the use proposed together with particulars of the nature and extent of any such proposed use,
 - (ii) where the development to which the application relates comprises the carrying out of works on, in, over or under the structure or other land, 6 copies of such plans (including a site or layout plan and drawings of floor plans, elevations and sections which comply with the requirements of article 23), and such other particulars, as are necessary to describe the works proposed, and
 - (iii) such plans and such other particulars as are necessary to identify the area to which the application relates.

- (5) Notwithstanding paragraph (a) of sub-article (4), drawings of floor plans are not required to be submitted in respect of a structure, other than a protected structure or a proposed protected structure, that is proposed to be demolished.

Specified additional information to be submitted with application.

- 22A. (1) In addition to the information required by article 22, the planning authority may require the applicant to submit with the planning application specified additional information.

Comment [i59]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

- (2) No planning application shall be invalidated under article 26 for failure to submit with the application any information or particulars requested under sub-article (1).

Requirements for particulars to accompany an application under article 22.

- 23. (1) Plans, drawings and maps accompanying a planning application in accordance with article 22 shall all be in metric scale and comply with the following requirements:
 - (a) site or layout plans shall be drawn to a scale (which shall be indicated thereon) of not less than 1:500 or such other scale as may be agreed with the planning authority prior to the submission of the application, the site boundary shall be clearly delineated in red, and buildings, roads, boundaries, septic tanks and

Comment [i60]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

percolation areas, bored wells, significant tree stands and other features on, adjoining or in the vicinity of the land or structure to which the application relates shall be shown,

- (b) other plans, elevations and sections shall be drawn to a scale of not less than 1:200 (which shall be indicated thereon), or such other scale as may be agreed with the planning authority prior to the submission of the application in any particular case,
- (c) the site layout plan and other plans shall show the level or contours, where applicable, of the land and the proposed structures relative to Ordnance Survey datum or a temporary local benchmark, whichever is more appropriate,
- (d) drawings of elevations of any proposed structure shall show the main features of any buildings which would be contiguous to the proposed structure if it were erected, whether on the application site or in the vicinity, at a scale of not less than 1:200, as may be appropriate, and where the development would involve work to a protected structure or proposed protected structure, shall show the main features of any buildings within the curtilage of the structure which would be materially affected by the proposed development,
- (e) plans relating to works comprising reconstruction, alteration or extension of a structure shall be so marked or coloured as to distinguish between the existing structure and the works proposed,
- (f) plans and drawings of floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height) of any proposed structure and the site, and site or layout plans shall indicate the distances of any such structure from the boundaries of the site.
- (g) any map or plan which is based on an Ordnance Survey map shall indicate the relevant Ordnance Survey sheet number, and
- (h) the north point shall be indicated on all maps and plans other than drawings of elevations and sections and maps or plans referred to in paragraph (g) of the this sub-article.

- (2) A planning application for development consisting of or comprising the carrying out of works to a protected structure, or proposed protected structure or to the exterior of a structure which is located within an architectural conservation area, shall, in addition to meeting the requirements of sub-article (1), be accompanied by such photographs, plans and other particulars as are necessary to show how the development would affect the character of the structure.
- (3) Where a planning authority considers it appropriate it may require an applicant to submit an assessment of the impact of the proposed development on transport in the area, including impact on roads.
- (4) A planning authority may, by notice in writing, require an applicant to provide additional copies of any plan, drawing, map, photograph or other particular which accompanies the planning application.
- (5) In addition to the requirements of article 22, a planning authority may request an applicant to provide a scale model of a proposed development including land and buildings in the vicinity, showing the elevations and perspective of the proposed development and any other photographs, plans, maps, drawings or other material or particulars required by the planning authority to assess an application.
- Plans and particulars to accompany application for outline permission. 24. Notwithstanding article 22(2)(d), an outline application shall, in addition to the requirements of article 22(2), be accompanied only by such plans and particulars as are necessary to enable the planning authority to make a decision in relation to the siting, layout or other proposals for development in respect of which a decision is sought.
- Planning application by electricity undertaking. 25. (1) Article 22(4) shall not apply to a planning application for development consisting of the construction or erection by an electricity undertaking of overhead transmission or distribution lines for conducting electricity.
- (2) A planning application referred to in sub-article (1) shall, in addition to the requirements of article 22(2), be accompanied by 6 copies of such plans and drawings drawn to a scale of not less than 1:100, as are necessary to describe any form of structure or apparatus which will support, or form part of, the lines referred to in the said sub-article.
- (3) (a) A reference to article 22 in any other provision of

Comment [i61]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i62]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Procedure on receipt of planning application. 26.

these Regulations shall, in the case of a planning application referred to in sub-article (1), be construed as a reference to this article.

(b) Article 23(1), other than paragraphs (g) and (h) thereof, shall not apply to a planning application referred to in sub-article (1).

Comment [i63]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

(1) On receipt of a planning application, a planning authority shall consider whether the applicant has complied with the requirements of articles 18, 19(1)(a) and 22 and, as may be appropriate, of article 24 or 25.

(2) Where a planning authority considers that a planning application complies with the requirements of articles 18, 19(1)(a) and 22 and, as may be appropriate, of article 24 or 25, it shall stamp each document with the date of its receipt and send to the applicant an acknowledgement stating the date of receipt of the application.

(3) Where, following consideration of an application under sub-article (1), a planning authority considers that-

(a) any of the requirements of articles 18, 19(1)(a) or 22 and, as may be appropriate, of article 24 or 25 has not been complied with, or

(b) the notice in the newspaper or the site notice, because of its content or for any other reason, is misleading or inadequate for the information of the public,

the planning application shall be invalid.

(4) Where, on inspection of the land to which the application relates, the planning authority considers that the requirements of articles 17(1)(b), 19 or 20 have not been met, or the information submitted in the planning application is substantially incorrect or substantial information has been omitted, the planning application shall, notwithstanding the fact that an acknowledgement has been sent to an applicant in accordance with sub-article (2), be invalid.

(5) A planning authority shall as soon as may be after receipt of an invalid application-

(a) by notice in writing-

(i) inform the applicant that the application is

invalid and cannot be considered by the planning authority,

- (ii) indicate which requirements of the permission regulations have not been complied with, and
- (iii) request the applicant to remove the site notice or notices erected or fixed pursuant to article 17(1)(b).

- (b) return to the applicant the planning application, including all particulars, plans, drawings and maps, and
- (c) enter an indication on the register that an invalid application has been made.

(6) Where a notice is served in accordance with sub-article (5) on an applicant, the planning authority shall return to the applicant any fee paid with the application.

(7) Sub-articles (3) and (4) shall not apply where the planning authority is satisfied that the applicant complied with the provisions of articles 17, 18 and 19 but that any site notice erected by the applicant has been maliciously defaced or destroyed by any person other than the applicant.

(8) Where a notice is served in accordance with sub-article (5) on an applicant, the planning authority shall by notice in writing—

- (a) inform any person or body who has made a submission or observation in accordance with article 29(1) of that fact and return any fee paid in respect of any such submission or observation, and
- (b) inform any body to whom notice was sent in accordance with article 28(2) of that fact.

Comment [i64]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Weekly list of planning applications.

27.

- (1) A planning authority shall, not later than the fifth working day following a particular week, make available in accordance with sub-article (2) a list of the planning applications received by the authority during that week.
- (2) A list referred to in sub-article (1) shall have a banner heading stating that, under section 34 of the Act, the applications for permission may be granted permission, subject to or without conditions, or refused; that it is the responsibility of any person wishing to use the personal

data on planning applications and decisions lists for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 and 2003, and shall indicate in respect of each planning application received during the week to which the list relates—

Comment [i65]: Inserted by article 9(a) of S.I. No. 135/2007 – Planning and Development (No. 2) Regulations 2007

Comment [i66]: Deleted by article 7 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i67]: Deleted by article 9(b) of S.I. No. 135/2007 – Planning and Development (No. 2) Regulations 2007

- (a) the name of the applicant,
- (b) whether the application is for permission for development, permission for retention of development, outline permission for development or permission consequent on the grant of outline permission (stating the reference number on the register of the relevant outline permission),
- (c) the location, townland or postal address of the land or structure to which the application relates (as may be appropriate),
- (d) the nature and extent of the development, including-
 - (i) where the application relates to development consisting of or comprising the provision of houses, the number of houses to be provided,
 - (ii) where the application relates to the retention of a structure, the nature of the proposed use of the structure and where appropriate, the period for which it is proposed to be retained,
 - (iii) where development relates to a protected structure or a proposed protected structure, an indication of that fact,
 - (iv) where the application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact,
 - (v) where a planning application relates to development in a strategic development zone, an indication of that fact,

and

- (e) the date of receipt of the application.
- (3) A list referred to in sub-article (1) shall, in addition to the

requirements of sub-article (2), indicate any planning application in respect of which—

- (a) the planning authority has served a notice under article 26(5),
 - (b) further information or evidence or revised plans, drawings or particulars have been received by the planning authority pursuant to a requirement under articles 33 or 34.
- (4) A planning authority may include in a list referred to in sub-article (1) any other information in respect of planning applications which the authority considers appropriate.
- (5) (a) The list referred to in sub-article (1) shall, for a period of not less than 8 weeks beginning on the day on which it is made available for inspection, be made available in or at the offices of the planning authority, and in each public library and mobile library in the functional area of the authority, in a position convenient for inspection during office hours and at any other place or by any other means, including in electronic form, that the authority considers appropriate.
- (b) Copies of the list referred to in sub-article (1) shall, for a period of not less than 8 weeks beginning on the day on which it is made available, be made available at the offices of the planning authority during office hours, free of charge or for such fee as the authority may fix not exceeding the reasonable cost of making a copy and shall be sent, on request, to any person or body, free of charge or for such fee, not exceeding the reasonable cost of making the copy and the cost of postage, as the authority may fix.
- (c) A list referred to in sub-article (1) shall be made available to the members of the planning authority in such manner as they may, by resolution, direct.

Comment [i68]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Notice to certain bodies. 28.

- (1) Where a planning authority receives a planning application, the authority shall, except in the case of an application in respect of which a notice in accordance with article 26(5) has been or will be given, send notice in accordance with sub-article (2) as soon as may be after receipt of the application—

- (a) where it appears to the authority that the land or structure is situated in an area of special amenity, whether or not an order in respect of that area has been confirmed under section 203 (or deemed to be so confirmed under section 268(1)(c)) of the Act, or that the development or retention of the structure might obstruct any view or prospect of special amenity value or special interest — to An Chomhairle Ealaíon, Fáilte Ireland, and An Taisce — the National Trust for Ireland,
- (b) where it appears to the authority that the development might obstruct or detract from the value of any tourist amenity or tourist amenity works—to Fáilte Ireland,
- (c) where it appears to the authority that the development—
 - (i) would involve the carrying out of works to a protected structure or proposed protected structure, or to the exterior of a structure which is located within an architectural conservation area,
 - (ii) might detract from the appearance of a structure referred to in sub-paragraph (i).
 - (iii) might affect or be unduly close to-
 - (I) a cave, site, feature or other object of archaeological, geological, scientific, ecological or historical interest,
 - (II) a monument or place recorded under section 12 of the National Monuments (Amendment) Act 1994 (No. 17 of 1994),
 - (III) a historic monument or archaeological area entered in the Register of Historic Monuments under Section 5 of the National Monuments (Amendment) Act 1987 (No. 17 of 1987),
 - (IV) a national monument in the ownership or guardianship of the Minister under the National Monuments Acts 1930 to 2004, or
 - (iv) might obstruct any scheme for improvement of the surroundings of, or any means of access to,

any structure, place, feature or object referred to in sub-paragraph (iii),

– to the Minister, the Heritage Council, and An Taisce – the National Trust for Ireland, and in the case of development of a type referred to in sub-paragraph (i) or (ii), An Chomhairle Ealaíon and Fáilte Ireland.

- (d) where it appears to the authority that the area of another local authority might be affected by the development — to that local authority.
- (e) where it appears to the authority that the development would not be consistent with or would materially contravene any regional planning guidelines (or any objective thereof) of a regional authority—to that regional authority,
- (f) where it appears to the authority that if permission were granted, a condition should be attached under section 34 (4)(m) of the Act— to any local authority (other than the planning authority) who would be affected by any such condition,
- (g) where it appears to the authority that -
 - (i) the development might cause the significant abstraction or addition of water either to or from surface or ground waters, whether naturally occurring or artificial,
 - (ii) the development might give rise to significant discharges of polluting matters or other materials to such waters or be likely to cause serious water pollution or the danger of such pollution, or
 - (iii) the development would involve the carrying out of works in, over, along or adjacent to the banks of such waters, or to any structure in, over or along the banks of such waters, which might materially affect the waters,

—to the appropriate Regional Fisheries Board and, in any case where the waters concerned are listed in Part 1 of Annex 1 of the Schedule to the British-Irish Agreement Act, 1999 (No. 1 of 1999), to Waterways Ireland,

- (h) where it appears to the authority that the development might endanger or interfere with the safety of, or the safe and efficient navigation of aircraft — to the Irish Aviation Authority,
- (i) where it appears to the authority that the development might interfere with the operation and development of a licensed airport, whose annual traffic is not less than 1 million passenger movements — to the airport operator,
- (j) where the development may have an impact on bus or rail-based transport, Córas Iompair Éireann and the Railway Procurement Agency, as appropriate,
- (k) where it appears to the authority that -
 - (i) the development consists of or comprises the formation, laying out or material widening of an access to a national road within the meaning of section 2 of the Roads Act 1993 (No. 14 of 1993), not being a national road within a built-up area within the meaning of section 45 of the Road Traffic Act 1961 , or
 - (ii) the development might give rise to a significant increase in the volume of traffic using a national road,
 — to the National Roads Authority,
- (l) where the development might significantly impact on surface transport in the Greater Dublin Area, the Dublin Transportation Office (or any body that replaces that office),
- (m) where the development comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence— to the Environmental Protection Agency,
- (n) where it appears to the authority that the development might have significant effects in relation to nature conservation—to the Heritage Council, the Minister and An Taisce - the National Trust for Ireland,
- (o) where the development is in a Gaeltacht area and it appears to the authority that it might materially affect the linguistic and cultural heritage of the Gaeltacht,

including the promotion of Irish as the community language — to the Minister for Community, Rural and Gaeltacht Affairs and Údarás na Gaeltacht,

- (p) where the development is in the vicinity of an explosives factory, storage magazine or local authority explosives store—to the Minister for Justice, Equality and Law Reform,
- (q) where the application relates to development for the purposes of breeding or rearing of salmonid fish — to the Minister for Communications, Marine and Natural Resources and the appropriate Regional Fisheries Board,
- (r) where the application relates to development for the purposes of initial afforestation or the replacement of broadleaf high forest by conifer species — to the Minister for Agriculture and Food, The Heritage Council and An Taisce - the National Trust for Ireland,
- (s) where it appears to the authority that the development might have significant effects on public health — to the Health Service Executive.
- (t) where the application relates to extraction of minerals within the meaning of the Minerals Development Acts, 1940 to 1995 — to the Minister for Communications, Marine and Natural Resources.
- (u) where it appears to the authority that the development might impact on the foreshore—to the Minister for Communications, Marine and Natural Resources,
- (v) where the application relates to the development of energy infrastructure, or may have an impact on energy infrastructure — the Commission for Energy Regulation,
- (w) where the development might—
 - (i) give rise to a significant increase in the volume or type of traffic (including construction traffic) passing under a height restricted railway bridge, or using a railway level crossing, or a bridge over a railway,
 - (ii) because of its proximity to a railway, impact on

the structural integrity of railway infrastructure during construction of the development, or

(iii) endanger or interfere with the safe operation of a railway, during or after construction

- to the railway operator, the Railway Safety Commission, and, in the case of development which might impact on a light railway or metro, the Railway Procurement Agency,

(x) where the application relates to—

(i) the extraction of minerals, other than minerals within the meaning of the Minerals Development Acts 1940-1999, whether by surface or underground means,

(ii) the development of, or extensions to, quarries, including sand or gravel pits, for the extraction of earth materials, or

(iii) a development which, for other purposes, requires the excavation of earth materials greater than a total volume of 50,000m³ or the excavation of earth materials on a site area greater than 1 hectare

— to the Minister for Communications, Marine and Natural Resources,

(y) where it appears to the authority that the development might impact on the provision of public water services — to Irish Water.

Comment [i69]: Substituted by article 6(1) of S.I. No. 520 of 2013 – Planning and Development (Amendment) (No. 2) Regulations 2013

(2) Notice given by a planning authority pursuant to sub-article (1) shall include a copy of the planning application referred to in article 22(1) and of the location map referred to in article 22(2)(b) and shall state-

(a) the date of receipt by the authority of the application, and

(b) that any submission or observation made to the authority in relation to the application before the decision is made on the application will be taken into account by the authority in making its decision on the application.

(3) Where a prescribed body which has been notified under

sub-article (2) requests a copy of some or all of the documentation accompanying the planning application the planning authority shall make that documentation available to the prescribed body as soon as possible.

(4) A reference in sub-article (1) to Fáilte Ireland shall, in the case of a planning application relating to land or a structure situated in the functional area of the Shannon Free Airport Development Company Limited, be construed as a reference to that Company.

(5) The planning authority shall acknowledge any submissions or observations as soon as may be after receipt in the form set out at Form No. 3 of Schedule 3, or a form substantially to the like effect.

(6) Where a prescribed body to whom notice is sent pursuant to sub-article (1) does not make a submission or observation in relation to an application within a period of 5 weeks beginning on the date of receipt by the planning authority of the application, the authority may determine the application without further notice to that body.

(7) (a) A planning authority may, with the consent of any person or body referred to in sub-article (1), send notice under that sub-article, in electronic form.

(b) Where the planning authority so consents, a submission or observation referred to in sub-article (2)(b) may be made in electronic form.

Submissions or observations in relation to planning application.

29.

(1) (a) Any person or body, on payment of the prescribed fee, may make a submission or observation in writing to a planning authority in relation to a planning application within the period of 5 weeks beginning on the date of receipt by the authority of the application.

(b) Any submission or observation received shall—

(i) state the name of the person or body making the submission or observation, and

(ii) indicate the address to which any correspondence relating to the application should be sent.

(2) Subject to article 26, the planning authority shall acknowledge any submissions or observations as soon as

Comment [i70]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i71]: Substituted by article 10 of S.I. No. 135/2007 – Planning and Development (No. 2) Regulations 2007

may be after receipt in the form set out at Form No. 3 of Schedule 3, or a form substantially to the like effect.

(3) Where a submission or observation, under this article, is received by the planning authority after the period of 5 weeks beginning on the date of receipt of the application, the planning authority shall return to the person or body concerned the submission or observation received and the fee and notify the person or body that their submission or observation cannot be considered by the planning authority.

(4) Where the planning authority so consents, a submission or observation under sub-article (1) may be made in electronic form.

Comment [i72]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Allowance for public holidays, etc.

29A.

Where a requirement of these regulations requires submissions, observations or a request to be made, or documents, particulars or other information to be submitted to the planning authority within a specified period and the last day of that period is a public holiday (within the meaning of the Organisation of Working Time Act, 1997) or any other day on which the offices of the planning authority are closed, the submissions, observations or request or documents, particulars or other information (as the case may be) shall be regarded as having been received before the expiration of that period if received by the authority on the next following day on which the offices of the authority are open.

Comment [i73]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Minimum period for determination of planning application.

30.

A planning authority shall not determine an application for permission until after a period of 5 weeks, beginning on the date of receipt of an application, has elapsed.

Comment [i74]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Notification of decision on planning application.

31.

Notification of a decision by a planning authority in respect of a planning application shall be given to the applicant and to any other person or body who made a submission or observation in accordance with articles 28 or 29 within 3 working days of the day of the decision and shall specify—

- (a) the reference number of the application in the register.
- (b) the development to which the decision relates,
- (c) the nature of the decision,
- (d) the date of the decision,

- (e) in the case of a decision to grant a permission - any conditions attached thereto,
- (f) the main reasons and considerations on which the decision is based, and, where conditions are imposed in relation to the grant of any permission, the main reasons for the imposition of any such conditions, provided that where a condition imposed is a condition described in section 34(4) of the Act, a reference to the paragraph of sub-section (4) in which the condition is described shall be sufficient to meet the requirements of this sub-article,
- (g) that in deciding a planning application the planning authority, in accordance with section 34(3) of the Act, has regard to submissions or observations received in accordance with these Regulations,
- (h) in the case of a decision to grant a permission for the construction, erection or making of a structure and to specify the purposes for which the structure may or may not be used — such purposes,
- (i) in the case of a decision to grant a permission — any period specified by the planning authority pursuant to section 40 of the Act as the period during which the permission is to have effect,
- (j) in the case of a decision to grant a permission - that the permission shall be issued as soon as may be, but not earlier than 3 working days, after the expiration of the period for the making of an appeal if there is no appeal before the Board on the expiration of the said period,
- (k) that an appeal against the decision may be made to the Board within the period of 4 weeks beginning on the date of the decision of the planning authority, and
- (l) in the case of a decision to grant or refuse a permission where the decision by the planning authority is different, in relation to the granting or refusal of permission, from the recommendation in the report or reports on a planning application to the manager (or such other person delegated to make the decision) - the main reasons for not accepting the recommendation in the report or reports to grant or refuse permission.

Comment [i75]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Weekly list of 32. (1) A planning authority shall, not later than the fifth

planning decisions.

working day following a particular week, make available in accordance with sub-article (2) a list of the planning applications in respect of which decisions were given by the authority during that week.

- (2) A list referred to in sub-article (1) shall have a banner heading stating—
- (a) that in deciding a planning application the planning authority, in accordance with section 34(3) of the Act, has had regard to submissions or observations received in accordance with these Regulations,
 - (b) that it is the responsibility of any person wishing to use the personal data on planning applications and decisions lists for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 and 2003.
- and shall indicate, in addition to the matters specified in article 27(2), the nature of the decision of the planning authority in respect of the application.
- (3) A planning authority may include, in a list referred to in sub-article (1), any other information on decisions in respect of planning applications which the authority considers appropriate.
- (4) (a) The list referred to in sub-article (1) shall, for a period of not less than 8 weeks beginning on the day on which it is made available, be made available in or at the offices of the planning authority, and in each public library and mobile library in the functional area of the authority, in a position convenient for inspection during office hours and at any other place or by any other means, including in electronic form, that the authority considers appropriate.
- (b) Copies of the list referred to in sub-article (1) shall, for a period of not less than 8 weeks beginning on the day on which it is made available, be made available at the offices of the planning authority during office hours, free of charge, or for such fee as the authority may fix not exceeding the reasonable cost of making a copy, and shall be sent, on request, to any person or body, free of charge or for such fee, not exceeding the reasonable cost of making the copy and the cost of postage, as the authority may

Comment [i76]: Deleted by article 8 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i77]: Substituted by article 11 of S.I. No. 135/2007 – Planning and Development (No. 2) Regulations 2007

fix.

- (c) A list referred to in sub-article (1) shall be made available to the members of the planning authority in such manner as they may by resolution direct.

Comment [i78]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Chapter 2

Permission Regulations – Further information and other matters

Further information.

33. (1) Where a planning authority acknowledges receipt of a planning application in accordance with article 26, it may, by notice in writing, within 8 weeks of receipt of the planning application, require the applicant—
- (a) to submit any further information (including any plans, maps or drawings, or any information as to any estate or interest in or right over land), which the authority considers necessary to enable it to deal with the application, or
- (b) to produce any evidence which the authority may reasonably require to verify any particulars or information given in, or in relation to, the application.
- (2) A planning authority shall not require an applicant who has complied with a requirement under sub-article (1) to submit any further information or evidence save -
- (a) as may be reasonably necessary to clarify the matters dealt with in the applicant's response to a requirement to submit further information or evidence or to enable them to be considered or assessed, or
- (b) where a request for further information is made under article 108(2) or 128(1).
- (3) Where a requirement under sub-article (1) or sub-article (2) is not complied with within the period of 6 months from the date of the request for further information under sub-article (1), or such additional period, not exceeding 3 months, as may be agreed by the planning authority, the planning application shall be declared to be withdrawn and the planning authority shall, as soon as may be, notify the applicant that the application has been declared

Comment [i79]: Amended by article 9 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

to be withdrawn and enter an indication that the application has been declared to be withdrawn into the register.

Comment [i80]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Revised plans.

34. (1) Where the planning authority, having considered a planning application, is disposed to grant a permission subject to any modification of the development, it may within 8 weeks of receipt of the application, invite the applicant to submit to it revised plans or other drawings modifying, or other particulars providing for the modification of, the said development.
- (2) Where the applicant wishes to avail of the opportunity to submit the revised plans, drawings or particulars referred to in sub-article (1) of this article, he shall, in writing and within such time limit as may be specified by the planning authority, not being later than 8 weeks from receipt of the application, indicate that he intends to submit such plans, drawings or particulars.
- (3) Where the applicant indicates in writing, under sub-article (2) of this article, that he or she intends to submit the plans, drawings or particulars referred to in sub-article (1) of this article, he shall, at the same time and in writing, consent, under section 34(9) of the Act, to the extension of the period for making a decision under section 34(8) of the Act.

Comment [i81]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Notice of further information or revised plans.

35. (1) Where a planning authority receives further information or evidence following a request under article 33, or revised plans, drawings or particulars following a request under article 34, or otherwise receives further information, evidence, revised plans, drawings or particulars in relation to the application, and it considers that the information, evidence, revised plans, drawings or particulars received, as appropriate, contain significant additional data, including information in relation to effects on the environment, the authority shall-
- (a) require the applicant, within a specified period, to publish a notice in an approved newspaper, containing as a heading the name of the planning authority, marked “Further Information” or “Revised Plans”, as appropriate, and stating -
- (i) the name of the applicant,
- (ii) the location, townland or postal address of the land or structure to which the application relates (as may be appropriate),

- (iii) the reference number of the application on the register,
- (iv) that significant further information or revised plans, as appropriate, in relation to the application has or have been furnished to the planning authority, and is or are available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy, at the offices of the authority during its public opening hours, and
- (v) that a submission or observation in relation to the further information or revised plans may be made in writing to the planning authority on payment of the prescribed fee, not later than 2 weeks after the receipt of the newspaper notice and site notice by the planning authority under (a) and (b) of this sub-article or, in the case of a planning application accompanied by an EIS, within 5 weeks of receipt of such notices by the planning authority,

and to submit a copy of the notice to the planning authority,

- (b) require the applicant, within the period specified in (a) of this sub-article for publication of the newspaper notice, to erect or fix a site notice on the land or structure to which the further information relates, in the form set out in Form No. 4 of Schedule 3 or a form substantially to the like effect and to submit a copy of the notice to the planning authority,
- (c) as soon as may be, send notice and a copy of the further information, evidence, revised plans, drawings or particulars, to any person or body specified in article 28, as appropriate, indicating that a submission or observation in relation to the further information or evidence or revised plans, drawings or particulars received may be made in writing to the authority not later than 2 weeks after receipt of the newspaper notice and site notice by the planning authority within the period specified in paragraph (a),
- (d) as soon as may be, notify any person who made a submission or observation in relation to the planning

application in accordance with article 29(1),
indicating-

- (i) that significant further information or revised plans, as appropriate, in relation to the application has or have been furnished to the planning authority, and is or are available for inspection or purchase at a fee not exceeding the cost of making a copy, at the offices of the authority during its public opening hours,
- (ii) that a submission or observation in relation to the further information or evidence or revised plans, drawings or particulars received may be made in writing to the authority within the period specified in paragraph (a),
- (iii) that no fee or further fee shall be payable on condition that any submission or observation referred to in sub-paragraph (ii) is accompanied by a copy of the acknowledgement by the authority of the receipt of a submission or observation referred to in article 29.

(2) Where a planning authority considers that the notices published in accordance with sub-article (1)(a) and (b) do not adequately inform the public, the authority may require the applicant to give such further notices in such a manner and in such terms as the authority may specify.

(3) Sub-articles (1)(b) and (c), (2) and (3) of article 19 shall apply to a site notice erected or fixed under sub-article (1)(b).

(5) The planning authority shall as soon as may be acknowledge receipt of any submissions or observations referred to in sub-article (1)(a)(v) in the form set out at Form No. 3 of Schedule 3, or a form substantially to the like effect.

(6) (a) A planning authority may, with the consent of any person or body referred to in sub-article (1), send notice under that sub-article, in electronic form.

(b) Where the planning authority so consents, a submission or observation referred to in sub-article (1) may be made in electronic form.

Comment [i82]: Deleted by article 10 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i83]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Prescribed notice
for material

36.

(1) Form No. 5 of Schedule 3, or a form substantially to the like effect, shall be the prescribed form of the notice of

contravention.

the intention of a planning authority to consider deciding to grant a permission in a case where the development concerned would contravene materially the development plan.

- (2) Any person or body may make a submission or observation in writing to a planning authority as regards the making of a decision to grant planning permission in accordance with section 34(6) of the Act not later than 4 weeks after the first publication of the notice referred to in sub-article (1).
- (3) Any submission or observation made in accordance with sub-article (2) shall—
 - (a) state the name of the person or body making the submission or observation, and
 - (b) indicate the address to which any correspondence relating to the application should be sent.
- (4) The planning authority shall acknowledge in writing the receipt of any submission or observation referred to in sub-article (1) as soon as may be following receipt of the submission or observation.
- (5) Where a submission or observation is received by the planning authority after the period of 4 weeks after the first publication of the notice referred to in sub-article (1), the planning authority shall return to the person or body concerned the submission or observation received and notify the person or body that their submission or observation cannot be considered by the planning authority.

Comment [i84]: Substituted by article 12 of S.I. No. 135/2007 – Planning and Development (No. 2) Regulations 2007

Comment [i85]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Withdrawal of planning application.

37. (1) A planning application may be withdrawn, by notice in writing, at any time before the giving of the decision of the planning authority in respect of the application.
- (2) The planning authority shall, as soon as may be after the withdrawal of a planning application give notice in writing to any person or body who made a submission or observation on the application in accordance with these Regulations of the fact of the withdrawal.

Comment [i86]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Provision of forms and instructions.

38. (1) A planning authority may provide forms and instructions for the convenience or information of any persons intending to make a planning application.
- (2) The Minister may prepare and publish instructions for the

Provision of certain information to Minister.	39.	<p>use and guidance of planning authorities in dealing with planning applications.</p> <p>Planning authorities shall provide such information in relation to the development management system, including information in relation to planning applications, fees, decisions and enforcement, as may be requested by the Minister or the Central Statistics Office from time to time and such information shall be provided in such format and within such time period as may be specified by the Minister or that Office.</p>	<p>Comment [i87]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006</p> <p>Comment [i88]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006</p>
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Chapter 3

Extension of duration of planning permission

Interpretation for this Chapter.	40.	<p>In this Chapter, the “appropriate period” has the same meaning assigned to it by section 40(3) of the Act.</p>	<p>Comment [i89]: Substituted by article 4 of S.I. No. 406/2010 – Planning and Development Regulations 2010</p>
Time limits for extensions of time.	41.	<p>An application under section 42 or section 42A of the Act to extend or extend further the appropriate period as regards a particular permission shall be made not earlier than one year before the expiration of the appropriate period sought to be extended or extended further.</p>	<p>Comment [i90]: Inserted by article 5 of S.I. No. 406/2010 – Planning and Development Regulations 2010</p> <p>Comment [i91]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006</p>
Content of application to extend appropriate period.	42.	<p>(1) An application under section 42 or section 42A of the Act to extend the appropriate period as regards a particular permission shall be made in writing, shall be accompanied by the appropriate fee as prescribed by Article 170 of these Regulations and shall contain the following information—</p> <ul style="list-style-type: none"> (a) the name and address of the applicant and of the person, if any, acting on behalf of the applicant, (b) on a separate page, the telephone number and e-mail address, if any, of the applicant and of the person, if any, acting on behalf of the applicant, (c) the address to which any correspondence relating to the application should be sent, (d) the location, townland or postal address of the land or structure concerned, as may be appropriate, (e) the legal interest in the land or structure held by the applicant, 	

- (f) the development to which the permission relates,
- (g) the date of the permission and its reference number in the register,
- (h) the date on which the permission will cease to have effect,
- (i) where the application is made on the basis of compliance with subparagraph (i) of section 42(1)(a) or subparagraph (i) of section 42A(1)(a), particulars of the substantial works carried out or which will be carried out pursuant to the permission before the expiration of the appropriate period,
- (j) where the application is made pursuant to subparagraph (ii)(I) of section 42(1)(a) or subparagraph (ii)(I) of section 42A(1)(a), information regarding the considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militated against the commencement of the development or the carrying out of substantial works,
- (k) the date or projected date of commencement of the development to which the permission relates,
- (l) the additional period by which the permission is sought to be extended, and
- (m) the date on which the development is expected to be completed.

Comment [i92]: Substituted by article 6 of S.I. No. 406/2010 – Planning and Development Regulations 2010

Comment [i93]: Inserted by article 7 of S.I. No. 406/2010 – Planning and Development Regulations 2010

Content of application to further extend appropriate period.

43.

An application under section 42 or section 42A of the Act to extend further the appropriate period as regards a particular permission shall be made in writing and shall contain the particulars referred to at paragraphs (a) to (h) inclusive of article 42 and the following additional particulars—

- (a) particulars of the works (if any) carried out pursuant to the permission since the permission was extended or further extended,
- (b) the period by which the permission is sought to be extended further,
- (c) the date on which the development is expected to be completed, and

Procedure on receipt of application to extend appropriate period.

(d) the circumstances beyond the control of the person carrying out the development due to which the development has not been completed.

Comment [i94]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

44. (1) On receipt of an application to extend or extend further the appropriate period as regards a particular permission, a planning authority shall—

(a) stamp the documents with the date of their receipt, and

(b) consider whether the application complies with the requirements of article 42 or 43, as the case may require.

(2) (a) Where a planning authority considers that an application to extend or extend further the appropriate period as regards a particular permission complies with the requirements of article 42 or 43, as may be appropriate, the authority shall send to the applicant an acknowledgement stating the date of receipt of the application.

(b) Where a planning authority considers that an application to extend or extend further the appropriate period as regards a particular permission does not comply with the requirements of article 42 or 43, as may be appropriate, the authority shall, by notice in writing, require the applicant to furnish such further particulars as may be necessary to comply with the said requirements.

Comment [i95]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Further information.

45. (1) Where a planning authority receives an application to extend or extend further the appropriate period as regards a particular permission, the authority may, by notice in writing, require the applicant—

(a) to submit such further information as it may require to consider the application (including any information regarding any estate or interest in or right over land), or

(b) to produce any evidence which it may reasonably require to verify any particulars or information given in or in relation to the application.

(2) A planning authority shall not require an applicant who has complied with a requirement under sub-article (1) to submit any further information, particulars or evidence

		save as may be reasonably necessary to clarify the matters dealt with in the applicant's response to the said requirement or to enable those matters to be considered or assessed.	
	(3)	Where an applicant does not comply with any requirement under this article within 4 weeks of such requirement, the planning authority shall refuse the application.	Comment [i96]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006
Notification of decision on application.	46.	Every notification given by a planning authority of a decision on an application to extend or extend further the appropriate period as regards a particular permission shall specify— (a) the date of the permission and its reference number in the register, (b) the location of the land, townland or postal address of the land or structure to which the permission relates (as may be appropriate), (c) the development to which the decision relates, (d) the date of the decision, (e) the nature of the decision, (f) in the case of a decision to extend or extend further the appropriate period, the additional period by which that period has been extended, and (g) in the case of a decision to refuse to extend or extend further the appropriate period, the reasons for such refusal.	
			Comment [i97]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006
Weekly List.	47.	(1) The list made available by the planning authority in accordance with article 27 shall, in addition to the requirements of that article, include a list of any application under section 42 or section 42A of the Act to extend or extend further the appropriate period received by the authority during that week. (2) A list referred to in sub-article (1) shall indicate in respect of each application received during the week to which the application relates- (a) the name of the applicant, (b) the location, townland or postal address of the land	Comment [i98]: Inserted by article 8 of S.I. No. 406/2010 – Planning and Development 2010 Comment [i99]: Deleted by article 14(a) of S.I. No. 135/2007 – Planning and Development (No. 2) Regulations 2007

or structure to which the application relates (as may be appropriate), and

(c) the date of receipt of the application.

(3) The list made available by the planning authority in accordance with article 32 shall, in addition to the requirements of that article, include a list of any decision in respect of an application under section 42 or section 42A of the Act to extend or extend further the appropriate period made by the authority during that week.

Comment [i100]: Inserted by article 8 of S.I. No. 406/2010 – Planning and Development Regulations 2010

(4) A list referred to in sub-article (3) shall indicate in respect of each decision referred to in that sub-article-

(a) the name of the applicant,

Comment [i101]: Deleted by article 14(b) of S.I. No. 135/2007 – Planning and Development (No. 2) Regulations 2007

(b) the location, townland or postal address of the land or structure to which the application relates (as may be appropriate),

(c) the date of the decision on the application, and

(d) the nature of the decision made.

Comment [i102]: Substituted by article 8 of S.I. No. 685/2006 – Planning and Development Regulations 2006

PART 5

HOUSING SUPPLY

Applications for certificate under section 97 of Act.

48. (1) An application for a certificate under section 97 of the Act shall—
- (a) state the name and address, and telephone number and e-mail address if any, of the applicant and of the person, if any, acting on behalf of the applicant,
 - (b) where the applicant is a company registered under the Companies Acts, 1963 to 1999, state the names of the company directors and the address and registration number of the company,
 - (c) state the location, townland or postal address (as may be appropriate) of the land in respect of which it is intended to apply for permission,
 - (d) indicate the number of houses for which it is intended to apply for permission, and
 - (e) indicate the area of the land in respect of which it is

intended to apply for permission.

- (2) An application under sub-article (1) shall be accompanied by a location map of sufficient size and containing details of features in the vicinity such as to permit the identification of the land to which the application relates, to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas (which shall be identified thereon) and marked or coloured so as to identify clearly the land to which the application relates and the boundaries thereof.

Comment [i103]: Substituted by article 3(1) of S.I. No. 70/2002 - Planning and Development Regulations 2002

Comment [i104]: S.I. No. 70/2002 - Planning and Development Regulations 2002

Article 3(2)
Any map referred to in articles 22(2)(b), 48(2), 83(1)(b), 187(1)(h) and 194(2)(c) of the Regulations which is based on an Ordnance Survey map shall indicate thereon the relevant Ordnance Survey sheet number.

Prescribed information to be included in statutory declaration under section 97(5) of Act.

49. In addition to the requirements of section 97(5) of the Act, an applicant for a certificate under that section shall state in the statutory declaration made by the applicant to accompany the application—

- (a) whether the applicant, or any person with whom the applicant is acting in concert, has been granted, within the period of 5 years prior to the date of making of the application, a certificate under section 97 of the Act which at the time of the application remains in force, and
- (b) whether the applicant, or any person with whom the applicant is acting in concert, has carried out, or has been granted permission to carry out, a development consisting of the provision of 4 or fewer houses or of housing on land of 0.1 hectares or less, within the period of 5 years prior to the date of making of the application for a certificate, on land in respect of which the certificate is being sought or land in its immediate vicinity (save that any such development carried out, or permission granted, before 1 November 2001 may be disregarded).

Comment [i105]: Substituted by article 3 of S.I. No. 90/2003 – Planning and Development Regulations 2003

Accommodation needs.

50. The minimum size of accommodation required by eligible persons for the purposes of section 100(1)(a) of the Act shall be—

- (a) for one person, a house with one bedroom and gross floor area of 38 square metres,
- (b) for 2 persons, a house with one bedroom and a gross floor area of 42 square metres,
- (c) for 3 persons, a house with 2 bedrooms and a gross floor area of 52 square metres,
- (d) for 4 persons, a house with 2 bedrooms and a gross

floor area of 62 square metres,

- (e) for 5 persons, a house with 3 bedrooms and a gross floor area of 74 square metres,
- (f) for 6 persons, a house with 3 bedrooms and a gross floor area of 78 square metres, or
- (g) for 7 or more persons, a house with 4 bedrooms and a gross floor area of 92 square metres.

Comment [i106]: Substituted by article 4 of S.I. No. 90/2003 – Planning and Development Regulations 2003

PART 6

ARCHITECTURAL HERITAGE

- Record of protected structures. 51. (1) A record of protected structures shall contain—
- (a) in respect of each protected structure—
 - (i) an identifying number,
 - (ii) an address,
 - (b) one or more maps showing the location of each protected structure to a scale that enables clear identification of such structures, and
 - (c) any other information that the planning authority considers necessary.
- (2) A map referred to in sub-article (1)(b) may, in addition to the information referred to in that sub-article, contain other information.
- Prescribed bodies under section 55(1) of Act. 52. The following bodies are hereby prescribed for the purposes of section 55(1) of the Act—
- (a) the Heritage Council,
 - (b) An Taisce — the National Trust for Ireland,
 - (c) An Chomhairle Ealaíon, and
 - (d) Fáilte Ireland.
- Compulsory acquisition of protected structure. 53. The prescribed documents and particulars for the purposes of section 73(4)(d) of the Act shall be—

Comment [i107]: Substituted by article 9 of S.I. No. 685/2006 – Planning and Development Regulations 2006

- (a) a copy of the relevant notice published in accordance with section 72(1)(a) of the Act, and
- (b) a copy of the relevant notice served in accordance with section 72(1)(b) of the Act.
- Vesting Order. 54. (1) Form No. 1 of Schedule 4, or a form substantially to the like effect, shall be the prescribed form of vesting order in respect of a protected structure for the purposes of section 75 of the Act of 2000.
- (2) Form No. 2 of Schedule 4, or a form substantially to the like effect, shall be the prescribed form of vesting order in respect of any land or structure within an architectural conservation area for the purposes of section 75 (as applied by section 83(3)) of the Act.
- Prescribed bodies under section 85 of Act. 55. The following bodies are hereby prescribed for the purposes of section 85(2)(a) of the Act —
- (a) the Minister,
- (b) the Heritage Council,
- (c) An Taisce – the National Trust for Ireland,
- (d) An Chomhairle Ealaíon,
- (e) Fáilte Ireland, and
- (f) the appropriate chamber of commerce.

Comment [i108]: Substituted by article 10(a) of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i109]: Substituted by article 10(b) of S.I. No. 685/2006 – Planning and Development Regulations 2006

PART 7

AN BORD PLEANÁLA

CHAPTER 1

Appointment of Chairperson and Ordinary Members of An Bord Pleanála

- Interpretation for this Chapter. 56. In this Chapter, “the committee” means, except where otherwise specified, -
- (a) where a request is made under section 105(7) of the Act for the selection of candidates for appointment to be the chairperson, the committee referred to in that section, or

			(b) where a request is made under section 106(7) of the Act for the selection of candidates for appointment to be an ordinary member, the committee referred to in that section.
Procedure where request under section 105(7) or 106(7) of Act made to committee.	57.	(1)	Whenever a request is made to the committee under section 105(7) or 106(7) of the Act for the selection of candidates for appointment to be the chairperson or as an ordinary member, as appropriate,—
			(a) the committee shall meet on a day and at a time and place determined by the President of the High Court in the case of the committee referred to in section 105 of the Act, or by the chairperson in the case of the committee referred to in section 106 of the Act, and such determination shall be communicated to the other members of the committee, and
			(b) the committee shall, before selecting candidates for appointment to be the chairperson or an ordinary member, as appropriate, pursuant to the request, cause an advertisement to be published inviting applications for appointment to such office.
		(2)	An advertisement referred to in sub-article (1) (b) shall specify a period of not less than 3 weeks for the making of applications and any application which is not received by the committee within the period so specified shall be invalid.
Content of application.	58.		An application for selection by the committee shall include a curriculum vitae and particulars of the special knowledge and experience and other qualifications and personal qualities which the applicant considers relevant to the application.
Requirement to submit further particulars.	59.		Where the committee receives an application for selection by the committee, it may require the applicant to submit, within a period of not more than 3 weeks, such further particulars as it may require (including any evidence which the committee may reasonably require to verify any particulars given by the applicant in, or in relation to, the application).
Interviewing of applicants.	60.	(1)	Where the committee considers it necessary for the purposes of selecting candidates it may, subject to sub-article (2), invite applicants to attend for interview on a day and at a time and place specified by the committee.
		(2)	Where the committee decides to invite applicants to

attend for interview in accordance with sub-article (1), the committee may, at its absolute discretion, having examined the information contained in the applications and having regard to the special knowledge and experience and other qualifications and personal qualities which the committee considers appropriate to enable a person effectively to perform the functions of the chairperson or of an ordinary member, as appropriate, invite to attend for interview only those applicants who appear to it to be likely to be suitable to be considered for selection as candidates for appointment as chairperson or as an ordinary member, as appropriate.

Cesser of entitlement to further consideration by committee.

61. (1) Subject to sub-article (2), an applicant who does not attend for interview on the day and at the time and place specified by the committee or who does not furnish such particulars or evidence as may be required by the committee under article 59 within the period specified in that article shall not be entitled to further consideration by the committee for selection as a candidate for appointment as chairperson or as an ordinary member, as appropriate.
- (2) Notwithstanding sub-article (1), the committee may, at its absolute discretion, invite any person who did not attend for interview on the day and at the time and place previously specified by the committee for interview on another day and at a time and place specified by the committee.

Procedure of committee.

62. (1) The committee shall hold such and so many meetings as may be necessary for the performance of its functions.
- (2) (a) The quorum for a meeting of the committee referred to in section 105 of the Act shall be 4.
- (b) The President of the High Court shall preside at meetings of the committee referred to in section 105 of the Act at which he or she is present.
- (c) If the President of the High Court is not present at a meeting of the committee referred to in section 105 of the Act, a member of that committee selected by the committee shall preside at the meeting.
- (3) (a) The Chairperson shall preside at meetings of the committee referred to in section 106 of the Act.
- (b) All members of the committee referred to in section 106 of the Act shall be present at meetings of the

committee.

- (4) Every question at a meeting of the committee shall be determined by a majority of votes of the members present.
- (5) Subject to the foregoing provisions of this article, the committee shall regulate its own procedure.

Secretary of
Committee.

63. An officer of the Minister designated by the Secretary-General of the Department of the Environment and Local Government shall act as secretary of the committee.

Prescribed
organisations for
purposes of section
106(1) of Act.

64. (1) The prescribed organisations for the purposes of section 106(1)(a) of the Act shall be –
- (a) the Irish Planning Institute,
 - (b) the Royal Town Planning Institute Irish,
 - (c) the Institution of Engineers of Ireland,
 - (d) the Society of Chartered Surveyors in the republic of Ireland,
 - (e) the Royal Institute of the Architects or Ireland,
 - (f) the Association of Consulting Engineers of Ireland, and
 - (g) the Irish Landscape Institute.
- (2) The prescribed organisations for the purposes of section 106(1)(b) of the Act shall be –
- (a) the Construction Industry Federation,
 - (b) Forfás,
 - (c) the Irish Business and Employers' Confederation,
 - (d) Chambers Ireland,
 - (e) the Irish Auctioneers and Valuers Institute,
 - (f) the Institute of Professional Auctioneers and Valuers,
 - (g) Fáilte Ireland,

- (h) the International Centre for Local and Regional Development, and
 - (i) Údarás na Gaeltachta.
- (3) The prescribed organisations for the purposes of section 106(1)(c) of the Act shall be –
- (a) the County and City Managers' Association,
 - (b) the Association of County and City Councils,
 - (c) the Association of Municipal Authorities of Ireland,
 - (d) the Local Authority Members' Association,
 - (e) the Institute of Public Administration,
 - (f) the Irish Farmers' Association,
 - (g) the Irish Creamery Milk Suppliers' Association, and
 - (h) the Irish Congress of Trade Unions
- (4) The prescribed organisations for the purposes of section 106(1)(d) of the Act shall be –
- (a) An Taisce — the National Trust for Ireland,
 - (b) the Heritage Council,
 - (c) the Combat Poverty Agency,
 - (d) the Irish Council for Social Housing,
 - (e) the National Women's Council,
 - (f) the Irish Countrywomen's Association,
 - (g) People with Disabilities in Ireland,
 - (h) Comhar – the National Sustainable Development Partnership,
 - (i) the Institute of Archaeologists of Ireland,
 - (j) Comhdháil Náisiúnta na Gaeilge,
 - (k) the National Disability Authority,

Duty of prescribed organisation on receipt of request pursuant to section 106(4) of Act.

65.

- (l) the National Youth Council of Ireland, and
- (m) the Irish Rural Dwellers Association.

Comment [i110]: Substituted by article 11 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Where a request is made to a prescribed organisation under section 106(4) of the Act, the organisation shall, within the period of 8 weeks commencing on the day on which the request is made,—

- (a) select such number of candidates (not being less than 2) for appointment as ordinary members of the Board as the Minister may specify in the request,
- (b) inform the Minister-
 - (i) of the names of the candidates selected, and
 - (ii) of the reasons why, in the opinion of the organisation, each candidate is suitable for appointment as an ordinary member of the Board, and
- (c) send to the Minister-
 - (i) a curriculum vitae in relation to each candidate, and
 - (ii) the written consent of each candidate to his or her selection in accordance with the request.

CHAPTER 2

Appeals and referrals and other functions of the Board

Appeals accompanied by EIS or appeal or referral which relate to establishment to which the Major Accident Regulations apply.

66.

- (1) Where any appeal is required to be accompanied by an EIS in accordance with section 172 of the Act or these Regulations, the requirements of Part 10 shall be complied with in addition to the requirements of this Part.
- (2) Any appeal or referral under section 5 of the Act relating to development of a type referred to in article 138 shall be subject to the requirements of Part 11 in addition to the requirements of this Part.

Interpretation for this Chapter.

67.

In this Chapter –
“appeal” does not include appeals under section 182(4)(b) of the Act,

“oral hearing” means an oral hearing within the meaning of section 134, 203 or 218 of the Act;

“relevant persons” means –

- (a) in the case of an oral hearing under section 134(1) of the Act, the parties to the appeal or referral or the applicant for permission for a strategic infrastructure development, and any persons who have made submissions or observations to the Board in relation to the application, appeal or referral in accordance with the provisions of the Act or these regulations,
- (b) in the case of an oral hearing under section 134 of the Act, the planning or local authority and, as appropriate, the person who is seeking the determination, any person who made a submission, observation or objection in accordance with the Act, these Regulations or the applicable enactment, and, in the case of any development in respect of which an EIS is submitted, any person who made a submission or observation in respect of the effects on the environment of the proposed development,
- (c) in the case of an oral hearing under section 203 of the Act, the planning authority and any person who made an objection to an order under that section,
- (d) in the case of an oral hearing under section 218 of the Act, the local authority and any person who made an objection in accordance with the enactments referred to in sections 214 or 215 of the Act.

Comment [i111]: Substituted by article 12 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i112]: Amended by article 11 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Availability of documents relating to appeals and referrals.

68. Where a copy of an appeal or referral is sent to a planning authority by the Board pursuant to section 128 of the Act, the planning authority shall, as soon as may be after receipt of the copy of the appeal or referral, make a copy of the appeal or referral available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the authority until the appeal or referral is withdrawn or is dismissed or determined by the Board or, in the case of an appeal referred to in section 139 of the Act, a direction is given to the authority in relation to that appeal.

Comment [i113]: Inserted by article 13 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Notification of persons who made submissions or observations.

69. (1) Subject to sub-article (2), where a copy of an appeal under section 37 of the Act is sent to a planning authority by the Board in accordance with section 128 of the Act, the planning authority, as soon as may be after receipt of the copy of the appeal, shall notify in writing any person who

made a submission or observation in accordance with these Regulations in relation to the planning application in respect of which an appeal has been made.

- (2) A notice under sub-article (1) shall -
- (a) specify the reference number of the Board in respect of the appeal,
 - (b) specify the date on which the appeal was received by the Board,
 - (c) state that a copy of the appeal is available for inspection or purchase for a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the planning authority, and
 - (d) state that submissions or observations in relation to the appeal may be made in writing to the Board within the appropriate period and on payment of the appropriate fee.

Inclusion of appeals in weekly list of planning authority.

70. A list referred to in article 32 shall, in addition to the matters specified in that article, indicate any planning application in respect of the decision on which an appeal has been made and sent to a planning authority by the Board in accordance with section 128 of the Act during that week.

Notification of application for leave to appeal.

71. (1) Where a planning authority is notified by the Board in accordance with section 37(6)(c) of the Act, the authority shall, as soon as may be, notify the applicant for permission that the Board has received an application for leave to appeal the decision of the planning authority.
- (2) A notice under sub-article (1) shall –
- (a) specify the reference number of the Board in respect of the application for leave to appeal,
 - (b) specify the name and address of the applicant for leave, and
 - (c) state that the planning authority will not make a grant of permission unless the application for leave to appeal is refused.

Board's weekly list.

72. (1) The Board shall, not later than the third working day following a particular week, make available a list of

- (a) the appeals and referrals received by the Board,
- (b) the appeals and referrals determined, dismissed or withdrawn or in relation to which a direction is given by the Board pursuant to section 139 of the Act,
- (c) the applications for approval under section 175(3), section 177AE(3), section 181A and section 215 of the Act received by the Board, and
- (d) the applications for approval under section 175(3), section 177AE(3), section 181A and section 215 of the Act determined or otherwise disposed of by the Board during that week.
- (e) the applications for substitute consent and applications for leave to apply for substitute consent received by the Board, and
- (f) the applications for substitute consent decided or withdrawn and the applications for leave to apply for substitute consent decided or withdrawn.

Comment [i114]: Inserted by article 12(a) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i115]: Inserted by article 12(a) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i116]: Inserted by article 12(a) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(2) A list referred to in sub-article (1) shall indicate in respect of appeals under section 37 of the Act received by the Board during the week to which the list relates that, under section 34 of the Act, the applications may be granted permission, subject to or without conditions, or refused and shall also indicate in respect of each appeal

- (a) the name of the appellant,
- (b) the date on which the appeal was received by the Board,
- (c) the reference number of the appeal,
- (d) the nature and location of the development to which the appeal relates,
- (e) the name of the planning authority and the reference number of the planning application concerned in the register of the authority,
- (f) the name of the person by or on behalf of whom the planning application was made.

(3) A list referred to in sub-article (1) shall indicate, in

respect of appeals under section 37 of the Act determined, dismissed or withdrawn or in relation to which a direction is given by the Board pursuant to section 139 of the Act during the week to which the list relates, that in accordance with section 34(3) of the Act, the Board in making decisions on appeals under section 37 has regard to submissions or observations received and shall also indicate in respect of each appeal—

- (a) the reference number of the appeal,
 - (b) the nature and location of the development to which the appeal relates,
 - (c) the name of the planning authority and the reference number of the planning application concerned in the register of the planning authority,
 - (d) the name of the person by or on behalf of whom the planning application was made,
 - (e) in the case of an appeal determined by the Board, the nature of the decision of the Board and the date of the order of the Board in relation to the appeal,
 - (f) in the case of an appeal dismissed by the Board, an indication of that fact and the date of the order of the Board in relation to the appeal,
 - (g) in the case of an appeal which has been withdrawn, an indication of that fact and the date on which it was withdrawn,
 - (h) in the case of an appeal in relation to which a direction has been given by the Board pursuant to section 139 of the Act, an indication of that fact and the date of the order of the Board in relation to the appeal.
- (4) A list referred to in sub-article (1) shall indicate in respect of each of the appeals (other than appeals under section 37 of the Act) and referrals received by the Board during the week to which the list relates—
- (a) the name of the appellant or person making the referral, as appropriate,
 - (b) the reference number of the appeal or referral,
 - (c) the nature of the appeal or referral, and

(d) the date on which the appeal or referral was received by the Board.

(5) A list referred to in sub-article (1) shall indicate, in respect of each appeal (other than an appeal under section 37 of the Act) or referral determined, dismissed or withdrawn during the week to which the list relates, —

(a) the nature of the appeal or referral,

(b) in the case of an appeal or referral determined by the Board, the nature of the decision of the Board and the date of the order of the Board in relation to the appeal or referral,

(c) in the case of an appeal or referral dismissed by the Board, an indication of that fact and the date of the order of the Board in relation to the appeal or referral, or

(d) in the case of an appeal or referral which has been withdrawn, an indication of that fact and the date on which it was withdrawn.

(6) A list referred to in sub-article (1)(c) shall indicate, in respect of applications for approval under section 175(3), section 177AE(3), section 181A and section 215 of the Act received by the Board during the week to which the list relates that the Board may approve the applications subject to or without conditions, or refuse the applications and shall also indicate in respect of each application -

(a) the reference number of the application for approval,

(b) the name of the local authority or road authority,

(c) the nature and location of the development, and

(d) that the application for approval is accompanied by an EIS or NIS, or both, where appropriate.

(7) A list referred to in sub-article (1) shall indicate, in respect of applications for approval under section 175(3), section 177AE(3), section 181A and section 215 of the Act determined by the Board during the week to which the list relates that the Board in determining applications for approval has regard to submissions or observations received and shall also indicate in respect of each

Comment [i117]: Inserted by article 12(b) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i118]: Inserted by article 12(b) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i119]: Inserted by article 12(c) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

application for approval –

- (a) the reference number of the application for approval,
- (b) the name of the local authority or road authority,
- (c) the nature and location of the development, and
- (d) the nature of the decision of the Board and the date of the order of the Board in relation to the application for approval

(7A). A list referred to in sub-article (1) shall indicate, in respect of applications for substitute consent and applications for leave to apply for substitute consent, under section 177E and section 177C, respectively, of the Act, received by the Board during the week to which the list relates, that the Board may grant the substitute consent subject to or without conditions, or grant leave to apply for substitute consent, or refuse to grant such consent or leave, and shall also indicate in respect of each application—

- (a) the name of the applicant,
- (b) the date on which the application was received by the Board,
- (c) the nature and location of the development to which the application relates,
- (d) that the application is accompanied by a remedial EIS or remedial NIS or both where appropriate, and
- (e) the name of the planning authority.

(7B). A list referred to in sub-article (1) shall indicate, in respect of applications for substitute consent and applications for leave to apply for substitute consent, under section 177E and section 177C, respectively, of the Act, decided by the Board during the week to which the list relates, that the Board in deciding the applications has had regard to submissions or observations received and shall also indicate in respect of each application for approval—

- (a) the name of the applicant,
- (b) the name of the planning authority,

- (c) the nature and location of the development, and
- (d) the nature of the decision of the Board and the date of the decision.

Comment [i120]: Inserted by article 12(d) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(8) The Board may include in a list referred to in sub-article (1) any information which the Board considers appropriate in relation to matters before, or to be determined by, the Board under the Act or any other enactment.

(9) A list referred to in sub-article (1) shall, for a period of not less than 4 weeks beginning on the day on which it is made available, be displayed in or at the offices of the Board in a position convenient for inspection during office hours or by any other means, including in electronic form, that the Board considers appropriate.

(10) (a) Copies of a list referred to in sub-article (1) shall, during the period of 4 weeks referred to in sub-article (7), be made available at the offices of the Board during office hours, free of charge or for such fee as the Board may fix not exceeding the reasonable cost of making a copy.

(b) A copy of a list referred to in sub-article (1) shall, during the period of 4 weeks as aforesaid, be sent (including by electronic means), on request, to any person or body, free of charge or for such fee not exceeding the reasonable cost of making a copy and the cost of postage, as the Board may fix.

Comment [i121]: Substituted by article 14 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Revised plans, etc. 73.

The Board may, when considering an appeal under section 37 of the Act, invite the applicant for the permission concerned to submit to the Board revised plans or other drawings modifying, or other particulars providing for the modification of, the development to which the appeal relates and an applicant so invited may submit to the Board such number of plans, drawings or particulars as the Board may specify.

Notification by Board of decisions on appeals or referrals. 74.

(1) The Board shall, as soon as may be following the making of a decision on an appeal or referral, notify any party to the appeal or referral and any person who made submissions or observations in relation to the appeal or referral in accordance with section 130 of the Act.

(2) A notice referred to in sub-article (1) of a decision on an appeal under section 37 of the Act shall specify—

- (a) the reference number of the appeal,
- (b) the reference number of the planning application concerned in the register of the planning authority,
- (c) the date of the order of the Board in relation to the appeal,
- (d) the development to which the decision relates,
- (e) the nature of the decision and the main reasons and considerations on which the decision is based,
- (f) in the case of a decision to grant a permission subject to conditions — any conditions to which the permission is subject and the main reasons for the imposition of any such conditions, provided that where a condition imposed is a condition described in section 34(4) of the Act, a reference to the paragraph of the said subsection (4) in which the condition is described shall be sufficient,
- (g) in the case of a decision to grant a permission for a structure — any purpose for which the structure may or may not be used,
- (h) in the case of a decision to grant a permission — any condition specifying points of detail relating to a grant of permission to be agreed by the planning authority and the person to whom the permission is granted,
- (i) in the case of a decision to grant a permission — any period specified by the Board pursuant to section 41 of the Act as the period during which the permission is to have effect,
- (j) that in making a decision on an appeal the Board, in accordance with section 34(3) of the Act, has regard to submissions or observations received in accordance with these Regulations,
- (k) in the case of a decision to grant or refuse a permission where the decision by the Board is different, in relation to the granting or refusal of permission, from the recommendation of the report of a person assigned to report on an appeal on behalf of the Board — the main reasons for not accepting such recommendation, and

- (l) in the case of a decision to grant a permission for a development which materially contravenes the development plan where the planning authority had refused a permission on that ground — the main reasons and considerations for materially contravening the development plan.

Comment [i122]: Substituted by article 15 of S.I. No. 685/2006 – Planning and Development Regulations 2006

- (3) A notice referred to in sub-article (1) of a decision on an appeal (other than an appeal under section 37 of the Act) or referral shall, in addition to any other requirement of the Act, specify—
 - (a) the reference number of the Board in respect of the appeal,
 - (b) the nature of appeal or referral to which the decision relates,
 - (c) the nature of the decision,
 - (d) the date of the order of the Board in relation to the appeal or referral, and
 - (e) any other information which the Board considers appropriate.

Inspections in relation to appeals, referrals and other functions of the Board.

75.

The Board may arrange for the carrying out of inspections in relation to appeals or referrals or other matters determined by the Board under the Act by persons appointed for that purpose by the Board either generally or for a particular appeal, referral or matter or for appeals, referrals or matters of a particular class (including appeals, referrals or matters relating to land in the area of a particular planning authority).

Notice etc. of oral hearing.

76.

(1) Where the Board decides to hold an oral hearing, the Board —

- (a) shall inform relevant persons and any other person or body which it considers appropriate and give such persons and bodies not less than 5 working days notice of the time and place of the opening of the oral hearing or such shorter notice as may be accepted by all such persons or bodies,
- (b) shall make available for inspection at its offices and at the offices of the local authority or planning authority, as appropriate, a copy of any correspondence, documents, particulars or other information received from any relevant persons in

accordance with the provisions of the Act or these Regulations for a period commencing not later than 7 days before the commencement of the oral hearing and ending on the last day of the oral hearing, and

(c) shall make available for inspection at the place the oral hearing is held a copy of any correspondence and other information referred to in paragraph (b) for the duration of the oral hearing.

(2) The provisions of paragraphs (b) and (c) of sub-article (1) shall not require the Board to make available models or such other information or particulars as may be determined by the Board at the offices of the local authority or planning authority or at the place of the holding of the oral hearing where the making available of models or other information or particulars would lead to undue administrative or technical difficulties.

(3) The Board may, where it considers appropriate, give any person or body informed of the holding of an oral hearing under sub-article (1)(a) a copy of any correspondence, documents, particulars or other information received from relevant persons in accordance with the provisions of the Act or these Regulations.

(4) The Board may, at any time before the opening of an oral hearing, alter the time or place of the opening of the hearing and, in the event of such alteration, the Board shall give relevant persons and any other person or body informed of the holding of an oral hearing under sub-article (1) notice of not less than 3 working days of the new time and place or such shorter notice as may be accepted by all such persons or bodies.

Comment [i123]: Substituted by article 16 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Adjournment or re-opening of oral hearing. 77.

(1) Subject to sub-articles (2) and (3), the Board or other person conducting an oral hearing may adjourn or re-open any hearing or, notwithstanding that any relevant person has failed to attend a hearing, proceed with the hearing.

(2) Notice of the time and place of the re-opening of an oral hearing or resumption of an oral hearing that has been adjourned indefinitely shall be given by the Board to each relevant person and to any other person or body who was informed of the holding of an oral hearing under article 76(1)(a) or who has been heard at the hearing in accordance with section 135(2)(d) of the Act not less than one week before the said time unless all such persons accept shorter notice.

- (3) An oral hearing under section 218 of the Act, or on which the report has been submitted to the Board, shall not be re-opened unless the Board considers it expedient to do so and so directs.
- Replacement of person appointed to conduct oral hearing. 78. (1) If, for any reason, the person appointed to conduct an oral hearing is unable or fails to conduct the oral hearing, the Board may appoint another person to conduct the oral hearing.
- (2) If, for any reason, the person appointed to conduct an oral hearing is unable to complete the conduct of the oral hearing, or is unable to or fails to furnish a report on an oral hearing to the Board, the Board may appoint another person to conduct a new oral hearing.

PART 8

REQUIREMENTS IN RESPECT OF SPECIFIED DEVELOPMENT BY, ON BEHALF OF, OR IN PARTNERSHIP WITH LOCAL AUTHORITIES

- Development which relates to establishment to which the Major Accident Regulations apply. 79. Any development of a type referred to in article 145 shall be subject to the requirements of Chapter 4 of Part 11 in addition to the requirements of this Part.
- Development prescribed for purposes of section 179 of Act. 80. (1) Subject to sub-article (2) and sub-section (6) of section 179 of the Act, the following classes of development, hereafter in this Part referred to as ‘‘proposed development’’, are hereby prescribed for the purposes of section 179 of the Act —
- (a) the construction or erection of a house,
- (b) the construction of a new road or the widening or realignment of an existing road, where the length of the new road or of the widened or realigned portion of the existing road, as the case may be, would be—
- (i) in the case of a road in an urban area, 100 metres or more, or
- (ii) in the case of a road in any other area, 1 kilometre or more,
- (c) the construction of a bridge or tunnel,
- (d) the construction or erection of pumping stations, treatment works, holding tanks or outfall facilities for

waste water or storm water,

- (e) the construction or erection of water intake or treatment works, overground aqueducts, or dams or other installations designed to hold water or to store it on a long-term basis,
 - (f) drilling for water supplies,
 - (g) the construction of a swimming pool,
 - (h) the use of land, or the construction or erection of any installation or facility, for the disposal of waste, not being—
 - (i) development which comprises or is for the purposes of an activity in relation to which a waste licence is required or
 - (ii) development consisting of the provision of a bring facility which comprises not more than 5 receptacles,
 - (i) the use of land as a burial ground,
 - (j) the construction or erection of a fire station, a library or a public toilet, and
 - (k) any development other than those specified in paragraphs (a) to (j), the estimated cost of which exceeds €126,000, not being development consisting of the laying underground of sewers, mains, pipes or other apparatus.
- (2)
- (a) Subject to paragraph (b), this Part shall not apply to proposed development that a local authority that is a planning authority proposes to carry out outside its functional area.
 - (b) This Part shall apply to development of a class specified in sub-article (1) (b) or (c) that a local authority that is a planning authority proposes to carry out outside its functional area.
 - (c) This Part shall also apply to development which is carried out within the functional area of a local authority that is a planning authority, on behalf of, or in partnership with the local authority, pursuant to a contract with the local authority.

Notice of proposed development.

81. (1) A local authority shall, in accordance with this article,—
- (a) give notice of proposed development in an approved newspaper, and
 - (b) erect or fix a site notice or site notices on the land on which the proposed development would be situated.
- (2) A notice referred to in sub-article (1) shall state that the local authority proposes to carry out development and—
- (a) indicate the location, townland or postal address of the proposed development (as may be appropriate),
 - (b) indicate the nature and extent of the proposed development,
 - (c) where the proposed development consists of or comprises the carrying out of works —
 - (i) which would materially affect the character of a protected structure or a proposed protected structure,
 - (ii) to the exterior of a structure which is located within an architectural conservation area, and the development would materially affect the character of the area concerned,
- indicate this fact, and
- (d) state that—
- (i) plans and particulars of the proposed development will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the local authority for a specified period (which shall be not less than 6 weeks beginning on the day of publication of the notice in a newspaper in accordance with sub-article (1)(a)),
 - (ii) submissions or observations with respect to the proposed development, dealing with the proper planning and sustainable development of the area in which the development would be situated, may be made in writing to the local authority before a specified date (which shall be not less than 2 weeks after the end of the period

Comment [i124]: Deleted by article 17(1) of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i125]: Inserted by article 17(2)(a) of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i126]: Substituted by article 17(2)(b) of S.I. No. 685/2006 – Planning and Development Regulations 2006

for inspection of plans and particulars specified pursuant to sub-paragraph (i)).

- (3) A site notice erected or fixed in accordance with sub-article (1)(b) shall be—
 - (a) inscribed or printed in indelible ink and affixed on rigid, durable material and be secured against damage from bad weather and other causes, and
 - (b) subject to sub-article (4), securely erected or fixed in a conspicuous position on or near the main entrance to the land concerned from a public road, or where there is more than one entrance from public roads, on or near all such entrances, or on any other part of the land or structure adjoining a public road, so as to be easily visible and legible by persons using the public road, and shall not be obscured or concealed at any time.
- (4) Where the land concerned does not adjoin a public road, a site notice shall be erected or fixed in a conspicuous position on the land so as to be easily visible and legible by persons outside the land, and shall not be obscured or concealed at any time.
- (5) A site notice shall be erected or fixed on the land or structure concerned not later than the day of publication of notice of the proposed development in a newspaper in accordance with sub-article (1) (a), shall be maintained in position for a period of at least 4 weeks after publication of the said notice and shall be renewed or replaced if it is removed or becomes defaced or illegible within that period.

Notice of proposed development to certain bodies. 82.

- (1) A local authority shall send notice of proposed development to any relevant body or bodies specified in sub-article (3).
- (2) A notice in accordance with sub-article (1) shall—
 - (a) indicate the location, townland or postal address of the proposed development,
 - (b) indicate the nature and extent of the proposed development, and
 - (c) state that submissions or observations in respect of the proposed development, dealing with the proper planning and sustainable development of the area in

which the proposed development would be situated, may be made in writing to the local authority before a specified date (which shall be not less than 2 weeks after the end of the period for inspection of plans and particulars specified pursuant to article 81(2)(d)(i)),

and be accompanied by a copy of the plans and particulars of the proposed development specified in article 84.

- (3) A notice in accordance with sub-article (1) shall be sent—
- (a) where it appears to the authority that the land or structure is situated in an area of special amenity, whether or not an order in respect of that area has been confirmed under section 203 (or deemed to be so confirmed under section 268(1)(c)) of the Act, or that the development or retention of the structure might obstruct any view or prospect of special amenity value or special interest — to An Chomhairle Ealaíon, Fáilte Ireland, and An Taisce — the National Trust for Ireland,
 - (b) where it appears to the authority that the development might obstruct or detract from the value of any tourist amenity or tourist amenity works— to Fáilte Ireland,
 - (c) where it appears to the authority that the development—
 - (i) would involve the carrying out of works to a protected structure or proposed protected structure, or to the exterior of a structure which is located within an architectural conservation area,
 - (ii) might detract from the appearance of a structure referred to in sub-paragraph (i),
 - (iii) might affect or be unduly close to—
 - (I) a cave, site, feature or other object of archaeological, geological, scientific, ecological or historical interest,
 - (II) a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994 (No. 17 of 1994),

- (III) a historic monument or archaeological area entered in the Register of Historic Monuments under Section 5 of the National Monuments (Amendment) Act, 1987 (No. 17 of 1987),
 - (IV) a national monument in the ownership or guardianship of the Minister under the National Monuments Acts, 1930 to 1994, or
- (iv) might obstruct any scheme for improvement of the surroundings of, or any means of access to, any structure, place, feature or object referred to in sub-paragraph (iii),
 - to the Minister, the Heritage Council, and An Taisce — the National Trust for Ireland, and in the case of development of a type referred to in sub-paragraph (i) or (ii), An Chomhairle Ealaíon and Fáilte Ireland,
- (d) where it appears to the authority that the area of another local authority might be affected by the development — to that local authority,
 - (e) where it appears to the authority that the development would not be consistent with or would materially contravene any regional planning guidelines (or any objective thereof) of a regional authority — to that regional authority,
 - (f) where it appears to the authority that if permission were granted, a condition should be attached under section 34(4)(m) of the Act — to any local authority (other than the planning authority) who would be affected by any such condition,
 - (g) where it appears to the authority that—
 - (i) the development might cause the significant abstraction or addition of water either to or from surface or ground waters, whether naturally occurring or artificial,
 - (ii) the development might give rise to significant discharges of polluting matters or other materials to such waters or be likely to cause serious water pollution or the danger of such pollution, or

(iii) the development would involve the carrying out of works in, over, along or adjacent to the banks of such waters, or to any structure in, over or along the banks of such waters, which might materially affect the waters,

— to the appropriate Regional Fisheries Board and, in any case where the waters concerned are listed in Part 1 of Annex 1 of the Schedule to the British-Irish Agreement Act, 1999 (No. 1 of 1999), to Waterways Ireland,

(h) where it appears to the authority that the development might endanger or interfere with the safety of, or the safe and efficient navigation of aircraft — to the Irish Aviation Authority,

(i) where it appears to the authority that the development might interfere with the operation and development of a licensed airport, whose annual traffic is not less than 1 million passenger movements — to the airport operator,

(j) where the development may have an impact on bus or rail-based transport — to Córas Iompair Éireann and the Railway Procurement Agency, as appropriate,

(k) where it appears to the authority that—

(i) the development consists of or comprises the formation, laying out or material widening of an access to a national road within the meaning of section 2 of the Roads Act, 1993 (No. 14 of 1993), not being a national road within a built-up area within the meaning of section 45 of the Road Traffic Act, 1961, or

(ii) the development might give rise to a significant increase in the volume of traffic using a national road,

— to the National Roads Authority,

(l) where the development might significantly impact on surface transport in the Greater Dublin Area, the Dublin Transportation Office (or any body that replaces that office),

- (m) where the development comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence — to the Environmental Protection Agency,
- (n) where it appears to the authority that the development might have significant effects in relation to nature conservation — to the Heritage Council, the Minister and An Taisce - the National Trust for Ireland,
- (o) where the development is in a Gaeltacht area and it appears to the authority that it might materially affect the linguistic and cultural heritage of the Gaeltacht, including the promotion of Irish as the community language — to the Minister for Community, Rural and Gaeltacht Affairs and Údarás na Gaeltachta,
- (p) where the development is in the vicinity of an explosives factory, storage magazine or local authority explosives store — to the Minister for Justice, Equality and Law Reform,
- (q) where it appears to the authority that the development might have significant effects on public health — to the Health Service Executive,
- (r) where the application relates to extraction of minerals within the meaning of the Minerals Development Acts, 1940 to 1995 — to the Minister for Communications, Marine and Natural Resources,
- (s) where it appears to the authority that the development might impact on the foreshore — to the Minister for Communications, Marine and Natural Resources,
- (t) where the development might—
 - (i) give rise to a significant increase in the volume or type of traffic (including construction traffic) passing under a height restricted railway bridge, or using a railway level crossing, or a bridge over a railway,
 - (ii) because of its proximity to a railway, impact on the structural integrity of railway infrastructure during construction of the development, or

(iii) endanger or interfere with the safe operation of a railway, during or after construction,

— to the railway operator, the Railway Safety Commission, and, in the case of development which might impact on a light railway or metro, the Railway Procurement Agency,

(u) where the application relates to—

(i) the extraction of minerals, other than minerals within the meaning of the Minerals Development Acts 1940-1999, whether by surface or underground means,

(ii) the development of, or extensions to, quarries, including sand or gravel pits, for the extraction of earth materials, or

(iii) a development which, for other purposes, requires the excavation of earth materials greater than a total volume of 50,000m³ or the excavation of earth materials on a site area greater than 1 hectare

— to the Minister for Communications, Marine and Natural Resources,

(v) where it appears to the authority that the development might impact on the provision of public water services — to Irish Water.

(4) A reference in sub-article (3) to Fáilte Ireland shall, in the case of proposed development which would be situated in the functional area of the Shannon Free Airport Development Company Ltd., be construed as a reference to that Company.

Comment [i127]: Substituted by article 7(1) of S.I. No. 520 of 2013 – Planning and Development (Amendment) (No. 2) Regulations 2013

Comment [i128]: Substituted by article 18(2) of S.I. No. 685/2006 – Planning and Development Regulations 2006

Availability for inspection of documents, particulars and plans.

83. (1) A local authority shall make available for inspection in accordance with article 81(2)(d)(i)—

(a) a document describing the nature and extent of the proposed development and the principal features thereof, including-

(i) where the proposed development would consist of or comprise the provision of houses, the number of houses to be provided,

(ii) where proposed development would relate to a

protected structure or a proposed protected structure, an indication of that fact,

(iii) where the proposed development would comprise or be for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact,

(b) a location map, drawn to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas (which shall be identified thereon) and marked or coloured so as to identify clearly the land on which it is proposed to carry out the proposed development,

Comment [i129]: Substituted by article 3(1) of S.I. No. 70/2002 - Planning and Development Regulations 2002

Comment [i130]: S.I. No. 70/2002 - Planning and Development Regulations 2002

Article 3(2)
Any map referred to in articles 22(2)(b), 48(2), 83(1)(b), 187(1)(h) and 194(2)(c) of the Regulations which is based on an Ordnance Survey map shall indicate thereon the relevant Ordnance Survey sheet number.

(c) except in the case of development of a class specified in article 80(1)(b) or (c),—

(i) a site layout plan, drawn to a scale of not less than 1:500, showing the boundary of the site on which it is proposed to carry out the proposed development and the buildings or other structures, and roads or other features, in the vicinity of the site, and

(ii) such other plans and drawings, drawn to a scale of not less than 1:100, as are necessary to describe the proposed development,

(d) in the case of development of a class specified in article 80(1)(b), such plans and drawings drawn to a scale of not less than 1:2500, as are necessary to describe the proposed development,

(e) in the case of development of a class specified in article 80(1) (c), such plans and drawings drawn to a scale of not less than 1:200, as are necessary to describe the proposed development.

(2) A local authority shall make available for inspection or purchase, on payment of a specified fee not exceeding the reasonable cost of making such a copy, a copy of the documents referred to in sub-article (1) and a copy of any submissions or observations received by the authority in respect of a proposed development during office hours at the offices of the authority.

Comment [i131]: Substituted by article 19 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Notice following period of consideration.

84. (1) A local authority shall send notice in accordance with sub-article (2) to any body to which notice of the proposed development was sent pursuant to article 82, and to any other persons or bodies who made

submissions or observations in respect of the proposed development in accordance with this Part as soon as may be after, as appropriate,—

(a) the making of a resolution under section 179(4)(b) of the Act, or

(b) the expiry of a period of 6 weeks after the receipt of the manager's report referred to in the said section 179(4).

(2) A notice referred to in sub-article (1) shall indicate that, as the case may be, the local authority will carry out the proposed development, carry out the proposed development subject to variations or modifications, or not proceed with the proposed development.

- Transitional. 85. (1) This Part shall not apply to, or have effect in relation to, proposed development where a notice was published in relation to such development in accordance with article 131 of the Local Government (Planning and Development) Regulations, 1994 before the coming into operation of these Regulations.
- (2) The provisions of the Local Government (Planning and Development) Regulations, 1994 to 2001 shall, notwithstanding the repeal of those Regulations, continue in force and have effect in relation to proposed development referred to in sub-article (1).

PART 9

PROVISIONS WITH RESPECT TO CERTAIN DEVELOPMENT BY OR ON BEHALF OF STATE AUTHORITIES

- Specified development for purposes of section 181(1)(a) of Act. 86. (1) In accordance with section 181(1)(a) of the Act, the provisions of the Act shall not apply to the following classes of development:
- (a) development consisting of the provision of—
- (i) Garda stations or other buildings, or other premises or installations, or other structures or facilities, used for the purposes of or in connection with the operations of An Garda Síochána,

- (ii) prisons or other places of detention,
 - (iii) courthouses or other buildings, or other premises or installations, or other structures or facilities, whether provided on a permanent or temporary basis, used for the purposes of or in connection with the transaction of any business relating to courts, tribunals, inquiries or inquests established by statute,
 - (iv) barracks or other buildings, or other premises or installations (including airfields and naval yards), or other structures or facilities, used for the purposes of or in connection with the operations of the Defence Forces,
 - (v) office buildings or other premises used for the purposes of or in connection with the business of Uachtarán na h-Éireann, Dáil Éireann, Seanad Éireann, the Department of the Taoiseach, the Office of the Tánaiste, the Department of Defence, the Department of Foreign Affairs, the Department of Justice, Equality and Law Reform, the Courts Service, the Office of the Attorney General, the Chief State Solicitor's Office and the Office of the Director of Public Prosecutions;
- (b) (i) development consisting of the provision of an extension of any building referred to in paragraph (a), where such extension will be situated, in whole or in part, outside the curtilage of the existing building or, where the building is situated within a premises or other installation referred to in the said paragraph, outside the curtilage of the premises or other installation,
 - (ii) development consisting of the provision of an extension of a premises or other installation, other than a building, referred to in paragraph (a) which will extend the premises or other installation beyond the curtilage of the existing premises or other installation;
- (c) subject to paragraph (e), where any building, premises or other installation referred to in paragraph (a) is a protected structure or a proposed protected structure any works which would materially affect the character of the protected

structure or proposed protected structure;

(d) development consisting of the carrying out of any works within, or bounding, the curtilage of a building, premises or other installation referred to in paragraph (a), insofar as the works are incidental to the use of such building, premises or installation;

(e) (i) development consisting of the carrying out of any works, for reasons of national security, within, or bounding, the curtilage of any building, premises or other installation occupied by, or under the control of, a State authority, other than a building, premises or other installation referred to in paragraph (a),

(ii) development consisting of the carrying out, by or on behalf of a State authority, for reasons of national security, of any works within, or bounding, the curtilage of the residence of a holder, or former holder, of a public office or any other public servant or former public servant,

(iii) development consisting of the carrying out, by or on behalf of a State authority in connection with the administration of justice, of any works within, or bounding, the curtilage of the residence of a person in receipt of protection from An Garda Síochána.

(2) For the purposes of this article, a building, premises, installation, structure or facility may be provided by the carrying out of works or by the making of a material change in the use of a building, premises, installation, structure or facility.

Public notice of proposed development.

87. (1) This article shall apply to the classes of development specified in article 86(1)(a), (b) or (c) other than —
- (a) development consisting of the construction or erection of such temporary structures for the purposes of or in connection with the operations of the Defence Forces or An Garda Síochána as are urgently required for reasons of national security, or
- (b) development identified as likely to have significant effects on the environment in accordance with section 176 of the Act,

and the development to which this article applies is hereafter in this Part referred to as “proposed development.”

Comment [i132]: Substituted by article 20(1) of S.I. No. 685/2006 – Planning and Development Regulations 2006

- (2) A State authority shall, in accordance with this article—
- (a) publish notice of proposed development in an approved newspaper, and
 - (b) erect or fix a site notice or site notices of proposed development on the land or structure where the proposed development would be situated.
- (3) A notice published pursuant to sub-article (2) (a) shall contain as a heading the name of the State authority by which the development is proposed to be carried out and shall state—
- (a) the location, townland or postal address of the proposed development (as may be appropriate),
 - (b) the nature and extent of the proposed development,
 - (c) where the proposed development consists of or comprises the carrying out of works—
 - (i) which would materially affect the character of a protected structure or proposed protected structure, or
 - (ii) to the exterior of a structure which is located within an architectural conservation area, and the development would materially affect the character of the area concerned,
- an indication of that fact,
- (d) that drawings and particulars of the proposed development will be available for inspection, at the head offices of the State authority and at a specified location in the area in which the development would be situated, at specified times during a period of 6 weeks beginning on the date of publication of the notice,
 - (e) that submissions or observations with respect to the proposed development, dealing with the proper planning and sustainable development of the area in which the development would be situated, may be made in writing to the State authority within a period

Comment [i133]: Deleted by article 20(2) of S.I. No. 685/2006 – Planning and Development Regulations 2006

of 6 weeks beginning on the date of publication of the notice.

- (4) (a) A site notice erected or fixed pursuant to sub-article (2) (b) shall contain as a heading the name of the State authority by which the development is proposed to be carried out and shall state—
- (i) the location, townland or postal address of the proposed development (as may be appropriate),
 - (ii) the nature and extent of the proposed development,
 - (iii) the locations and the times at which, and the period during which, drawings and particulars of the proposed development will be available for inspection,
 - (iv) where the proposed development consists of or comprises the carrying out of works—
 - (I) which would materially affect the character of a protected structure or proposed protected structure, or
 - (II) to the exterior of a structure which is located within an architectural conservation area, and the development would materially affect the character of the area concerned,
- an indication of that fact, and
- (v) the period during which submissions or observations with respect to the proposed development, dealing with the proper planning and sustainable development of the area in which the development would be situated, may be made in writing to the State authority.
- (b) A site notice erected or fixed pursuant to sub-article (2) (b)—
- (i) shall be inscribed or printed in indelible ink and affixed on rigid, durable material and be secured against damage from bad weather and other causes, and
 - (ii) subject to paragraph (c), shall be securely erected or fixed in a conspicuous position on or

Comment [i134]: Deleted by article 20(2) of S.I. No. 685/2006 – Planning and Development Regulations 2006

near the main entrance to the land or structure concerned from a public road, or where there is more than one entrance from public roads, on or near all such entrances, or on any other part of the land or structure adjoining a public road, so as to be easily visible and legible by persons using the public road, and shall not be obscured or concealed at any time.

- (c) Where the land or structure concerned does not adjoin a public road, a site notice shall be erected or fixed in a conspicuous position on the land or structure so as to be easily visible and legible by persons outside the land or structure, and shall not be obscured or concealed at any time.
- (d) A site notice shall be erected or fixed on the land or structure concerned not later than the day of publication of notice of the proposed development in a newspaper pursuant to sub-article (2) (a), shall be maintained in position for a period of at least 4 weeks after publication of the said notice and shall be renewed or replaced if it is removed or becomes defaced or illegible within that period.

(5) Notice under this article and under article 88 shall be given once only in respect of proposed development referred to in article 86(1)(a)(iii) which is used on a temporary basis.

Notice of proposed development to certain bodies. 88.

- (1) A State authority shall send notice of proposed development to the planning authority for the area in which the proposed development would be situated.
- (2) Where proposed development consists of or comprises the carrying out of works—
 - (a) which would materially affect the character of a protected structure or proposed protected structure, or
 - (b) to the exterior of a structure which is within an architectural conservation area, and the development would materially affect the character of the area concerned,
 a State authority shall send notice of such development to the Minister.
- (3) A notice sent in accordance with sub-article (1) or (2) shall—

Comment [i135]: Deleted by article 21(a) of S.I. No. 685 of 2006 – Planning and Development Regulations 2006

Comment [i136]: Substituted by article 21(b) of S.I. No. 685 of 2006 – Planning and Development Regulations 2006

- (a) state the location, townland or postal address of the proposed development (as may be appropriate),
- (b) indicate the nature and extent of the proposed development,
- (c) be accompanied by a copy of the drawings and particulars of the proposed development made available for inspection in accordance with article 89,
- (d) where the proposed development is of a type described in sub-article (2), indicate this fact, and
- (e) state that submissions or observations with respect to the proposed development, dealing with the proper planning and sustainable development of the area in which the development would be situated, may be made in writing to the State authority concerned within a period of 6 weeks beginning on the day on which the latest notice under sub-articles (1) or (2) is sent.

(4) Proposed development of a class referred to in article 150(1)(a) or (b) shall be subject to the requirements of that article in addition to the requirements of this Part.

Availability for inspection of plans and particulars. 89.

A State authority shall make available for inspection at the locations and times specified in, and during the period of 6 weeks beginning on the day of publication of, the notice of proposed development published in accordance with article 87(2)(a)—

Comment [i137]: Substituted by article 22(a) of S.I. No. 685 of 2006 – Planning and Development Regulations 2006

- (a) a document describing, in outline, the nature and extent of the proposed development,
- (b) a location map, drawn to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas (which shall be identified thereon) and marked or coloured so as to identify clearly the land on which it is proposed to carry out the development,
- (c) in the case of proposed development referred to in article 86(1)(a) or (b), drawings or particulars describing, in outline, the external appearance of the building, or other premises or installation, or other structure or facility, to be provided or extended (as the case may be), and
- (d) in the case of proposed development referred to in article 86(1)(c), such drawings or particulars as are

Comment [i138]: Substituted by article 22(b) of S.I. No. 685 of 2006 – Planning and Development Regulations 2006

necessary to show how the development would affect the character of the structure.

State authority to have regard to certain matters.

90. (1) A State authority shall, in deciding whether a proposed development is to be carried out, have regard to any submissions or observations made by a planning authority or by any other person or body in accordance with this Part.
- (2) A State authority may, following compliance with sub-article (1), decide, as it considers appropriate, that the proposed development will be carried out, with or without variations or modifications, or will not be carried out.

Notice of decision with respect to proposed development.

91. (1) A State authority shall, as soon as may be after making its decision on a proposed development, send notice of the decision to the planning authority for the area in which the proposed development would be situated.
- (2) Subject to sub-article (3), where any person or body, other than the planning authority for the area in which the proposed development would be situated, has made submissions or observations to a State authority with respect to the proposed development in accordance with this Part, the State authority shall send notice of the decision to the person or body as soon as may be after the making of its decision.
- (3) Where a large number of submissions or observations referred to in sub-article (2) are made as part of an organised campaign, or it is not possible to readily ascertain the name and address of those persons who made the submissions or observations, a State authority may, instead of giving notice in accordance with sub-article (2), give notice to the public by some other means which the State authority is satisfied can adequately draw the attention of the public to that notice.
- (4) (a) A State authority may publish notice of its decision with respect to proposed development in an approved newspaper.
- (b) A notice published pursuant to paragraph (a) shall be published within 7 days of the making of the decision of the State authority with respect to the proposed development.

PART 10

ENVIRONMENTAL IMPACT ASSESSMENT

CHAPTER 1

General

Interpretation for this Part.	92.	<p>In this Part—</p> <p>‘application for approval’ means an application to the Board by a local authority for approval of proposed development to which section 175 of the Act applies;</p> <p>‘sub-threshold development’ means development of a type set out in Schedule 5 which does not exceed a quantity, area or other limit specified in that Schedule in respect of the relevant class of development;</p> <p>‘development’ includes any associated demolition works.</p>
Prescribed development.	93.	The prescribed classes of development for the purposes of section 176 of the Act are set out in Schedule 5.
Content of EIS.	94.	<p>An EIS shall contain—</p> <p>(a) the information specified in paragraph 1 of Schedule 6,</p> <p>(b) the information specified in paragraph 2 of Schedule 6 to the extent that –</p> <p>(i) such information is relevant to a given stage of the consent procedure and to the specific characteristics of the development or type of development concerned and of the environmental features likely to be affected, and</p> <p>(ii) the person or persons preparing the EIS may reasonably be required to compile such information having regard, among other things, to current knowledge and methods of assessment, and</p> <p>(c) a summary in non-technical language of the information required under paragraphs (a) and (b).</p>
Procedure for scoping requests.	95.	<p>(1) A request under section 173 of the Act or article 117 for a written opinion on the information to be contained in an EIS shall state –</p>

Comment [i139]: Substituted by article 4 of S.I. No. 235/2008 – Planning and Development Regulations 2008

- (a) the name and address, and telephone number and e-mail address if any, of the person making the request and of the person, if any, acting on behalf of the person making the request, or, in the case of development proposed by a local authority, the name and address, and telephone number and e-mail address, if any, of the authority,
 - (b) the location, townland or postal address of the land or structure to which the request relates (as may be appropriate), and shall include a location map marked so as to clearly identify,
 - (i) the land or structure to which the application relates and the boundaries thereof in red,
 - (ii) any land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land which is the subject of the application in blue, and
 - (iii) any wayleaves in yellow,
 - (c) a brief description of the nature of the proposed development and of its possible effects on the environment,
 - (d) if the proposed development comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact,
 - (e) if the proposed development relates to the provision of, or modifications to, an establishment, an indication of that fact.
- (2) (a) A planning authority or the Board shall, as soon as may be after receiving a request for a written opinion –
- (i) give notice of having received the request to:
 - (I) the Minister for the Environment, Heritage and Local Government,
 - (II) the Environmental Protection Agency,
 - (III) the Minister for Communications, Marine and Natural Resources,

Comment [i140]: Substituted by article 24(1) of S.I. No. 685/2006 – Planning and Development Regulations 2006

(IV) in the case of the Board, the relevant planning authority,

(V) in the case of a planning authority, the Board, and

(VI) any other body referred to in article 28, as appropriate,

indicating that a submission or observation in relation to the information to be contained in the EIS may be made to the authority or the Board, as appropriate, within 4 weeks beginning on the date of the notice, and

(ii) notify the person or local authority who made the request of the bodies to whom notice was given under sub-paragraph (i) and advise that a submission or observation in relation to the information to be contained in the EIS may be made to the authority or the Board, as appropriate, within 4 weeks beginning on the date of the notice.

(b) A notice given under paragraph (a)(i) shall contain the information referred to in sub-article (1) and, where appropriate, any further information provided under sub-article (3).

(c) A notice under paragraphs (a)(i) and (ii) in respect of the same request shall be issued on the same date.

(3) Where a planning authority or the Board considers that it has insufficient information to enable it to give a written opinion pursuant to a request, it shall, by notice in writing, require the person or local authority making the request to provide within a specified period such further information as it considers necessary.

(4) A planning authority or the Board shall, not later than 3 weeks after the expiry of the period referred to in sub-article (2)(a) or any period specified under sub-article (3), whichever is the later, give a written opinion to the person or local authority who made the request.

(5) A planning authority or the Board shall, in dealing with a request for a written opinion, have regard to—

(a) article 94,

Comment [i141]: Substituted by article 24(2) of S.I. No. 685/2006 – Planning and Development Regulations 2006

- (b) any information or documentation provided under sub-articles (1) and (3), and
 - (c) any submission or observation received in response to a notice under sub-article (2).
- (6) A written opinion shall indicate the extent to which the information in paragraph 2 of Schedule 6 should be contained in the EIS.
- Outline application. 96. (1) In addition to the provisions of article 21, an outline application may not be made in respect of development which is of a class for the time being prescribed under article 93.
- (2) Where a planning authority receives an outline application, or the Board an appeal in respect of such an application, in relation to sub-threshold development which would, in its opinion, be likely to have significant effects on the environment, it shall as soon as may be after receipt of the application or appeal, as appropriate, by notice in writing—
- (a) inform the applicant that an outline application may not be made in respect of the development,
 - (b) indicate that the authority or the Board, as appropriate, considers that the development would be likely to have significant effects on the environment, and that an application for permission to the authority, accompanied by an EIS, would be required for such development.
- (3) Where a planning authority issues a notice under sub-article (2), the outline application shall be regarded as having been withdrawn and the planning authority shall—
- (a) return to the applicant—
 - (i) the outline application, including all particulars, plans, drawings and maps, and
 - (ii) any fee paid with the application,
 - (b) enter relevant details on the register, and

(c) by notice in writing, inform any person or body who made a submission or observation in accordance with articles 28 or 29 of that fact and return to such person or body any fee paid in respect of any such submission or observation.

(4) Where the Board issues a notice under sub-article (2)—

(a) the outline application and the appeal in relation to that application shall be regarded as having been withdrawn and no permission shall be granted by the planning authority on foot of any decision by the authority under section 34 of the Act in respect of that application, and

(b) it shall, by notice in writing, inform any party to the appeal and any other person or body who made a submission or observation under section 130 of the Act of that fact.

Copies of EIS. 97.

Where an EIS is required to be submitted to –

(a) a planning authority in connection with a planning application, or

(b) the Board on appeal pursuant to a requirement under article 109,

the applicant for planning permission shall submit 10 copies and one electronic copy of the EIS.

Comment [i142]: Inserted by article 13 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

CHAPTER 2

Planning Applications

Newspaper notice. 98.

In addition to the requirements of article 18, where a planning application is to be accompanied by an EIS, a notice under article 17(1)(a) shall state—

(a) that an EIS will be submitted to the planning authority with the application, and

(b) that the EIS will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the relevant planning authority.

Invalid planning application. 99.

(1) Where a planning application in respect of development of a class prescribed under article 93 is not accompanied

by an EIS, it shall be invalid, and the provisions of article 26 shall apply.

- (2) Where an exemption has been granted under section 172(3) of the Act, sub-article (1) shall not apply.
- EIS exemption – other requirements. 100. (1) Where the Board has, in granting an exemption under section 172(3) of the Act, applied other requirements in respect of a proposed development under that section, a planning application for such development shall comply with such requirements.
- (2) Where a planning application for development in respect of which the Board has applied other requirements under section 172(3) of the Act does not, when made, comply with sub-article (1), the planning authority shall, as soon as may be following receipt of the application, by notice in writing, require the applicant to comply with such requirements.
- Procedure on receipt of Board's decision on exemption request. 101. A planning authority shall, on receiving notice, in accordance with section 172(3)(c) of the Act, of the Board's decision on a request under that sub-section, stamp the notice with the date of its receipt.
- EIS submitted with sub-threshold planning application. 102. Where a planning application for sub-threshold development is accompanied by an EIS, the application shall be dealt with as if the EIS had been submitted in accordance with section 172(1) of the Act.
- Requirement to submit EIS with sub-threshold planning application. 103. (1) Where a planning application for sub-threshold development is not accompanied by an EIS, and the likelihood of significant effects on the environment cannot be excluded by the planning authority, the planning authority shall make a determination as to whether the development would be likely to have significant effects on the environment and where it determines that the development would be likely to have such significant effects it shall, by notice in writing, require the applicant to submit an EIS and to comply with the requirements of article 105.
- (2) Where a planning application for sub-threshold development is not accompanied by an EIS, and the development would be located on, or in, or have the potential to impact on—
- (a) a European site,
- (b) an area the subject of a notice under section

Comment [i143]: Substituted by article 14 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

16 (2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),

- (c) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,
- (d) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976) as amended by sections 26 and 27 of the Wildlife (Amendment) Act 2000,
- (e) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976 as amended by section 28 of the Wildlife (Amendment) Act 2000,
- (f) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed,
- (g) a place or site which has been included by the Minister for Arts, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website,

the planning authority shall, in determining whether the development would or would not be likely to have significant effects on the environment, have regard to the likely significant effects of the development on such site, area, land, place or feature as appropriate.

- (3) A planning authority shall, in determining under this article whether a proposed development would or would not be likely to have significant effects on the environment, have regard to the criteria set out in Schedule 7 and the determination of the planning authority, including the main reasons and considerations on which the determination is based, shall be placed and kept with the documents relating to the planning application.

Comment [i144]: Substituted by article 14 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (4) Where an EIS is submitted to a planning authority under section 172(1C) or sub-article (1), the planning authority may, irrespective of whether it has already sought further information under article 33, within 8 weeks of receipt of

Comment [i145]: Substituted by article 14 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

the EIS seek further information in relation to the EIS, and in such case the provisions of article 35 shall apply where relevant.

Comment [i146]: Substituted by article 14 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- EIS exemption. 104. (1) A notice served under article 103 shall cease to have effect where an exemption is granted under section 172(3) of the Act in respect of development to which the planning application relates on the date of receipt by the planning authority of notice of the grant of the exemption.
- (2) Where a notice served under article 103 ceases to have effect in accordance with sub-article (1), the planning authority shall, as soon as may be, by notice in writing, inform the applicant of that fact and the date on which the notice ceased to have effect and, where other requirements have been applied in respect of the proposed development under section 172(3) of the Act, require the applicant to comply with such requirements.

- Further notice where planning authority requires EIS. 105. (1) Where an EIS is required under article 103, the applicant shall, not more than 2 weeks before submitting the EIS, publish notice of the intention to submit the EIS in at least one approved newspaper.
- (2) A notice under sub-article (1) shall contain as a heading the name of the planning authority, and shall state—
- (a) the name of the applicant,
 - (b) the location, townland or postal address of the land or structure to which the application relates (as may be appropriate),
 - (c) the date of the planning application and its reference number in the register,
 - (d) the nature and extent of the development,
 - (e) that, following a requirement of the planning authority, an EIS will be submitted to the planning authority in connection with the application,
 - (f) that the EIS will be available for inspection or purchase, at a fee not exceeding the reasonable cost of making a copy, during office hours at the offices of the authority, and
 - (g) that, subject to the payment of any relevant fee, a submission or observation in relation to the EIS may

be made in writing to the planning authority within 5 weeks of the date of receipt by the authority of the EIS.

- (3) An EIS submitted under article 103 shall be accompanied by a copy of the relevant page of the newspaper in which a notice under sub-article (1) was published.
- (4) Where it appears to a planning authority that a notice published under sub-article (1)—
 - (a) does not comply with any of the requirements of sub-articles (1) or (2), or
 - (b) because of its content or for any other reason, is misleading or inadequate for the information of the public,

the authority shall require the applicant to give such further notice in such manner and in such terms as it may specify and to submit such evidence as it may specify in relation to compliance with such requirement.

- (5) The planning authority shall as soon as may be acknowledge in writing the receipt of any submissions or observations referred to in sub-article (2)(g).

Comment [i147]: Inserted by article 26 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Weekly list of planning applications.

106. A list referred to in article 27 shall identify any planning application in respect of which—
- (a) an EIS has been received by the planning authority with a planning application,
 - (b) a notice has been served by the planning authority under article 103, or
 - (c) an EIS has been received by the planning authority pursuant to a notice under article 103.

Notice of EIS.

107. (1) Where a planning application is accompanied by an EIS, a notice given by a planning authority under article 28(2) shall indicate that fact and shall state that the EIS shall be made available to the prescribed body on request and the planning authority shall comply with any such request as soon as possible.
- (2) Where a planning authority receives an EIS pursuant to a notice under article 103, it shall, as soon as may be following receipt of the EIS—

Comment [i148]: Substituted by article 15(a) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (a) notify the bodies prescribed under article 28, as appropriate, including any body to which notice has been given under article 28(2), indicating that a copy of the EIS will be made available to the body on request and that a submission or observation in relation to the EIS may be made in writing to the planning authority within 5 weeks of the date of receipt by the authority of the EIS and the planning authority shall comply as soon as possible with any request for an EIS under this paragraph.
- (b) notify any person who made a submission or observation in relation to the planning application in accordance with article 29(1), indicating that—
 - (i) the EIS is available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the authority and that a submission or observation in relation to the EIS may be made in writing to the authority within 5 weeks of the date of receipt by the authority of the EIS, and
 - (ii) no further fee shall be payable on condition that any submission or observation referred to in sub-paragraph (i) is accompanied by a copy of the acknowledgement by the authority of receipt of a submission or observation referred to in article 29(2).

Comment [i149]: Substituted by article 15(b) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- Adequacy of EIS. 108. (1) A planning authority shall consider whether an EIS submitted in respect of a planning application complies with article 94 or, where the authority has given a written opinion under article 95(4), it shall consider whether the EIS complies with the said opinion.
- (2) Where a planning authority decides that an EIS does not comply with article 94, or any relevant written opinion given by the authority under article 95(4), as appropriate, the authority shall require the applicant to submit such further information as may be necessary to comply with article 94 or 95(4), as appropriate.

Comment [i150]: Deleted by article 16 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

CHAPTER 3

Planning Appeals

- Requirement to submit EIS. 109. (1) Where an appeal received by the Board relates to a planning application for a class of development specified

in Schedule 5 which exceeds a quantity, area or other limit specified in that Schedule for that class of development, and an EIS was not submitted to the planning authority in respect of the planning application, the Board shall require the applicant to submit an EIS to the Board.

Comment [i151]: Substituted by article 17 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(2) Where an appeal relating to a planning application for sub-threshold development is not accompanied by an EIS, and the likelihood of significant effects on the environment cannot be excluded by the Board, the Board shall make a determination as to whether the development would be likely to have significant effects on the environment and where it determines that the development would be likely to have such significant effects it shall, by notice in writing, require the applicant to submit an EIS and to comply with the requirements of article 112.

Comment [i152]: Substituted by article 17 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(3) Where an appeal relates to a planning application for sub-threshold development and an EIS was not submitted to the planning authority in respect of the planning application, and the development would be located on, or in, or have the potential to impact on—

- (a) a European site,
- (b) an area the subject of a notice under section 16 (2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),
- (c) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,
- (d) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976) as amended by sections 26 and 27 of the Wildlife (Amendment) Act 2000,
- (e) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976 as amended by section 28 of the Wildlife (Amendment) Act 2000,
- (f) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan,

or proposed variation of a development plan, for the area in which the development is proposed,

- (g) a place or site which has been included by the Minister for Arts, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website,

the Board shall, in determining whether the development would or would not be likely to have significant effects on the environment, have regard to the likely significant effects of the development on such site, area, land, place or feature, as appropriate.

Comment [i153]: Substituted by article 17 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (4) The Board shall, in determining under this article whether a proposed development would or would not be likely to have significant effects on the environment, have regard to the criteria set out in Schedule 7 and the determination of the Board, including the main reasons and considerations on which the determination is based, shall be placed and kept with the documents relating to the planning application.

Comment [i154]: Substituted by article 17 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Exemption under section 172(3) of Act.

- 110. (1) Where an exemption has been granted under section 172(3) of the Act in respect of a proposed development which is the subject of an appeal, the Board may not request an EIS in respect of that development.
- (2) Where an appeal relates to a planning application for development in respect of which an exemption has been granted under section 172(3) of the Act, and the Board applied other requirements under that sub-section, the Board shall, where it considers that such requirements have not been complied with, by notice in writing, require the applicant to comply with such requirements.

Adequacy of EIS.

- 111. (1) The Board shall consider whether an EIS received by it in connection with an appeal complies with article 94 or, where a written opinion has been given under article 95(4), the Board shall consider whether the EIS complies with the said opinion.
- (2) Where the Board decides that an EIS does not comply with article 94, or any relevant written opinion under article 95(4), as appropriate, it shall issue a notice under section 132 of the Act requiring the applicant to submit such further information as may be necessary to comply with the relevant article.

Further notice

- 112. (1) Where an EIS is required by the Board under article

where Board requires an EIS

109(1) or (2), the applicant shall, not more than 2 weeks before submitting the EIS, publish notice of the intention to submit the EIS in at least one approved newspaper.

Comment [i155]: Substituted by article 18 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (2) A notice under sub-article (1) shall contain as a heading “An Bord Pleanála”, and shall state—
- (a) the name of the applicant,
 - (b) the name of the planning authority,
 - (c) the location, townland or postal address of the land or structure to which the application relates (as may be appropriate),
 - (d) the date of the planning application and its reference number in the register,
 - (e) the nature and extent of the development,
 - (f) that, following a requirement of the Board, an EIS will be submitted to the Board in connection with the application,
 - (g) that the EIS will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the Board, and
 - (h) that a submission or observation in relation to the EIS may be made in writing to the Board on payment of the appropriate fee within 5 weeks of the date of receipt by the Board of the EIS.
- (3) An EIS submitted under article 109(1) or (2) shall be accompanied by a copy of the relevant page of the newspaper in which a notice under sub-article (1) was published.
- (4) Where it appears to the Board that a notice published under sub-article (1)—
- (a) does not comply with any of the requirements of sub-articles (1) or (2), or
 - (b) because of its content or for any other reason, is misleading or inadequate for the information of the public,

Comment [i156]: Substituted by article 18 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i157]: Substituted by article 18 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

the Board shall require the applicant to give such further

notice in such manner and in such terms as it may specify and to submit such evidence as it may specify in relation to compliance with such requirement.

Comment [i158]: Substituted by article 18 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (5) Where an EIS is received by the Board pursuant to a requirement under article 109(1) or (2) the Board shall—
- (a) notify the bodies prescribed under article 28, as appropriate, of that fact including any body to which notice has already been given under article 28(2), indicating that a copy of the EIS will be made available to the body on request and that a submission or observation in relation to the EIS may be made in writing to the Board within 5 weeks of the date of receipt by the Board of the EIS.
 - (b) notify any person who made a submission or observation on the appeal in accordance with the Regulations of that fact, indicating that the EIS is available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the Board and the relevant planning authority and also indicating that a submission or observation in relation to the EIS may be made in writing to the Board without charge within 5 weeks of the date of receipt by the Board of the EIS.
 - (c) comply as soon as possible with any request under paragraph (a).

Comment [i159]: Substituted by article 18 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Notice of further information.

113.

Where an appeal involves an EIS, and the Board considers that any submission, observation, document, particulars or other information submitted to it in response to a request or requirement of the Board contains significant additional information on the effects on the environment of the proposed development, the Board shall publish, in at least one approved newspaper, a notice stating that

- (a) significant additional information on the effects on the environment of the proposed development has been furnished to the Board, and
- (b) that the further information will be available for inspection or for purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the Board or such other places as the Board may specify and that a submission or observation on the further information may be made

in writing to the Board within a specified period on payment of the appropriate fee.

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| Availability for inspection or purchase of EIS at offices of Board. | 114. | An EIS received by the Board in connection with an appeal shall, as soon as maybe following receipt of the EIS, be made available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the Board or such other convenient place as the Board may specify. |
| Availability for inspection or purchase of EIS at offices of planning authority. | 115. | <p>(1) Where an EIS is sent to the Board pursuant to article 109, the Board shall send a copy to the relevant planning authority.</p> <p>(2) The planning authority shall, as soon as may be following receipt of an EIS under sub-article (1), make the EIS available for inspection or purchase for a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the authority until the appeal is withdrawn or is dismissed or determined by the Board or, in the case of an appeal referred to in section 139 of the Act, a direction is given to the authority in relation to that appeal.</p> |
| Board's weekly list. | 116. | Where a planning authority sends an EIS to the Board in accordance with the requirements of section 128 of the Act, the list made available by the Board under article 72(2) shall indicate that fact. |

CHAPTER 4

Local Authority Development

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| Scoping request to Board. | 117. | Before making an application for approval to the Board under section 175(3) of the Act, a local authority may, in accordance with article 95, request the Board to provide a written opinion on the information to be contained in the EIS. |
| Application to Board for approval. | 118. | <p>When making an application for approval under section 175(3) of the Act, a local authority shall, subject to article 119, send to the Board—</p> <p>(a) 3 copies of the plans and particulars of the proposed development,</p> <p>(b) 3 copies of the EIS for the proposed development,</p> <p>(c) a copy of the notice published under section 175(4)(a) of the Act, and</p> |

(d) a list of the bodies to which notice was sent under section 175(4)(b) of the Act, a copy of each notice and an indication of the date on which the notice was sent.

Comment [i160]: Inserted by article 19 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

EIS exemption – other requirements.

119. (1) Where the Board has, in granting an exemption in respect of proposed development under section 175(8) of the Act, applied other requirements under that sub-section, the application for approval in respect of the proposed development shall comply with such requirements.

(2) Where an application for approval to which the Board has applied other requirements in respect of proposed development under section 175(8) of the Act, does not comply with sub-article (1), the Board shall, by notice in writing, require the local authority to comply with such requirements.

Sub-threshold EIS.

120. (1) Where a local authority proposes to carry out a sub-threshold development and the likelihood of significant effects on the environment cannot be excluded by the authority, the authority shall make a determination as to whether the development would be likely to have significant effects on the environment, and where it determines that the development would be likely to have such significant effects it shall prepare, or cause to be prepared, an EIS in respect thereof.

(2) Where the development referred to in sub-article (1) would be located on, or in, or have the potential to impact on—

(a) a European site,

(b) an area the subject of a notice under section 16 (2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),

(c) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,

(d) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976) as amended by sections 26 and 27 of the Wildlife (Amendment) Act 2000,

(e) land designated as a refuge for flora or as a refuge

Comment [i161]: Substituted by article 20 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i162]: Substituted by article 20(a) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

for fauna under section 17 of the Wildlife Act 1976 as amended by section 28 of the Wildlife (Amendment) Act 2000,

- (f) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed,
- (g) a place or site which has been included by the Minister for Arts, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website,

the local authority shall, in determining whether the development would or would not be likely to have significant effects on the environment, have regard to the likely significant effects of the development on such site, area, land, place or feature as appropriate.

Comment [i163]: Substituted by article 20(a) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (3)
 - (a) The Board shall, where it considers that sub-threshold development proposed to be carried out by a local authority would be likely to have significant effects on the environment, require the local authority to prepare, or cause to be prepared, an EIS in respect thereof.
 - (b) Where any person considers that a development proposed to be carried out by a local authority would be likely to have significant effects on the environment, he or she may apply to the Board for a determination as to whether the development would be likely to have such significant effects and the Board shall make a determination on the matter as soon as possible.
 - (c) An application for a determination under paragraph (b) shall, in order to be considered by the Board, state the reasons for the forming of the view that the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development is considered to fall.
 - (d) Where the Board makes a determination under paragraph (b) that a development would be likely to have significant effects on the environment it shall require the local authority to prepare, or cause to be

prepared, an EIS in respect thereof.

(e) For the purposes of paragraphs (a) and (b), a local authority shall provide information requested by the Board in relation to a sub-threshold development proposed to be carried out by the local authority.

Comment [i164]: Substituted by article 20(a) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(4) A local authority or the Board shall, in deciding under this article whether a proposed development would or would not be likely to have significant effects on the environment, have regard to the criteria set out in Schedule 7.

(5) Where an EIS is prepared, or caused to be prepared, by a local authority under this article, the local authority concerned shall apply to the Board for approval.

(6) An application for approval under sub-article (5) shall be deemed to be an application for approval under section 175(3) of the Act and the provisions of that section shall apply to the application.

(7) Where a local authority makes a determination under sub-article (1) that a proposed development would not be likely to have significant effects on the environment, it shall, in addition to the documents specified in article 83, make the determination, including the main reasons and considerations on which the determination is based, available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy, in accordance with that article.

Comment [i165]: Substituted by article 20(b) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Notice to certain bodies.

121. (1) (a) where it appears to the authority that the land or structure is situated in an area of special amenity, whether or not an order in respect of that area has been confirmed under section 203 (or deemed to be so confirmed under section 268(1)(c)) of the Act, or that the development or retention of the structure might obstruct any view or prospect of special amenity value or special interest — to An Chomhairle Ealaíon, Fáilte Ireland, and An Taisce — the National Trust for Ireland,
- (b) where it appears to the authority that the development might obstruct or detract from the value of any tourist amenity or tourist amenity works — to Fáilte Ireland,
- (c) where it appears to the authority that the development—

- (i) would involve the carrying out of works to a protected structure or proposed protected structure, or to the exterior of a structure which is located within an architectural conservation area,
- (ii) might detract from the appearance of a structure referred to in sub-paragraph (i),
- (iii) might affect or be unduly close to—
 - (I) a cave, site, feature or other object of archaeological, geological, scientific, ecological or historical interest,
 - (II) a monument or place recorded under section 12 of the National Monuments (Amendment) Act 1994 (No. 17 of 1994),
 - (III) a historic monument or archaeological area entered in the Register of Historic Monuments under Section 5 of the National Monuments (Amendment) Act 1987 (No. 17 of 1987),
 - (IV) a national monument in the ownership or guardianship of the Minister under the National Monuments Acts 1930 to 2004, or
- (iv) might obstruct any scheme for improvement of the surroundings of, or any means of access to, any structure, place, feature or object referred to in sub-paragraph (iii),

— to the Minister, the Heritage Council, and An Taisce — the National Trust for Ireland, and in the case of development of a type referred to in sub-paragraph (i) or (ii), An Chomhairle Ealaíon and Fáilte Ireland,

- (d) where it appears to the authority that the area of another local authority might be affected by the development — to that local authority,
- (e) where it appears to the authority that the development would not be consistent with or would materially contravene any regional planning guidelines (or any objective thereof) of a regional

authority — to that regional authority,

- (f) where it appears to the authority that if permission were granted, a condition should be attached under section 34 (4)(m) of the Act — to any local authority (other than the planning authority) who would be affected by any such condition,
- (g) where it appears to the authority that—
 - (i) the development might cause the significant abstraction or addition of water either to or from surface or ground waters, whether naturally occurring or artificial,
 - (ii) the development might give rise to significant discharges of polluting matters or other materials to such waters or be likely to cause serious water pollution or the danger of such pollution, or
 - (iii) the development would involve the carrying out of works in, over, along or adjacent to the banks of such waters, or to any structure in, over or along the banks of such waters, which might materially affect the waters,

— to the appropriate Regional Fisheries Board and, in any case where the waters concerned are listed in Part 1 of Annex 1 of the Schedule to the British-Irish Agreement Act, 1999 (No. 1 of 1999), to Waterways Ireland,

- (h) where it appears to the authority that the development might endanger or interfere with the safety of, or the safe and efficient navigation of aircraft — to the Irish Aviation Authority,
- (i) where it appears to the authority that the development might interfere with the operation and development of a licensed airport, whose annual traffic is not less than 1 million passenger movements — to the airport operator,
- (j) where the development may have an impact on bus or rail-based transport, to Córas Iompair Éireann and the Railway Procurement Agency, as appropriate,
- (k) where it appears to the authority that—

- a. the development consists of or comprises the formation, laying out or material widening of an access to a national road within the meaning of section 2 of the Roads Act 1993 (No. 14 of 1993), not being a national road within a built-up area within the meaning of section 45 of the Road Traffic Act 1961, or
- b. the development might give rise to a significant increase in the volume of traffic using a national road,
— to the National Roads Authority,
- (l) where the development might significantly impact on surface transport in the Greater Dublin Area, the Dublin Transportation Office (or any body that replaces that office),
- (m) where the development comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence — to the Environmental Protection Agency,
- (n) where it appears to the authority that the development might have significant effects in relation to nature conservation — to the Heritage Council, the Minister and An Taisce — the National Trust for Ireland,
- (o) where the development is in a Gaeltacht area and it appears to the authority that it might materially affect the linguistic and cultural heritage of the Gaeltacht, including the promotion of Irish as the community language — to the Minister for Community, Rural and Gaeltacht Affairs and Údarás na Gaeltachta.
- (p) where the development is in the vicinity of an explosives factory, storage magazine or local authority explosives store — to the Minister for Justice, Equality and Law Reform,
- (q) where it appears to the authority that the development might have significant effects on public health — to the Health Service Executive,
- (r) where the application relates to extraction of minerals within the meaning of the Minerals Development Acts, 1940 to 1995 — to the Minister

for Communications, Marine and Natural Resources,

(s) where it appears to the authority that the development might impact on the foreshore — to the Minister for Communications, Marine and Natural Resources,

(t) where the development might—

(i) give rise to a significant increase in the volume or type of traffic (including construction traffic) passing under a height restricted railway bridge, or using a railway level crossing, or a bridge over a railway,

(ii) because of its proximity to a railway, impact on the structural integrity of railway infrastructure during construction of the development, or

(iii) endanger or interfere with the safe operation of a railway, during or after construction,

— to the railway operator, the Railway Safety Commission, and, in the case of development which might impact on a light railway or metro, the Railway Procurement Agency,

(u) where the application relates to—

(i) the extraction of minerals, other than minerals within the meaning of the Minerals Development Acts 1940-1999, whether by surface or underground means,

(ii) the development of, or extensions to, quarries, including sand or gravel pits, for the extraction of earth materials, or

(iii) a development which, for other purposes, requires the excavation of earth materials greater than a total volume of 50,000m³ or the excavation of earth materials on a site area greater than 1 hectare,

— to the Minister for Communications, Marine and Natural Resources.

(v) where it appears to the authority that the development might impact on the provision of public water services — to Irish Water.

Comment [i166]: Substituted by article 8(1) of S.I. No. 520 of 2013 – Planning and Development (Amendment) (No. 2) Regulations 2013

	(2)	A reference in sub-article (1) to Fáilte Ireland shall, in the case of proposed development which would be situated in the functional area of the Shannon Free Airport Development Company Limited, be construed as a reference to that Company.	Comment [i167]: Substituted by article 29(2) of S.I. No. 685/2006 – Planning and Development Regulations 2006
Content of decision.	122.	A decision by the Board on an application for approval under section 175 of the Act shall state the main reasons and considerations on which the decision is based.	
Notice of Board's decision on application for approval.	123.	(1) The Board shall, as soon as may be following the making of its decision on an application for approval notify the local authority concerned, and any person or body who made a submission or observation in accordance with section 175(4) of the Act, of its decision.	Comment [i168]: Substituted by article 30 of S.I. No. 685/2006 – Planning and Development Regulations 2006
	(2)	A local authority shall, as soon as may be following receipt of notification from the Board under sub-article (1)(b), make a copy of the decision and the relevant EIS available for inspection or purchase, for a fee not exceeding the reasonable cost of making a copy, during office hours at the offices of the local authority.	

CHAPTER 4A

Development by a State authority prescribed under section 181 of the Act

<i>Sub-threshold EIS</i>	123A.	(1) Where a State authority proposes to carry out a sub-threshold development prescribed under section 181 of the Act and the likelihood of significant effects on the environment cannot be excluded by the authority, the authority shall make a determination as to whether the development would be likely to have significant effects on the environment, and where the authority determines that the development would be likely to have such significant effects it shall prepare, or cause to be prepared, an EIS in respect thereof.	Comment [i169]: Inserted by article 21 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011
	(2)	Where the development referred to in sub-article (1) would be located on, or in, or have the potential to impact on—	Comment [i170]: Inserted by article 21 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011
	(a)	a European site,	
	(b)	an area the subject of a notice under section 16 (2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),	

- (c) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,
- (d) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976) as amended by sections 26 and 27 of the Wildlife (Amendment) Act 2000,
- (e) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976 as amended by section 28 of the Wildlife (Amendment) Act 2000,
- (f) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed,
- (g) a place or site which has been included by the Minister for Arts, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website,

the State authority shall, in determining whether the development would or would not be likely to have significant effects on the environment, have regard to the likely significant effects of the development on such site, area, land, place or feature as appropriate.

- (3) (a) The Board shall, where it considers that sub-threshold development prescribed under section 181 of the Act proposed to be carried out by a State authority would be likely to have significant effects on the environment, require the State authority to prepare, or cause to be prepared, an EIS in respect thereof and to submit an application for approval under sub-article (5).
- (b) Where any person considers that a development proposed to be carried out by a State authority under section 181 would be likely to have significant effects on the environment, he or she may apply to the Board for a determination as to whether the development would be likely to have such significant effects and the Board shall make a determination on the matter as soon as possible.

Comment [i171]: Inserted by article 21 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (c) An application for a determination under paragraph (b) shall, in order to be considered by the Board, state the reasons for the forming of the view that the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development is considered to fall.
- (d) Where the Board makes a determination under paragraph (b) that a development would be likely to have significant effects on the environment it shall require the State authority to prepare, or cause to be prepared, an EIS in respect thereof.
- (e) For the purposes of paragraphs (a) and (b), a State authority shall provide information requested by the Board in relation to a sub-threshold development proposed to be carried out by the State authority.
- (4) A State authority or the Board shall, in deciding under this article whether a proposed development would or would not be likely to have significant effects on the environment, have regard to the criteria set out in Schedule 7.
- (5) Where an EIS is prepared, or caused to be prepared, by a State authority under this article, the State authority concerned shall apply to the Board for approval.
- (6) An application for approval under sub-article (5) shall be deemed to be an application for approval under section 181A of the Act and the provisions of that section shall apply to the application.
- (7) Where a State authority makes a determination under sub-article (1) that a proposed development would not be likely to have significant effects on the environment, it shall, in addition to the documents specified in article 89, make the determination, including the main reasons and consideration on which the determination is based, available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy, in accordance with that article.

Comment [i172]: Inserted by article 21 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i173]: Inserted by article 21 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i174]: Inserted by article 21 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i175]: Inserted by article 21 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i176]: Inserted by article 21 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

CHAPTER 5

Transboundary Environmental Effects

Comment [i177]: Substituted by article 31 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Transboundary environmental effects - notification of Minister.

124. (1) (a) A planning authority, as soon as may be after receipt of a planning application to which this Part applies, shall notify the Minister of such planning application, where, in its opinion, the proposed development to which the application relates would be likely to have significant effects on the environment in a transboundary State.
- (b) The Board, as soon as may be after receipt of an appeal or an application for approval to which this Part applies or an application for strategic infrastructure development, shall notify the Minister of such planning application, appeal, application for approval or application for strategic infrastructure development where —
- (i) in its opinion, the proposed development to which the application, appeal, application for approval or application for a strategic infrastructure development relates would be likely to have significant effects on the environment in a transboundary State, or
- (ii) in the case of an application for strategic infrastructure or a request for an alteration referred to in section 146C of the Act, the applicant or requester as appropriate has notified a transboundary State of the proposed development or alteration.
- (c) A notification to the Minister under paragraph (a) shall state —
- (i) (I) in the case of a planning application, the name and address of the applicant,
- (II) in the case of an appeal, the name and address of the applicant to which the appeal relates and the nature of the appeal,
- (III) in the case of an application for approval, the name of the local authority,
- (IV) in the case of an application for strategic infrastructure development, the name and

address of the applicant,

- (ii) the location, townland or postal address of the land to which the application, appeal, application for approval or application for strategic infrastructure relates (as may be appropriate),
- (iii) the nature and extent of the proposed development,
- (iv) the date of receipt of the application, appeal, application for approval or application for strategic infrastructure development, and
- (v) if the proposed development comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact.

- (2) A notice under sub-article (1) shall be accompanied by a copy of any relevant EIS.
- (3) Where the Minister is notified in accordance with sub-article (1), he or she shall consult with the relevant planning authority or the Board as appropriate in relation to the proposed development.

Transboundary environmental effects – information to Minister.

125.

Minister may, in the case of a planning application, appeal or application for approval which this Part applies or an application for strategic infrastructure development, and—

- (a) which, in his or her opinion, involves development which would be likely to have significant effects on the environment in a transboundary State, or
- (b) where a transboundary State considers that the development would be likely to have such effects and has requested that it be provided with information on the proposed development,

require the planning authority or the Board, as appropriate, to furnish to him or her such details, information or documents as he or she may specify in relation to such application, appeal, application for approval or application for strategic infrastructure development, as appropriate.

Transboundary

126.

- (1) The relevant planning authority or the Board as

consultation.

appropriate shall provide information on a proposed development referred to in articles 124 or 125 to the transboundary State concerned, (except where in the case of an application for strategic infrastructure or a request for an alteration referred to in section 146C, the applicant or requester as appropriate has notified a transboundary State of the proposed development or alteration) and shall enter into consultations with that State in relation to the potential transboundary effects of the proposed development:

- (a) at the same time as notifying the Minister under article 124(1), or
 - (b) upon request for such information by the transboundary State under article 125.
- (2) The information to be provided under sub-article (1) above shall include —
- (a) a description of the project, together with any available information on its possible transboundary impact,
 - (b) an indication that the project is subject to an environmental impact assessment procedure,
 - (c) an indication that the planning authority or the Board, as the case may be, is the competent authority responsible for taking the decision,
 - (d) an indication of the types of decision the planning authority or the Board, as the case may be, may make in relation to the application, appeal, application for approval or application for strategic infrastructure,
 - (e) an indication that a decision will not be taken on the proposed development until the views, if any, of the transboundary State have been received or the consultations are otherwise completed, and
 - (f) an indication that where the transboundary State indicates that it wishes to take part in the decision-making procedures in relation to the proposed development, a copy of the EIS will be sent to it.
- (3) Where the transboundary State concerned indicates that it wishes to take part in the decision-making procedures in relation to the proposed development, the planning

authority or the Board as appropriate shall forward the EIS and any other relevant information to the transboundary State.

- (4) Where a planning authority or the Board has provided information and entered into consultations with the State concerned, the relevant planning authority or the Board, as appropriate, shall notify,
 - (a) in the case of a planning application or of an application for strategic infrastructure development, the applicant,
 - (b) in the case of an appeal, the parties to the appeal, or
 - (c) in the case of an application for approval, the local authority

of that fact.

Notification of Board by planning authority. 127.

Where notice of, or details, information or documents in relation to, a planning application has or have been given to the Minister by a planning authority under article 124 or 125, the authority shall, when complying with the requirements of section 128 of the Act, notify the Board of that fact.

Request for further information. 128.

- (1) In the case of a planning application to which this Chapter applies, a planning authority may, having regard to the views of a transboundary State, and notwithstanding article 33(2), require an applicant to submit further information in respect of the application.
- (2) Where a planning authority considers that further information submitted under sub-article (1) contains significant additional data on the effects on the environment of the proposed development, it shall as soon as may be following receipt of the further information—
 - (a) send notice of, and a copy of, the further information received by the authority to-
 - (i) any person or body specified in article 28, indicating that a submission or observation on the further information may be made in writing to the planning authority within 4 weeks of the date of the notice,
 - (ii) the Minister, and

- (iii) any relevant transboundary State,
- (b) notify any person who made a submission or observation in relation to the planning application in accordance with article 29(1) indicating —
 - (i) that the further information is available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the authority, and that a submission or observation on the further information may be made in writing to the planning authority within 4 weeks of the date of the notice, and
 - (ii) that no further fee shall be payable on condition that any submission or observation referred to in sub-paragraph (i) is accompanied by a copy of the acknowledgement by the authority of receipt of a submission or observation referred to in article 29(2),
- (c) require the applicant to publish in an approved newspaper a notice, containing as a heading the name of the planning authority and marked “Environmental Impact Statement - Further Information”, stating —
 - (i) the name of the applicant,
 - (ii) the location, townland or postal address of the land or structure to which the application relates (as may be appropriate),
 - (iii) the reference number of the application on the register,
 - (iv) that significant further information in relation to the application has been furnished to the planning authority,
 - (v) that the further information is available for inspection or purchase, at a fee not exceeding the reasonable cost of making a copy, during office hours at the offices of the authority, and that a submission or observation in relation to the further information may be made in writing to the planning authority within a specified period on payment of the prescribed fee.

- (3) Where a planning authority considers that the notice published in accordance with sub-article (2)(c) does not adequately inform the public, the authority may require the applicant to give such further notice in such a manner and in such terms as the authority may specify.
- (4) Where a requirement under sub-article (1) is not complied with, the planning application shall be declared to be withdrawn after the period of 6 months from the date of the requirement for further information has elapsed.
- (5) In the case of an appeal to which this Chapter applies, the Board may, having regard to the views of a transboundary State, issue a notice under section 132 of the Act requiring the applicant for planning permission to submit further information to the Board.
- (6) In the case of an application for approval to which this Chapter applies, the Board may, having regard to the views of a transboundary State, in accordance with section 175(5) of the Act, require the local authority to furnish further information to the Board.
- (7) In the case of an application for strategic infrastructure development, the Board may, having regard to the views of a transboundary State, in accordance with section 37F(1)(a), 181A(4)(a), 182A(5)(a) or 182C(5)(a) of the Act, as may be appropriate, require the applicant to furnish further information to the Board.

Notice of further information to Minister and transboundary State.

- 129. (1) Where a planning authority considers that further information or evidence submitted in response to a request under article 33, in respect of a planning application to which this Chapter applies, contains significant additional data on the effects on the environment of the proposed development, it shall, in addition to the requirements of that article, send a copy of the relevant information or evidence to the Minister and any relevant transboundary State.
- (2) Where the Board considers that any submission, observation, document, particulars or other information submitted to it in response to a request or requirement of the Board, in respect of an appeal or application for approval to which this Chapter applies, or an application for strategic infrastructure development, contains significant additional data on the effects on the environment of the proposed development, it shall send a

copy of the relevant data to the Minister and any relevant transboundary State.

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| Minimum period for determining planning application, appeal or application for approval. | 130. | <p>A planning authority shall, notwithstanding section 34(8) of the Act, not decide to grant or refuse permission in respect of a planning application to which this Chapter applies, or the Board shall not determine an appeal, an application for approval to which this Chapter applies or an application for strategic infrastructure development, until after</p> <p>(a) the views, if any, of any relevant transboundary State have been received in response to consultations under article 126(1), or</p> <p>(b) the consultations are otherwise completed.</p> |
| Inclusion of notice of transboundary effects in weekly list | 130A. | <p>The lists referred to in article 27 and article 72(1) shall indicate that the proposed development may have transboundary environmental effects, where that is the case.</p> |
| Notice of decision. | 131. | <p>A notice under articles 31, 74, 123, 217 and 220 shall, in the case of an application, appeal or application for approval or an application for strategic infrastructure development to which this Chapter applies, be sent to –</p> <p>(a) the Minister, and</p> <p>(b) any relevant transboundary State.</p> |
| Public notice of information received pursuant to request under section 174(4) of Act. | 132. | <p>(1) Where, in response to a request under section 174(4) of the Act, the Minister receives information from a transboundary State in relation to development in such State, or where the Minister otherwise receives information from a transboundary State in respect of any development which is subject to the Council Directive or Transboundary Convention and which is likely to have significant effects on the environment, he or she shall, as soon as may be following receipt of such information, notify any planning authority likely to be affected by the proposed development and send a copy of the information to any such authority.</p> <p>(2) Where a planning authority receives information under sub-article (1) or otherwise receives information from a transboundary State in respect of any development which is subject to the Council Directive or Transboundary Convention and which is likely to have significant effects on the environment it shall as soon as may be following</p> |

receipt of information publish a notice in an approved newspaper and give notice of having received the information to the bodies referred to in article 28, as appropriate.

- (3) A notice referred to in sub-article (2) shall state:
 - (i) that information has been received in relation to the proposed development in such transboundary State,
 - (ii) the nature of the information received,
 - (iii) that the proposed development is subject to an environmental impact assessment procedure and has potential transboundary effects,
 - (iv) the nature of possible decision, or where there is one, the draft decision,
 - (v) that the information is available for inspection, or purchase at a fee not exceeding the reasonable cost of making a copy, during office hours at the offices of the authority, and
 - (vi) that a submission or observation in relation to the proposed development may be made in writing to the authority within a specified period.
- (4) As soon as may be following receipt of any submission or observation referred to in sub-article (3), the relevant planning authority shall consult with the Minister in relation to consultation with the State concerned on the potential transboundary effects of the proposed development.
- (5) Following consultations between the Minister and a planning authority under sub-article (4), the relevant planning authority shall enter into consultations with the State concerned in relation to the potential transboundary effects of the proposed development.
- (6) Where the Minister receives information from a transboundary State in relation to a decision to grant or refuse a development to which this Part applies, the Minister shall, as soon as may be following receipt of such information send such information to any planning authority likely to be affected by the decision.
- (7) A planning authority shall, as soon as may be after receipt of the information referred to in sub-article (6) or

otherwise, publish a notice in an approved newspaper stating –

- (a) that it has received information on a decision taken by a transboundary State,
- (b) the nature of the decision, and
- (c) that the information is available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the planning authority.

Substitute consent applications 132A.

For the purposes of this Chapter an application for approval to the Board includes an application for substitute consent and all references to applications for approval shall be construed accordingly.

Comment [i178]: Inserted by article 22 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

PART 11

MAJOR ACCIDENTS DIRECTIVE

CHAPTER 1

Planning Applications

Newspaper notice – planning application. 133.

In addition to the requirements of article 18, where a planning application relates to the provision of, or modifications to, an establishment, a notice under article 17(1)(a) shall indicate that fact.

Restriction on application for outline permission. 134.

In addition to the provisions of article 21, an outline application may not be made in respect of the provision of, or modifications to, an establishment.

Content of planning application. 135.

In addition to the requirements of article 22, where a planning application relates to the provision of, or modifications to, an establishment, the planning application shall be accompanied by 4 copies of the information specified in the Third Schedule of the Major Accident Regulations.

Weekly list of planning applications. 136.

Where a planning application relates to the provision of, or modifications to, an establishment, the list made available under article 27 shall indicate that fact.

Notice to Health and Safety Authority. 137.

- (1) In addition to the requirements of article 28, where—
- (a) a planning authority receives a planning application

Comment [i179]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

relating to the provision of, or modifications to, an establishment, and, in the authority's opinion, the development would be relevant to the risk or consequences of a major accident,

(b) a planning authority receives a planning application relating to development which would—

(i) be of a category listed in Table 1 of Schedule 8, and

(ii) be located within the distance listed in column 2 of Table 2 of Schedule 8 from an establishment of the corresponding type listed in column 1 of Table 2, or be located within such distance from a particular establishment as has been specified by the Health and Safety Authority in technical advice provided under article 27 of the Major Accident Regulations,

Comment [i180]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i181]: Substituted by article 33(1) of S.I. No. 685/2006 – Planning and Development Regulations 2006

and the Health and Safety Authority has not previously provided, either in relation to the development to which the application relates or on a generic basis, relevant technical advice on the risk or consequences of a major accident,

Comment [i182]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

(c) a planning authority receives a planning application relating to development which would, in its opinion, be –

(i) in the vicinity of an establishment, and

(ii) relevant to the risk or consequences of a major accident,

and the Health and Safety Authority has not previously provided, either in relation to the development to which the application relates or on a generic basis, relevant technical advice on the risk or consequences of a major accident,

Comment [i183]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

the planning authority shall notify the Health and Safety Authority.

Comment [i184]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

(2) In forming an opinion pursuant to sub-article (1)(c), a planning authority shall have regard to Tables 1 and 2 of Schedule 8.

(3) A notice sent by a planning authority under sub-article (1) shall –

- (a) issue within 3 weeks of receipt of the planning application,
- (b) include a copy of the relevant planning application,
- (c) where the planning application relates to development referred to in sub-article (1)(b) or (c), identify the relevant establishment or establishments,
- (d) where an EIS has been submitted with the planning application, include a copy of the statement,
- (e) where the planning application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, indicate that fact,
- (f) request a determination as to whether the Major Accidents Regulations apply to the proposed development, and
- (g) request that, where the Authority determines under (f) above that the Major Accidents Regulations apply to the proposed development, technical advice on the effects of the proposed development on the risk or consequences of a major accident be provided to the planning authority.

Comment [i185]: Substituted by article 33(2) of S.I. No. 685/2006 – Planning and Development Regulations 2006

CHAPTER 2

Planning Appeals

Health and Safety Authority advice to be submitted to Board by planning authority. 138.

Where an appeal relates to development in respect of which the planning authority received technical advice from the Health and Safety Authority, the planning authority concerned shall, in addition to the requirements of section 128 of the Act, submit a copy of the relevant technical advice to the Board.

Comment [i186]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i187]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Newspaper notice – appeal. 139.

Where a notice is required under article 113 and where an appeal relates to the provision of, or modifications to, an establishment, the notice shall indicate that fact.

Board’s weekly list. 140.

Where an appeal relates to development which consists of the provision of, or modifications to, an establishment, a list made available by the Board under article 72(1) shall indicate that fact.

Notice to Health and Safety Authority.

141. (1) Where—

(a) the Board receives an appeal relating to the provision of, or modifications to, an establishment, and, in the Board's opinion, the development would be relevant to the risk or consequences of a major accident, and the planning authority has not already sent notice under article 137 to the Health and Safety Authority,

Comment [i188]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

(b) the Board receives an appeal relating to development which would, in its opinion—

Comment [i189]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

(i) be of a category listed in Table 1 of Schedule 8, and

(ii) be located within the distance listed in column 2 of Table 2 of Schedule 8 from an establishment of the corresponding type listed in column 1 of Table 2, or be located within such distance from a particular establishment as has been specified by the Health and Safety Authority in technical advice provided under article 27 of the Major Accident Regulations,

Comment [i190]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i191]: Substituted by article 34(1) of S.I. No. 685/2006 – Planning and Development Regulations 2006

and Health and Safety Authority has not previously provided to the planning authority or the Board, either in relation to the development to which the appeal relates or on a generic basis, relevant technical advice on the risk or consequences of a major accident,

Comment [i192]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

(c) the Board receives an appeal relating to development which would, in its opinion, be—

(i) in the vicinity of an establishment, and

(ii) relevant to the risk or consequences of a major accident,

and the Health and Safety Authority has not previously provided to the planning authority or the Board, either in relation to the development to which the appeal relates or on a generic basis, relevant technical advice on the risk or consequences of a major accident,

Comment [i193]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

the Board shall notify the Health and Safety Authority,

Comment [i194]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

(2) In forming an opinion pursuant to sub-article (1)(c), the Board shall have regard to Tables 1 and 2 of Schedule 8.

(3) A notice sent by the Board under sub-article (1) shall—

- (a) issue as soon as may be following receipt from the planning authority of documentation referred to in section 128 of the Act,
- (b) include a copy of the relevant appeal and of any documentation received from the planning authority under section 128 of the Act,
- (c) where the appeal relates to development referred to in sub-article (1)(b) or (c), identify the relevant establishment or establishments,
- (d) where an EIS has been submitted with the planning application, include a copy of the EIS,
- (e) where the appeal relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, indicate that fact,
- (f) request a determination as to whether the Major Accidents Regulations apply to the proposed development, and
- (g) request that, where the Authority determines under (f) above that the Major Accidents Regulations apply to the proposed development, technical advice on the effects of the proposed development on the risk or consequences of a major accident be provided to the Board.

Comment [i195]: Substituted by article 34(2)(a) of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i196]: Substituted by article 34(2)(b) of S.I. No. 685/2006 – Planning and Development Regulations 2006

CHAPTER 3

Local Authority Development requiring Environmental Impact Assessment

Public notice of application for approval.	142.	Where an application for approval under section 175 of the Act relates to the provision of, or modifications to, an establishment, a notice under sub-section (4) of that section shall indicate that fact.
Notice of local authority development to Health and Safety Authority.	143. (1)	In addition to the requirements of article 121, where— (a) development proposed to be carried out by or on behalf of a local authority –

Comment [i197]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

- (i) relates to the provision of, or modifications to, an establishment, and
- (ii) would, in its opinion, be relevant to the risk or consequences of a major accident,

(b) development proposed to be carried out by or on behalf of a local authority would—

- (i) be of a category listed in Table 1 of Schedule 8, and
- (ii) be located within the distance listed in column 2 of Table 2 of Schedule 8 from an establishment of the corresponding type listed in column 1 of Table 2, or be located within such distance from a particular establishment as has been specified by the Health and Safety Authority in technical advice provided under article 27 of the Major Accident Regulations,

Comment [i198]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i199]: Substituted by article 35 of S.I. No. 685/2006 – Planning and Development Regulations 2006

and Health and Safety Authority has not previously provided to the planning authority, either in relation to the development to which the application for approval will relate or on a generic basis, relevant technical advice on the risk or consequences of a major accident,

Comment [i200]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

(c) development proposed to be carried out by or on behalf of a local authority would, in its opinion,—

- (i) be in the vicinity of an establishment, and
- (ii) be relevant to the risk or consequences of a major accident,

and the Health and Safety Authority has not previously provided to the planning authority, either in relation to the development to which the application for approval will relate or on a generic basis, relevant technical advice on the risk or consequences of a major accident,

Comment [i201]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

the local authority shall notify the Health and Safety Authority.

Comment [i202]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

- (2) In forming an opinion pursuant to sub-article (1)(c), a planning authority shall have regard to Tables 1 and 2 of Schedule 8.

- (3) A notice sent by a local authority under sub-article (1) shall—
- (a) include a copy of the application for approval,
 - (b) where the proposed development is development referred to in sub-article (1)(b) or (c), identify the relevant establishment or establishments,
 - (c) include a copy of the EIS,
 - (d) where the proposed development comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, indicate that fact, and
 - (e) request that technical advice on the effects of the proposed development on the risk or consequences of a major accident be supplied to the Board.

Content of application for approval.

144. In addition to the requirements of article 118, an application for approval under section 175 of the Act shall include a copy of any relevant technical advice provided by the Health and Safety Authority.

Comment [i203]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

CHAPTER 4

Local Authority Development not requiring Environmental Impact Assessment

- Local authority prescribed development. 145. Development (excluding development referred to in Chapter 3 of this Part) which relates to the provision of, or modifications to, an establishment and which could have significant repercussions on major accident hazards, shall be prescribed for the purposes of section 179 of the Act and the provisions of Part 8 shall apply.
- Newspaper notice of proposed local authority development. 146. Where development is of a type referred to in article 145, a notice under article 81 shall indicate that fact.
- Notice of proposed local authority development to Health and Safety Authority. 147. (1) In addition to the requirements of article 82, where—
- (a) proposed development is of a type referred to in article 145,
 - (b) proposed development referred to in article 80 would—

Comment [i204]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

- (i) be of a category listed in Table 1 of Schedule 8, and
- (ii) be located within the distance listed in column 2 of Table 2 of Schedule 8 from an establishment of the corresponding type listed in column 1 of Table 2, or be located within such distance from a particular establishment as has been specified by the Health and Safety Authority in technical advice provided under article 27 of the Major Accident Regulations,

Comment [i205]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i206]: Substituted by article 36 of S.I. No. 685/2006 – Planning and Development Regulations 2006

and the Health and Safety Authority has not previously provided to the local authority, either in relation to the proposed development or on a generic basis, relevant technical advice on the risk or consequences of a major accident,

Comment [i207]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

- (c) proposed development referred to in article 80 would, in the opinion of the local authority—

- (i) be in the vicinity of an establishment, and
- (ii) be relevant to the risk or consequences of a major accident,

and the Health and Safety Authority has not previously provided to the local authority, either in relation to the proposed development or on a generic basis, relevant technical advice on the risk or consequences of a major accident,

Comment [i208]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development regulations 2006

the local authority shall notify the Health and Safety Authority.

Comment [i209]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

- (2) In forming an opinion pursuant to sub-article (1)(c), a local authority shall have regard to Tables 1 and 2 of Schedule 8.

- (3) A notice sent by a local authority under sub-article (1) shall—

- (a) include details of the proposed development,
- (b) where the proposed development is development referred to in sub-article (1)(b) or (c), identify the relevant establishment or establishments,
- (c) where the proposed development comprises or is for the purposes of an activity requiring an integrated

pollution control licence or a waste licence, indicate that fact, and

- (d) request technical advice on the effects of the proposed development on the risk or consequences of a major accident.

Manager's report to members of local authority. 148.

A report prepared under section 179(3) of the Act shall include a copy of any relevant technical advice received from the Health and Safety Authority.

Comment [i210]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Notice under article 84 to Health and Safety Authority. 149.

A notice referred to in article 84 in respect of proposed development referred to in article 147(1) shall also be sent to the Health and Safety Authority.

Comment [i211]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i212]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

CHAPTER 5

State Authority Development

Notice of proposed state authority development to Health and Safety Authority. 150.

(1)

In addition to the requirements of article 87 and section 181A(3) of the Act, where –

Comment [i214]: Substituted by article 37(1) of S.I. No. 685/2006 – Planning and Development Regulations 2006

(a) proposed development would—

Comment [i213]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

- (i) be of a category listed in Table 1 of Schedule 8, and
- (ii) be located within the distance listed in column 2 of Table 2 of Schedule 8 from an establishment of the corresponding type listed in column 1 of Table 2, or be located within such distance from a particular establishment as has been specified by the Health and Safety Authority in technical advice provided under article 27 of the Major Accident Regulations,

Comment [i215]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i216]: Substituted by article 37(2) of S.I. No. 685/2006 – Planning and Development Regulations 2006

and the Health and Safety Authority has not previously provided to the State authority, either in relation to the proposed development or on a generic basis, relevant technical advice on the risk or consequences of a major accident,

Comment [i217]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

(b) proposed development would, in the opinion of State authority,—

- (i) be in the vicinity of an establishment, and
- (ii) be relevant to the risk or consequences of a major accident,

and the Health and Safety Authority has not previously provided to the State authority, either in relation to the proposed development or on a generic basis, relevant technical advice on the risk or consequences of a major accident,

Comment [i218]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

the State authority shall notify the Health and Safety Authority.

Comment [i219]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

- (2) In forming an opinion pursuant to sub-article (1)(c), a State authority shall have regard to Tables 1 and 2 of Schedule 8.
- (3) A notice sent by a State authority under sub-article (1) shall—
 - (a) include details of the proposed development,
 - (b) identify the relevant establishment or establishments, and
 - (c) request technical advice on the effects of the proposed development on the risk or consequences of a major accident.
- (4) For the purposes of this article, “proposed development” has the meaning assigned to it in article 87(1).

CHAPTER 6

Declaration and Referral under section 5 of the Act

Notice of declaration to Health and Safety Authority.

151. (1) Where a planning authority receives a request for a declaration under section 5 of the Act relating to the provision of, or modifications to, an establishment, and, in the opinion of the authority, the development could have significant repercussions on major accident hazards, the authority shall send notice to the Health and Safety Authority.
- (2) A notice sent by a planning authority under sub-article (1) shall—
 - (a) issue as soon as may be following receipt of the request for a declaration,
 - (b) include a copy of the relevant request for a declaration,

Comment [i220]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i221]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

(c) request technical advice on the effects of the proposed development on the risk or consequences of a major accident.

Health and Safety Authority advice to be included in documentation supplied to Board by planning authority.

152.

Where a planning authority submits information or documentation to the Board under section 128 of the Act in respect of a referral to which article 151 applies, it shall include a copy of any relevant technical advice received from the Health and Safety Authority.

Comment [i222]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i223]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Notice of referral to Health and Safety Authority.

153.

(1)

Where the Board receives a referral under section 5 of the Act relating to the provision of, or modifications to, an establishment, and which, in the opinion of the Board, could have significant repercussions on major accident hazards, and the planning authority has not already done so, the Board shall notify the Health and Safety Authority.

Comment [i224]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i225]: Substituted by article 32 of S.I. No. 685/2006 – Planning and Development Regulations 2006

(2)

A notice sent by the Board under sub-article (1) shall—

- (a) issue as soon as may be following receipt of the referral,
- (b) include a copy of the relevant referral,
- (c) request technical advice on the effects of the proposed development on the risk or consequences of a major accident.

Board's weekly list.

154.

In addition to the requirements of article 72(4), where a referral under section 5 of the Act relates to the provision of, or modifications to, an establishment, the list shall indicate that fact.

Public notice of referral.

155.

Where a notice is required under section 142(4) of the Act in respect of a referral under section 5 of the Act which relates to the provision of, or modifications to, an establishment, and which, in the opinion of the Board, could have significant repercussions on major accident hazards, the notice shall indicate that fact.

PART 12

FEES

Fee for planning application.

156.

Subject to the provisions of this Part, a fee shall be paid to a planning authority by an applicant when making a

		planning application.
Exemptions.	157. (1)	<p>Where a planning application consists of or comprises development which, in the opinion of the planning authority, is development proposed to be carried out by or on behalf of a voluntary organisation, and which in the opinion of the planning authority—</p> <p>(a) is designed or intended to be used for social, recreational, educational or religious purposes by the inhabitants of a locality, or by people of a particular group or religious denomination, and is not to be used mainly for profit or gain,</p> <p>(b) is designed or intended to be used as a work-shop, training facility, hostel or other accommodation for persons with disabilities and is not to be used mainly for profit or gain, or</p> <p>(c) is ancillary to development referred to in paragraph (a) or (b),</p> <p>a fee shall not be payable when making any such application.</p> <p>(2) Where a planning application consists of or comprises the provision of houses, or development ancillary to such provision, which is proposed to be carried out by or on behalf of a body approved for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act, 1992 (No. 18 of 1992) and is not to be used mainly for profit or gain, a fee shall not be payable in respect of any such development.</p>
Standard Fee.	158.	The amount of the fee payable in respect of a planning application shall, subject to articles 159, 160 and 161 and Section 3 of Schedule 9, be the amount indicated in column 2 of Section 2 of the said Schedule, opposite the mention of the relevant class of development in column 1 of Section 2 of the said Schedule.
Fee for planning applications relating to retention of unauthorised development.	159.	Subject to Section 3 of Schedule 9, the amount of the fee payable in respect of an application for permission for the retention of unauthorised development shall be the amount indicated in column 3 of Section 2 of the said Schedule, opposite the mention of the relevant class of development in column 1 of Section 2 of the said Schedule.
Application for	160.	Subject to Section 3 of Schedule 9, the amount of the fee

outline permission fee.			payable in respect of an application for outline permission shall be three quarters of the amount indicated in column 2 of Section 2 of the said Schedule, opposite the mention of the relevant class of development in column 1 of Section 2 of the said Schedule.
Reduced fee	161.	(1)	Subject to sub-article (3) and Section 3 of Schedule 9, the amount of the fee payable in respect of an application mentioned in sub-article (2) shall be one quarter of the amount indicated in column 2 of Section 2 of the said Schedule, opposite the mention of the relevant class of development in column 1 of Section 2 of the said Schedule.
		(2)	The applications referred to in sub-article (1) are—
			(a) an application for permission consequent on the grant of outline permission,
			(b) an application which relates to development which differs from development authorised by a previous permission by reason only of—
			(i) a change in the type of house proposed to be constructed, erected or made, or
			(ii) the modification of the design or of the external appearance of a building or other structure proposed to be constructed, erected or made, or
			(c) an application for permission for development which relates to development authorised by a permission to which section 96(15) of the Act applies.
		(3)	This article shall have effect only where a fee under this Part or under the 1994 Regulations, as amended by the 1998 Regulations or the 2001 Regulations, has been paid in relation to the relevant previous permission.
Refund of fee in case of certain repeat applications.	162.	(1)	Where a planning application (not being an application for permission consequent on the grant of outline permission or an application for retention of unauthorised development) is either—
			(a) withdrawn before a decision to grant or to refuse the relevant permission is made by the planning authority, or
			(b) determined by the planning authority or by the Board,

and a subsequent such application is made by or on behalf of the same applicant, the planning authority shall, subject to sub-article (3) and article 163 and to paragraph 5 of Section 3 of Schedule 9, refund three quarters of the fee paid to it in respect of the subsequent application if, and only if, each of the conditions mentioned in sub-article (2) is complied with.

- (2) The conditions referred to in sub-article (1) are—
- (a) the planning authority is satisfied that the subsequent application relates to development of the same character or description as the development to which the earlier application related,
 - (b) a fee under this Part (or under the 1994 Regulations as amended by the 1998 Regulations or the 2001 Regulations) in respect of the class or classes of development to which the subsequent application relates has been paid in respect of the earlier application,
 - (c) the period between the withdrawal or determination of the first application and the making of the subsequent application does not exceed one year,
 - (d) the authority is satisfied that the subsequent application relates to land substantially consisting of the site or part of the site to which the earlier application related,
 - (e) no previous refund under sub-article (1) or under article 94 of the 1994 Regulations has at any time been made to the same applicant in respect of an application which related substantially to the same land and to development of the same character or description as that to which the subsequent application relates, and
 - (f) the case is not a case where a reduced fee has been paid under article 161 or under article 93 of the 1994 Regulations.
- (3) A claim for a refund under this article shall be made in writing to the planning authority and received by it within 8 weeks of the date of the decision of the planning authority in respect of the subsequent application.

Discretionary 163. (1) Notwithstanding any other provision of this Part, but

power to refund fee in certain limited circumstances.

subject to paragraph 5 of Section 3 of Schedule 9, a planning authority shall have an absolute discretion to refund a part of the fee payable in respect of a particular planning application where it is satisfied that the payment in full of the fee would not be just and reasonable having regard to any of the following—

- (a) the limited extent of the development,
- (b) the limited cost of the development,
- (c) the fee payable in respect of an application for any other development of a similar character, extent or description.

(2) A decision under sub-article (1) shall contain a statement specifying the reasons for the decision.

Applications involving mixed development.

164. (1) Subject to sub-article (2), where a planning application relates to development which is within more than one of the classes mentioned in column 1 of Section 2 of Schedule 9—

- (a) an amount shall be calculated in accordance with this Part in respect of the development which is within each such class, and
- (b) the sum of the amounts so calculated shall, subject to Section 3 of the said Schedule, be taken as the amount of the fee payable in respect of the development to which the application relates.

(2) Sub-article (1) shall not have effect in relation to development comprising the provision of roads, car parks, services, open spaces or any structures or other works which are included in the planning application and are incidental to development of the class or classes to which the application primarily relates.

(3) Where a planning application referred to in sub-article (1) relates to a building which is to contain floor space which it is proposed to use (or which is designed for use or is capable of use) for the purposes of providing common access or common services or facilities for persons occupying or using the building, the amount of such common floor space appropriate to each class of development mentioned in column 1 of Section 2 of Schedule 9 shall be taken, for the purposes of the calculation referred to in sub-article (1)(a), to be such proportion of the common floor space as the amount of

floor space coming directly within the class bears to the total amount of gross floor space in the building.

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| Applications involving multi-purpose development. | 165. | Where a planning application relates to development which is designed for, or capable of, or intended for, use for one of several purposes, the amount of the fee payable in respect of each of the relevant classes of development mentioned in column 1 of Section 2 of Schedule 9 shall be calculated and the fee payable shall, subject to Section 2 of the said Schedule, be the highest of those amounts. |
| Applications involving alternate plans. | 166. | Where a planning application includes proposals for materially different layouts or designs relating to the proposed development, the fee payable in respect of the application shall be calculated as if each proposal constituted a separate planning application. |
| Calculation of site area and gross floor space. | 167. | <p>(1) Where, in respect of any class of development mentioned in column 1 of Section 2 of Schedule 9, the amount of the fee is to be calculated by reference to the site area, that area shall be taken as consisting of the area of land to which the application relates.</p> <p>(2) Where, in respect of any class of development mentioned in column 1 of Section 2 of Schedule 9, the amount of the fee is to be calculated by reference to the site area or the area of gross floor space to be provided and the relevant area is less than the unit of measurement specified in respect of the relevant class of development or is not an exact multiple of that unit, the fraction of a unit remaining after division of the total area by the unit of measurement shall be treated, for the purposes of calculating the fee payable in respect of the application, as a complete unit.</p> |
| Fee for submission or observation in respect of planning application. | 168. | <p>(1) (a) Subject to sub-articles (2) and (3), a fee shall be paid to the planning authority by a person or body who makes a submission or observation to the planning authority regarding an application for permission.</p> <p>(b) The amount of the fee payable to the planning authority shall be the amount indicated in column 2 of Section 2 of Schedule 10, opposite the mention of a submission or observation on a planning application.</p> <p>(2) Sub-article (1) shall not apply where the person or body by whom a submission or observation is made is—</p> |

		(a) a local authority,
		(b) a body notified or entitled to be notified in accordance with article 28,
		(c) a State authority, or
		(d) a transboundary State.
	(3)	Where a fee has been paid under this article by a person or body by whom a submission or observation is made in respect of a particular application for permission, a fee shall not be payable in respect of any further submission or observation made in accordance with Part 4 by or on behalf of the same person in respect of the same application.
Fee for requests for declarations under section 5 of Act.	169.	(1) A person making a request for a declaration to the planning authority under section 5 of the Act shall pay a fee to the planning authority.
		(2) The amount of the fee payable to the planning authority shall be the amount indicated in column 2 of Schedule 10, opposite the mention of a request for a declaration.
Fee for application to extend or further extend appropriate period.	170.	(1) A fee shall be paid to a planning authority by an applicant in respect of an application under section 42 of the Act for an extension or further extension, as regards a particular permission, of the appropriate period within the meaning of section 40(3) of the Act.
		(2) The amount of the fee payable in respect of an application mentioned in sub-article (1) shall be the amount indicated in column 2 of Schedule 10, opposite the mention of such an application.
Transitional – Fees to Planning Authority.	171.	Where a planning application or an application under section 4 of the Act of 1982 for an extension or further extension as regards a particular permission of the appropriate period within the meaning of section 2 (5) of that Act is received by a planning authority before the coming into operation of this Part, the fee to be paid to the planning authority shall be the fee payable under the 1994 Regulations, as amended by the 2001 Regulations, notwithstanding any repeal of those Regulations.
Transitional – Fees to Board.	172.	The fees to be paid to the Board in Chapter III of Part VII of, and the Fifth Schedule to, the 1994 Regulations, as amended by the 2001 Regulations, shall continue to be payable to the Board in accordance with that Chapter

until such time as the Board determines fees in accordance with section 144 of the Act.

PART 13

COMPENSATION

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| Interpretation for this Part. | 173. | In this Part, “compensation claim” means a claim for compensation under Part XII of the Act. |
| Compensation claim. | 174. | <p>(1) A compensation claim shall be made to the planning authority in writing and shall include—</p> <ul style="list-style-type: none">(a) the name and address of the claimant and a statement of his or her interest in the land to which the claim relates,(b) a statement of the matter in respect of which the claim is made, the provision of the Act under which it is made, the amount of compensation claimed and the basis on which that amount has been calculated, and(c) the names and addresses of all other persons (so far as they are known to the claimant) having an interest in the land to which the claim relates, or, where the claimant does not know of any such persons, a statement to that effect. <p>(2) Where a planning authority receives a compensation claim which fails to comply with a requirement of sub-article (1), the authority shall, by notice in writing, require the claimant to comply with such requirement and defer consideration of the claim until the claimant has complied with such requirement.</p> |
| Notice of claim. | 175. | <p>(1) Within 4 weeks of the receipt by a planning authority of a compensation claim, or within 4 weeks of compliance with a requirement under article 174, the planning authority shall, unless the claim is withdrawn, give notice in writing to every person, other than the claimant, appearing to them to have an interest in the land to which the claim relates.</p> <p>(2) A notice under sub-article (1) shall state the name and address of the claimant, the land to which the claim relates, the matter in respect of which the claim is made and, where the relevant period under section 183 of the Act for the making of a compensation claim has not expired, the date, having regard to the timelimits</p> |

specified in section 183 (subject to subsection (2) of that section), after which a further claim for compensation in respect of that matter cannot be made.

- (3) Where more than one compensation claim in respect of the same matter has been received by a planning authority, the provisions of sub-article (1) shall not apply in respect of any other claimant or persons who have already been given notice of a claim in respect of that matter under that sub-article.

Provision of certain evidence and information. 176.

Where a compensation claim is made, the planning authority may, by notice in writing, require the claimant to provide evidence in support of the claim and evidence as to the claimant's interest in the land to which the claim relates and may defer consideration of the claim until the claimant has complied with such requirement.

Notice under section 192 of Act. 177.

A notice under section 192 of the Act served on a person by whom or on behalf of whom a compensation claim under section 190 of the Act has been made shall—

- (a) indicate the land to which the notice relates,
- (b) state that, notwithstanding the refusal of permission to develop the land or the grant of such permission subject to conditions (as the case may be), the land in question is, in the opinion of the planning authority, capable of other development for which permission under Part III of the Act ought to be granted,
- (c) indicate in outline the nature and extent of the other development (being other development within the meaning of section 192 of the Act) of which, in the opinion of the planning authority, the land is capable,
- (d) state that the notice shall continue in force for a period of 5 years commencing on the day of service of the notice unless, before the expiration of that period,—
 - (i) the notice is withdrawn by the planning authority,
 - (ii) a permission is granted under Part III of the Act to develop the land to which the notice relates in a manner consistent with the other development specified in the notice, subject to no conditions or to conditions of a class or description set out in the Fifth Schedule of the Act, or

- (iii) the notice is annulled by virtue of section 192(5) of the Act, and
- (e) state that compensation shall not be payable on the claim in respect of the land in question where—
 - (i) the notice is in force,
 - (ii) an application for permission under Part III of the Act to develop the land to which the notice relates in a manner consistent with the other development specified in the notice has not been made before the expiration of the notice, or
 - (iii) permission is granted under Part III of the Act to develop the land to which the notice relates in a manner consistent with the other development specified in the notice, subject to no conditions or to conditions of a class or description set out in the Fifth Schedule of the Act.

Transitional. 178. Where a compensation claim has been made in accordance with the 1994 Regulations prior to the coming into force of these Regulations, the claim shall be determined in accordance with those Regulations.

PART 14

STRATEGIC DEVELOPMENT ZONES

- Authorities prescribed under section 169 of Act.
179. (1) The prescribed authorities for the purposes of section 169 of the Act shall be—
- (a) the regional authority within whose region the site or sites to which the draft planning scheme applies is or are situated, and
 - (b) any planning or other local authority whose area is within or contiguous to the site or sites to which the draft planning scheme applies.
- (2) In addition to the requirements of sub-article (1), a copy of the draft planning scheme shall be sent to—
- (a) where a draft planning scheme relates wholly or mainly to industrial or commercial development — Forfás,

(b) where it appears to the planning authority that development under the draft planning scheme would be likely to impact on the provision of education services — the Minister for Education and Science,

(c) where it appears to the planning authority that development under the draft planning scheme would be likely to have significant effects on public health or might otherwise impact on the provision of health services — the Health Service Executive,

Comment [i226]: Substituted by article 38(a) of S.I. No. 685/2006 – Planning and Development Regulations 2006

(d) where it appears to the planning authority that development under the draft planning scheme would be likely to impact on public transport – the Minister for Transport,

(dd) where it appears to the planning authority that development under the draft planning scheme would be likely to impact on energy or communications networks - the Minister for Communications, Marine and Natural Resources

Comment [i227]: Substituted by article 38(b) of S.I. No. 685/2006 – Planning and Development Regulations 2006

(e) where it appears to the planning authority that development under the draft planning scheme would be likely to give rise to a significant increase in the volume of traffic using a national road or would otherwise have significant effects on the national road network — the National Roads Authority,

(f) where it appears to the planning authority that development under the draft planning scheme would be likely to significantly impact on surface transport in the Greater Dublin Area, the Dublin Transportation Office (or any body that replaces that office)

Comment [i228]: Substituted by article 38(c) of S.I. No. 685/2006 – Planning and Development Regulations 2006

(g) where it appears to the planning authority that development under the draft planning scheme would be likely to—

(i) involve the carrying out of works to a protected structure or proposed protected structure, or to the exterior of a structure which is located within an architectural conservation area,

Comment [i229]: Deleted by article 38(d) of S.I. No. 685/2006 – Planning and Development Regulations 2006

(ii) detract from the appearance of a structure referred to in sub-paragraph (i),

(iii) affect or be unduly close to-

- (I) a cave, site, feature or other object of archaeological, geological, scientific, ecological or historical interest,
 - (II) a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994,
 - (III) a historic monument or archaeological area entered in the Register of Historic Monuments under Section 5 of the National Monuments (Amendment) Act, 1987,
 - (IV) a national monument in the ownership or guardianship of the Minister under the National Monuments Acts, 1930 to 1994, or
- (iv) obstruct any scheme for improvement of the surroundings of or any means of access to any structure, place, feature or object referred to in sub-paragraph (iii),
- the Minister, the Heritage Council, and An Taisce
 - the National Trust for Ireland, and in the case of development of a type referred to in sub-paragraph (i) or (ii), An Chomhairle Ealaíon and Fáilte Ireland,
- (h) where it appears to the planning authority that the site or sites to which the draft planning scheme applies is or are situated in an area of special amenity, whether or not an order in respect of that area has been confirmed under section 203 (or deemed to be so confirmed under section 268(1)(c)) of the Act, or that development under the draft planning scheme would be likely to obstruct any view or prospect of special amenity value or special interest — An Chomhairle Ealaíon, Fáilte Ireland and An Taisce — the National Trust for Ireland,
 - (i) where it appears to the planning authority that development under the draft planning scheme would be likely to obstruct or detract from the value of any tourist amenity or tourist amenity works — Fáilte Ireland,
 - (j) where it appears to the planning authority that development under the draft planning scheme might

Comment [i230]: Substituted by article 38(f) of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i231]: Substituted by article 38(f) of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i232]: Substituted by article 38(e) of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i233]: Substituted by article 38(e) of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i234]: Substituted by article 38(e) of S.I. No. 685/2006 – Planning and Development Regulations 2006

have significant effects in relation to nature conservation — the Heritage Council, the Minister and An Taisce — the National Trust for Ireland,

Comment [i235]: Substituted by article 38(f) of S.I. No. 685/2006 – Planning and Development Regulations 2006

(k) where it appears to the planning authority that development under the draft planning scheme would be likely to—

(i) cause the significant abstraction or addition of water either to or from surface or ground waters, whether naturally occurring or artificial,

(ii) give rise to significant discharges of polluting matters or other materials to such waters or be likely to cause serious water pollution or the danger of such pollution, or

(iii) involve the carrying out of works in, over, along or adjacent to the banks of such waters, or to any structure in, over or along the banks of such waters, which might materially affect the waters,

— the appropriate Regional Fisheries Board and, in any case where the waters concerned are listed in Part 1 of Annex 1 of the Schedule to the British-Irish Agreement Act, 1999 (No. 1 of 1999), Waterways Ireland,

(l) where it appears to the planning authority that development under the draft planning scheme might impact on the foreshore — the Minister for Communications, Marine and Natural Resources,

Comment [i236]: Substituted by article 38(g) of S.I. No. 685/2006 – Planning and Development Regulations 2006

(m) where it appears to the planning authority that development under the draft planning scheme would be likely to increase the risk of a major accident or would be of such a nature as to be likely, if a major accident were to occur, and having regard to all the circumstances, to cause there to be serious consequences — the Health and Safety Authority,

Comment [i237]: Substituted by article 38(h) of S.I. No. 685/2006 – Planning and Development Regulations 2006

(n) where it appears to the planning authority that development under the draft planning scheme might endanger or interfere with the safety of, or the safe and efficient navigation of, aircraft — the Irish Aviation Authority,

(o) where it appears to the authority that the development might interfere with the operation and

development of a licensed airport, whose annual traffic is not less than 1 million passenger movements — the airport operator,

- (p) where the development is in a Gaeltacht area and it appears to the authority that it might materially affect the linguistic and cultural heritage of the Gaeltacht, including the promotion of Irish as the community language — the Minister for Community, Rural and Gaeltacht Affairs and Údarás na Gaeltachta,

Comment [i238]: Substituted by article 38(i) of S.I. No. 685/2006 – Planning and Development Regulations 2006

- (q) where development under the draft planning scheme comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence — the Environmental Protection Agency,

- (r) where the site or sites to which the draft planning scheme applies is or are in the functional area of the Shannon Free Airport Development Company Limited (and that company is not the relevant development agency) — that Company,

- (s) where the site or sites to which the draft planning scheme applies is or are in the Dublin Docklands Area — the Dublin Docklands Development Authority,

- (t) where it appears to the planning authority that development under the draft planning scheme might

- (i) give rise to a significant increase in the volume or type of traffic (including construction traffic) passing under a height restricted railway bridge, or using a railway level crossing, or a bridge over a railway,

- (ii) because of its proximity to a railway, impact on the structural integrity of railway infrastructure during construction of the development, or

- (iii) endanger or interfere with the safe operation of a railway, during or after construction,

—the railway operator, the Railway Safety Commission, and, where development under the draft planning scheme might impact on a light railway or metro, the Railway Procurement Agency,

or

Comment [i239]: Substituted by article 38(j) of S.I. No. 685/2006 – Planning and Development Regulations 2006

(u) where it appears to the planning authority that development under the draft planning scheme may relate to—

(i) the extraction of minerals, other than minerals within the meaning of the Minerals Development Acts 1940-1999, whether by surface or underground means,

(ii) the development of pits or quarries for the extraction of natural earth materials, or

(iii) where the development requires the excavation of earth material greater than a total volume of 50,000m³ and greater than 10m deep,

— to the Minister for Communications, Marine and Natural Resources,

(v) — to Irish Water.

Comment [i240]: Substituted by article 9(1) of S.I. No. 520 of 2013 – Planning and Development (Amendment) (No. 2) Regulations 2013

Planning scheme for strategic development zones.

179A.

A draft planning scheme under section 168(1) of the Act shall be accompanied by or include an environmental report and any reference to a draft planning scheme in subsection (1), (2) or (4)(a) of section 169 of the Act shall be construed as also referring to the environmental report.

Scoping of environmental report.

179B. (1)

Prior to the preparation of an environmental report under article 179A, the relevant development agency shall give notice in accordance with sub-article (2) to the environmental authorities specified in article 13A(4), as appropriate.

(2) A notice under sub-article (1) shall—

(a) state that, as part of the preparation of a draft planning scheme, an environmental report will be prepared of the likely significant effects on the environment of implementing the scheme,

(b) state that the environmental report is required to include the information that may reasonably be required, taking into account—

(i) current knowledge and methods of assessment,

(ii) the contents and level of detail in the planning

scheme,

- (iii) the stage of the planning scheme in the decision-making process, and
 - (iv) the extent to which certain matters are more appropriately assessed at different levels in the decision-making process in order to avoid duplication of environmental assessment, and
- (c) indicate that a submission or observation in relation to the scope and level of detail of the information to be included in the environmental report may be made to the relevant development agency within a specified period which shall be not less than 4 weeks from the date of the notice.

Content of
environmental
report.

- 179C. (1) Subject to sub-article (2), an environmental report under article 179A shall identify, describe and evaluate the likely significant effects on the environment of implementing the planning scheme and reasonable alternatives taking account of the objectives and the geographical scope of the scheme and, for this purpose, the report shall—
- (a) contain the information specified in Schedule 2B,
 - (b) take account of any submission or observation received in response to a notice under article 179B(1), and
 - (c) be of sufficient quality to meet the requirements of these Regulations.
- (2) An environmental report shall include the information that may reasonably be required taking into account—
- (a) current knowledge and methods of assessment,
 - (b) the contents and level of detail in the planning scheme,
 - (c) the stage of the planning scheme in the decision-making process, and
 - (d) the extent to which certain matters are more appropriately assessed at different levels in the decision-making process in order to avoid duplication of environmental assessment.

Notice of draft planning scheme and environmental report.	179D.	A notice under section 169(1) of the Act shall, in addition to the authorities specified in article 179, be sent to the authorities specified in article 13A(4), as appropriate.
Transboundary environmental effects.	179E. (1)	In addition to the notification requirements under section 169(1) of the Act, a planning authority shall, following consultation with the Minister, forward a copy of the draft planning scheme and associated environmental report to a Member State—
		(a) where the planning authority considers that implementation of the planning scheme is likely to have significant effects on the environment of such Member State, or
		(b) where a Member State, likely to be significantly affected, so requests.
	(2)	Where a Member State is sent a copy of a draft planning scheme and environmental report under sub-article (1) and it indicates that it wishes to enter into consultations before the adoption of the scheme, the planning authority shall—
		(a) enter into consultations with the State concerned in relation to the likely transboundary environmental effects of implementing the scheme and the measures envisaged to reduce or eliminate such effects, and
		(b) agree with the State concerned—
		(i) a reasonable timeframe for the completion of the consultations, having regard to the timeframes for the making of a planning scheme under section 169 of the Act, and
		(ii) detailed arrangements to ensure that the authorities referred to in article 6(3) of the SEA Directive and the public referred to in article 6(4) of the SEA Directive in the Member State concerned are informed and given an opportunity to forward their opinion within a reasonable timeframe.
	(3)	The report required of the manager under section 169(3) of the Act shall take account of any transboundary consultations under this article.
Decision-making.	179F.	The planning authority shall take account of—

			<ul style="list-style-type: none"> (a) the environmental report, (b) any submission or observation made to the planning authority in response to a notice under section 169(1) of the Act, and (c) any consultations under article 179E, <p>during the authority's consideration of the draft planning scheme, and before its adoption.</p>
Information on decision.	179G.	(1)	<p>In addition to the requirements of section 169(5)(b) of the Act, a notice under section 169(5)(a) of the Act shall state that a statement is also available summarising—</p> <ul style="list-style-type: none"> (a) how environmental considerations have been integrated into the scheme. (b) how— <ul style="list-style-type: none"> (i) the environmental report prepared pursuant to article 179A. (ii) submissions and observations made to the planning authority in response to a notice under section 169(1) of the Act, and (iii) any consultations under article 179E, <p>have been taken into account during the planning authority's consideration of the draft scheme,</p> (c) the reasons for choosing the scheme, as adopted, in the light of the other reasonable alternatives dealt with, and (d) the measures decided upon to monitor, in accordance with article 179J, the significant environmental effects of implementation of the scheme. <p>(2) In addition to the requirements of paragraph (a) of section 169(5) of the Act, the planning authority shall give notice under that paragraph to the authorities specified in article 13A(4), as appropriate, and to any Member State consulted under article 179E.</p>
Appeal to the Board.	179H.		Where an appeal is taken under section 169(6) of the Act, the Board shall, in addition to the requirements of section

169(8) of the Act, take account of—

- (a) the environmental report prepared pursuant to article 179A,
- (b) any submission or observation made to the planning authority in response to a notice under section 169(1) of the Act, and
- (c) any consultations under article 179E,

during the Board's consideration of the scheme.

Information on
decision.

- 179I. (1) Where the Board, under section 169(7)(a) of the Act, approves the making of a planning scheme without modification—
- (a) the notice required under section 169(7)(b) of the Act shall indicate that the statement referred to in article 179G(1) is also available for inspection, and
 - (b) the planning authority shall give notice of the approval of the scheme, and the availability for inspection of the statement referred to in article 179G(1), to the authorities specified in article 13A(4), as appropriate, and to any Member State consulted under article 179E.
- (2) Where the Board, under section 169(7)(a) of the Act, approves the making of a planning scheme with modifications, it shall indicate in its decision any amendments required to the statement referred to in article 179G(1) arising from its modification of the scheme, and shall direct the planning authority to amend the statement accordingly.
- (3) Where sub-article (2) applies—
- (a) the notice required under section 169(7)(b) of the Act shall indicate that the statement referred to in article 179G(1), as amended on foot of any direction under sub-article (2), where appropriate, is also available for inspection, and
 - (b) the planning authority shall give notice of the approval of the scheme, and the availability for inspection of the statement referred to in article 179G(1), as amended on foot of any direction under sub-article (2), where appropriate, to the authorities specified in article 13A(4), as appropriate, and to

any Member State consulted under article 179E.

- Monitoring. 179J. Where the provisions of articles 179A to 179I apply, the relevant development agency or, where an agreement referred to in section 167 of the Act has been made, the relevant development agency and any person who is a party to the agreement, shall monitor the significant environmental effects of implementation of the planning scheme in order, inter alia, to identify at an early stage unforeseen adverse effects and to be able to undertake appropriate remedial action and, for this purpose, existing monitoring arrangements may be used, if appropriate, with a view to avoiding duplication of monitoring.

Comment [i241]: Inserted by article 11 of S.I. No. 436/2004 – Planning and Development (Strategic Environmental Assessment) Regulations 2004

PART 15

DISCLOSURE OF INTERESTS, ETC.

- Persons to whom sections 147 and 150 of Act apply. 180. (1) The following classes, descriptions and grades of employees of the Board and other persons are hereby prescribed for the purposes of sections 147 and 150 of the Act—
- (a) every employee of the Board, except those in an employment for which -
 - (i) the qualifications are not wholly or in part professional or technical, and
 - (ii) the maximum remuneration is less than the maximum remuneration for the office of Executive Officer in the Civil Service;
 - (b) (i) every officer of the Minister who, pursuant to arrangements made under section 122(1) of the Act,
 - (ii) every person employed in a part-time capacity by the Board in accordance with section 120 (2) of the Act,who is engaged in duties relating to appeals, referrals or other matters which fall to be determined by the Board under the Act or any other enactment.
- (2) Every person engaged as a consultant or adviser to the Board under section 124 of the Act is hereby prescribed for the purposes of section 150 of the Act.

- (3) The classes, descriptions and grades of offices under a planning authority prescribed for the purposes of sections 147 and 150 of the Act shall be any office, including that of County Manager or City Manager, the holder of which is assigned duties which relate to the performance of any functions of a planning authority under the Act.
- Form of declaration under section 147 of Act. 181. (1) Form No. 1 of Schedule 11 shall be the prescribed form of a declaration to be given to the Board under section 147 of the Act.
- (2) Form No. 2 of Schedule 11 shall be the prescribed form of a declaration to be given to a planning authority under section 147 of the Act.

PART 16

LICENSING OF OUTDOOR EVENTS

- Interpretation for this Part. 182. (1) In this Part, except where the context otherwise requires—
- “applicant” means a person who applies for a licence;
- “application” means an application for a licence under section 231 of the Act;
- “audience” means persons attending an event on a particular day, other than persons working or performing at the event, and shall include persons attending by invitation and, where an event comprises more than one performance at one or more locations at the venue on a particular day, the audience shall mean the total number of persons attending all such performances;
- “code of practice” means a code of practice referred to in sections 232 and 268(2) of the Act;
- “prescribed bodies” means –
- (a) the relevant Chief Superintendent of An Garda Síochána,
- (b) the Health Service Executive, or
- (c) any county council, county borough corporation, borough corporation or urban district council (other than the local authority to whom the application is made), the area of which will be affected by the

Comment [i242]: Substituted by article 39 of S.I. No. 685/2006 – Planning and Development Regulations 2006

event;

“venue” means the site at which it is proposed to hold an event.

- (2) This Part shall also apply to an application for a licence for an event to be held on more than one day or an application for a licence for a number of events at a venue in a period not exceeding one year, subject to any necessary modifications.
- Events prescribed for the purposes of section 230 of Act. 183. An event at which the audience comprises 5,000 or more people shall be an event prescribed for the purposes of section 230 of the Act.
- Pre-application consultation. 184. (1) Any person who intends to make an application may, with the agreement (which shall not be unreasonably withheld) of the local authority or any prescribed bodies concerned, enter into consultations with the local authority or such prescribed bodies in order to discuss the submission of an application, including the draft plan for the management of the event, and the authority or the prescribed body may give advice to the applicant regarding the proposed application.
- (2) The carrying out of consultations under sub-article (1) shall not prejudice the performance by the local authority or any prescribed body of any of its functions under the Act or these Regulations or under any other enactment and such consultations cannot be relied upon in the process of determining an application or in legal proceedings.
- Newspaper notice. 185. (1) Within the period of 2 weeks before applying for a licence, the applicant shall publish a notice of his or her intention to submit an application in one local and one national newspaper.
- (2) A notice under sub-article (1) shall state—
- (a) the name of the applicant,
 - (b) that the applicant is applying for a licence to hold an event in accordance with Part XVI of the Planning and Development Act, 2000,
 - (c) the location of the venue at which the proposed event is to be held,
 - (d) the type of event proposed to be held,

- (e) the date proposed for the holding of the event,
 - (f) the name of the local authority to which the application is being made,
 - (g) the anticipated number of the audience at the proposed event,
 - (h) that the application for a licence may be inspected during office hours at the offices of the local authority for a period of 5 weeks from the date of receipt of the application by that authority, and
 - (i) that a submission or observation may be made to the local authority within 5 weeks of the date of receipt of the application by the authority.
- (3) The local authority may require that an additional newspaper notice be published where it considers that the notice, because of its content or for any other reason, is misleading or inadequate for the information of the public.

Making of application.

186. (1) An application must be made at least 10 weeks prior to the date for the holding of the event to which the application relates or, in the case of an application for a number of events at a venue in a period not exceeding one year, at least 10 weeks prior to the holding of the first event.
- (2) As soon as may be after receipt of the application, the local authority shall consider whether the requirements of these Regulations have been complied with, and—
- (a) acknowledge receipt of the application in writing, or
 - (b) inform the applicant that the application is invalid, by reason of the fee submitted being inadequate or for any other reason, and cannot be considered by the authority, indicating which requirement of these Regulations has not been complied with.

Comment [i243]: Substituted by article 4 of S.I. No. 116/2012 – Planning and Development (Amendment) Regulations 2012

Comment [i244]: Substituted by article 4 of S.I. No. 116/2012 – Planning and Development (Amendment) Regulations 2012

Form and content of application.

187. (1) An application shall –
- (a) state the name, contact address (including e-mail address where appropriate) and telephone number of the applicant,
 - (b) where the applicant is not the promoter of the event,

state the name, contact address (including e-mail address where appropriate) and telephone number of the promoter,

- (c) state the anticipated number of the audience at the proposed event,
- (d) state the proposed date on which the event is to be held and the proposed duration of the event, including the times at which the event is proposed to commence and conclude,
- (e) be accompanied by a copy of the relevant page of each newspaper containing the notice required to be published under article 185,
- (f) where the applicant is not the owner or occupier of the venue, be accompanied by confirmation in writing from such owner or occupier of his or her consent to the holding of the event,
- (g) be accompanied by a draft plan for the management of the event prepared in accordance with the appropriate code or codes of practice and including—
 - (i) the names and responsibilities of the event controller, the event safety officer and their deputies,
 - (ii) a draft site emergency plan,
 - (iii) a draft traffic management plan,
 - (iv) a draft safety strategy statement,
 - (v) a draft environment monitoring programme for before, during and after the proposed event, and
 - (vi) provision for the removal of structures and the carrying out of any works for the reinstatement of the venue subsequent to the event, for the full clean-up of the surrounding area, and for any remedial works arising from any damage caused to public property, facilities or amenities associated with the event,
- (h) be accompanied by a location map of sufficient size and containing details of related sites and features in the vicinity of the venue, to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas

Comment [i245]: Substituted by article 3(1) of S.I. No. 70/2002 - Planning and Development Regulations 2002

and marked clearly to show such related sites or features, and drawings to an appropriate scale of the venue, including a site layout plan and a viewing accommodation plan.

Comment [i246]: S.I. No. 70/2002 - Planning and Development Regulations 2002

Article 3(2)
Any map referred to in articles 22(2)(b), 48(2), 83(1)(b), 187(1)(h) and 194(2)(c) of the Regulations which is based on an Ordnance Survey map shall indicate thereon the relevant Ordnance Survey sheet number.

- (2) 6 copies of the application and accompanying documents, maps and drawings shall be submitted to the local authority.
- (3) Where an event is proposed to be held on a public road or on any other land under the control of the local authority, sub-article (1)(f) shall not apply.
- (4) A local authority may, by notice in writing, require an applicant to submit additional copies of the application and accompanying documents, maps or drawings.

Comment [i247]: Inserted by article 40 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Availability of documents.

- 188. (1) The local authority shall make the application, any accompanying documents, maps and drawings and any submission or observation made in relation to it, available for inspection during office hours at the offices of the local authority and such other places as it considers appropriate, for a period of 5 weeks from the date of receipt of the application.
- (2) The local authority shall, on request, make a copy of the application and accompanying documents available for purchase by any person on payment of a sum not exceeding the reasonable cost of making such a copy.

Consultation with prescribed bodies.

- 189. (1) Within one week of receipt of an application, a local authority shall consult with the prescribed bodies by sending a copy of the application to them and stating that submissions or observations may be made to the local authority in respect of the application within 5 weeks of the date on which the application was received by the authority.
- (2) Where a prescribed body requests an extension of time from the local authority to consider an application, the authority may, where it considers it necessary to ensure the safe and effective management of the proposed event, extend that period for such time as the authority considers necessary.
- (3) A local authority may also consult any other body, not being a prescribed body, in relation to an application where it considers it appropriate.

Making of

- 190. Any person may make a submission or observation in

submissions or observations by any other person.

writing to the local authority in respect of the application within 5 weeks of the receipt of the application by the local authority.

Further information.

191. (1) A local authority may request such further information from the applicant as it considers necessary to enable it to make a decision under section 231(3) of the Act and the applicant shall comply with any such request and the local authority shall not make a decision on the application until the applicant has supplied the requested information.
- (2) A local authority may request such further information from a prescribed body or any person who made a submission or observation in respect of the application as it considers necessary to enable it to make a decision under section 231(3) of the Act.
- (3) The local authority may, at its discretion, invite any other person to make a submission or observation to it in respect of an application.
- (4) The local authority may take whatever measures it considers necessary, including the convening of meetings or the taking of oral submissions, to seek the views of any person in regard to the application.

Comment [i248]: Inserted by article 5 of S.I. No. 116/2012 – Planning and Development (Amendment) Regulations 2012

Decision on application.

192. (1) A local authority shall make a decision under section 231(3) of the Act in respect of an application not earlier than 5 weeks after receiving the application.
- (2) Where a local authority makes a decision under section 231(3) of the Act, it shall issue notice of its decision to—
- (a) the applicant,
 - (b) the prescribed bodies, and
 - (c) any person who made a submission or observation on the application in accordance with article 190.

Publication of notice of intention by local authority to hold event.

193. (1) Where a local authority proposes to hold an event under section 238 of the Act, it shall publish a notice in one local and one national newspaper.
- (2) A notice under sub-article (1) shall state—
- (a) the name of the local authority proposing to hold the event,

- (b) that it is proposed to hold an event in accordance with Part XVI of the Planning and Development Act, 2000,
- (c) the venue at which the proposed event is to be held,
- (d) the type of event proposed to be held,
- (e) the date proposed for the holding of the event,
- (f) the anticipated number of the audience at the proposed event,
- (g) that a proposal, including a draft plan for the management of the event, in respect of the proposed event may be inspected during office hours at the offices of the local authority for a period of 5 weeks from the date of publication of the notice under sub-article (1), and
- (h) that submissions or observations in respect of the proposed event may be made to the local authority within 5 weeks of the date of publication of the notice under sub-article (1).

Availability of documents in relation to proposed event by local authority.

194. (1) The local authority shall make a proposal, including a draft plan for the management of the event, and appropriate maps and drawings in relation to the proposed event available for inspection at the offices of the local authority and such other places as it considers appropriate during office hours for a period of 5 weeks from the date of publication of the notice under article 193.
- (2) (a) A proposal referred to in sub-article (1) shall set out the details of the proposed event, including—
- (i) the anticipated number in the audience and details of the number of tickets to be sold for the event,
 - (ii) the date proposed for the holding of the event and the duration of the event, including the times at which the proposed event will commence and conclude.
- (b) A draft plan for the management of the event referred to in sub-article (1) shall be prepared in accordance with the appropriate code or codes of practice and include—

- (i) the names and responsibilities of the event controller, the event safety officer and their deputies,
 - (ii) a draft site emergency plan,
 - (iii) a draft traffic management plan,
 - (iv) a draft safety strategy statement,
 - (v) a draft environment monitoring programme for before, during and after the proposed event, and
 - (vi) provision for the removal of structures and the carrying out of any works for the reinstatement of the venue subsequent to the proposed event.
- (c) The maps and drawings referred to in sub-article (1) shall include a location map of sufficient size and containing details of related sites and features in the vicinity of the venue, to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas and marked clearly to show such related sites or features, and drawings to an appropriate scale of the venue, including a site layout plan and a viewing accommodation plan.

Comment [i249]: Substituted by article 3(1) of S.I. No. 70/2002 - Planning and Development Regulations 2002

Comment [i250]: S.I. No. 70/2002 - Planning and Development Regulations 2002

Article 3(2)
Any map referred to in articles 22(2)(b), 48(2), 83(1)(b), 187(1)(h) and 194(2)(c) of the Regulations which is based on an Ordnance Survey map shall indicate thereon the relevant Ordnance Survey sheet number.

(3) The local authority shall, on request, make a copy of the proposal available for purchase by any person on payment of a sum not exceeding the reasonable cost of making such a copy.

Notification of prescribed bodies.

195. (1) Within one week of publication of the notice under article 193, a local authority shall notify the prescribed bodies of the proposed event.
- (2) A notice under sub-article (1) shall—
- (a) be accompanied by a copy of the proposal made available for inspection in accordance with article 194, and
 - (b) state that a submission or observation may be made to the local authority in respect of the proposed event within 5 weeks of the date of publication of the notice under sub-article (1).
- (3) Where a prescribed body requests an extension of time from the local authority to consider an application, the authority may, where it considers it necessary to ensure

the safe and effective management of the proposed event, extend that period for such time as the authority considers necessary.

- (4) A local authority may, where it considers it appropriate, notify or consult any other person or body, not being a prescribed body, in relation to the proposed event.

Making of submission or observation by other person. 196.

Any person may make a submission or observation in writing to the local authority in respect of the proposed event within 5 weeks of the date of publication of the notice under sub-article (1).

Notification of decision. 197.

Where a local authority makes a decision under section 238 of the Act, it shall issue notice of its decision to the prescribed bodies and any person who made a submission or observation in accordance with article 196.

Additional means for notification. 198.

Where—

- (a) a large number of submissions or observations are made to the local authority under article 190 or article 196 as part of an organised campaign, or
- (b) it is not possible to ascertain readily the full name and address of persons who made a submission or observation under article 190 or article 196,

the authority may, in lieu of notifying each person who made a submission or observation in accordance with articles 192(2) or 197, as appropriate, take such steps as it considers reasonable in the circumstances to inform such persons of its decision, including, in the case of an organised campaign referred to in paragraph (a), giving notice to any person who, in the opinion of the authority, organised the campaign.

Fees. 199. (1)

(a) Subject to sub-article (2), the fee for making an application in respect of an event being held mainly for profit or gain shall be €2,500.

(b) No fee shall apply in respect of an application for an event other than those referred to in sub-article (1).

- (2) A local authority shall have an absolute discretion to refund all or part of the fee payable in respect of a particular application where it is satisfied that the payment in full of the fee would not be just and reasonable, having regard to the nature, extent or purpose of the event.

PART 17

MISCELLANEOUS AND TRANSITIONAL

CHAPTER 1

Licensing under Section 254 of the Act

Interpretation for this Chapter.

200. In this Chapter, “specified appliance, apparatus or structure” means an appliance, apparatus or structure referred to in section 254(1) of the Act or any additional appliance, apparatus or structure specified in article 203.

Appliances, apparatus and structures suitable for being licensed.

201. The following appliances, apparatus and structures are hereby prescribed as requiring a licence under section 254 of the Act of 2000—

- (a) a case, rack, shelf or other appliance, apparatus or structure for displaying articles for the purposes of advertisement or of sale in, or in connection with, any adjacent business premises,
- (b) tables and chairs outside a hotel, restaurant, public house or other establishment where food is sold for consumption on the premises,
- (c) a coin-operated machine other than a vending machine,
- (d) an advertisement consisting of any text, symbol, emblem, model, device or logo,
- (e) a pipe or appliance with a pipe attachment for dispensing air or water not being a pipe or appliance attached to a petrol or oil pump,
- (f) a weighing machine,
- (g) a bring facility,
- (h) a cabinet used as part of a wired broadcast relay service by a person licensed under the Wireless Telegraphy (Wired Broadcast Relay Licence) Regulations, 1974 (S.I. No. 67 of 1974),
- (i) a lamp-post,
- (j) a bridge, arch, tunnel, passage or other similar structure which is used or intended for use other than

			by the public and was constructed on or after 1 October 1964,
			(k) a cellar or other underground structure constructed on or after 1 October 1964,
			(l) a cable for conducting electricity for domestic or agricultural purposes.
Fees for licences under section 254 of Act.	202.	(1)	Where a licence is granted by a planning authority under section 254 of the Act—
			(a) to erect, construct, place and maintain, or
			(b) to maintain,
			a specified appliance, apparatus or structure referred to in Part 1 of Schedule 12, the amount of the fee to be paid to the planning authority shall, subject to the provisions of article 203, be—
			(i) where the licence is for a period of one year, the appropriate amount indicated in column 2 of that Schedule opposite the reference in column 1 of that Schedule to the specified appliance, apparatus or structure,
			(ii) where the licence is for a period of more than one year, an amount equal to the fee for one year for each year or part of a year for which the licence is granted, and
			(iii) where the licence is for a period of less than one year, an amount equal to one tenth of the fee for one year for each month or part of a month for which the licence is granted.
		(2)	Where a licence is granted by a planning authority under section 254 of the Act to erect, construct, place and maintain a specified appliance, apparatus or structure referred to in Part 2 of Schedule 12, the amount of the fee to be paid to the planning authority shall be the amount indicated in column 2 of that Schedule opposite the reference in column 1 of that Schedule to the specified appliance, apparatus or structure, and no fee shall be payable in respect of any renewal of a licence for such an appliance, apparatus or structure.
Additional fee for advertising use.	203.		In the case of—

- (a) any machine or similar appliance, apparatus or structure, more than one quarter of the surface area of which is used for advertising purposes,
- (b) any town or landscape map more than one third of the surface area of which is used for advertising purposes, and
- (c) any other appliance, apparatus or structure any part of the area of which is used for advertising purposes,

the amount of the fee under article 204 shall be increased by the amount of the fee payable under that article in respect of an advertisement structure which is on a public road.

Transitional.	204.	<p>Where an application for a licence is received by a planning authority before the coming into operation of this Chapter—</p> <ul style="list-style-type: none"> (a) the fee to be paid to the planning authority shall, be the fee payable under the 1994 Regulations, as amended by the 2001 Regulations, notwithstanding any repeal of those Regulations, and (b) any licence granted under section 89 of the Act of 1963 shall remain in force for the period for which the licence was granted.
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CHAPTER 2

Miscellaneous and Transitional

Form of vesting order under section 45 of Act.	205.	Form No. 3 of Schedule 4, or a form substantially to the like effect, shall be the prescribed form of vesting order to be made by a planning authority in exercise of the powers conferred on it by section 45(5) of the Act.
Disposal of land without consent of Minister under section 211 of Act.	206.	<p>(1) Subject to the conditions specified in sub-article (2), the consent of the Minister to a disposal of land under section 211(1) of the Act, as required by subsection (2) of that section, shall not be required where a local authority is of the opinion that, for economic or social reasons, it is reasonable that the disposal of land be carried out in accordance with the terms specified by the authority in the notice which is to be given to the members of the authority in relation to the proposed disposal of land in accordance with section 183 of the Local Government Act, 2001.</p>

- (2) The following conditions shall apply in relation to a disposal of land referred to in sub-article (1):
- (a) the manager shall prepare a report setting out the economic or social reasons which apply in relation to the disposal of land;
 - (b) the report shall be incorporated in or accompany the notice referred to in sub-article (1); and
 - (c) the notice referred to in sub-article (1) and the report referred to in paragraph (a) shall be made available for public inspection at the offices of the local authority during office hours for a period of one year.
- (3) A disposal of land under this article shall be carried out in accordance with the terms of the notice referred to in sub-article (1).
- Continuance of Local Government (Planning and Development) Acts, 1963 to 1999 and Regulations made thereunder. 207. (1) Subject to sub-articles (2) and (3), the provisions of the Local Government (Planning and Development) Acts, 1963 to 1999, and the Local Government (Planning and Development) Regulations, 1994 to 2001 shall continue to apply to any valid application for permission received by a planning authority before 11 March, 2002, and any appeal, decision or determination made or to be made in respect of such planning application or in respect of a decision on such application, notwithstanding the repeal of such provisions or the revocation of such Regulations.
- (2) Sections 42 and 43 of the Act and articles 40 to 47 of these Regulations shall apply to any application made after the coming into force of these regulations to extend the appropriate period as regards a permission.
- (3) Section 46 of the Act and article 205 of these Regulations shall apply in any case where a planning authority intends to acquire land as open space, within the meaning of that section, pursuant to a permission under the Act of 1963 or to any condition to which a permission under that Act is subject.
- Saver. 208. Anything done under the Planning and Development Regulations, 2000 to 2001, notwithstanding the revocation of those Regulations, shall not be invalidated by such revocation but shall have effect as if done under the corresponding provision of these Regulations.

Part 18

Strategic Infrastructure Development

Comment [i251]: Inserted by article 41 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Interpretation for this Part.

209.

For the purposes of this Part, unless the context otherwise requires —

“application” means an application for permission under section 37E or an application for approval under sections 181A, 182A or 182C of the Act in respect of a strategic infrastructure development,

“pre-application consultation” means the consultations provided for in sections 37B(1), 181C(1) or 182E of the Act,

“prospective applicant” means —

- (a) in the case of an application for permission under section 37E of the Act, the person referred to in section 37B(2) of the Act,
- (b) in the case of an application for approval under section 181A of the Act, the relevant State authority, or
- (c) in the case of an application for approval under sections 182A or 182C of the Act, the prospective applicant referred to in section 182E(1).

Comment [i252]: Inserted by article 41 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Pre-application discussions.

210.

- (1) On receipt of a request to enter into pre-application consultations, the Board shall notify the relevant planning authority of the request.
- (2) The Board shall, during the course of a pre-application consultation, indicate to a prospective applicant:
 - (a) the plans, particulars or other information which the Board will require for the purposes of consideration of an application,
 - (b) the time frames and sequencing to be applied to the application process, and
 - (c) any other matters in relation to the application process as the Board considers appropriate.
- (3)
 - (a) Where the Board is of the opinion that the proposed development would be likely to have significant effects on the environment in a transboundary State,

it shall indicate to the prospective applicant:

- (i) which bodies, in which States, should be notified for the purposes of Section 37E(3)(d), 181A(3)(c), 182A(4)(c) or 182B(4)(b)(iv), as appropriate, and
 - (ii) how many copies of the application and environmental impact statement should be sent with the notification referred to in (i).
- (b) For the purposes of determining which bodies are to be included under paragraph (a), the Board may consult with—
- (i) the Minister,
 - (ii) the Minister for Arts, Heritage and the Gaeltacht,
 - (iii) the Environmental Protection Agency,
 - (iv) the Minister for Communications, Energy and Natural Resources, or
 - (v) the relevant planning authority,
- as it considers appropriate.

Comment [i253]: Substituted by article 6 of S.I. No. 262/2011 – Planning and Development (Amendment) Regulations 2011

- (4) The Board may, during the course of a pre-application consultation, require a prospective applicant to give notice to the public or to carry out consultations with the public in advance of an application being submitted, including—
- (i) the erection or fixing of notice or notices on the site in a form to be specified by the Board,
 - (ii) the provision of a specific place or a specific website to make available the application, environmental impact statement and any other relevant documentation for inspection or purchase at a fee not exceeding the reasonable cost of making a copy,
 - (iii) the use of local or national media, or
 - (iv) the holding of meetings, with any person or body or for the public.

		(5)	During the course of a pre-application consultation, the Board may indicate to a prospective applicant which of the bodies prescribed under article 213 should, in the opinion of the Board, be notified by the prospective applicant of the making of an application and the prospective applicant shall notify those bodies.	
		(6)	Notwithstanding any indication given under sub-articles (2), (3), (4) or (5), nothing shall prevent the Board from requiring a prospective applicant for permission under section 37E or for approval under sections 181A, 182A or 182C to submit further information or from giving further notice to the public or to any person or body.	Comment [i254]: Inserted by article 41 of S.I. No. 685/2006 – Planning and Development Regulations 2006
Consultations on information to be contained in an environmental impact statement.	211.	(1)	The specified bodies for the purposes of sections 37D(2)(a), 181C(3) and 182E(3) shall be— (i) the Minister, (ii) the Minister for Arts, Heritage and the Gaeltacht, (iii) the Environmental Protection Agency, (iv) the Minister for Communications, Energy and Natural Resources, and (v) the relevant planning authority.	Comment [i255]: Substituted by article 7 of S.I. No. 262/2011 – Planning and Development (Amendment) Regulations 2011
		(2)	In addition to the provisions of sub-article (1), the Board may invite submissions or observations in relation to the information to be contained in the environmental impact statement from the bodies referred to in Article 213, as appropriate.	Comment [i256]: Inserted by article 41 of S.I. No. 685/2006 – Planning and Development Regulations 2006
Additional requirement for public notice in respect of application.	212.		Any notice which an applicant is required to give to the public in respect of an application under sections 37E(3)(a), 181A(3)(a), 182A(4)(a) or 182C(4)(a) of the Act shall indicate the types of decision the Board can make in relation to the application.	Comment [i257]: Inserted by article 41 of S.I. No. 685/2006 – Planning and Development Regulations 2006
Prescribed bodies.	213.	(1)	The prescribed bodies for the purposes of section 37E(3)(c), 146C(4)(c), 181A(3)(b), 182A(4)(b) and 182(C)(4)(b) of the Act are: (a) the Minister for the Environment, Heritage and Local Government, (b) the Minister for Communications, Marine and Natural Resources,	

- (c) the planning authority or authorities in the area or areas in which it is proposed to situate the proposed development,
- (d) the National Roads Authority,
- (e) where the land or structure is situated in an area of special amenity, whether or not an order in respect of that area has been confirmed under section 203 (or deemed to be so confirmed under section 268(1)(c)) of the Act, or that the development or retention of the structure might obstruct any view or prospect of special amenity value or special interest - An Chomhairle Ealaíon, Fáilte Ireland and An Taisce - the National Trust for Ireland,
- (f) where the development might obstruct or detract from the value of any tourist amenity or tourist amenity works - Fáilte Ireland,
- (g) where the development —
 - (i) would involve the carrying out of works to a protected structure or proposed protected structure, or to the exterior of a structure which is located within an architectural conservation area,
 - (ii) might detract from the appearance of a structure referred to in sub-paragraph (i),
 - (iii) might affect or be unduly close to —
 - (I) a cave, site, feature or other object of archaeological, geological, scientific, ecological or historical interest,
 - (II) a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994 (No. 17 of 1994),
 - (III) a historic monument or archaeological area entered in the Register of Historic Monuments under Section 5 of the National Monuments (Amendment) Act, 1987 (No. 17 of 1987),
 - (IV) a national monument in the ownership or guardianship of the Minister under the

National Monuments Acts, 1930 to 1994,

or

(iv) might obstruct any scheme for improvement of the surroundings of or any means of access to any structure, place, feature or object referred to in sub-paragraph (iii),

— the Heritage Council and An Taisce - the National Trust for Ireland, and in the case of development of a type referred to in sub-paragraph (i) or (ii), An Chomhairle Ealaíon and Fáilte Ireland,

- (h) where the area of any local authority might be affected by the development - that local authority,
- (i) where the development would not be consistent with or would materially contravene any regional planning guidelines (or any objective thereof) of a regional authority - that regional authority,
- (j) where the development
- (i) might cause the significant abstraction or addition of water either to or from surface or ground waters, whether naturally occurring or artificial,
 - (ii) might give rise to significant discharges of polluting matters or other materials to such waters or be likely to cause serious water pollution or the danger of such pollution, or
 - (iii) would involve the carrying out of works in, over, along or adjacent to the banks of such waters, or to any structure in, over or along the banks of such waters, which might materially affect the waters,
- the appropriate Regional Fisheries Board and, in any case where the waters concerned are listed in Part 1 of Annex 1 of the Schedule to the British-Irish Agreement Act, 1999 (No. 1 of 1999), Waterways Ireland,
- (k) where the development might endanger or interfere with the safety of, or the safe and efficient navigation of, aircraft - the Irish Aviation Authority,

- (l) where the development might interfere with the operation and development of a licensed airport, whose annual traffic is not less than 1 million passenger movements - the airport operator,
- (m) where the development may have an impact on bus or rail-based transport, Córas Iompair Éireann and the Railway Procurement Agency, as appropriate,
- (n) where the development might significantly impact on surface transport in the Greater Dublin Area, the Dublin Transportation Office (or any body that replaces that office),
- (o) where the development might significantly impact on transport or maritime navigation, the Minister for Transport,
- (p) where the development comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence — the Environmental Protection Agency;
- (q) where the development might have significant effects in relation to nature conservation — the Heritage Council and An Taisce - the National Trust for Ireland,
- (r) where the development is in a Gaeltacht area and it appears to the Board that it might materially affect the linguistic and cultural heritage of the Gaeltacht, including the promotion of Irish as the community language - the Minister for Community, Rural and Gaeltacht Affairs and Údarás na Gaeltachta,
- (s) where the development is in the vicinity of an explosives factory, storage magazine or local authority explosives store - the Minister for Justice, Equality and Law Reform,
- (t) where the application could result in, or requires initial afforestation or the removal of broadleaf high forest - the Minister for Agriculture and Food and the Heritage Council,
- (u) where the development might have significant effects on public health - the Health Service Executive,
- (v) where the application relates to the development of

energy infrastructure, or may have an impact on energy infrastructure - the Commission for Energy Regulation, and

Comment [i258]: Inserted by article 41 of S.I. No. 685/2006 – Planning and Development Regulations 2006

(w) where the development might—

- (i) give rise to a significant increase in the volume or type of traffic (including construction traffic) passing under a height restricted railway bridge, or using a railway level crossing, or a bridge over a railway,
- (ii) because of its proximity to a railway, impact on the structural integrity of railway infrastructure during construction of the development, or
- (iii) endanger or interfere with the safe operation of a railway, during or after construction,

— the railway operator, the Railway Safety Commission, and, in the case of development which might impact on a light railway or metro, the Railway Procurement Agency,

(x) — to Irish Water.

Comment [i259]: Substituted by article 10(1) of S.I. No. 520 of 2013 – Planning and Development (Amendment) (No. 2) Regulations 2013

(2) A notice to prescribed bodies under sections 37E(3)(c), 181A(3)(b), 182A(4)(a) or 182C(4)(a) shall indicate the types of decision the Board may make in relation to the application and shall include one copy of the application and environmental impact statement and, where the application is accompanied by an NIS, of the NIS (or where the person or body consents to the receiving of information in that form, in electronic form).

Comment [i260]: Amended by article 23 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(3) The Board may, at any time, require the applicant to send copies or additional copies of an application and environmental impact statement and, where the application is accompanied by an NIS, of the NIS (including copies in electronic form) to any body or person as it may determine.

Comment [i261]: Inserted by article 41 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Comment [i262]: Amended by article 23 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Application procedure.

214. (1) When making an application for strategic infrastructure development, the applicant shall send to the Board –

Comment [i263]: Inserted by article 41 of S.I. No. 685/2006 – Planning and Development Regulations 2006

- (a) 10 copies of the plans and particulars of the proposed development (including any plans, particulars or other information indicated by the Board under article 210(2) and of the environmental impact statement and, where the application is

accompanied by an NIS, of the NIS,

Comment [i264]: Amended by article 24 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (b) a copy of the notice published in accordance with sections 37E(3)(a), 181A(3)(a), 182A(4)(a) or 182C(4)(a) of the Act, as may be appropriate,
- (c) a list of the bodies notified of the application under sections 37E(3)(c), 181A(3)(b), 182A(4)(a) or 182C(4)(a) of the Act, as may be appropriate, and an indication of the date on which notice was sent, and
- (d) a list of any other public notice given or other public consultations conducted by the applicant, including any notice or consultations done on foot of a requirement by the Board under article 210, and an indication of the date or dates of such additional notice or consultations.

- (2) Where the Board so consents or specifies, any or all of the copies or other information specified in sub-article (1) shall be given in electronic form.

Comment [i265]: Inserted by article 41 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Submission of NIS

- 214A. (1) Where an application is made to the Board under section 37E of the Act and the applicant considers that the proposed development would be likely to have a significant effect on a European site he or she may submit an NIS with his or her application.

Comment [i266]: Inserted by article 25 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (2) Where an NIS is submitted to the Board in accordance with sub-article (1),
 - (a) the notice published in a newspaper under section 37E(3) shall—
 - (i) state that a Natura impact statement has been prepared in respect of the proposed development,
 - (ii) specify the times and places at which and the period (not being less than 6 weeks) during which a copy of the Natura impact statement may be inspected free of charge or purchased at a specified fee (which fee shall not exceed the reasonable cost of making such copy),
 - (iii) invite the making of submissions in relation to the likely effects on a European site of the proposed development if carried out.
 - (b) the applicant shall, when complying with the

requirements of section 37E(3)(b) and (c) of the Act, also send an equal number of copies of the NIS to the planning authority or authorities and prescribed bodies concerned.

Comment [i267]: Inserted by article 25 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

NIS required by the Board 214B.

(1)

Where an application to the Board under sections 37E, 181A, 182A or 182C of the Act is not accompanied by an NIS, and an NIS is required by the Board under 177T(5), the applicant shall, not more than 2 weeks before submitting the NIS, publish a notice in at least one newspaper circulating in the area or areas in which it is proposed to carry out the development—

- (a) indicating the nature and location of the proposed development,
- (b) stating that he or she has made an application to the Board under sections 37E, 181A, 182A or 182C of the Act, as the case may be,
- (c) stating that the Board has requested the applicant to submit a Natura impact statement under section 177T(5) of the Act,
- (d) specifying the times and places at which, and the period (not being less than 4 weeks) during which a copy of the application and the Natura impact statement may be inspected free of charge or purchased on payment of a specified fee (which fee shall not exceed the reasonable cost of making such copy),
- (e) inviting the making, during such period, of submissions and observations to the Board relating to the effects on a European site of the proposed development, if carried out, and
- (f) specifying the types of decision the Board may make, under section 37G, 181B, 182B and 182D of the Act, as the case may be, in relation to the application.

Comment [i268]: Inserted by article 25 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(2)

Where an NIS is required by the Board under 177T(5) in respect of an application to the Board under sections 37E, 181A, 182A or 182C of the Act, the Board shall, as soon as possible after receipt of such NIS, send a copy of the NIS to the local authority or each local authority in whose area the proposed development would be situated and to any bodies prescribed under the relevant sections as appropriate, together with a notice stating that

submissions may be made to the Board, within a period specified by the Board in the notice, in relation to the likely effects of the proposed development on a European site if carried out.

Comment [i269]: Inserted by article 25 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Major Accidents.

215.

(1)

In addition to the requirements of article 213, where the proposed development –

- (i) will be of a category listed in Table 1 of Schedule 8,
- (ii) will be located within the distance listed in column 2 of Table 2 of Schedule 8 from an establishment of the corresponding type listed in column 1 of Table 2, or be located within such distance from a particular establishment as has been specified by the Health and Safety Authority in technical advice provided under article 27 of the Major Accident Regulations,
- (iii) relates to the provision of, or modifications to, an establishment, or
- (iv) would, in the opinion of the Board be in the vicinity of, or would impact on, an establishment and be relevant to the risk or consequences of a major accident.

and the Health and Safety Authority has not previously provided to the Board, either in relation to the proposed development or on a generic basis, relevant technical advice on the risk or consequences of a major accident, the Board shall notify the Health and Safety Authority.

(2)

In forming an opinion pursuant to sub-article (1)(d), the Board shall have regard to Tables 1 and 2 of Schedule 8.

(3)

A notice sent by the Board under sub-article (1) shall –

- (a) issue as soon as may be following receipt of the application,
- (b) include a copy of the application and environmental impact statement,
- (c) identify the relevant establishment or establishments, and
- (d) request technical advice on the effects of the proposed development on the risk or consequences of a major accident.

Weekly list

(4) In addition to the requirements of article 216, in the case of an application to which article 215 refers, the list shall indicate that fact.

(5) Any notice which an applicant is required to give to the public in respect of an application under sections 37E(3)(a), 181A(3)(a), 182A(4)(a), 182C(4)(a) or 146C(4) of the Act shall, in the case of an application to which article 215 refers, indicate that fact.

Comment [i270]: Inserted by article 41 of S.I. No. 685/2006 – Planning and Development Regulations 2006

216. (1) A list referred to in Article 72 shall also include:

- (a) any applications for strategic infrastructure development received, or
- (b) any applications for strategic infrastructure development determined or otherwise disposed of by the Board.

(2) A list referred to in sub-article (1) in respect of any applications in respect of strategic infrastructure development shall indicate:

- (a) the reference number of the application,
- (b) the name of the applicant,
- (c) the location of the proposed development,
- (d) the nature and extent of the development, and
- (e) the date of receipt of the application.

Comment [i271]: Deleted by article 15(a) of S.I. No. 135/2007 – Planning and Development (No. 2) Regulations 2007

(3) A list referred to in sub-article (1) in respect of any applications for strategic infrastructure development determined or dismissed by the Board, or withdrawn shall indicate:

- (a) the reference number of the application,
- (b) the nature and location of the development,
- (c) the name of the applicant,
- (d) the nature of the decision,
- (e) the date of the decision, and
- (f) the locations at which a full copy of the decision will be available.

Comment [i272]: Deleted by article 15(b) of S.I. No. 135/2007 – Planning and Development (No. 2) Regulations 2007

Comment [i273]: Inserted by article 41 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Submissions or observations in relation to an application.

217. (1) (a) Any submission or observation to the Board in relation to an application shall be made within the period specified in the notice published in accordance with sections 37E(3)(a), 146C(4), 181A(3)(a), 182A(4)(a) or 182C(4)(a) of the Act, as may be appropriate, shall be accompanied by such fee (if any) as may be payable and shall state-
- (i) the name of the person making the submission or observation, the name of the person acting on his or her behalf, if any, and the address to which any correspondence relating to the application should be sent,
 - (ii) the subject matter of the submission or observation, and
 - (iii) the reasons, considerations and arguments on which the submission or observation is based in full.
- (b) Where the Board so consents, a submission or observation may be made in electronic form.
- (2) (a) The Board shall acknowledge in writing the receipt of any submission or observation referred to in sub-article (1) as soon as may be following receipt of the submission or observation.
- (b) The acknowledgement and any further correspondence from the Board in relation to the matter shall issue in the format in which the submission or observation was received unless otherwise agreed.
- (3) Any submissions or observations that do not comply with sub-article (1) shall not be considered by the Board.
- (4) (a) Without prejudice to paragraph (b), a person who makes submissions or observations to the Board in accordance with this article shall not be entitled to elaborate upon the submissions or observations or make further submissions or observations in relation to the application and any such elaboration, submissions or observations that is or are received by the Board shall not be considered by it.
- (b) The Board may, at any time before making its decision ask any person to make submissions or

Comment [i274]: Substituted by article 16 of S.I. No. 135/2007 – Planning and Development (No. 2) Regulations 2007

Further information, submissions, meetings etc.

observations or elaborate upon submissions or observations in relation to an application.

Comment [i275]: Inserted by article 41 of S.I. No. 685/2006 – Planning and Development Regulations 2006

218. (1) Before determining any application for approval under Sections 181A, 182A or 182C, the Board may at any time, where it considers it necessary or expedient in respect of making a decision:
- (a) request further submissions or observations from the applicant for permission, any person who made submissions or observations, or any other person who may, in the opinion of the Board, have information which is relevant to the determination of the application,
 - (b) make any information relating to the application available for inspection, notify any person or the public that the information is so available and, if it considers appropriate, invite further submissions or observations to be made to it within such period as it may specify, or
 - (c) hold meetings with the applicant for approval or any other person-
 - (i) where it appears to the Board to be expedient for the purpose of determining the application, or
 - (ii) where it appears to the Board to be necessary or expedient for the purpose of resolving any issue with the applicant for permission or any disagreement between the applicant and any other party, including resolving any issue or disagreement in advance of an oral hearing.

- (2) The Board shall keep a record in writing of any consultation undertaken under sub-article (1) and a copy of such record shall be placed and kept with the documents to which any application in respect of the proposed development relates.

Comment [i276]: Inserted by article 41 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Content of notice of Board's decision on application for permission.

219. Any notice of a decision made by the Board in respect of an application for permission under section 37G(3) or a decision in respect of an application for approval under sections 181B(6), 182B(5) or 182D(5) of the Act shall state that, in making a decision, the Board has had regard to any submissions or observations received in accordance with the Act or these Regulations.

Comment [i277]: Inserted by article 41 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Content of decision on application for approval of strategic infrastructure development.

220. (1) The Board shall, as soon as may be following the making of its decision on an application for approval under sections 181B(6), 182B(5) or 182D(5) of the Act shall-

- (a) publish in an approved newspaper notice of its decision, and
- (b) notify the applicant concerned, the planning authority or authorities in whose area the development would be situated and any person or body who made a submission or observation in respect of the application for approval concerned.

(2) Notice of the decision of the Board under sub-article (1)(b) shall include-

- (a) the reference number of the application,
- (b) the development to which the decision relates,
- (c) the nature of the decision,
- (d) the date of the decision,
- (e) the main reasons and considerations on which the decision is based, and
- (f) any conditions attached to a decision, including conditions relating to community gain and the main reasons for the imposition of any such conditions.
- (g) a statement that a person may question the validity of any such decision by the Board by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with section 50 and
- (h) a statement describing where practical information on the review mechanism can be found.

Comment [i278]: Inserted by article 41 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Notice under 146C(4).

221. (1) (a) Where the requester is required to send a copy of the environmental impact statement, together with a notice, to a Member State of the European Communities or a state which is a party to the Transboundary Convention under Section 146C(4)(d) of the Act, the Board shall indicate to the requester which bodies, in which states, are to be notified.

(b) For the purposes of determining which bodies are to

Comment [i279]: Inserted by article 11 of S.I. No. 352/2010 – European Communities (Public Participation) Regulations 2010

be included under paragraph (a), the Board may consult with -

- (i) the Minister for the Environment, Heritage and Local Government.
 - (ii) the Environmental Protection Agency,
 - (iii) the Minister for Communications, Marine and Natural Resources, or
 - (iv) the relevant planning authority
- as appropriate.

(2) A notice in accordance with Section 146C(4) of the Act shall include:

- (a) a description of the development, including location,
- (b) the reference number of the initial approval or permission,
- (c) the nature and extent of the proposed alteration,
- (d) the name of the requestor, and
- (e) the types of the decision the Board may make in relation to the application.

Comment [i280]: Deleted by article 17 of S.I. No. 135/2007 – Planning and Development (No. 2) Regulations 2007

Comment [i281]: Inserted by article 41 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Application of this Part. 222.

For the avoidance of doubt, this Part shall not apply to any development where an application has been lodged prior to the coming into force of this Part.

Comment [i282]: Inserted by article 41 of S.I. No. 685/2006 – Planning and Development Regulations 2006

PART 19

APPLICATION TO AN BORD PLEANÁLA FOR SUBSTITUTE CONSENT UNDER SECTION 177E OF THE ACT

Notice of application for substitute consent

223. (1) An applicant shall within the period of 2 weeks before the making of an application for substitute consent under section 177E of the Act—

- (a) give notice of the intention to make the application in a newspaper in accordance with article 224, and
- (b) give notice of the intention to make the application by the erection or fixing of a site notice in accordance with article 225.

Comment [i283]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i284]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(2) Where the last day of the 2-week period referred to in sub-article (1) is a Saturday, Sunday, a public holiday (within the meaning of the Organisation of Working Time Act 1997 (No. 20 of 1997)), or any other day on which the offices of the Board are closed, the application shall be valid if received on the next following day on which the offices of the Board are open.

Comment [i285]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(3) The requirement of sub-article (1)(b) shall not apply in relation to an application for development consisting of the construction or erection by an electricity undertaker of overhead transmission or distribution lines for conducting electricity, or development consisting of the construction or erection by any statutory undertaker authorised to provide a telecommunications service of overhead telecommunications lines.

Comment [i286]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Notice in newspaper

224.

A notice published in accordance with article 223(1)(a) shall be published in a newspaper approved under article 18(2) by the planning authority for the area in which the development the subject of the application for substitute consent is located, shall contain as a heading “Application to An Bord Pleanála for Substitute Consent” and shall—

- (a) state the name of the applicant,
- (b) state the location, townland or postal address of the land or structure to which the application relates (as may be appropriate),
- (c) give a brief description of the nature and extent of the development, including—
 - (i) where the application relates to development consisting of or comprising the provision of houses, the number of houses provided,
 - (ii) where the application relates to development consisting of or comprising the carrying out of works to a protected structure or proposed protected structure, an indication of that fact,
 - (iii) where the application relates to development comprising or for the purposes of an activity requiring an integrated pollution prevention and control licence or a waste licence, an indication of that fact,

- (iv) where the application relates to development in a strategic development zone, an indication of that fact,
- (d) state that the application is accompanied by a remedial EIS or remedial NIS, or both of those statements, where that is the case,
- (e) state that the application and accompanying documentation may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Board and the relevant planning authority during its public opening hours and that a submission or observation in relation to the application may be made to the Board in writing within the period of 5 weeks beginning on the date of receipt by the Board of the application.

Comment [i287]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Site notice

225. (1) A site notice erected or fixed on any land or structure in accordance with article 223(1)(b) shall—
- (a) be in the form set out at Form No. 6 of Schedule 3, or a form substantially to the like effect, and
 - (b) be inscribed or printed in indelible ink on a white background, affixed on rigid, durable material and secured against damage from bad weather and other causes.

Comment [i288]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (2) The provisions of article 19(1)(c), 19(2) and 19(3), shall apply to a notice erected or fixed under sub-article (1), save that a reference to the planning authority shall be construed as a reference to the Board.

Comment [i289]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Time limits for site notice

226. In addition to the requirements of articles 223(1)(b) and 225, a site notice shall be maintained in position on the land, shall be renewed or replaced if it is removed or becomes defaced or illegible and shall not be removed by the applicant prior to notification of the Board’s decision under section 177K of the Act.

Comment [i290]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Content of applications for substitute consent generally

227. (1) An application for substitute consent shall be made in the form set out at Form No. 7 of Schedule 3, or a form substantially to the like effect.
- (2) An application for substitute consent shall, in addition to the requirements of section 177E of the Act—
- (a) be accompanied by the relevant page of the newspaper, or a copy of the relevant page, including

Comment [i291]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

the date and title of the newspaper, in which notice of the application has been published pursuant to article 223(1)(a), and a copy of the site notice erected or fixed on the land or structure pursuant to article 223(1)(b),

- (b) be accompanied by 6 copies of a location map of sufficient size and containing details of features in the vicinity such as to permit the identification of the site to which the application relates, to a scale (which shall be identified thereon) of not less than 1:1000 in built up areas and 1:2500 in all other areas, or such other scale as may be agreed with the Board prior to the submission of the application, in any particular case, and marked so as to identify clearly:
 - (i) the land or structure to which the application relates and the boundaries thereof in red,
 - (ii) any land which adjoins, abuts or is adjacent to the site the subject of the application and which is under the control of the applicant or the person who owns the land which is the subject of the application in blue,
 - (iii) any wayleaves in yellow, and
 - (iv) the position of the site notice or notices erected or fixed to the land or structure pursuant to article 223(1)(b),
- (c) be accompanied by 6 copies of such plans (including a site or layout plan and where appropriate drawings of floor plans, elevations and sections which comply with the requirements of article 23) and such other particulars, as are necessary to describe the works to which the application relates,
- (d) where the development the subject of the application involves the disposal of wastewater from the development other than to a public sewer, include information on the on-site treatment system and evidence as to the suitability of the site for the system in question,
- (e) in the case of an application for the development of houses or of houses and other development, to which section 96 of the Act applies, include

proposals as to how the applicant proposes to comply with a condition referred to in sub-section (2) of that section to which the permission, if granted, would be subject,

(f) be accompanied where appropriate by a certificate issued by the planning authority in accordance with section 97 of the Act, or if such certificate has been applied for but not issued, a copy of the application made in accordance with article 48.

Comment [i292]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(3) Where the Board consents to the making of an application for substitute consent wholly or partly in electronic form, an application for substitute consent or any part thereof may be made by the applicant in that form; where that occurs, one copy of the application or part thereof will be sufficient.

Comment [i293]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(4) The Board may, by notice in writing, require an applicant to provide additional copies, whether hard copies or an electronic copy, of any remedial EIS or remedial NIS submitted or any plan, drawing, map, photograph or other particular which accompanies the application.

Comment [i294]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Procedure on receipt of application for substitute consent

228. (1) On receipt of an application, the Board shall consider whether the applicant has complied with the requirements of articles 224, 225 and 227.

Comment [i295]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(2) Where the Board considers that an application for substitute consent complies with the requirements of section 177E(2) of the Act and articles 224, 225 and 227 it shall send to the applicant an acknowledgement of the application, stating the date of its receipt.

Comment [i296]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(3) Where, following consideration of an application for substitute consent under sub-article (1), the Board considers that the application does not comply with the requirements of section 177E(2) of the Act or articles 224, 225 and 227, and that such non-compliance constitutes a material defect in the application which cannot be readily rectified through the submission of additional documentation, the application for substitute consent shall be invalid and the Board shall return the application to the applicant with a notice stating that the application is invalid and stating the reason or reasons that the application is invalid and shall return to the applicant any fee paid with the application.

Comment [i297]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(4) Where, on inspection of the land to which the application for substitute consent relates, the Board considers that the

requirements of articles 223(1)(b), 225 or 226 have not been complied with, or the information submitted in the application is substantially incorrect or substantial information has been omitted, the application shall, notwithstanding the fact that an acknowledgement has been sent to an applicant in accordance with sub-article (2), be invalid and the Board shall return the application to the applicant with a notice stating that the application is invalid and stating the reason or reasons that the application is invalid and shall return to the applicant any fee paid with the application.

Comment [i298]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(5) Sub-articles (3) and (4) shall not apply where the Board is satisfied that the applicant complied with the provisions of articles 223, 224 and 225 but that any site notice erected by the applicant has been maliciously defaced or destroyed by any person other than the applicant.

Comment [i299]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(6) Where a notice is served on an applicant in accordance with sub-article (3), the Board shall by notice in writing inform any person or body who has made a submission or observation in accordance with article 231 and any body to whom notice was sent in accordance with article 230 of that fact.

Comment [i300]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Making the application for substitute consent available for inspection

229. (1) As soon as may be after receipt of an application for substitute consent, the Board shall make the application available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy at its offices during its public opening hours.

Comment [i301]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(2) Where a planning authority receives a copy of an application for substitute consent and all associated documentation from the Board, pursuant to section 177E(5) of the Act, it shall make the application and documentation available for inspection, or purchase at a fee not exceeding the reasonable cost of making a copy, at its offices during its public opening hours.

Comment [i302]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Notice to certain bodies

230. (1) Where the Board receives an application for substitute consent the Board shall, except in the case of an application which has been deemed invalid under article 228, as soon as may be after receipt of the application, give notice as appropriate to a body or bodies prescribed in article 28(1) and (4).

Comment [i303]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(2) Notice given by the Board pursuant to sub-article (1) shall include a copy of the application referred to in article 227(1), including any electronic copy of the

documentation as appropriate, and of the location map referred to in article 227(2)(b) and shall state-

- (a) the date of receipt by the Board of the application, and
- (b) that any submission or observation made to the Board in relation to the application before the decision is made on the application will be considered by the Board in making its decision on the application and that the Board will make its decision not earlier than 5 weeks from the date of the notice.

Comment [i304]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (3) Where a prescribed body which has been notified under sub-article (2) requests a copy of some or all of the documentation accompanying the application the Board shall make that documentation available to the prescribed body as soon as possible.

Comment [i305]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (4) The Board shall acknowledge any submissions or observations from prescribed bodies as soon as may be after receipt thereof.

Comment [i306]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (5) Where a prescribed body to whom notice is sent pursuant to sub-article (1) does not make a submission or observation in relation to an application for substitute consent within a period of 5 weeks beginning on the date of receipt of the application by the Board, the Board may determine the application without further notice to that body.

Comment [i307]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (6) (a) The Board may, with the consent of any person or body referred to in sub-article (1), send notice under that sub-article, in electronic form.

- (b) Where the Board so consents, a submission or observation referred to in sub-article (2)(b) may be made in electronic form.

Comment [i308]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Submissions or observations in relation to an application for substitute consent

- 231. (1) (a) Any person or body may make a submission or observation in writing to the Board in relation to an application within the period of 5 weeks beginning on the date of receipt by the Board of the application.
- (b) Any submission or observation received shall—
 - (i) state the name and address of the person or body making the submission or observation,

and

- (ii) indicate the address to which any correspondence relating to the application should be sent.

Comment [i309]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (2) Subject to article 228, the Board shall acknowledge any submissions or observations received under sub-article (1) as soon as may be after receipt thereof.

Comment [i310]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (3) Where a submission or observation, under this article, is received by the Board after the period of 5 weeks beginning on the date of receipt of the application, the Board shall return to the person or body concerned the submission or observation received, and notify the person or body that the submission or observation cannot be considered by the Board.

Comment [i311]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (4) Where the Board so consents, a submission or observation under sub-article (1) may be made in electronic form.

Comment [i312]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Allowance for Public Holidays, etc

232. Where a requirement of these regulations requires submissions, observations or a request to be made, or documents, particulars or other information to be submitted to the Board within a specified period and the last day of that period is a public holiday (within the meaning of the Organisation of Working Time Act, 1997) or any other day on which the offices of the Board are closed, the submissions, observations or request or documents, particulars or other information (as the case may be) shall be regarded as having been received before the expiration of that period if received by the Board on the next following day on which the offices of the Board are open.

Comment [i313]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Further Information

233. (1) Where the Board acknowledges receipt of an application for substitute consent in accordance with article 228, it may, by notice in writing require the applicant—
- (a) to submit any further information (including any plans, maps or drawings, or any information as to any estate or interest in or right over land) which the Board considers necessary to enable it to deal with the application, or
- (b) to produce any evidence which the Board may reasonably require to verify any particulars or information given in, or in relation to, the application.

Comment [i314]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

		(2)	Where a requirement for further information under sub-article (1) is not complied with within the period of 6 months from the date of that requirement, or such additional period as may be agreed by the Board, the application shall be deemed to be withdrawn and the Board shall, as soon as may be, notify the applicant that the application has been deemed to be withdrawn.		Comment [i315]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011
<i>Minimum period for determination of an application for substitute consent</i>	234.		The Board shall not determine an application for substitute consent until after a period of 5 weeks, beginning on the date of receipt of an application, has elapsed.		Comment [i316]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011
<i>Notification of decision on an application for substitute consent</i>	235.		Notification of a decision by the Board in respect of an application for substitute consent shall be given to the applicant and to any other person or body who made a submission or observation in accordance with article 230 or 231 as soon as possible after the decision and shall specify—		
		(a)	the development to which the decision relates,		
		(b)	the nature of the decision,		
		(c)	the date of the decision,		
		(d)	any conditions attached thereto,		
		(e)	the main reasons and considerations on which the decision is based, and, where conditions are imposed in relation to a grant of consent, the main reasons for the imposition of such conditions,		
		(f)	that, in deciding an application, the Board, in accordance with section 177K(2)(f) of the Act, has had regard to submissions or observations received in accordance with these Regulations,		
		(g)	in the case of a decision to give consent for a structure and to specify the purposes for which the structure may or may not be used — such purposes.		Comment [i317]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

PART 20

APPROPRIATE ASSESSMENT

CHAPTER 1

General

- Outline Application* 236. (1) In addition to the provisions of article 21, an outline application may not be made in respect of development which requires an NIS.
- (2) Where a planning authority receives an outline application, or the Board an appeal in respect of such an application, in relation to development which would, in its opinion, be likely to have a significant effect on a European site, it shall as soon as may be after receipt of the application or appeal, as appropriate, by notice in writing—
- (a) inform the applicant that an outline application may not be made in respect of the development, and
- (b) indicate that the authority or the Board, as appropriate, considers that the development would be likely to have a significant effect on a European site, and that an application for permission to the authority, accompanied by a Natura impact statement, would be required for such development.
- (3) The provisions of sub-articles (3) and (4) of article 96 shall apply in case where the planning authority, or the Board, issues a notice under sub-article (2) of this article.
- Submission of NIS with planning application* 237. Where an applicant for permission under Part III of the Act considers that the proposed development would be likely to have a significant effect on a European site he or she may, in addition to the documents specified in article 22, furnish an NIS to the planning authority.
- Copies of NIS* 238. Where an NIS is required to be submitted, pursuant to a requirement under section 177T(5) of the Act, or is submitted by the applicant pursuant to article 237, to—
- (a) a planning authority in connection with a planning application, or
- (b) the Board in connection with an appeal,
- the applicant for permission shall submit 10 copies and

Comment [i318]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i319]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i320]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i321]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

one electronic copy of the NIS.

Comment [i322]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

CHAPTER 2

Planning Applications

Comment [i323]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Newspaper notice 239.

In addition to the requirements of article 18, where a planning application will be accompanied by an NIS, a notice under article 17(1)(a) shall state—

- (a) that a Natura impact statement will be submitted to the planning authority with the application, and
- (b) that the Natura impact statement will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the office of the relevant planning authority.

Comment [i324]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Further notice where planning authority requires NIS

240.

- (1) Where a planning application is not accompanied by an NIS, and an NIS is required by the planning authority under 177T(5) of the Act, the applicant shall, not more than 2 weeks before submitting the NIS, publish notice of the intention to submit the NIS in at least one newspaper approved under article 18(2).

Comment [i325]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (2) Where an applicant is required to publish a notice pursuant to sub-article (1) the provision of sub-articles (2) to (5) of article 105 shall apply save that a reference to an EIS shall be construed as a reference to a Natura impact statement and a reference to article 103 shall be construed as a reference to section 177T(5) of the Act.

Comment [i326]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Weekly list

241.

A list referred to in article 27 shall identify any application in respect of which—

- (a) a Natura impact statement has been received by the planning authority with a planning application,
- (b) a notice has been served by the planning authority under 177T(5), or
- (c) a Natura impact statement has been received by the planning authority pursuant to a notice under 177T(5).

Comment [i327]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Notice of NIS

242.

Where an application is accompanied by an NIS, or where an NIS has been received by the planning authority pursuant to a notice under 177T(5), the

provisions of sub-articles (1) and (2), respectively, of article 107 shall apply, save that any reference to an EIS shall be construed as a reference to an NIS and any reference to article 103 shall be construed as reference to section 177T(5) of the Act.

Adequacy of NIS and further information

243. (1)

A planning authority shall consider whether an NIS submitted in respect of a planning application complies with section 177T of the Act and where a planning authority decides that an NIS does not comply with section 177T the authority shall require the applicant to submit such further information as may be necessary to comply with that section.

Comment [i328]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(2)

Where an NIS is submitted to a planning authority following a requirement of the planning authority under section 177T(5), the planning authority may, irrespective of whether it has already sought further information under article 33, within 8 weeks of receipt of the NIS seek further information in relation to the NIS, and in such case the provisions of article 35 shall apply where relevant.

Comment [i329]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i330]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

CHAPTER 3

Appeals

Newspaper notice

244.

Where an NIS is required by the Board pursuant to section 177T(5) of the Act the provisions of article 112 shall apply save that a reference to an EIS shall be construed as a reference to a Natura impact statement and a reference to article 109(1) or (2) shall be construed as a reference to section 177T(5).

Comment [i331]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Notice of further information

245.

Where an appeal involves an NIS, and the Board considers that any submission, observation, document, particulars or other information submitted to it in response to a request or requirement of the Board contains significant additional information on the effects on a European site of the proposed development, the Board shall publish, in at least one approved newspaper, a notice stating that:

Comment [i332]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (a) significant additional information on the effects on a European site of the proposed development has been furnished to the Board, and
- (b) that the further information will be available for inspection or for purchase at a fee not exceeding the

reasonable cost of making a copy during office hours at the offices of the Board or such other places as the Board may specify and that a submission or observation on the further information may be made in writing to the Board within a specified period on payment of the appropriate fee.

Comment [i333]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Availability of NIS at offices of Board 246.

An NIS received by the Board in connection with an appeal shall, as soon as may be following receipt of the NIS, be made available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the Board or such other places as the Board may specify.

Comment [i334]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Availability of NIS at offices of planning authority 247.

(1) Where an NIS is sent to the Board pursuant to section 177T(5) of the Act, the Board shall send a copy to the relevant planning authority.

Comment [i335]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(2) The planning authority shall, as soon as may be following receipt of an NIS under sub-article (1), make the NIS available for inspection or purchase for a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the authority until the appeal is withdrawn or is dismissed or determined by the Board or, in the case of an appeal referred to in section 139 of the Act, a direction is given to the authority in relation to that appeal.

Comment [i336]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Board's weekly list 248.

Where a planning authority sends an NIS to the Board in accordance with the requirements of section 128 of the Act, the list made available by the Board under article 72(2) shall indicate that fact.

Comment [i337]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

CHAPTER 4

Local Authority Development

Comment [i338]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Application to An Bord Pleanála for approval 249.

When making an application for approval to the Board under section 177AE of the Act, a local authority shall send to the Board—

- (a) 3 copies of the plans and particulars of the proposed development,
- (b) 3 copies of the NIS for the proposed development,
- (c) a copy of the notice published under section 177AE(4)(a) of the Act, and

Screening for appropriate assessment

- (d) a list of the bodies to which notice was sent under section 177AE(4)(b) of the Act, a copy of each notice and an indication of the date on which the notice was sent.

Comment [i339]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

250. (1) In order to ascertain whether an appropriate assessment is required in respect of a development which it proposes to carry out a local authority shall carry out a screening of the proposed development to assess, in view of best scientific knowledge, if the development, individually or in combination with other plans or projects, would be likely to have a significant effect on a European site.

Comment [i340]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (2) If on the basis of a screening under sub- article (1) it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, would have a significant effect on a European site, the local authority shall determine that an appropriate assessment of the proposed development is required and shall prepare an NIS in respect of the proposed development and shall submit the proposed development to the Board for approval under section 177AE of the Act.

Comment [i341]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (3) (a) The Board shall, where it considers that an application for development proposed to be carried out by a local authority would be likely to have a significant effect on a European site, require the local authority to prepare, or cause to be prepared, an NIS in respect thereof.
- (b) Where any person considers that a development proposed to be carried out by a local authority would be likely to have a significant effect on a European site, he or she may apply to the Board for a determination as to whether the development would be likely to have such significant effect and the Board shall make a determination on the matter as soon as possible.
- (c) An application for a determination under paragraph (b), in order to be considered by the Board, shall state the reasons for the forming of the view that the development would be likely to have a significant effect on a European site.
- (d) Where Board makes a determination under paragraph (b) that a development would be likely to have a significant effect on a European site it shall

require the local authority to prepare, or cause to be prepared, an NIS in respect thereof.

(e) For the purposes of paragraphs (a) and (b), a local authority shall provide information requested by the Board in relation to development proposed to be carried out by the local authority.

Comment [i342]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(4) Where an NIS is prepared, or caused to be prepared, by a local authority under sub-article (3), the authority concerned shall apply to the Board for approval.

Comment [i343]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(5) An application for approval under sub-article (4) shall be deemed to be an application for approval under section 177AE of the Act and the provisions of that section shall apply to the application.

Comment [i344]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(6) Where a local authority makes a determination under sub-article (1) that a proposed development would not be likely to have a significant effect on a European site, it shall, in addition to the documents specified in article 83, make the determination, including the main reasons and considerations on which the determination is based, available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy, in accordance with that article.

Comment [i345]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Notice to certain Bodies

251. The prescribed authorities for the purposes of section 177AE(4) of the Act shall be the same as those prescribed for the purposes of section 175(4) of the Act as set out in article 121.

Comment [i346]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Content of decision

252. A decision by the Board on an application for approval under section 177AE of the Act shall state the main reasons and considerations on which the decision is based.

Comment [i347]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Notice of Board's decision on application for approval

253. (1) The Board shall, as soon as may be following the making of its decision on an application for approval under section 177AE of the Act notify the local authority concerned, and any person or body who made a submission or observation in accordance with section 177AE(4) of the Act, of its decision.

Comment [i348]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

(2) A local authority shall, as soon as may be following receipt of notification from the Board under sub-article (1), make a copy of the decision and the relevant NIS available for inspection or purchase, for a fee not exceeding the reasonable cost of making a copy, during office hours at the offices of the local authority.

Comment [i349]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

CHAPTER 5

Development by a State authority prescribed under section 181 of the Act

Screening for appropriate assessment

254. (1) In order to ascertain whether an appropriate assessment is required in respect of a proposed development prescribed under section 181 of the Act a State authority shall carry out a screening of the proposed development to assess, in view of best scientific knowledge, if that proposed development, individually or in combination with other plans or projects, is likely to have a significant effect on a European site.
- (2) If on the basis of a screening under sub-article (1) it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, would have a significant effect on a European site, the State authority shall determine that an appropriate assessment of the proposed development is required and shall prepare an NIS in respect of the proposed development and shall submit the proposed development to the Board for approval under section 181A of the Act.
- (3) (a) The Board shall, where it considers that development proposed to be carried out by a State authority under section 181 of the Act would be likely to have a significant effect on a European site, require the State authority to prepare, or cause to be prepared, an NIS in respect thereof.
- (b) Where any person considers that a development proposed to be carried out by a State authority under section 181 of the Act would be likely to have a significant effect on a European site, he or she may apply to the Board for a determination as to whether the development would be likely to have such significant effect and the Board shall make a determination on the matter as soon as possible.
- (c) An application for a determination under paragraph (b), in order to be considered by the Board, shall state the reasons for the forming of the view that the development would be likely to have a significant effect on a European site.
- (d) Where Board makes a determination under paragraph (b) that a development would be likely to have a significant effect on a European site it shall require the State authority to prepare, or cause to be

Comment [i350]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i351]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i352]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

prepared, an NIS in respect thereof.

- (e) For the purposes of paragraphs (a) and (b), a State authority shall provide information requested by the Board in relation to development proposed to be carried out by the State authority.

Comment [i353]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (4) Where an NIS is prepared, or caused to be prepared, by a State authority under sub-article (3), the authority concerned shall apply to the Board for approval.

Comment [i354]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (5) An application for approval under sub-article (4) shall be deemed to be an application for approval under section 181A of the Act and the provisions of that section shall apply to the application.

Comment [i355]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (6) Where a State authority makes a determination under sub-article (1) that a proposed development would not be likely to have a significant effect on a European site, it shall, in addition to the documents specified in article 89, make the determination, including the main reasons and considerations on which the determination is based, available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy, in accordance with that article.

Comment [i356]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

PART 21

ADDITIONAL NOTICE REQUIRED BY THE PLANNING AUTHORITY UNDER SECTION 34(8)(f)(vi)(VI) OF THE ACT

Additional Notice

255. (1) Where the provisions of section 34(8)(f)(vi)(VI) of the Act apply to a planning application, the planning authority shall by notice in writing require the applicant to publish notice in a newspaper in accordance with article 256 and to erect a site notice in accordance with article 257, and to forward a copy of the notices to the planning authority, within the period specified by the planning authority (which period shall not be less than 4 weeks).

Comment [i357]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (2) Where the applicant fails to comply with the notice issued by the planning authority under sub-article (1) within the period specified by the planning authority, the planning application shall be deemed to be withdrawn.

Comment [i358]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Notice in newspaper

256. A newspaper notice published in accordance with article 255 shall be published in a newspaper approved for this purpose in accordance with article 18(2), shall contain as

Comment [i359]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

a heading the name of the planning authority concerned and shall state—

- (a) the name of the applicant;
- (b) the reference number of the planning application in the register;
- (c) a brief description of the proposed development;
- (d) that the planning authority has failed to decide the planning application within 1 year of the period for deciding the application under section 34 of the Planning and Development Act 2000, as amended;
- (e) that the planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours;
- (f) that a submission or observation in relation to the application may be made without charge to the authority in writing within the period of 5 weeks beginning on the date of receipt by the authority of copies of the newspaper and site notices under article 255(1) and that such submissions or observations will be considered by the planning authority in making a decision on the application.

Site notice 257.

A site notice erected or fixed on any land or structure in accordance with article 255 shall be in the form set out at Form No. 8 of Schedule 3, or a form substantially to the like effect and shall comply with sub-articles (1)(b) and (c), and (2) of article 19.

Comment [i360]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Time limits for site notice 258.

In addition to the requirements of article 257, a site notice shall be maintained in position on the land or structure concerned until the application is decided by the planning authority, shall be renewed or replaced if it is removed or becomes defaced or illegible within that period and shall be removed by the applicant following the notification of the planning authority decision.

Comment [i361]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Notice to certain bodies 259.

Where a planning authority requests the applicant to publish additional notice pursuant to section 34(8)(f)(vi)(VI) of the Act, it shall give notice as appropriate to a body or bodies prescribed in article 28(1) and the provisions of article 28(2) to (7) shall also apply to the giving of such notice.

Comment [i362]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i363]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Submissions or observations in relation to additional notice

260. (1) (a) Any person or body, may make a submission or observation in writing to the planning authority without charge in relation to an application to which this Part applies within the period of 5 weeks beginning on the date of receipt by the authority of copies of the newspaper and site notices in accordance with article 255(1).
- (b) Any submission or observation received shall—
- (i) state the name and address of the person or body making the submission or observation, and
- (ii) indicate the address to which any correspondence relating to the application should be sent.

Comment [i364]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (2) The planning authority shall acknowledge any submissions or observations, as soon as may be after receipt, in the form set out at Form No. 3 of Schedule 3, or a form substantially to the like effect, save that reference to a fee shall be deleted.

Comment [i365]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (3) Where a submission or observation, under this article, is received by the planning authority after the period of 5 weeks beginning on the date of the planning authority's requirement for additional notice under article 255, the authority shall return to the person or body concerned the submission or observation received and shall notify the person or body that the submission or observation cannot be considered by the authority.

Comment [i366]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (4) The provisions of article 29(4) and article 29A shall also apply to submissions made under this Part.

Comment [i367]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Further information

261. (1) Where further information or evidence is supplied to the planning authority by an applicant pursuant to a request under section 34(8)(f)(vi)(VI) of the Act, the planning authority shall not require the applicant to submit any further information save as may be reasonably necessary to clarify the matters dealt with in the applicant's response.

Comment [i368]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

- (2) Where a requirement to produce further information or evidence pursuant to section 34(8)(f)(vi)(VI) of the Act, or to provide clarification of such information or evidence under sub-article (1), is not complied with within 6 months of the request under section 34(8)(f)(vi)(VI), the planning application shall be

Notification of a
decision under this
Part

262.

deemed to be withdrawn.

(3)

The provisions of article 35 shall apply to information received by the planning authority pursuant to a request under section 34(8)(f)(vi)(VI) of the Act.

The provisions of article 31 shall also apply in case of persons who made submissions or observations in accordance with article 260.

Comment [i369]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i370]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Comment [i371]: Inserted by article 26 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

SCHEDULE 1

Article 4

REGULATIONS REVOKED

Number and Year	Title
350 of 2000	Planning and Development Regulations, 2000.
457 of 2000	Planning and Development (No. 2) Regulations, 2000.
154 of 2001	Planning and Development (Licensing of Outdoor Events) Regulations, 2001.
336 of 2001	Planning and Development (Appointment of Chairperson and Ordinary Members of An Bord Pleanála) Regulations, 2001.

SCHEDULE 2

ARTICLE 6

PART 1

Exempted Development — General

Column 1 Description of Development	Column 2 Conditions and Limitations
<p><i>Development within the curtilage of a house</i></p> <p>CLASS 1 The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</p> <p>2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October</p>

	<p>1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.</p> <p>(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.</p> <p>(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.</p> <p>5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.</p> <p>6. (a) Any window proposed at ground</p>
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	<p>level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
<p>CLASS 2</p> <p>(a) The provision as part of a heating system of a house, of a chimney or flue, boiler house or fuel storage tank or structure.</p> <p>(b) The construction, erection or placing within the curtilage of a house of a wind turbine.</p>	<p>The capacity of an oil storage tank shall not exceed 3,500 litres.</p> <p>1. The turbine shall not be erected on or attached to the house or any building or other structure within its curtilage.</p> <p>2. The total height of the turbine shall not exceed 13 metres.</p> <p>3. The rotor diameter shall not exceed 6 metres.</p> <p>4. The minimum clearance between the lower tip of the rotor and ground level shall not be less than 3 metres.</p> <p>5. The supporting tower shall be a distance of not less than the total structure height (including the blade of the turbine at the highest point of its arc) plus one metre from any party boundary.</p> <p>6. Noise levels must not exceed 43db(A) during normal operation, or in excess of 5db(A) above the background noise,</p>

<p>(c) The installation or erection of a solar panel on, or within the curtilage of a house, or any buildings within the curtilage of a house.</p>	<p>whichever is greater, as measured from the nearest neighbouring inhabited dwelling.</p> <ol style="list-style-type: none"> 7. No more than one turbine shall be erected within the curtilage of a house. 8. No such structure shall be constructed, erected or placed forward of the front wall of a house. 9. All turbine components shall have a matt, non-reflective finish and the blade shall be made of material that does not deflect telecommunication signals. 10. No sign, advertisement or object, not required for the functioning or safety of the turbine shall be attached to or exhibited on the wind turbine. <ol style="list-style-type: none"> 1. The total aperture area of any such panel, taken together with any other such panel previously placed on or within the said curtilage, shall not exceed 12 square metres or 50% of the total roof area, whichever is the lesser. 2. The distance between the plane of the wall or a pitched roof and the panel shall not exceed 15 centimetres. 3. The distance between the plane of a flat roof and the panel shall not exceed 50 centimetres. 4. The solar panel shall be a minimum of 50cm from any edge of the wall or roof on which it is mounted. 5. The height of a free-standing solar array shall not exceed 2 metres, at its highest point, above ground level. 6. A free-standing solar array shall not be placed on or forward of the front wall of a house. 7. The erection of any free standing solar array shall not reduce the area of private
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<p>(d) The installation on or within the curtilage of a house of a ground heat pump system (horizontal and vertical) or an air source heat pump.</p>	<p>open space, reserved exclusively for the use of the occupants of the house, to the rear or to the side of the house to less than 25 square metres.</p> <ol style="list-style-type: none"> 1. The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground. 2. The total area of such a heat pump, taken together with any other such pump previously erected, shall not exceed 2.5 square metres. 3. The heat pump shall be a minimum of 50cm from any edge of the wall or roof on which it is mounted. 4. No such structure shall be erected on, or forward of, the front wall or roof of the house. 5. Noise levels must not exceed 43db(A) during normal operation, or in excess of 5db(A) above the background noise, whichever is greater, as measured from the nearest neighbouring inhabited dwelling.
<p>CLASS 3 The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.</p>	<ol style="list-style-type: none"> 1. No such structure shall be constructed, erected or placed forward of the front wall of a house. 2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres. 3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.

Comment [i372]: Substituted by article 2 of S.I. No. 83/2007 – Planning and Development Regulations 2007

	<ol style="list-style-type: none"> 4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house. 5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres. 6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.
<p>CLASS 4</p> <p>(a) The erection of a wireless or television antenna, other than a satellite television signal receiving antenna, on the roof of a house.</p> <p>(b) The erection on or within the curtilage of a house, of a dish type antenna used for the receiving and transmitting of signals from satellites.</p>	<p>The height of the antenna above the roof of the house shall not exceed 6 metres.</p> <ol style="list-style-type: none"> 1. Not more than one such antenna shall be erected on, or within the curtilage of a house. 2. The diameter of any such antenna shall not exceed 1 metre. 3. No such antenna shall be erected on, or forward of, the front wall of the house. 4. No such antenna shall be erected on the front roof slope of the house or higher than the highest part of the roof of the house.
<p>CLASS 5</p> <p>The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.</p>	<ol style="list-style-type: none"> 1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.

	<p>2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.</p> <p>3. No such structure shall be a metal palisade or other security fence.</p>
<p>CLASS 6</p> <p>(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.</p> <p>(b) Any works within the curtilage of a house for—</p> <p>(i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,</p> <p>(ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.</p>	<p>The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.</p> <p>Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, whichever is the smaller,</p> <p>or</p> <p>if the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.</p>

Comment [i373]: Substituted by article 6 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

<p>CLASS 7 The construction or erection of a porch outside any external door of a house.</p>	<ol style="list-style-type: none"> 1. Any such structure shall be situated not less than 2 metres from any road. 2. The floor area of any such structure shall not exceed 2 square metres. 3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.
<p>CLASS 8 The keeping or storing of a caravan, campervan or boat within the curtilage of a house.</p>	<ol style="list-style-type: none"> 1. Not more than one caravan, campervan or boat shall be so kept or stored. 2. The caravan, campervan or boat shall not be used for the storage, display, advertisement or sale of goods or for the purposes of any business. 3. No caravan, campervan or boat shall be so kept or stored for more than 9 months in any year or occupied as a dwelling while so kept or stored.
<p><i>Sundry Works</i></p> <p>CLASS 9 The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.</p>	<p>The height of any such structure shall not exceed 2 metres.</p>
<p>CLASS 10 The plastering or capping of any wall of concrete blocks or mass concrete.</p>	
<p>CLASS 11 The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of –</p> <p>(a) any fence (not being a hoarding or sheet metal fence), or</p>	<ol style="list-style-type: none"> 1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.

<p>(b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.</p>	<p>2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.</p>
<p>CLASS 12 The painting of any external part of any building or other structure.</p>	<p>Such painting may not, except in the case of a hoarding or other temporary structure bounding land on which development consisting of works is being or will be carried out in pursuance of a permission granted under Part III of the Act or as exempted development, be for the purposes of creating a mural.</p>
<p>CLASS 13 The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.</p>	<p>The width of any such private footpath or paving shall not exceed 3 metres.</p>
<p><i>Change of use</i></p> <p>CLASS 14 Development consisting of a change of use—</p> <p>(a) from use for the sale of hot food for consumption off the premises, or for the sale or leasing or display for sale or leasing of motor vehicles, to use as a shop,</p> <p>(b) from use as a public house, to use as a shop,</p> <p>(c) from use for the direction of funerals, as a funeral home, as an amusement arcade or a restaurant, to use as a shop,</p>	

<p>(d) from use to which class 2 of Part 4 of this Schedule applies, to use as a shop,</p> <p>(e) from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,</p> <p>(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.</p>	<p>The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.</p>
<p><i>Temporary structures and uses</i></p> <p>CLASS 15 Occasional use for social or recreational purposes of any school, hall, club, art gallery, museum, library, reading room, gymnasium or any structure normally used for public worship or religious instruction.</p>	
<p>CLASS 16 The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out.</p>	<p>Such structures, works, plant or machinery shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.</p>
<p>CLASS 17 The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development (other than mining) is being, or is about to be carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development, of temporary on-site accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the</p>	<p>Such accommodation shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by the permission, consent, approval or confirmation granted under the Act or any other enactment.</p>

period in which it is being carried out.	
<p>CLASS 18 The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of mining is to be carried out pursuant to a permission under the Act, of structures, works, plant or machinery needed temporarily in connection with preparation for the development.</p>	Such structures, works, plant or machinery shall be removed when commissioning of the mine, and any ancillary structures or facilities, has been completed pursuant to a permission under the Act.
<p>CLASS 19 Development consisting of the provision, construction or erection by or on behalf of a State authority of temporary structures or other temporary facilities required in connection with a visit of a dignitary or delegation.</p>	The temporary structures and facilities shall be removed after the conclusion of the visit and the land concerned shall be reinstated.
<p>CLASS 20 The use of premises in connection with an election to the office of President of Ireland, an election of members of Dáil Éireann, the Parliament of the European Communities, a local authority or Údarás na Gaeltachta, or a referendum within the meaning of the Referendum Act, 1994 (No. 12 of 1994).</p>	The use shall be discontinued after a period not exceeding 30 days.
<p>Column 1 Description of Development</p>	<p>Column 2 Conditions and Limitations</p>
<p>CLASS 20A The erection of a mast for mapping meteorological conditions.</p>	<ol style="list-style-type: none"> 1. No such mast shall be erected for a period exceeding 15 months in any 24 month period. 2. The total mast height shall not exceed 80 metres. 3. The mast shall be a distance of not less than: <ol style="list-style-type: none"> (a) the total structure height plus:

Comment [i374]: Inserted by article 5 of S.I. No. 235/2008 – Planning and Development Regulations 2008

	<ul style="list-style-type: none"> (i) 5 metres from any party boundary, (ii) 20 metres from any non-electrical overhead cables, (iii) 20 metres from any 38kV electricity distribution lines, (iv) 30 metres from the centreline of any electricity transmission line of 110kV or more. <p>(b) 5 kilometres from the nearest airport or aerodrome, or any communication, navigation and surveillance facilities designated by the Irish Aviation Authority, save with the consent in writing of the Authority and compliance with any condition relating to the provision of aviation obstacle warning lighting.</p> <p>4. Not more than one such mast shall be erected within the site.</p> <p>5. All mast components shall have a matt, non-reflective finish and the blade shall be made of material that does not deflect telecommunications signals.</p> <p>6. No sign, advertisement or object, not required for the functioning or safety of the mast shall be attached to or exhibited on the mast.</p>
<p>CLASS 20B The erection on land on which development consisting of the construction of a school is to be carried out pursuant to a permission or outline permission under the Act of temporary on-site school structures.</p>	<ul style="list-style-type: none"> 1. No such structure shall be erected for a period exceeding 5 years. 2. The gross floor area of such structure shall not exceed 50% of the gross floor area of the school to be constructed pursuant to the permission under the Act. 3. No such structure shall be above the ground floor. 4. Such structure shall comply with the

Comment [1375]: Inserted by article 5 of S.I. No. 235/2008 – Planning and Development regulations 2008

	<p>Department of Education and Science Primary and Post Primary Technical Guidance Documents for the time being in force.</p>
<p>CLASS 20C Temporary use as a school of any structure formerly used as a school, hall, club, art gallery, museum, library, reading room, gymnasium or any structure normally used for religious instruction.</p>	<ol style="list-style-type: none"> 1. The use shall be discontinued after a period not exceeding 2 years. 2. Such structure shall comply with the Department of Education and Science Primary and Post Primary Technical Guidance Documents for the time being in force.
<p><i>Development for industrial purposes</i></p> <p>CLASS 21</p> <p>(a) Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process, or on land used as a dock, harbour or quay for the purposes of any industrial undertaking—</p> <ol style="list-style-type: none"> (i) the provision, rearrangement, replacement or maintenance of private ways or private railways, sidings or conveyors, (ii) the provision, rearrangement, replacement or maintenance of sewers, mains, pipes, cables or other apparatus, (iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery. <p>(b) Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the</p>	<ol style="list-style-type: none"> 1. Any such development shall not materially alter the external appearance of the premises of the undertaking. 2. The height of any plant or machinery, or any structure in the nature of plant or machinery, shall not exceed 15 metres above ground level or the height of the plant, machinery or structure replaced, whichever is the greater.

Comment [i376]: Inserted by article 5 of S.I. No. 235/2008 – Planning and Development Regulations 2008

Comment [i377]: Inserted by article 5 of S.I. No. 235/2008 – Planning and Development 2008

<p>industrial process carried on in the building.</p>	
<p>CLASS 22 Storage within the curtilage of an industrial building, in connection with the industrial process carried on in the building, of raw materials, products, packing materials or fuel, or the deposit of waste arising from the industrial process.</p>	<p>The raw materials, products, packing materials, fuel or waste stored shall not be visible from any public road contiguous or adjacent to the curtilage of the industrial building.</p>
<p><i>Development by statutory undertakers</i></p> <p>CLASS 23 The carrying out by any railway undertaking of development required in connection with the movement of traffic by rail in, on, over or under the operational land of the undertaking, except—</p> <p>(a) the construction or erection of any railway station or bridge, or of any residential structure, office or structure to be used for manufacturing or repairing work, which is not situated wholly within the interior of a railway station, or</p> <p>(b) the reconstruction or alteration of any of the aforementioned structures so as materially to affect the design or external appearance thereof.</p>	<p>Any car park provided or constructed shall incorporate parking space for not more than 60 cars.</p>
<p>CLASS 24 The carrying out by any harbour authority of development of the following description—</p> <p>(a) works authorised by a harbour works order in pursuance of section 134 of the Harbours Act, 1946 (No. 9 of 1946), which consist of the construction, reconstruction, extension or removal of docks, graving docks, quays, wharves, jetties, piers, embankments, break-waters,</p>	

<p>roads, viaducts, tram-ways, railways or aerodromes (but not the construction or erection of sheds, transit sheds, transshipment sheds, silos, stores and other structures or the reconstruction or alteration of such excepted structures so as materially to affect the design or external appearance thereof), or</p> <p>(b) the cleaning, scouring, deepening, improving or dredging of the harbour or the approaches thereto or the removal of any obstruction within the limits of the harbour, and the use of land for the disposal of dredged material in accordance with an objective in a development plan for the area in which the land is situated.</p>	
<p>CLASS 25 The carrying out—</p> <p>(a) pursuant to and in accordance with a consent given by the Minister for Public Enterprise under section 8 of the Gas Act, 1976 (No. 30 of 1976), by the Irish Gas Board of development consisting of the construction of underground pipelines for the transmission of gas (but not the construction or erection of any apparatus, equipment or other thing ancillary to such a pipeline save cathodic protection equipment and marker posts),</p> <p>(b) pursuant to and in accordance with an order made by the Minister for Public Enterprise under section 2 of the Gas (Amendment) Act, 1987 (No. 9 of 1987), by the Irish Gas Board of development consisting of the laying underground of mains, pipes, cables or other apparatus,</p> <p>(c) in accordance with any requirements of the Minister for Public Enterprise or the Marine and Natural Resources,</p>	

<p>as the case may be under section 40 of the Gas Act, 1976, of development consisting of the construction of an underground pipeline for the transmission of gas (but not the construction or erection of any apparatus, equipment or other thing ancillary to such a pipeline save cathodic protection equipment and marker posts), or</p> <p>(d) by any gas undertaking (other than the Irish Gas Board) of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking.</p>	
<p>CLASS 26 The carrying out by any undertaker authorised to provide an electricity service of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking.</p>	
<p>CLASS 27 The carrying out by any undertaker authorised to provide an electricity service of development consisting of the construction of over-head transmission or distribution lines for conducting electricity at a voltage not exceeding a nominal value of 20kV.</p>	
<p>CLASS 28 The carrying out by any undertaker authorised to provide an electricity service of development for the purposes of the undertaking consisting of the construction or erection of an overhead transmission line not more than 40 metres from a position in respect of which permission for such line was granted and which otherwise complies with such permission, but not a line in respect of which a condition attached to the relevant permission</p>	

Comment [i378]: Amended by article 7 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

Comment [i379]: Amended by article 7 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

Comment [i380]: Amended by article 7 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

<p>imposed a contrary requirement.</p>	
<p>CLASS 29 The carrying out by any electricity undertaking of development consisting of the construction or erection of a unit substation (excluding a charging point for electric vehicles) or minipillar for the distribution of electricity at a voltage not exceeding a nominal value of 20kV.</p>	<p>The volume above ground level of any such unit substation or minipillar shall not exceed 11 cubic metres, measured externally.</p>
<p>CLASS 29A The carrying out by any electricity undertaking of development consisting of the construction or erection of a charging point for electric vehicles.</p>	<ol style="list-style-type: none"> 1. The volume above ground level of any such charging point shall not exceed 3 cubic metres, measured externally. 2. The volume above ground level of any such charging point, when located on a public road, shall not exceed 0.5 cubic metres, measured externally. 3. No advertising matter or signage at or adjoining such charging point shall be exhibited, other than for identification, instructions and contact details for the use thereof.
<p>CLASS 30 The carrying out by An Post — The Post Office of development consisting of the provision of—</p> <ol style="list-style-type: none"> (a) pillarboxes or other forms of letter box, (b) roadside boxes for the delivery of mail, (c) deposit boxes for the temporary storage of mail for local delivery, or (d) machines for the supply of stamps or printed postage labels. 	
<p>CLASS 31 The carrying out by a statutory undertaker</p>	

Comment [i382]: Amended by article 4 of S.I. No. 219/2013 – Planning and Development (Amendment) Regulations 2013

Comment [i381]: Amended by article 4 of S.I. No. 219/2013 – Planning and Development (Amendment) Regulations 2013

Comment [i383]: Inserted by article 5 of S.I. No. 219/2013 – Planning and Development (Amendment) Regulations 2013

<p>authorised to provide a telecommunications service of development consisting of the provision of—</p> <p>(a) underground telecommunications structures or other underground telecommunications works (including the laying of mains and cables and the installation underground of any apparatus or equipment),</p> <p>(b) overhead telecommunications including the erection of poles or other support structures or the use of existing poles or other support structures,</p> <p>(bb) The attachment to a pole or other support structure referred to in paragraph (b) above of any bracket, clamp or other fixture required for the carrying or support of any cable (including fibre optic cable), wire, tube, pipe, duct or similar thing, or required for the carrying or support</p>	<ol style="list-style-type: none"> 1. Poles or other support structures carrying overhead lines shall not exceed 10 metres in height. 2. Poles or other support structures carrying other equipment shall not exceed 10 metres in height and 0.6 metres in diameter measured at the widest point, where "other equipment" means one transmitting or receiving dish (the diameter of which shall not exceed 0.3 metres), or one panel antenna (the dimensions of which shall not exceed 0.5 metres in length x 0.3 metres in width x 0.2 metres in depth) used for the provision of a specific telecommunications service and the provision of which would otherwise require an additional pole route carrying overhead wires. 3. Where a pole or poles or other support structures carry radio transmitting or receiving apparatus, the field strength of the non-ionising radiation emissions from that installation shall not exceed the limits specified by the Director of Telecommunications Regulation. <p>The dimensions of any such device should not exceed 0.50 cubic metres measured externally.</p>	<p>Comment [i387]: Amended by article 6(1) of S.I. No. 219/2013 – Planning and Development (Amendment) Regulations 2013</p> <p>Comment [i384]: Amended by article 6(1) of S.I. No. 219/2013 – Planning and Development (Amendment) Regulations 2013</p> <p>Comment [i388]: Amended by article 6(1) of S.I. No. 219/2013 – Planning and Development (Amendment) Regulations 2013</p> <p>Comment [i389]: Amended by article 6(1) of S.I. No. 219/2013 – Planning and Development (Amendment) Regulations 2013</p>
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<p>of any device containing any such cable, wire, tube, pipe, duct or similar thing, and the attachment to such fixture of—</p> <p>(i) any cable (including fibre optic cable), wire, tube, pipe, duct or similar thing (including its casing or coating) or any device containing any of the foregoing,</p> <p>(ii) any other equipment or apparatus used for telecommunications purposes, which is exempted development for the purposes of Article 6 and this Class,</p> <p>(bbb) the attachment to any cable (including fibre optic cable), wire, tube, pipe, duct or similar thing of any device containing any such cable, wire, tube, pipe, duct or similar thing,</p>	<p>The dimensions of any such device should not exceed 0.25 cubic metres measured externally.</p>
<p>(c) telephone kiosks or other telephone facilities in a public place not being on, over or along a public road,</p> <p>(d) equipment for transmitting or receiving signals from satellites in space,</p>	<p>No such kiosk or facility shall be situated within 10 metres of the curtilage of any house, save with the consent in writing of the owner or occupier thereof.</p> <ol style="list-style-type: none"> 1. No such equipment shall exceed 10 metres in height 2. The diameter of any antenna shall not exceed 2 metres. 3. No such equipment shall be situated within 10 metres of the curtilage of any house save with the consent in writing of the owner or occupier thereof, or within 10 metres of the window of a workroom of any other structure.
<p>(e) permanent telecommunications exchange and radio station containers, including containers for electronic equipment required for transmitting, receiving and processing telecoms data for both wireless or wired networks,</p>	<ol style="list-style-type: none"> 1. The equipment housed in the container shall be used exclusively for the purposes of concentrating and re-routing calls or for transmitting, receiving and processing telecoms data for both wireless or wired networks and the container shall not have attached to it or

Comment [i390]: Inserted by article 6(2) of S.I. No. 219/2013 – Planning and Development (Amendment) Regulations 2013

Comment [i385]: Inserted by article 6(2) of S.I. No. 219/2013 – Planning and Development (Amendment) Regulations 2013

Comment [i391]: Amended by article 6(3) of S.I. No. 219/2013 – Planning and Development (Amendment) Regulations 2013

Comment [i386]: Amended by article 6(3) of S.I. No. 219/2013 – Planning and Development (Amendment) Regulations 2013

<p>(f) cabinets forming part of a telecommunications system,</p> <p>(g) transportable radio installation,</p>	<p>within it, whether visible or not, any antennae for the direct transmission or reception of mobile telephony or other telecommunications signals in such a way that the container would act as an antennae support structure.</p> <ol style="list-style-type: none"> 2. No such container shall exceed 10 metres in length, 3 metres in width or 3 metres in height. 3. No such container shall be situated within 10 metres of the curtilage of a house save with the consent in writing of the owner or occupier thereof, or within 10 metres of the window of a workroom of any other structure. 4. The field strength of the non-ionising radiation emissions from the radio station container shall not exceed the limits specified by the Director of Telecommunications Regulation. <p>The volume above the ground-level of any such cabinet shall not exceed 2 cubic metres measured externally.</p> <ol style="list-style-type: none"> 1. The height of the structure for such an installation shall not exceed 15 metres in height and 2 metres in width at its widest point. 2. The installation may only be used— <ol style="list-style-type: none"> (a) to provide anticipated additional coverage at a sporting, social or other event, provided that the structure is not in place for more than 2 weeks before the event or for a period exceeding 8 weeks which shall include assembly and dismantling, (b) for demonstration or simulation purposes, whether to demonstrate the visual effects of such structure in a particular location or to measure the output, and such structure shall be in place for a period of not more
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<p>(h) the attachment of additional antennae to an existing antenna support structure,</p>	<p>than 12 weeks, or</p> <p>(c) as a temporary replacement for a structure, which has been accidentally or otherwise incapacitated, and such structure shall be in place for a period of not more than 12 weeks.</p> <p>3. The planning authority in whose functional area the installation is placed shall be notified by the statutory undertaker in writing of the provision and purpose of such installation before it is made operational.</p> <p>1. The total number of such antennae shall not exceed 12, of which not more than 8 shall be dish type (whether shielded or not).</p> <p>2. (a) The dimensions of any such antenna provided shall not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding type already attached to the structure.</p> <p>(b) In any other case, the dimensions of any such antenna provided shall not exceed—</p> <p>(i) in the case of any panel type antenna, 1.5 metres in length x 0.4 metres in width x 0.15 metres in depth,</p> <p>(ii) in the case of any co-linear type antenna, 5 metres in length x 0.1 metres in diameter, and</p> <p>(iii) in the case of any dish type antenna (whether shielded or not), 1.8 metres in diameter.</p> <p>3. The attachment of such antennae shall not result in the field strength of the non-ionising radiation emissions from the site exceeding limits specified by the Director of Telecommunications</p>
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<p>(i) antennae for high capacity transmission links by way of attachment to existing high capacity antennae support structures,</p> <p>(j) an antenna support structure in place of an existing antenna support structure,</p>	<p>Regulation.</p> <p>4. The attachment of such antennae may be carried out by way of a platform only where the antenna support structure already incorporates a platform.</p> <p>5. The height of the existing structure (including any antenna thereon) shall not be exceeded.</p> <p>1. The addition shall be of the dish type antennae used for the sole purpose of point to point communication.</p> <p>2. The additional antennae shall not exceed the number provided for in the existing design capacity of the support structure.</p> <p>3. No new member shall be added to the structure save by way of brackets or other fixing systems used for the attachment of the additional antennae.</p> <p>4. The maximum diameter of any added antenna shall not exceed the width of the support structure at the point at which the additional antenna is attached.</p> <p>5. The planning authority in whose functional area the support structure exists shall be notified by the statutory undertaker in writing of the attachment of any such additional antennae at least 4 weeks before the antenna or antennae are attached.</p> <p>6. The attachment of such antenna shall not result in the field strength of the non-ionising radiation emissions from the radio installations on the site exceeding the limits specified by the Director of Telecommunications Regulation.</p> <p>1. The replaced structure shall be removed no later than 4 weeks following its decommissioning.</p> <p>2. Where, for reasons of the integrity of the network or other operational reasons, the</p>
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	<p>structure to be replaced remains in use during the construction of the replacement structure, the replacement structure shall be located as near as possible to the existing structure having regard to construction activity and safety requirements and, in any case, no replacement structure shall be located more than 20 metres from the replaced structure (measured from the base).</p> <p>3. (a) The height of the replacement structure shall not exceed the height of the replaced structure.</p> <p>(b) (i) Subject to sub-paragraph (ii), the width of the replacement structure shall not exceed the width of the replaced structure.</p> <p>(ii) Where the replaced structure was 2 metres or less in width, the width of the replacement structure may not be more than twice the width of the replaced structure, all measurements to be taken at the widest point.</p> <p>(c) Where the replaced structure did not incorporate an antenna platform, the replacement shall not incorporate such a platform.</p> <p>4. (a) Subject to sub-paragraph (b), the antennae to be attached to the replacement structure shall not exceed the number of antennae on the replaced structure.</p> <p>(b) An additional 12 antennae for mobile telephony may be attached to the replacement structure, of which not more than 8 of the additional 12 shall be of the dish type (whether shielded or not).</p> <p>5. (a) The dimensions of any additional antenna for mobile telephony shall not exceed the greatest length, width or depth of any antenna for mobile</p>
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<p>(k) antennae attached to the following existing structures-</p> <ul style="list-style-type: none"> (i) public or commercial buildings (other than education facilities, childcare facilities or hospitals) by way of attachment to roofs, facades, chimneys, chimney pots or vent pipes; (ii) telegraph poles, lamp posts, flag poles, CCTV poles; (iii) electricity pylons. 	<p>telephony of corresponding type on the replaced structure.</p> <p>(b) In any other case, the dimensions of any antenna provided shall not exceed:</p> <ul style="list-style-type: none"> (i) in the case of any panel type antenna, 1.5 metres in length x 0.4 metres in width x 0.15 metres in depth, (ii) in the case of any co-linear type antenna, 5 metres in length x 0.1 metres in diameter, and (iii) in the case of any dish type antenna (whether shielded or not), 1.8 metres in diameter. <p>6. The replacement of an antenna support structure together with any replaced or additional antenna shall not result in the field strength of the non-ionising radiation emissions from the radio installations on the site exceeding the limits specified by the Director of Telecommunications Regulation.</p> <p>1. The antenna shall be attached directly to the structure (other than a structure with a flat roof) and not by way of a supporting fixture.</p> <p>2. In the case of a structure with a flat roof, a supporting fixture may be used provided that-</p> <ul style="list-style-type: none"> (a) the fixture does not exceed the height of any existing parapet or railing on the roof by more than 2 metres, and (b) access to the roof is not available to any person other than a person authorised by the statutory undertaker. <p>3. Where an antenna is attached to the façade of a building or the exterior of a</p>
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	<p>chimney or vent, the colour of the antenna shall match and blend with the colour of such façade, chimney or vent pipe.</p> <ol style="list-style-type: none"> 4. Where the antenna is hidden inside a chimney pot the existing chimney pot may be replaced by a chimney pot in a suitable material which shall be the same colour, size and shape as the replaced pot, and the antenna shall not protrude beyond the top of the chimney pot. 5. The planning authority in whose functional area the structure on which the antennae will be attached is situated shall be notified by the statutory undertaker in writing of the proposed location of any such structure at least 4 weeks before such attachment. 6. The field strength of any such antenna shall not result in the field strength of the non-ionising radiation emission from the radio installations on the site exceeding the limits specified by the Director of Telecommunications Regulation.
<p>CLASS 32 The carrying out by any person to whom an aerodrome licence within the meaning of the Irish Aviation Authority (Aerodromes and Visual Ground Aids) Order, 1998 (No. 487 of 1998) has been granted, of development consisting of—</p> <ol style="list-style-type: none"> (a) the construction or erection of an extension of an airport operational building within an airport, 	<ol style="list-style-type: none"> 1. Where the building has not been extended previously, the floor area of any such extension shall not exceed 500 square metres or 15% of the existing floor area, whichever is the lesser. 2. Where the building has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions, shall not exceed 15% of the original floor area or 500 square metres, whichever is the lesser.

<ul style="list-style-type: none"> (b) the construction, extension, alteration or removal of aprons, taxiways or airside roads used for the movement of aircraft and the distribution of vehicles and equipment on the airside, within an airport, (c) the construction, erection or alteration of visual navigation aids on the ground including taxiing guidance, signage, inset and elevated airfield lighting or apparatus necessary for the safe navigation of aircraft, within an airport, (d) the construction, erection or alteration of security fencing and gates, security cameras and other measures connected with the security of airport infrastructure, within an airport, or (e) the erection or alteration of directional locational or warning signs on the ground, within an airport. 	<p>3. The planning authority for the area shall be notified in writing not less than 4 weeks before such development takes place.</p>
<p><i>Development for amenity or recreational purposes</i></p> <p>CLASS 33 Development consisting of the laying out and use of land—</p> <ul style="list-style-type: none"> (a) as a park, private open space or ornamental garden, (b) as a roadside shrine, or (c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or 	<p>The area of any such shrine shall not exceed 2 square metres, the height shall not exceed 2 metres above the centre of the road opposite the structure and it shall not be illuminated.</p>

<p>firearms), where no charge is made for admission of the public to the land.</p>	
<p>CLASS 34 Works incidental to the maintenance and management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.</p>	
<p>CLASS 35 Development consisting of—</p> <p>(a) the carrying out by or on behalf of a statutory undertaker of any works for the maintenance, improvement, reconstruction or restoration of any watercourse, canal, river, lake or other inland waterway, or any lock, quay, mooring, harbour, pier, dry-dock or other structure forming part of the inland waterway or associated therewith, and any development incidental thereto,</p> <p>(b) the erection or construction by or on behalf of a statutory undertaker of facilities required in connection with the operation, use or management of a watercourse, canal, river, lake or other inland waterway.</p>	<ol style="list-style-type: none"> 1. The floor area of any building constructed or erected shall not exceed 40 square metres. 2. The height of any building constructed or erected shall not exceed, in the case of a building with a pitched roof, 6 metres or, in any other case, 3 metres. 3. Any car park provided or constructed shall incorporate parking space for not more than 24 cars.
<p>CLASS 36 (a) Development consisting of the carrying out by or on behalf of a State authority or other public body, on land used by the authority or body as a public park, of works incidental to that use, including the provision,</p>	<ol style="list-style-type: none"> 1. The floor area of any building constructed or erected shall not exceed 40 square metres. 2. The height of any building or other structure constructed or erected shall not

<p>construction or erection of any structure in connection with or for the purposes of the enjoyment of the park or which is required in connection with or for the purposes of the management or operation of the park.</p> <p>(b) Development consisting of the carrying out by or on behalf of a State authority or other public body on a nature reserve established in accordance with section 15 of the Wildlife Act, 1976, as amended by sections 26 and 27 of the Wildlife (Amendment) Act, 2000, of works (including the provision, construction or erection of structures) in connection with or for the purposes of the enjoyment of the reserve or which are required in connection with the management or operation of the reserve.</p>	<p>exceed 10 metres.</p> <p>3. Any car park provided or constructed shall incorporate parking space for not more than 40 cars.</p>
<p>CLASS 37 Development consisting of the use of land for any fair, funfair, bazaar or circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character and the placing or maintenance of tents, vans or other temporary or movable structures or objects on the land in connection with such use.</p>	<p>1. The land shall not be used for any such purposes either continuously for a period exceeding 15 days or occasionally for periods exceeding in aggregate 30 days in any year.</p> <p>2. On the discontinuance of such use the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.</p>
<p><i>Miscellaneous</i></p> <p>CLASS 38 Development consisting of the placing or erection on, or within the curtilage of, a building, or on any other land, occupied by, or under the control of, a State authority or an institution of the European Union, of flags, banners or national emblems and any structures for the display of flags, banners or national emblems.</p>	

<p>CLASS 39 The erection, placing or keeping on land of any lighthouse, beacon, buoy or other aid to navigation on water or in the air.</p>	<p>Any such lighthouse, beacon, buoy or other navigational aid shall not exceed 40 metres in height.</p>
<p>CLASS 40 Works incidental to the use or maintenance of any burial ground, churchyard, monument, fairgreen, market, schoolgrounds or showground except—</p> <ul style="list-style-type: none"> (a) the erection or construction of any wall, fence or gate bounding or abutting on a public road, (b) the erection or construction of any building, other than a stall or store which is wholly enclosed within a market building, or (c) the reconstruction or alteration of any building, other than a stall or store which is wholly enclosed within a market building. 	
<p>CLASS 41 Works consisting of or incidental to—</p> <ul style="list-style-type: none"> (a) the carrying out of any works on land which are in accordance with, and necessary for compliance with, the terms of any licence granted under section 34 of the Local Government (Sanitary Services) Act, 1948, but not including the erection of any building, hut or chalet or the construction of any road or hard-standing, (b) the removal of any structure or object or the carrying out of any works required by a planning authority under the provisions of the Act or any other enactment, (c) the carrying out of development in compliance with a notice under section 12 of the Local Government (Water 	

<p>Pollution) Act, 1977 (No. 1 of 1977),</p> <p>(d) the carrying out of development in compliance with a notice under section 26 of the Air Pollution Act, 1987 (No. 6 of 1987),</p> <p>(e) the carrying out of development in compliance with a condition or conditions attached to a fire safety certificate granted in accordance with Part III of the Building Control Regulations, 1997 other than the construction or erection of an external fire escape or water tank,</p> <p>(f) the carrying out of development in compliance with a notice under section 55 of the Waste Management Act, 1996 (No. 10 of 1996), or</p> <p>(g) the carrying out of remedial works in compliance with an advisory notice issued under section 70H(5) of the Water Services Act 2007 (as inserted by section 4 of the Water Services (Amendment) Act 2012).</p>	
<p>CLASS 42 Development consisting of:</p> <p>(a) the use of land as a bring facility,</p> <p>or</p> <p>(b) the use of land to accommodate a fully sealed portable waste disposal</p>	<ol style="list-style-type: none"> 1. No more than 5 receptacles shall be provided. 2. The capacity of each receptacle shall not exceed 4.5 cubic metres. 3. No such receptacle shall be situated on a public road. 4. No such receptacle shall be situated within 50 metres of the curtilage of any house, save with the consent in writing of the owner or occupier thereof. <p>1. The compactor must be located within the curtilage of a business premises.</p>

Comment [i392]: Substituted by article 7 of S.I. No. 219/2013 – Planning and Development (Amendment) Regulations 2013

<p>compactor</p>	<ol style="list-style-type: none"> 2. No more than one compactor shall be provided in any one premises. 3. The capacity of the compactor shall not exceed 10 cubic metres. 4. No such compactor shall be situated within 50 metres of the curtilage of any house, other residential building, school, hospital, church, building used for public assembly, protected structure or proposed protected structure, save with the consent in writing of the owner or occupier thereof.
<p>CLASS 43 The excavation for the purposes of research or discovery—</p> <ol style="list-style-type: none"> (a) pursuant to and in accordance with a licence under section 26 of the National Monuments Act, 1930 (No. 2 of 1930), of a site, feature or other object of archaeological or historical interest, or (b) of a site, feature or other object of geological interest. 	
<p>CLASS 44 The sinking of a well, drilling of a borehole, erection of a pump, or construction of a pumphouse, for the purpose of providing a domestic water supply, or a group water supply scheme in accordance with a plan or proposal approved by the Minister or a local authority for the purpose of making a grant towards the cost of such works.</p>	
<p>CLASS 45 Any drilling or excavation for the purpose of surveying land or examining the depth and nature of the subsoil, other than drilling or excavation for the purposes of minerals prospecting.</p>	

Comment [i393]: Substituted by article 8 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

<p>CLASS 46 Development consisting of the provision, construction or erection by the Commissioners or the Environmental Protection Agency, or by a local authority outside the functional area of the authority, of any equipment or structure for or in connection with the collection of information on the levels, volumes or flows of water in rivers or other watercourses, lakes or groundwaters, and any development incidental thereto.</p>	<p>The gross floor space of any building or other structure provided, constructed or erected shall not exceed 8 square metres and the height of any such building or other structure shall not exceed 4 metres.</p>
<p>CLASS 47 Development consisting of the provision, construction, installation or erection by the Environmental Protection Agency, or by a local authority outside the functional area of the authority, of any equipment or structure for or in connection with the collection of information on air quality including, on the level of pollutants in, or the constituents of, the atmosphere, and any development incidental thereto.</p>	<ol style="list-style-type: none"> 1. Any equipment provided, constructed, installed, erected on or attached to an existing structure shall not protrude more than 2 metres in front of the building line or 2 metres above the highest point of the roof. 2. The gross floor space of any building or other structure provided, constructed, installed or erected shall not exceed 20 square metres and the height of any building or other structure shall not exceed 3 metres.
<p>CLASS 48 The connection of any premises to a wired broadcast relay service, sewer, watermain, gas main or electricity supply line or cable, including the breaking open of any street or other land for that purpose.</p>	
<p>CLASS 49 The construction or erection by a person licensed under the Wireless Telegraphy (Wired Broadcast Relay Licence) Regulations, 1974 of a cabinet as part of a wired broadcast relay service.</p>	<p>The volume above ground level of any such cabinet shall not exceed 1 cubic metre, measured externally.</p>
<p style="text-align: center;">Column 1 Description of Development</p>	<p style="text-align: center;">Column 2 Conditions and Limitations</p>

Comment [i394]: Inserted by article 5 of S.I. No. 235/2008 – Planning and Development Regulations 2008

<p>CLASS 50</p> <p>(a) The demolition of a building, or buildings, within the curtilage of—</p> <p>(i) a house,</p> <p>(ii) an industrial building,</p> <p>(iii) a business premises, or</p> <p>(iv) a farmyard complex.</p> <p>(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.</p>	<ol style="list-style-type: none"> 1. No such building or buildings shall abut on another building in separate ownership. 2. The cumulative floor area of any such building, or buildings, shall not exceed: <ol style="list-style-type: none"> (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and (b) in all other cases, 100 square metres. 3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.
<p>CLASS 51</p> <p>The carrying out by the Commissioners of any works for the maintenance of works and structures for which, by virtue of the Arterial Drainage Act, 1945 or any order made thereunder, the Commissioners are responsible, and any development incidental thereto.</p>	
<p>CLASS 52</p> <p>Development consisting of the construction or erection by a Regional Fisheries Board of—</p> <p>(a) a footbridge,</p> <p>(b) a fish pass,</p> <p>(c) a fish screen or barrier,</p> <p>(d) a walkway or fishing stand,</p>	<p>Any such footbridge shall not exceed 1.2 metres in width or 8 metres in length.</p> <p>Any such walkway shall not exceed 1.2 metres in width, and any such fishing stand shall not exceed 10 square metres in area.</p>

Comment [i395]: Substituted by article 5 of S.I. No. 235/2008 – Planning and Development Regulations 2008

(e) a fish counter.	
<p>CLASS 53 The carrying out of development below the high water mark pursuant to and in accordance with a licence under the Fisheries (Amendment) Act, 1997 (No. 23 of 1997) (including a licence deemed to be granted under that Act or the Fisheries and Foreshore (Amendment) Act, 1998 (No. 54 of 1998)).</p>	
<p>CLASS 54 Reclamation of an area, not exceeding 100 square metres, of foreshore for the purpose of protecting a pier, slipway or other structure on the foreshore.</p>	
<p>CLASS 55 The erection on or within the curtilage of a business premises, of a dish type antenna used for the receiving and transmitting of signals from satellites.</p>	<ol style="list-style-type: none"> 1. Not more than one such antenna shall be erected on or within the curtilage of a business premises. 2. The diameter of any such antenna shall not exceed 2 metres. 3. No such antenna shall be erected on, or forward of, the front wall of the business premises. 4. No such antenna shall be erected on the front roof slope of the business premises or higher than the highest part of the roof of the business premises.
<p>Column 1 Description of Development</p>	<p>Column 2 Conditions and Limitations</p>
<p>CLASS 56 (a) The construction, erection or placing within the curtilage of an industrial building of a structure for the purposes of housing a (fully enclosed) Combined Heat and Power system.</p>	<ol style="list-style-type: none"> 1. The gross floor area of the structure shall not exceed 500 square meters. 2. No such structure shall exceed 10 metres in height, or 50 metres in length.

Comment [i396]: Inserted by article 5 of S.I. No. 235/2008 – Planning and Development Regulations 2008

<p>(b) The construction, erection, or placing within the curtilage of a business premises, or a light industrial building, of a structure for the purposes of housing a (fully enclosed) Combined Heat and Power system.</p>	<ol style="list-style-type: none"> 3. No such structure shall be within: <ol style="list-style-type: none"> (a) 10 metres of any public road. (b) 200 metres of the nearest habitable house or residential building or school, hospital, church or building used for public assembly (other than the house or building of the person providing the structure), save with the consent in writing of the owner, and, as appropriate, the occupier or person in charge thereof. 4. No such structure within 100 metres of any public road shall exceed 8 metres in height. 5. No such structure shall have more than 2 flues, neither of which shall exceed 20 metres in height from ground level. 6. The diameter of any flue shall not exceed 1 metre. 7. Noise levels must not exceed 43db(A) during normal operation, as measured at the nearest party boundary. 8. Not more than one such structure shall be erected. 9. The structure shall be used for the purposes of housing a Combined Heat and Power unit only. 1. The gross floor area of the structure shall not exceed 300 square metres. 2. No such structure shall exceed 8 metres in height, or 40 metres in length. 3. No such structure shall be within: <ol style="list-style-type: none"> (a) 10 metres of any public road. (b) 200 metres of the nearest habitable house or residential building or school, hospital, church or building used for public assembly (other than
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<p>(c) The construction, erection or placing within the curtilage of an industrial building or light industrial building, or business premises of a wind turbine.</p>	<p>the house or building of the person providing the structure), save with the consent in writing of the owner, and, as appropriate, the occupier or person in charge thereof.</p> <ol style="list-style-type: none"> 4. No such structure shall have more than 2 flues, neither of which shall exceed 16 metres in height from ground level. 5. The diameter of any flue shall not exceed 1 metre. 6. Noise levels must not exceed 43db(A) during normal operation, as measured at the nearest party boundary. 7. Not more than one such structure shall be erected within the curtilage of such a premises or building. 8. The structure shall be used for the purposes of housing a Combined Heat and Power unit only. <ol style="list-style-type: none"> 1. The turbine shall not be erected on or attached to the premises or building or any other structure within the curtilage of the building or premises. 2. The total height of the turbine shall not exceed 20 metres. 3. The rotor diameter shall not exceed 8 metres. 4. The minimum clearance between the lower tip of the rotor and ground level shall not be less than 3 metres. 5. The supporting tower shall be a distance of not less than the total structure height (including the blade of the turbine at the highest point of its arc) plus: <ol style="list-style-type: none"> (a) 5 metres from any party boundary, (b) 5 metres from any non-electrical overhead cables,
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	<p>(c) 20 metres from any 38kV electricity distribution line,</p> <p>(d) 30 metres from the centreline of any electricity transmission line of 110kV or more.</p> <p>6. The turbine shall not be located within 5 kilometres of the nearest airport or aerodrome, or any communication, navigation and surveillance facilities designated by the Irish Aviation Authority, save with the consent in writing of the Authority and compliance with any condition relating to the provision of aviation obstacle warning lighting.</p> <p>7. Noise levels must not exceed 43db(A) during normal operation, as measured from the nearest party boundary.</p> <p>8. Not more than one turbine shall be erected within the curtilage of the premises or building.</p> <p>9. All turbine components shall have a matt, non-reflective finish and the blade shall be made of material that does not deflect telecommunication signals.</p> <p>10. No sign, advertisement or object, not required for the functioning or safety of the turbine shall be attached to or exhibited on the wind turbine.</p> <p>11. The turbine shall not be located within an Architectural Conservation Area.</p>
<p>(d) The installation or erection on or within the curtilage of an industrial building, or any ancillary buildings within the curtilage of an industrial building, of solar panels (thermal collector or photo-voltaic).</p>	<p>1. The distance between the plane of the wall or a pitched roof and the panel shall not exceed 1 metre.</p> <p>2. The distance between the plane of a flat roof and the panel shall not exceed 2 metres.</p> <p>3. The solar panel shall be a minimum of 50cm from the edge of the wall or roof on which it is mounted.</p>

<p>(e) The installation or erection on a business premises or light industrial building, or any ancillary buildings within the curtilage of such premises or buildings, of solar thermal collector panels.</p>	<ol style="list-style-type: none"> 4. The total aperture area of any wall mounted panel, or free-standing solar array shall not exceed 50 square metres. 5. Any equipment associated with the panels, including water tanks, shall be located within the roof space of the building. 6. The height of a free-standing solar array shall not exceed 2 metres, at its highest point, above ground level. 7. No sign, advertisement or object, not required for the functioning or safety of the panel shall be attached to or exhibited on the panels. <ol style="list-style-type: none"> 1. Such a solar panel may not be installed or erected on a wall of such a premises or building. 2. The total aperture area of any such panel, taken together with any other such panel previously placed on or within the said curtilage, shall not exceed 50 square metres or 50% of the total roof area, whichever is the lesser. 3. The distance between the plane of a pitched roof and the panel shall not exceed: <ol style="list-style-type: none"> (a) 50cm in the case of a light industrial building. (b) 15cm in the case of a business premises. 4. The distance between the plane of a flat roof and the panel shall not exceed: <ol style="list-style-type: none"> (a) 2 metres in the case of a light industrial building. (b) 1 metre in the case of a business premises. 5. The solar panel shall be a minimum of
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<p>(f) The installation or erection on a business premises or light industrial building, or any ancillary buildings within the curtilage of such premises or building, of photo-voltaic solar panels.</p>	<p>50cm from the edge of the roof on which it is mounted, or 2 metres in the case of a flat roof.</p> <ol style="list-style-type: none"> 6. Any equipment associated with the panels, including water tanks, shall be located within the roof space of the building. 7. The total aperture area of any free-standing solar array shall not exceed 25 square metres. 8. The height of a free-standing solar array shall not exceed 2 metres, at its highest point, above ground level. 9. A free-standing solar array shall not be located forward of the front wall of the building or premises. 10. No sign, advertisement or object, not required for the functioning or safety of the panel shall be attached to or exhibited on the panels. <ol style="list-style-type: none"> 1. The total aperture area of any such panels, taken together with any other such panel previously placed on or within the said curtilage, shall not exceed 50 square metres or 50% of the total roof area, whichever is the lesser. 2. The distance between the plane of the wall and the panel shall not exceed 15cm. 3. The distance between the plane of a pitched roof and the panel shall not exceed: <ol style="list-style-type: none"> (a) 50cm in the case of a light industrial building. (b) 15cm in the case of a business premises. 4. The distance between the plane of a flat roof and the panel shall not exceed:
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	<p>(a) 2 metres in the case of a light industrial building.</p> <p>(b) 1 metre in the case of a business premises.</p> <p>5. The solar panel shall be a minimum of 50cm from the edge of the wall or pitched roof on which it is mounted, or 2 metres in the case of a flat roof.</p> <p>6. The total aperture area of any wall mounted panel, or free-standing solar array shall not exceed 25 square metres.</p> <p>7. Any equipment associated with the panels, including water tanks, shall be located within the roof space of the building.</p> <p>8. The height of a free-standing solar array shall not exceed 2 metres, at its highest point, above ground level.</p> <p>9. A free-standing solar array shall not be located forward of the front wall of the building or premises.</p> <p>10. No sign, advertisement or object, not required for the functioning or safety of the turbine shall be attached to or exhibited on the panels.</p>
<p>(g) The installation on or within the curtilage of an industrial building, or any ancillary buildings within the curtilage of an industrial building, of a ground source heat pump system (horizontal and vertical) or air source heat pumps.</p>	<p>1. The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.</p> <p>2. The total area of any air source heat pumps shall not exceed 15 square metres.</p> <p>3. The air source heat pump shall be a minimum of 50cm from the edge of the wall or roof on which it is mounted.</p> <p>4. Noise levels must not exceed 43db(A) during normal operation, as measured from the nearest party boundary.</p> <p>5. Distances from party boundaries and</p>

<p>(h) The installation on or within the curtilage of a business premises or light industrial building, or any ancillary buildings within the curtilage of such a premises or building, of a ground source heat pump system (horizontal and vertical) or air source heat pumps.</p>	<p>from the foundations of any structure or building shall be maintained in line with the Sustainable Energy Ireland Renewable Energy Information Office Procurement Guidelines on Heat Pump Systems for the time being in force.</p> <ol style="list-style-type: none"> 1. The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground. 2. The total area of any air source heat pumps shall not exceed 10 square metres. 3. No such structure shall be constructed, erected or placed forward of the front wall of the building. 4. The heat pump shall be a minimum of 50cm from the edge of the wall or roof on which it is mounted. 5. Noise levels must not exceed 43db(A) during normal operation, as measured from the nearest party boundary. 6. Distances from party boundaries and from the foundations of any structure or building shall be maintained in line with the Sustainable Energy Ireland Renewable Energy Information Office Procurement Guidelines on Heat Pump Systems for the time being in force.
<p>(i) The provision as part of a heating system for an industrial building or light industrial building or business premises of a biomass boiler, including a boiler house, flues mounted on the boiler house, and over-ground fuel storage tank or structure.</p>	<ol style="list-style-type: none"> 1. The gross floor area of the boiler house shall not exceed 20 square metres. 2. The capacity of such a fuel storage tank or structure shall not exceed 75 cubic metres. 3. The height of a boiler house or such a fuel storage tank or structure shall not exceed 3 metres. 4. The height of a flue mounted on a biomass unit shall not exceed 16 metres, measured from ground level.

	<ol style="list-style-type: none"> 5. No more than 2 flues shall be erected. 6. Not more than one such structure shall be erected within the curtilage of the site. 7. The diameter of any flue shall not exceed 1 metre. 8. The boiler house shall not be located within: <ol style="list-style-type: none"> (a) 10 metres of any public road. (b) 100 metres of the nearest habitable house or residential building or school, hospital, church or building used for public assembly (other than the house or building of the person providing the structure), save with the consent in writing of the owner, and, as appropriate, the occupier or person in charge thereof. 9. Noise levels must not exceed 43db(A) during normal operation, as measured from the nearest party boundary. 10. The fuel shall not include products derived from animal wastes or from wood containing dangerous substances.
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Comment [i397]: Inserted by article 5 of S.I. No. 235/2008 – Planning and Development Regulations 2008

<p>CLASS 57 The extension of a school, where the school has not been previously extended, by the construction or erection of an extension to the side or rear of the school.</p>	<ol style="list-style-type: none"> 1. The floor area of any such extension shall not exceed: <ol style="list-style-type: none"> (a) 160 square metres, or (b) 40% of the gross floor area of the school, whichever is the lesser. 2. No such structure shall be above the ground floor. 3. Any extension shall be a distance of not less than 2 metres from any party boundary. 4. Such structure shall comply with the Department of Education and Science
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	Primary and Post Primary Technical Guidance Documents for the time being in force.
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Comment [i398]: Inserted by article 5 of S.I. No. 235/2008 – Planning and Development Regulations 2008

PART 2

Article 6

Exempted Development — Advertisements

Column 1 Description of Development	Column 2 Conditions and Limitations
<p>CLASS 1</p> <p>Advertisements (other than those specified in classes 2, 3 or 5 of this Part of this Schedule) exhibited on business premises, wholly with reference to the business or other activity carried on or the goods or services provided on those premises.</p>	<ol style="list-style-type: none"> 1. The total area of such advertisements exhibited on or attached or affixed to the front of any building on the premises shall not exceed an area equal to 0.3 square metres for every metre length of such front, less the total area of any such advertisements exhibited on the premises but not exhibited on or attached or affixed to a building, and in any event shall not exceed 5 square metres. 2. The total area of such advertisements exhibited on or attached or affixed to any face of a building on the premises other than the front thereof shall not exceed 1.2 square metres and the total area of any such advertisements on such face which are illuminated shall not exceed 0.3 square metres. 3. The total area of such advertisements which are not exhibited on or attached or affixed to a building on the premises shall not exceed 3 square metres, of which not more than 1.5 square metres shall consist of advertisements which are illuminated. 4. (a) No part of any such advertisement which is not exhibited on or attached or affixed to a building on the premises, or of an advertisement structure on which it is exhibited, shall be more than 2.5 metres in height. (b) No part of any such advertisement which is exhibited on or attached or

	<p>affixed to a building on the premises shall be more than 4 metres in height above ground level.</p> <p>5. Where any such advertisement projects more than 5 centimetres over any public road, the sign or other advertisement structure on which it is exhibited shall not be less than 2 metres above the level of such road and shall not project more than 1 metre over such road.</p> <p>6. Where any such advertisement consists of a circular sign and projects more than 5 centimetres over any public road, the diameter of such sign shall not exceed 1 metre and no other such advertisement shall be exhibited on a sign or other advertisement structure projecting more than 5 centimetres over such road.</p> <p>7. Where any one or more such advertisements are exhibited on a swinging or fixed sign or other advertisement structure (other than a circular sign) projecting more than 5 centimetres from any external face of a building, the total area of such advertisements shall not exceed 1.2 square metres and the area of any face of any such advertisement shall not exceed 0.4 square metres.</p> <p>8. No such advertisement shall contain or consist of any symbol, emblem, model, logo or device exceeding 0.6 metres in height or any letter exceeding 0.3 metres in height.</p> <p>9. No such advertisement shall cover any part of any window or door of any building on which the advertisement is exhibited or to which it is attached or affixed.</p>
<p>CLASS 2 Illuminated advertisements exhibited as part of any shop or other window display on business premises and other</p>	<p>The total area of any advertisements so exhibited shall not exceed one quarter of the area of the window through which the</p>

<p>advertisements affixed to the inside of the glass surface of a window of a business premises or otherwise exhibited through a window of such premises.</p>	<p>advertisements are exhibited.</p>
<p>CLASS 3 Advertisements displayed within a business premises and which are not visible from outside the premises.</p>	
<p>CLASS 4 An advertisement in the form of a flag which is attached to a single flagstaff fixed in an upright position on the roof of a business premises and which bears no inscription or emblem other than the name, device or logo of a person or business occupying the business premises.</p>	<p>Not more than one such advertisement shall be exhibited on a business premises.</p>
<p>CLASS 5 Advertisements, exhibited at the entrance to any premises, relating to any person, partnership or company carrying on a public service or a profession, business or trade at the premises.</p>	<ol style="list-style-type: none"> 1. No such advertisement shall exceed 0.3 square metres in area. 2. Not more than one such advertisement, or, in the case of premises with entrances on different road frontages, one such advertisement for each such frontage, shall be exhibited in respect of each such person, partnership or company on the premises.
<p>CLASS 6 Advertisements relating to any institution of a religious, educational, cultural, recreational or medical or similar character, any guesthouse or other premises (other than a hotel) providing overnight guest accommodation or any public house, block of flats, club, boarding house or hostel, situated on the land on which any such advertisement is exhibited.</p>	<ol style="list-style-type: none"> 1. No such advertisement shall exceed 0.6 square metres in area. 2. No part of any such advertisement or an advertisement structure on which it is exhibited shall be more than 2.5 metres in height above ground level. 3. Not more than one such advertisement or, in the case of premises with entrances on different road frontages, one such advertisement for each such frontage, shall be exhibited in respect of any such premises.

<p>CLASS 7 Advertisements exhibited on land wholly or for the most part enclosed within a hedge, fence, wall or similar screen or structure (not being land which is a public park, public garden or other land held for the use and enjoyment of the public, or a part of a railway undertaking's enclosed land normally used for the carriage of passengers or goods by rail) and not readily visible from land outside the enclosure wherein it is exhibited.</p>	
<p>CLASS 8 Advertisements exhibited within a railway station, bus station, airport terminal or ferry terminal and which are not readily visible from outside the premises.</p>	
<p>CLASS 9 Advertisements relating to the sale or letting of any structure or other land (not being an advertisement structure) on which they are exhibited.</p>	<ol style="list-style-type: none"> 1. The area of any such advertisement shall not exceed— <ol style="list-style-type: none"> (a) in the case of an advertisement relating to the sale or letting of a house, 0.6 square metres, (b) in the case of an advertisement relating to the sale or letting of any other structure or land, 1.2 square metres. 2. Not more than one such advertisement shall be exhibited on the structure or other land. 3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall remain on the structure or land, for more than 7 days after the sale or letting to which the advertisement relates.

<p>CLASS 10 Advertisements relating to the sale on or before a date specified therein of goods or livestock, and exhibited on land where such goods or livestock are situated or where such sale is held, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of holding sales of goods or livestock.</p>	<ol style="list-style-type: none"> 1. No such advertisement shall exceed 0.6 square metres in area. 2. Not more than one such advertisement shall be exhibited on the land concerned. 3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall remain on the land, for more than 7 days after the date specified.
<p>CLASS 11 Advertisements relating to the carrying out of building or similar works on the land on which they are exhibited, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of carrying out such works.</p>	<ol style="list-style-type: none"> 1. Where only one advertisement is exhibited, such advertisement shall not exceed 3.5 square metres in area and shall not be exhibited more than 6 metres above ground level. 2. Where more than one advertisement is exhibited, no such advertisement shall exceed 0.6 square metres in area, the total area of such advertisements shall not exceed 3.5 square metres and no such advertisement shall be exhibited more than 4 metres above ground level. 3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall remain on the land, for more than 7 days after the completion of the works.
<p>CLASS 12 Advertisements for the purposes of announcement or direction or warning exhibited by a statutory undertaker in relation to the operation of the statutory undertaking.</p>	
<p>CLASS 13 Advertisements for the purposes of identification, direction or warning with respect to the land or structures on which</p>	<p>No such advertisement shall exceed 0.3 square metres in area.</p>

they are exhibited.	
<p>CLASS 14 Advertisements relating to an election to the office of President of Ireland, an election of members of Dáil Éireann, the Parliament of the European Communities, a local authority or Údarás na Gaeltachta, or a referendum within the meaning of the Referendum Act, 1994.</p>	<p>No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall be left in place, for more than 7 days after the date of the election or referendum to which the advertisement relates.</p>
<p>CLASS 15 Advertisements required to be exhibited by or under any enactment, including advertisements the exhibition of which is so required as a condition of the valid exercise of any power, or proper performance of any function, given or imposed by such enactment, or for compliance with any procedure prescribed by or under any enactment.</p>	
<p>CLASS 16 Advertisements other than advertisements specified in class 17 of this Part of this Schedule, announcing any local event of a religious, cultural, educational, political, social, recreational or sporting character, and advertisements relating to any temporary matter in connection with any local event of such a character, not in either case being an event promoted or carried on for commercial purposes.</p>	<ol style="list-style-type: none"> 1. No such advertisement shall exceed 1.2 square metres in area. 2. No such advertisement shall be exhibited more than 2.5 metres above ground level or be glued, pasted or otherwise affixed to any structure other than an advertisement structure. 3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall be left in place, for more than 7 days after the conclusion of the event or matter to which it relates.
<p>CLASS 16A Advertisements other than advertisements specified in Class 16 of this Part of this Schedule, announcing any local event promoted or carried on for commercial purposes.</p>	<ol style="list-style-type: none"> 1. No such advertisement shall exceed 1.2 square metres in area. 2. No such advertisement shall be exhibited more than 2.5 metres above ground level or be glued, pasted or otherwise be

	<p>affixed to any structure other than an advertisement structure.</p> <ol style="list-style-type: none"> 3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall be left in place for more than 7 days prior to the date of the event or for more than 3 days after the conclusion of the event to which it relates. 4. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement, at a distance greater than 15 kilometres from the location of the event. 5. The event shall not take place in the same location more than three times a year. 6. No advertisements shall be erected where they can be seen from any motorway or national primary road.
<p>CLASS 17 Advertisements consisting of placards, posters or bills relating to the visit of any travelling circus, funfair, carnival, show, musicians, players or other travelling entertainment.</p>	<ol style="list-style-type: none"> 1. No such advertisement shall exceed 1.2 square metres in area. 2. No such advertisement shall be exhibited more than 2.5 metres above ground level or be glued, pasted or otherwise affixed to any structure other than an advertisement structure. 3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall be left in place, for more than 7 days after the last performance or closing of the entertainment.
<p>CLASS 18 An advertisement relating to any demonstration of agricultural methods or processes on the land on which the</p>	<ol style="list-style-type: none"> 1. No such advertisement shall exceed 0.6 square metres in area.

Comment [i399]: Inserted by article 9 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

advertisement is exhibited.	<ol style="list-style-type: none"><li data-bbox="673 340 1184 414">2. Not more than one such advertisement shall be exhibited on the land concerned.<li data-bbox="673 436 1184 651">3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall remain on the land, for more than 7 days after the date of the demonstration to which it relates.
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PART 3

Article 6

Exempted Development — Rural

Column 1 Description of Development	Column 2 Conditions and Limitations
<p><i>Limited use for camping</i></p> <p>CLASS 1 Temporary use of any land for the placing of any tent, campervan or caravan or for the mooring of any boat, barge or other vessel used for the purpose of camping.</p>	<ol style="list-style-type: none"> 1. Not more than one tent, campervan or caravan shall be placed within 100 metres of another tent, campervan or caravan at any time. 2. No tent, campervan, caravan or vessel shall remain on the land for a period greater than 10 days. 3. No tent, campervan, caravan or vessel shall be used for the storage, display, advertisement or sale of goods or for the purposes of any business. 4. No tent, campervan or caravan shall be placed on land within 50 metres of any public road unless the land is enclosed by a wall, bank or hedge, or any combination thereof, having an average height of not less than 1.5 metres.
<p>CLASS 2 Temporary use of land by a scouting organisation for a camp.</p>	<p>The land shall not be used for such purposes for any period or periods exceeding 30 days in any year.</p>
<p><i>Minor works and structures</i></p> <p>CLASS 3 Works relating to the construction or maintenance of any gully, drain, pond, trough, pit or culvert, the widening or deepening of watercourses, the removal of obstructions from watercourses and the making or repairing of embankments in</p>	

<p>connection with any of the foregoing works.</p>	
<p>CLASS 4 The construction, erection or maintenance of any wall or fence, other than a fence of sheet metal, or a wall or fence within or bounding the curtilage of a house.</p>	<ol style="list-style-type: none"> 1. The height of the wall or fence, other than a fence referred to in paragraph 2, shall not exceed 2 metres. 2. The height of any fence for the purposes of deer farming or conservation shall not exceed 3 metres.
<p><i>Minerals and petroleum prospecting</i></p> <p>CLASS 5</p> <p>(a) The carrying out of works on any land for the purpose of minerals prospecting and the erection or placing on land of any structures required for that purpose, where the prospecting is carried out pursuant to and in accordance with the terms and conditions of a licence, lease or permission granted by the Minister for the Marine and Natural Resources under the Minerals Development Acts, 1940 to 1999.</p> <p>(b) The carrying out of works on any land for the purpose of searching for petroleum and the erection or placing on land of any structures required for that purpose, where the searching is carried out pursuant to and in accordance with the terms and conditions of an exploration licence, a petroleum prospecting licence or a reserved area licence granted by the Minister for the Marine and Natural Resources under the Petroleum and Other Minerals Development Act, 1960 (No. 7 of 1960).</p>	
<p><i>Agricultural Structures</i></p> <p>CLASS 6 Works consisting of the provision of a</p>	<ol style="list-style-type: none"> 1. No such structure shall be used for any

Comment [i400]: Substituted by article 10 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

<p>roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.</p>	<p>purpose other than the purpose of agriculture.</p> <ol style="list-style-type: none"> 2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate. 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. 5. No such structure within 100 metres of any public road shall exceed 8 metres in height. 6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. 7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
<p>CLASS 7 Works consisting of the provision of a roofed structure for the housing of pigs, mink or poultry, having a gross floor space</p>	<ol style="list-style-type: none"> 1. No such structure shall be used for any purpose other than the purpose of agriculture.

<p>not exceeding 75 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.</p>	<ol style="list-style-type: none"> 2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 100 square metres gross floor space in aggregate. 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. 5. No such structure within 100 metres of any public road shall exceed 8 metres in height. 6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. 7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure. 8. Boundary fencing on any mink holding must be escape-proof for mink.
<p>CLASS 8 Works consisting of the provision of roofless cubicles, open loose yards, self-</p>	<ol style="list-style-type: none"> 1. No such structure shall be used for any purpose other than the purpose of

<p>feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.</p>	<p>agriculture.</p> <ol style="list-style-type: none"> 2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate. 3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution. 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. 5. No such structure within 100 metres of any public road shall exceed 8 metres in height. 6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. 7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
<p>CLASS 9 Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule,</p>	<ol style="list-style-type: none"> 1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of

<p>and having a gross floor space not exceeding 300 square metres.</p>	<p>effluent.</p> <ol style="list-style-type: none"> 2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate. 3. No such structure shall be situated within 10 metres of any public road. 4. No such structure within 100 metres of any public road shall exceed 8 metres in height. 5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. 6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
<p>CLASS 10 The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.</p>	<ol style="list-style-type: none"> 1. No such structure shall be used for any purpose other than the exercising or training of horses or ponies. 2. No such area shall be used for the staging of public events. 3. No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road. 4. The height of any such structure shall not exceed 2 metres.

<p><i>Land Reclamation</i></p> <p>CLASS 11 Development consisting of the carrying out of drainage and/or reclamation of wetlands</p>	<ol style="list-style-type: none"> 1. The area to be affected shall not exceed 0.1 hectares. 2. Where development has been carried out within a farm holding under this class, the total area of any such development taken together with the area of any previous such development within the farm holding shall not exceed the limits set out in 1. above.
<p><i>Miscellaneous</i></p> <p>CLASS 12 Works consisting of the provision of a roofed structure for housing grey-hounds, having a gross floor space not exceeding 50 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.</p>	<ol style="list-style-type: none"> 1. No such structure shall be used for any purpose other than the keeping of greyhounds. 2. The gross floor space of such structure together with any other such structures situated within a premises or within 100 metres of that premises shall not exceed 75 square metres gross floor space in aggregate. 3. Effluent storage facilities adequate to serve the structure having regard to its size, use, location and the need to avoid water pollution shall be provided. 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. 5. No such structure within 100 metres of any public road shall exceed 8 metres in height. 6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital,

Comment [i401]: Substituted by article 4 of S.I. No. 464/2011 – European Communities (Amendment to Planning and Development Regulations) Regulations 2011

Comment [i402]: Substituted by article 11 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

	<p>church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.</p>
<p>CLASS 13 Works consisting of the provision, for any purpose in connection with the keeping of greyhounds, of a roofless hard-surfaced yard, or of a roofless hard-surfaced enclosed area, having an area not exceeding 100 square metres (whether or not by extension of an existing yard or area) and any ancillary provision for effluent storage.</p>	<ol style="list-style-type: none"> 1. The gross floor space of such structure or structures together with any other such structures situated within the same complex or within 100 metres of that complex shall not exceed 150 square metres gross floor space in aggregate. 2. Effluent storage facilities adequate to serve the structure having regard to its size, use, location and the need to avoid water pollution shall be provided. 3. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road. 4. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
<p>CLASS 16 Replacement of broadleaf high forest by conifer species.</p>	<p>The area involved shall be less than 10 hectares.</p>
<p><i>Peat extraction</i> CLASS 17 (a) Peat extraction in a new or extended area of less than 10 hectares, or</p>	

Comment [i403]: Deleted by article 12 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

Comment [i405]: Inserted by article 4 of S.I. No. 364/2005 – Planning and Development Regulations 2005

<p>(b) Peat extraction in a new or extended area of 10 hectares or more, where the drainage of the bogland commenced prior to the coming into force of these Regulations.</p>	
<p style="text-align: center;">Column 1 Description of Development</p>	<p style="text-align: center;">Column 2 Conditions and Limitations</p>
<p><i>Renewable Technologies</i></p> <p>CLASS 18</p> <p>(a) The construction, erection or placing within an agricultural holding of a structure for the purposes of housing a (fully enclosed) Combined Heat and Power system.</p>	<ol style="list-style-type: none"> 1. The gross floor area of the structure shall not exceed 300 square metres. 2. No such structure shall exceed 8 metres in height, or 40 metres in length. 3. No such structure shall be within: <ol style="list-style-type: none"> (a) 10 metres of any public road. (b) 100 metres of the nearest habitable house (other than the house of the person providing the structure) or any other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner, and, as appropriate, the occupier or person in charge thereof. 4. No such structure shall have more than 2 flues, neither of which shall exceed 16 metres in height from ground level. 5. The diameter of any flue shall not exceed 1 metre. 6. Noise levels must not exceed 43db(A) during normal operation, as measured at the party boundary. 7. Not more than one such structure shall be erected within the agricultural holding. 8. The structure shall be used for the

Comment [i404]: Substituted by article 13 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

Comment [i406]: Inserted by article 6 of S.I. No. 235/2008 – Planning and Development Regulations 2008

<p>(b) The construction, erection or placing within an agricultural holding of a wind turbine.</p>	<p>purposes of housing a Combined Heat and Power unit only.</p> <ol style="list-style-type: none"> 1. The turbine shall not be erected on or attached to a building or other structure. 2. The total height of the turbine shall not exceed 20 metres. 3. The rotor diameter shall not exceed 8 metres. 4. The minimum clearance between the lower tip of the rotor and ground level shall not be less than 3 metres. 5. The supporting tower shall be a distance of not less than: <ol style="list-style-type: none"> (a) one and a half times the total structure height (including the blade of the turbine at the highest point of its arc) plus 1 metre from any party boundary. (b) The total structure height (including the blade of the turbine at the highest point of its arc) plus: <ol style="list-style-type: none"> (i) 5 metres from any non-electrical overhead cables, (ii) 20 metres from any 38kV electricity distribution line, (iii) 30 metres from the centreline of any electricity transmission line of 110kV or more. 6. The turbine shall not be located within: <ol style="list-style-type: none"> (a) 100 metres of an existing wind turbine. (b) 5 kilometres of the nearest airport or aerodrome, or any communication, navigation and surveillance facilities designated by the Irish Aviation Authority, save with the consent in writing of the Authority and
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<p>(c) The installation or erection on an agricultural structure, or within the curtilage of an agricultural holding, of solar panels (thermal collector or photo-voltaic).</p>	<p>compliance with any condition relating to the provision of aviation obstacle warning lighting.</p> <ol style="list-style-type: none"> 7. Noise levels must not exceed 43db(A) during normal operation, as measured from the nearest habitable house. 8. Not more than one turbine shall be erected within the agricultural holding. 9. All turbine components shall have a matt, non-reflective finish and the blade shall be made of material that does not deflect telecommunication signals. 10. No sign, advertisement or object, not required for the functioning or safety of the turbine shall be attached to or exhibited on the wind turbine. <ol style="list-style-type: none"> 1. The total aperture area of any such panel, taken together with any other such panel previously placed on or within the said holding, shall not exceed 50 square metres or 50% of the total roof area, whichever is the lesser. 2. The distance between the plane of the wall and the panel shall not exceed 15cm. 3. The distance between the plane of a pitched roof and the panel shall not exceed 50cm. 4. The distance between the plane of a flat roof and the panel shall not exceed 2 metres. 5. The solar panel shall be a minimum of 50cm from the edge of the wall or roof on which it is mounted, or 2 metres in the case of a flat roof. 6. The total aperture area of any wall-mounted panel or free-standing solar array shall not exceed 25 square metres. 7. Any equipment associated with the
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	<p>panels, including water tanks, shall be located within the roof space of the building.</p> <p>8. The height of a free-standing solar array shall not exceed 2 metres, at its highest point, above ground level.</p> <p>9. No sign, advertisement or object, not required for the functioning or safety of the turbine shall be attached to or exhibited on the panels.</p>
<p>(d) The installation within an agricultural holding of a ground source heat pump system (horizontal and vertical) or air source heat pumps.</p>	<p>1. The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.</p> <p>2. The total area of any air source heat pumps shall not exceed 10 square metres.</p> <p>3. The air source heat pump shall be a minimum of 50cm from the edge of the wall or roof on which it is mounted.</p> <p>4. Noise levels must not exceed 43db(A) during normal operation, as measured from the nearest habitable house.</p> <p>5. Distances from party boundaries and from the foundations of any structure or building shall be maintained in line with the Sustainable Energy Ireland Renewable Energy Information Office Procurement Guidelines on Heat Pump Systems for the time being in force.</p>
<p>(e) The provision as part of a heating system for an agricultural building of a biomass boiler, including a boiler house, flues mounted on the boiler house, and over-ground fuel storage tank or structure.</p>	<p>1. The gross floor space of the boiler house shall not exceed 20 square metres.</p> <p>2. The capacity of the fuel storage tank or structure shall not exceed 75 cubic metres.</p> <p>3. The height of a boiler house or fuel storage tank installed above ground level shall not exceed 3 metres.</p> <p>4. The height of a flue mounted on a biomass unit shall not exceed 20 metres,</p>

	<p>measured from ground level.</p> <ol style="list-style-type: none"> 5. No more than 2 flues shall be erected. 6. Not more than one such structure shall be erected within the agricultural holding. 7. The diameter of any flue shall not exceed 1 metre. 8. The boiler house shall not be located within: <ol style="list-style-type: none"> (a) 10 metres of any public road, (b) 100 metres of the nearest habitable house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof. 9. Noise levels must not exceed 43db(A) during normal operation, as measured from the site boundary. 10. The fuel shall not include products derived from wood containing dangerous substances.
<p><i>Temporary Structures and Uses</i></p> <p>CLASS 19 The erection of a mast for mapping meteorological conditions.</p>	<ol style="list-style-type: none"> 1. No such masts shall be erected for a period exceeding 15 months in any 24 month period. 2. The total mast height shall not exceed 80 metres. 3. The mast shall be a distance of not less than: <ol style="list-style-type: none"> (a) the total structure height plus:

	<ul style="list-style-type: none"> (i) 5 metres from any party boundary, (ii) 20 metres from any non-electrical overhead cables, (iii) 20 metres from any 38kV electricity distribution lines, (iv) 30 metres from the centrelines of any electricity transmission lines of 110kV or more. <p>(b) 5 kilometres from the nearest airport or aerodrome, or any communication, navigation and surveillance facilities designated by the Irish Aviation Authority, save with the consent in writing of the Authority and compliance with any condition relating to the provision of aviation obstacle warning lighting.</p> <p>4. Not more than one such mast shall be erected within the site.</p> <p>5. All mast components shall have a matt, non-reflective finish and the blade shall be made of material that does not deflect telecommunications signals.</p> <p>6. No sign, advertisement or object, not required for the functioning or safety of the mast shall be attached to or exhibited on the mast.</p>
<p><i>Rainwater Harvesting</i></p> <p>CLASS 20</p> <p>Works consisting of the provision of a tank or tanks for the storage of rainwater collected from the roofs of agricultural buildings and any ancillary equipment to collect and distribute the rainwater.</p>	<p>1. No such structure situated fully underground shall exceed 10 metres in length, 5 metres in width or 4 metres in depth.</p> <p>2. No such structure that is totally or partially above ground shall exceed 5 metres in length, 5 metres in width or 4 metres in height.</p>

	<ol style="list-style-type: none">3. All such structures shall have a solid, impervious roof.4. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
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Comment [i407]: Inserted by article 14 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

PART 4

Article 10

Exempted development- Classes of Use

CLASS 1

Use as a shop.

CLASS 2

Use for the provision of—

- (a) financial services,
- (b) professional services (other than health or medical services),
- (c) any other services (including use as a betting office),

where the services are provided principally to visiting members of the public.

CLASS 3

Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

CLASS 4

Use as a light industrial building.

CLASS 5

Use as a wholesale warehouse or as a repository.

CLASS 6

Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).

CLASS 7

Use—

- (a) for public worship or religious instruction,
- (b) for the social or recreational activities of a religious body,
- (c) as a monastery or convent.

CLASS 8

Use—

- (a) as a health centre or clinic or for the provision of any medical or health services (but not the use of the house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose),

- (b) as a crèche,
- (c) as a day nursery,
- (d) as a day centre.

CLASS 9

Use—

- (a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),
- (b) as a hospital or nursing home,
- (c) as a residential school, residential college or residential training centre.

CLASS 10

Use as—

- (a) an art gallery (but not for the sale or hire of works of art),
- (b) a museum,
- (c) a public library or public reading room,
- (d) a public hall,
- (e) an exhibition hall,
- (f) a social centre, community centre or non-residential club,

but not as a dance hall or concert hall.

CLASS 11

Use as—

- (a) a theatre,
- (b) a cinema,
- (c) a concert hall,
- (d) a bingo hall,
- (e) a skating rink or gymnasium or for other indoor sports or recreation not involving the use of motor vehicles or firearms.

SCHEDULE 2A

Criteria for determining whether a plan or programme is likely to have significant effects on the environment

Comment [i408]: Substituted by article 3(n) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

Articles 13A, 13K and 14A

1. The characteristics of the plan or programme having regard, in particular, to:

Comment [i409]: Substituted by article 3(n) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

— the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,

Comment [i410]: Substituted by article 3(n) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

— the degree to which the plan or programme influences other plans, including those in a hierarchy,

Comment [i411]: Substituted by article 3(n) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

— the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,

Comment [i412]: Substituted by article 3(n) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

— environmental problems relevant to the plan or programme,

Comment [i413]: Substituted by article 3(n) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

— the relevance of the plan or programme for the implementation of European Union legislation on the environment (e.g. plans linked to waste-management or water protection).

Comment [i414]: Substituted by article 3(n) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:

— the probability, duration, frequency and reversibility of the effects,

— the cumulative nature of the effects,

— the transboundary nature of the effects,

— the risks to human health or the environment (e.g. due to accidents),

— the value and vulnerability of the area likely to be affected due to:

(a) special natural characteristics or cultural heritage,

(b) exceeded environmental quality standards or limit values,

(c) intensive land-use,

— the effects on areas or landscapes which have a recognised national, European Union or international protection status.

SCHEDULE 2B

Information to be contained in an environmental report

Articles 13E, 13N, 14D, 15D and 179C

The following information shall be included in an environmental report—

- (a) an outline of the contents and main objectives of the plan or programme and relationship with other relevant plans;
- (b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;
- (c) the environmental characteristics of areas likely to be significantly affected;
- (d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to the Birds Directive or Habitats Directive;
- (e) the environmental protection objectives, established at international, European Union or national level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;
- (f) the likely significant effects¹ on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;
- (g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;
- (h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;
- (i) a description of the measures envisaged concerning monitoring of the significant environmental effects of implementation of the plan or programme;
- (j) a non-technical summary of the information provided under the above headings.

Comment [i415]: Substituted by article 3(o) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

Comment [i416]: Substituted by article 3(o) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

Comment [i417]: Substituted by article 3(o) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

Comment [i418]: Substituted by article 3(o) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

Comment [i419]: Substituted by article 3(o) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

Comment [i420]: Substituted by article 3(o) of S.I. No. 201/2011 – Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011

Comment [i421]: Inserted by article 12 of S.I. No. 436/2004 – Planning and Development (Strategic Environmental Assessment) Regulations 2004

Schedule 3

Prescribed Notices

Form no. 1

Article 19

Comment [i422]: Substituted by article 27(a) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

Site notice

NAME OF PLANNING AUTHORITY¹

SITE NOTICE

I,², intend to apply for permission/retention permission/outline permission/permission consequent on the grant of outline permission (Ref. No. of outline permission)³ for development at this site.....⁴

The development will consist/consists⁵ of.....⁶

The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours.

A submission or observation in relation to the application may be made in writing to the planning authority on payment of the prescribed fee, €20, within the period of 5 weeks beginning on the date of receipt by the authority of the application, and such submissions or observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission.

Signed:⁷

Date of erection of site notice⁸

Directions for completing this notice

1. The name of the planning authority to which the planning application will be made should be inserted here.
2. The name of the applicant for permission (and not his or her agent) should be inserted here.
3. Delete as appropriate. The types of permission which may be sought are—
 - (a) permission,
 - (b) retention permission,
 - (c) outline permission,
 - (d) permission consequent on the grant of outline permission. If this type of permission is being sought, the reference number on the planning register of the relevant outline permission should be included.
4. The location, townland or postal address of the land or structure to which the application relates should be inserted here.
5. Delete as appropriate. The present tense should be used where retention permission is being sought.
6. A brief description of the nature and extent of the development should be inserted here. The description should include—
 - (a) where the application relates to development consisting of or comprising the provision of houses, the number of houses to be provided. ‘Houses’ includes buildings designed as 2 or more dwellings or flats, apartments or other dwellings within a building,
 - (b) where the application relates to the retention of a structure, the nature of the proposed use of the structure and, where appropriate, the period for which it is proposed to retain the structure,

- (c) where the application relates to development which would consist of or comprise the carrying out of works to a protected structure or proposed protected structure, an indication of that fact,
 - (d) where an environmental impact statement or Natura impact statement has been prepared in respect of the planning application, an indication of that fact,
 - (e) where the application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact, or
 - (f) where a planning application relates to development consisting of the provision of, or modifications to an establishment within the meaning of Part 11 of these Regulations (Major Accidents Directive), an indication of that fact.
7. Either the signature of the applicant or the signature and contact address of the person acting on behalf of the applicant should be inserted here.
8. The date that the notice is erected or fixed at the site should be inserted here.

Planning Application Form**PLANNING APPLICATION FORM****BEFORE FILLING OUT THIS FORM PLEASE NOTE THE FOLLOWING**

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application. Therefore please ensure that each section of this application form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to the application form.

ADDITIONAL INFORMATION

It should be noted that each planning authority has its own development plan, which sets out local development policies and objectives for its own area. The authority may therefore need supplementary information (i.e. other than that required in this form) in order to determine whether the application conforms with the development plan and may request this on a supplementary application form.

Failure to supply the supplementary information will not invalidate your planning application but may delay the decision-making process or lead to a refusal of permission. Therefore applicants should contact the relevant planning authority to determine what local policies and objectives would apply to the development proposed and whether additional information is required.

OTHER STATUTORY CODES

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Also any works causing the deterioration or destruction of the breeding and resting places of bats, otters, natterjack toads, Kerry slugs and certain marine animals constitute a criminal offence unless covered by a derogation licence issued by the Minister for Arts, Heritage and the

Gaeltacht (pursuant to Article 16 of the Habitats Directive).

DATA PROTECTION

It is the responsibility of persons or entities wishing to use any personal data on a planning application form for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 and 2003. The Office of the Data Protection Commissioner state that the sending of marketing material to individuals without consent may result in action by the Data Protection Commissioner against the sender including prosecution.

PLANNING APPLICATION FORM

Comment [i424]: Substituted by article 27(a) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

1. NAME OF RELEVANT PLANNING AUTHORITY:

2. LOCATION OF DEVELOPMENT:

Postal Address or Townland or Location (as may best identify the land or structure in question)

Ordnance Survey Map Ref. No. (and the Grid Reference where available)¹

3. TYPE OF PLANNING PERMISSION (PLEASE TICK APPROPRIATE BOX):

Permission Permission for retention Outline Permission Permission consequent on Grant of Outline Permission

4. WHERE PLANNING PERMISSION IS CONSEQUENT ON GRANT OF OUTLINE PERMISSION:

Outline Permission Register Reference Number:.....

Date of Grant of Outline Permission:/...../.....

5. APPLICANT²:

Name(s)

Contact details to be supplied at the end of this form. (Question: 24)

6. WHERE APPLICANT IS A COMPANY (REGISTERED UNDER THE COMPANIES

ACTS):

Name(s) of company director(s)

Registered Address (of company)

Company Registration number

7. PERSON/AGENT ACTING ON BEHALF OF THE APPLICANT (IF ANY):

Name

Address to be supplied at the end of this form. (Question 25)

8. PERSON RESPONSIBLE FOR PREPARATION OF DRAWINGS AND PLANS³:

Name

Firm/Company

9. DESCRIPTION OF PROPOSED DEVELOPMENT:

Brief description of nature and extent of development⁴

10. LEGAL INTEREST OF APPLICANT IN THE LAND OR STRUCTURE:

Please tick appropriate box. Where legal interest is 'Other', please expand further on your interest in the land or structure

A. Owner

B. Occupier

C. Other

If you are not the legal owner, please state

Houses

Apartments

*Number of car-
parking spaces to
be provided*

Total

15. WHERE THE APPLICATION REFERS TO A MATERIAL CHANGE OF USE OF ANY LAND OR STRUCTURE OR THE RETENTION OF SUCH A MATERIAL CHANGE OF USE:

Existing use⁶ (or previous use where retention permission is sought)

Proposed use (or use it is proposed to retain)

Nature and extent of any such proposed use (or use it is proposed to retain)

16. SOCIAL AND AFFORDABLE HOUSING:

(Please tick appropriate box)

Yes

No

Is the application an application for permission for development to which Part V of the Planning and Development Act 2000 applies?⁷

If the answer to the above question is “yes” and the development is not exempt (see below), you must specify, as part of your application, the manner in which you propose to comply with section 96 of Part V of the Act. If the answer to the above question is “yes” but you consider the development to be exempt by virtue of section 97 of the Planning and Development Act 2000⁸, a copy of the Certificate of Exemption under section 97 must be submitted (or, where an application for a certificate of exemption has been made but has not yet been decided, a

copy of the application should be submitted). If the answer to the above question is “no” by virtue of section 96(13) of the Planning and Development Act 2000⁹, details indicating the basis on which section 96(13) is considered to apply to the development should be submitted.

17. DEVELOPMENT DETAILS:

Please tick appropriate box

Yes

No

Does the proposed development consist of work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage?

Does the proposed development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?

Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994¹⁰?

Does the proposed development require the preparation of an Environmental Impact Statement¹¹?

Does the application relate to work within or close to a European Site (under S.I. No. 94 of 1997) or a Natural Heritage Area¹²?

Does the application relate to a development which comprises or is for the purposes of an activity requiring an integrated pollution prevention and control licence?

Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence?

Do the Major Accident Regulations apply to the proposed development?

Does the application relate to a development in a Strategic

Development Zone?

Does the proposed development involve the demolition of any structure?

18. SITE HISTORY

Details regarding site history (if known)

Has the site in question ever, to your knowledge, been flooded? Yes [] No []

If yes, please give details e.g. year, extent.

Are you aware of previous uses of the site e.g. dumping or quarrying? Yes [] No []

If yes, please give details.

Are you aware of any valid planning applications previously made in respect of this land/structure?

Yes [] No []

If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known:

Reference No.:

Date:

If a valid planning application has been made in respect of this land or structure in the 6 months prior to the submission of this application, then the site notice must be on a yellow background in accordance with article 19(4) of the Planning and Development Regulations 2001 as amended.

Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development ¹³?

Yes [] No []

An Bord Pleanála Reference No.:.....

19. PRE-APPLICATION CONSULTATION:

Has a pre-application consultation taken place in relation to the proposed development¹⁴?

Yes [] No []

If yes, please give details:

Reference No. (if any):.....

Date(s) of consultation:/...../.....

Persons involved:

20. SERVICES:

Proposed Source of Water Supply

Existing connection [] New connection [] Public Mains [] Group Water Scheme [] Private Well []

Other (please specify):.....

Name of Group Water Scheme (where applicable).....

Proposed Wastewater Management/Treatment

Existing [] New [] Public Sewer [] Conventional septic tank system [] Other on-site

treatment system []

Please specify.....

Proposed Surface Water Disposal

Public Sewer/Drain [] Soakpit [] Watercourse [] Other []

Please specify.....

21. DETAILS OF PUBLIC NOTICE:

Approved newspaper¹⁵ in which notice was published

Date of publication

Date on which site notice was erected

22. APPLICATION FEE:

Fee Payable

Basis of Calculation

23. DECLARATION:

I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning and Development Act 2000, as amended, and the Regulations made thereunder.

Signed(Applicant or Agent as appropriate)

Date

CONTACT DETAILS — NOT TO BE PUBLISHED

24. APPLICANT ADDRESS/CONTACT DETAILS:

Address

Email address

Telephone number (optional)

25. AGENT'S (IF ANY) ADDRESS/CONTACT DETAILS:

Address

Email address

Telephone number (optional)

Should all correspondence be sent to the agent's address (where applicable)? Please tick appropriate box. (Please note that if the answer is 'No', all correspondence will be sent to the applicant's address) Yes [] No []

A contact address must be given, whether that of the applicant or that of the agent.

This form should be accompanied by the following documentation:

Please note that if the appropriate documentation is not included, your application will be deemed invalid.

ALL Planning Applications

The relevant page of newspaper that contains notice of your application

A copy of the site notice

6 copies of site location map¹⁶

6 copies of site or layout plan¹⁶⁺¹⁷

6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections — except in the case of outline permission)

The appropriate Planning Fee

Where the applicant is not the legal owner of the land or structure in question:

The written consent of the owner to make the application

Where the application is for residential development that is subject to Part V of the 2000 Act:

Specification of the manner in which it is proposed to comply with section 96 of Part V

or

A certificate of exemption from the requirements of Part V

or

A copy of the application submitted for a certificate of exemption.

Where the application is for residential development that is not subject to Part V of the 2000 Act by virtue of section 96(13) of the Act:

Information setting out the basis on which section 96(13) is considered to apply to the development.

Where the disposal of wastewater for the proposed development is other than to a public sewer:

Information on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed.

Where the application refers to a protected structure/ proposed protected structure/ or the exterior of a structure which is located within an architectural conservation area (ACA):

Photographs, plans and other particulars necessary to show how the development would affect the character of the structure.

Applications that refer to a material change of use or retention of such a material change of use:

Plans (including a site or layout plan and drawings of floor plans, elevations and sections which comply with the requirements of article 23) and other particulars required describing the works proposed.

Where an application requires an Environmental Impact Statement:

An Environmental Impact Statement

Applications that are exempt from planning fees:

Proof of eligibility for exemption¹⁸

Directions for completing this form

Comment [i425]: Substituted by article 27(a) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

1. Grid reference in terms of the Irish Transverse Mercator.
2. “The applicant” means the person seeking the planning permission, not an agent acting on his or her behalf.
3. Where the plans have been drawn up by a firm/company the name of the person primarily responsible for the preparation of the drawings and plans, on behalf of that firm/company, should be given.
4. A brief description of the nature and extent of the development, including reference to the number and height of buildings, protected structures, etc.
5. Gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building, that is, floor areas must be measured from inside the external wall.
6. Where the existing use is ‘vacant’ please state most recent authorised use of the land or structure.
7. Part V of the Planning and Development Act 2000 applies where—
 - the land is zoned for residential use or for a mixture of residential and other uses,
 - there is an objective in the Development Plan for the area for a percentage of the land to be made available for social and/or affordable housing, and
 - the proposed development is not exempt from Part V
8. Under section 97 of the Planning and Development Act 2000, applications involving development of 4 or fewer houses or development on land of less than 0.1 hectare may be exempt from Part V.
9. Under section 96(13) of the Planning and Development Act 2000, Part V does not apply to certain housing developments by approved voluntary housing bodies, certain conversions, the carrying out of works to an existing house or the development of houses under an agreement made under section 96 of the Act.

10. The Record of Monuments and Places, under section 12 of the National Monuments Amendment Act 1994, is available, for each county, in the local authorities and public libraries in that county. Please note also that if the proposed development affects or is close to a national monument which, under the National Monuments Acts 1930 to 2004, is in the ownership or guardianship of the Minister for Arts, Heritage and the Gaeltacht or a local authority, or is the subject of a preservation order or a temporary preservation order, a separate statutory consent is required, under the National Monuments Acts, from the Minister for Arts, Heritage and the Gaeltacht. For information on whether national monuments are in the ownership or guardianship of the Minister for Arts, Heritage and the Gaeltacht or a local authority or are the subject of preservation orders, contact the National Monuments Section, Department of Arts, Heritage and the Gaeltacht.
11. An Environmental Impact Statement (EIS) is required to accompany a planning application for development of a class set out in Schedule 5 of the Planning and Development Regulations 2001-2011 which exceeds a limit, quantity or threshold set for that class of development. An EIS will also be required by the planning authority in respect of sub-threshold development where the authority considers that the development would be likely to have significant effects on the environment (article 103).
12. An appropriate assessment of proposed development is required in cases where it cannot be excluded that the proposed development would have a significant effect on a European site. It is the responsibility of the planning authority to screen proposed developments to determine whether an appropriate assessment is required and where the authority determines that an appropriate assessment is required, the authority will normally require the applicant to submit a Natura impact statement (NIS). Where the applicant considers that the proposed development is likely to have a significant effect on a European site it is open to him/her to submit a NIS with the planning application.
13. The appeal must be determined or withdrawn before another similar application can be made.
14. A formal pre-application consultation may only occur under Section 247 of the Planning and Development Act 2000. An applicant should contact his or her planning authority if he/she wishes to avail of a pre-application consultation. In the case of residential development to which Part V of the 2000 Act applies, applicants are advised to avail of the pre-application consultation facility in order to ensure that a Part V agreement in principle can be reached in advance of the planning application being submitted.
15. The list of approved newspapers, for the purpose of giving notice of intention to make a

planning application, is available from the planning authority to which the application will be submitted.

16. All plans, drawings and maps submitted to the planning authority should be in accordance with the requirements of the Planning and Development Regulations 2001-2011.
17. The location of the site notice(s) should be shown on site location map.
18. See Schedule 9 of Planning and Development Regulations 2001. If a reduced fee is tendered, details of previous relevant payments and planning permissions should be given. If exemption from payment of fees is being claimed under article 157 of the 2001 Regulations, evidence to prove eligibility for exemption should be submitted.

ACKNOWLEDGEMENT of RECEIPT of SUBMISSION or OBSERVATION on a PLANNING APPLICATION

THIS IS AN IMPORTANT DOCUMENT

KEEP THIS DOCUMENT SAFELY. YOU WILL BE REQUIRED TO PRODUCE THIS ACKNOWLEDGEMENT TO AN BORD PLEANÁLA IF YOU WISH TO APPEAL THE DECISION OF THE PLANNING AUTHORITY. IT IS THE ONLY FORM OF EVIDENCE WHICH WILL BE ACCEPTED BY AN BORD PLEANALA THAT A SUBMISSION OR OBSERVATION HAS BEEN MADE TO THE PLANNING AUTHORITY ON THE PLANNING APPLICATION.

PLANNING AUTHORITY NAME

_____ (*insert name*)

PLANNING APPLICATION REFERENCE No.

_____ (*insert ref no.*)

A submission/observation in writing, has been received from

(insert name of person or body who made submission) on

(insert date received) in relation to the above planning application.

The appropriate fee of _____ (*insert amount*) has been paid. (*Fee not applicable to prescribed bodies*)

The submission/observation is in accordance with the appropriate provisions of the Planning and Development Regulations 2001 and will be taken into account by the planning authority in its determination of the planning application.

Official's Name

Planning Authority Stamp

Date _____

Comment [i427]: Substituted by article 42 of S.I. No. 685/2006 – Planning and Development Regulations 2006

NAME OF PLANNING AUTHORITY¹

SITE NOTICE OF FURTHER INFORMATION/REVISED PLANS

Name of applicant _____²

Reference number of the application _____³

The development applied for consisted of _____

_____⁴

Significant Further Information/Revised Plans⁵ has/have⁵ been furnished to the planning authority in respect of this proposed development, and is/are⁵ available for inspection or purchase at the offices of the authority during its public opening hours.

A submission or observation in relation to the further information or revised plans may be made in writing to the planning authority within the statutory time limit. A submission or observation must be accompanied by the prescribed fee, except in the case of a person or body who has already made a submission or observation.

Signed: _____⁶

Date of erection of site notice: _____⁷

Directions for completing this notice.

1. The name of the planning authority to which the planning application was made should be inserted here.
2. The name of the applicant for permission (and not his or her agent) should be inserted here.
3. Reference number of the planning application on the register of the planning authority.
4. This description should be identical to that used on the site notice (Form no. 1).
5. Delete as appropriate.
6. Either the signature of the applicant or the signature and contact address of the person acting on behalf of the applicant should be inserted here.
7. The date that the notice is erected or fixed at the site should be inserted here.

Comment [i428]: Substituted by article 42 of S.I. No. 685/2006 – Planning and Development Regulations 2006

Notice of proposed material contravention of development plan.

PLANNING AND DEVELOPMENT ACT 2000

MATERIAL CONTRAVENTION OF DEVELOPMENT PLAN FOR

_____ 1

Ref. No. in register _____

Notice is hereby given in accordance with section 34(6) of the Planning and Development Act 2000 that _____² intends to consider deciding to grant a permission/retention permission / outline permission/ permission consequent on the grant of outline permission (Ref. No. of outline permission)³ for

_____ 4

at _____ 5

The development would contravene materially the following objective of the development plan:

_____ 6

Particulars of the development may be inspected or purchased at the offices of the planning authority during its public opening hours. Any submission or observation as regards the making of a decision to grant permission received not later than 4 weeks after _____⁷ will be duly considered by the planning authority.

Signed _____ 8

Date _____

Directions for completing this form

1. Insert title of development plan.
2. Insert name of planning authority.
3. Omit words which do not apply.
4. Indicate nature and extent of development.
5. Indicate location, townland or postal address of the land or structure concerned (as may best identify the land or structure in question).
6. State which objective of the development plan would be materially contravened by granting the permission.
7. Insert date of first publication of notice.
8. Insert description of the person signing form, e.g. Town Clerk.

Application to An Bord Pleanála for substitute consent: site notice

APPLICATION TO AN BORD PLEANÁLA FOR SUBSTITUTE CONSENT

SITE NOTICE

I,....., ¹ intend to apply for substitute consent for development at this site.....
.....²

The development consists of.....³

The application is accompanied by a remedial Environmental Impact Statement and remedial Natura impact statement [*delete as appropriate*].

Submissions or observations may be made on the application, to An Bord Pleanála, Marlborough Street, Dublin 1, without charge. Submissions or observations must be in writing and made within the period of 5 weeks beginning on the date of receipt of the application by An Bord Pleanála and such submissions and observations will be considered by An Bord Pleanála in making a decision on the application. An Bord Pleanála may grant the consent subject to or without conditions, or may refuse to grant it. The application for consent may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of An Bord Pleanála, or the relevant planning authority during its public opening hours.

Signed:⁴

Date of erection of site notice⁵

Directions for completing this notice

Comment [i430]: Inserted by article 27(b) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

1. The name of the applicant for substitute consent (and not his or her agent) should be inserted here.
2. The location, townland or postal address of the land or structure to which the application relates should be inserted here.
3. A brief description of the nature and extent of the development should be inserted here. The description shall include—
 - (a) where the application relates to development which consisted or comprised of the carrying out of works to a protected structure or proposed protected structure, an indication of that fact,
 - (b) where the application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact, or
 - (c) where an application relates to development consisting of the provision of, or modifications to an establishment within the meaning of Part 11 of these Regulations (Major Accidents Directive), an indication of that fact.
4. Either the signature of the applicant or the signature and contact address of the person acting on behalf of the applicant should be inserted here.
5. The date that the notice is erected or fixed at the site should be inserted here.

Application to An Bord Pleanála for substitute consent

APPLICATION TO AN BORD PLEANÁLA FOR SUBSTITUTE CONSENT

BEFORE FILLING OUT THIS FORM PLEASE NOTE THE FOLLOWING

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application. Therefore please ensure that each section of this application form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to the application form.

ADDITIONAL INFORMATION

It should be noted that each planning authority has its own development plan, which sets out local development policies and objectives for its own area. The authority may therefore need supplementary information (i.e. other than that required in this form) in order to determine whether the application conforms with the development plan and may request this on a supplementary application form.

Failure to supply the supplementary information will not invalidate your planning application but may delay the decision-making process or lead to a refusal of permission. Therefore applicants should contact the relevant planning authority to determine what local policies and objectives would apply to the development proposed and whether additional information is required.

OTHER STATUTORY CODES

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Also any works causing the deterioration or destruction of the breeding and resting places of bats, otters, natterjack toads, Kerry slugs and certain marine animals constitute a criminal offence unless covered by a derogation licence issued by the Minister for Arts, Heritage and the Gaeltacht (pursuant to Article 16 of the Habitats Directive).

DATA PROTECTION

It is the responsibility of persons or entities wishing to use any personal data on a planning application form for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 and 2003. The Office of the Data Protection Commissioner state that the sending of marketing material to individuals without consent may result in action by the Data Protection Commissioner against the sender including prosecution.

APPLICATION FORM

Comment [i432]: Inserted by article 27(b) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

1. NAME OF RELEVANT PLANNING AUTHORITY:

2. LOCATION OF DEVELOPMENT:

Postal Address or Townland or Location (as may best identify the land or structure in question)

Ordnance Survey Map Ref No (and the Grid Reference where available) ¹

3. APPLICANT²:

Name(s)

Address to be supplied at the end of this form (Question 19)

4. WHERE APPLICANT IS A COMPANY (REGISTERED UNDER THE COMPANIES ACTS):

Name(s) of company director(s)

Registered Address (of company)

Company Registration number

5. PERSON/AGENT ACTING ON BEHALF OF THE APPLICANT (IF ANY):

Name

Address to be supplied at the end of this form (Question 20)

6. PERSON RESPONSIBLE FOR PREPARATION OF DRAWINGS AND PLANS³:

Does the development require the preparation of a remedial Natura impact statement?

Does the application relate to a development which comprises or is for the purposes of an activity requiring an integrated pollution prevention and control licence?

Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence?

Do the Major Accident Regulations apply to the development?

Does the application relate to a development in a Strategic Development Zone?

Does the development involve the demolition of any structure?

14. SITE HISTORY:

Details regarding site history (if known)

Has the site in question ever, to your knowledge, been flooded? Yes [] No []

If yes, please give details e.g. year, extent.

Are you aware of previous uses of the site e.g. dumping or quarrying? Yes [] No []

If yes, please give details.

Are you aware of any valid planning applications previously made in respect of this land/structure?

Yes [] No []

If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known:

Reference No.:

Date:

15. SERVICES:

Source of Water Supply

Public Mains [] Group Water Scheme [] Private Well []

Other (please specify):

Name of Group Water Scheme (where applicable):

Wastewater Management/Treatment

Public Sewer [] Conventional septic tank system [] Other on-site treatment system []

Please specify.....

Surface Water Disposal

Public Sewer/Drain [] Soakpit [] Watercourse [] Other []

Please specify.....

16. DETAILS OF PUBLIC NOTICE:

Approved newspaper⁷ in which notice was published

Date of publication

Date on which site notice was erected

17. APPLICATION FEE:

Fee Payable

Basis of Calculation

18. DECLARATION:

I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning & Development Act 2000, as amended, and the Regulations made thereunder.

Signed (Applicant or Agent as appropriate)

Date

CONTACT DETAILS — NOT TO BE PUBLISHED

Comment [i433]: Inserted by article 27(b) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

19. APPLICANT ADDRESS/CONTACT DETAILS:

Address

Email address

Telephone number (optional)

20. AGENT'S (IF ANY) ADDRESS/CONTACT DETAILS:

Address

Email address

Telephone number (optional)

Should all correspondence be sent to the agent's address? Please tick appropriate box. (Please note that if the answer is 'No', all correspondence will be sent to the applicant's address)

Yes [] No []

A contact address must be given, whether that of the applicant or that of the agent.

This form should be accompanied by the following documentation:

Please note that if the appropriate documentation is not included, your application will be deemed invalid.

ALL Applications:

The relevant page of newspaper that contains notice of your application

A copy of the site notice

6 copies of site location map⁸

6 copies of site or layout plan as appropriate⁸

6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections) as appropriate⁸

The appropriate Fee

Where the disposal of wastewater for the development is other than to a public sewer:

Information on the on-site treatment system and evidence as to the suitability of the site for the system.

Where the application refers to a protected structure/ proposed protected structure/ or the exterior of a structure which is located within an architectural conservation area (ACA):

Photographs, plans and other particulars necessary to show how the development affects the character of the structure.

Where an application requires an Environmental Impact Statement or a Natura Impact Statement:

An Environmental Impact Statement

A Natura Impact Statement

Directions for completing this form

Comment [i434]: Inserted by article 27(b) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

1. Grid reference in terms of the Irish Transverse Mercator.
2. “The applicant” means the person seeking the consent, not an agent acting on his or her behalf.
3. Where the plans have been drawn up by a firm/company the name of the person primarily responsible for the preparation of the drawings and plans, on behalf of that firm/company, should be given.
4. A brief description of the nature and extent of the development, including reference to the number and height of buildings, protected structures, etc.
5. Gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building, that is, floor areas must be measured from inside the external wall.
6. The Record of Monuments and Places, under section 12 of the National Monuments Amendment Act 1994, is available, for each county, in the local authorities and public libraries in that county. Please note also that if the proposed development affects or is close to a national monument which, under the National Monuments Acts 1930 to 2004, is in the ownership or guardianship of the Minister for Arts, Heritage and the Gaeltacht or a local authority, or is the subject of a preservation order or a temporary preservation order, a separate statutory consent is required, under the National Monuments Acts, from the Minister for Arts, Heritage and the Gaeltacht. For information on whether national monuments are in the ownership or guardianship of the Minister for Arts, Heritage and the Gaeltacht or a local authority or are the subject of preservation orders, contact the National Monuments Section, Department of Arts, Heritage and the Gaeltacht.
7. A list of approved newspapers, for the purpose of giving notice of intention to make a planning application, is available from the planning authority.
8. All plans, drawings and maps submitted to the planning authority should be in accordance with the requirements of the Planning and Development Regulations 2001-2011.

Site notice for additional notice under Part 21

NAME OF PLANNING AUTHORITY

ADDITIONAL SITE NOTICE: PLANNING APPLICATION NOT DECIDED WITHIN YEAR OF PERIOD FOR MAKING A DECISION UNDER SECTION 34 OF PLANNING AND DEVELOPMENT ACT 2000

Planning Register Reference:

I,¹, have applied for permission/retention permission/outline permission/permission consequent on the grant of outline permission (Ref. No. of outline permission) for development at this site

The development will consist/ consists of

This application is accompanied by an EIS and/or a Natura impact statement [*delete as appropriate*]

The planning authority has failed to decide the planning application within 1 year of the period for deciding the application under section 34 of the Planning and Development Act 2000 (as amended) and submissions or observations/further submissions or observations may now be made on the application, to the planning authority, without charge. Submissions or observations must be in writing and made within the period of 5 weeks beginning on the date of receipt by the authority of copies of the newspaper and site notices: such submissions will be considered by the planning authority in making a decision on the application.

The planning authority may grant the application subject to or without conditions, or may refuse to grant it.

The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours and a submission or observation in relation to the application may be made to the authority.

Signed:

Date of erection of additional site notice

Directions for completing this notice

Comment [i436]: Inserted by article 27(b) of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011

1. The name of the applicant for permission (and not his or her agent) should be inserted here.
2. The location, townland or postal address of the land or structure to which the application relates should be inserted here.
3. A brief description of the nature and extent of the development should be inserted here. The description should include—
 - (a) where the application relates to development which consisted or comprised of the carrying out of works to a protected structure or proposed protected structure, an indication of that fact,
 - (b) where the application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact, or
 - (c) where an application relates to development consisting of the provision of, or modifications to an establishment within the meaning of Part 11 of these Regulations (Major Accidents Directive), an indication of that fact.
4. Either the signature of the applicant or the signature and contact address of the person acting on behalf of the applicant should be inserted here.
5. The date that the notice is erected or fixed at the site should be inserted here.

SCHEDULE 4

VESTING ORDERS

Form No. 1

Article 54

Form of Vesting Order for Protected Structure

PLANNING AND DEVELOPMENT ACT, 2000 - SECTION 75

_____ (insert name of planning authority).

VESTING ORDER

WHEREAS the structure described in the Schedule hereto and shown on the map (which has been marked¹ and sealed with the seal of the planning authority) attached hereto is a protected structure within the meaning of the Planning and Development Act, 2000 (hereinafter called “the Act”);

AND WHEREAS it appears to² (hereinafter called “the planning authority”) that it is necessary to acquire the said structure for the protection of the said structure, and the structure is not lawfully occupied as a dwelling house by any person other than a person employed as a caretaker;

AND WHEREAS the planning authority has, in accordance with section 72(1)(a) of the Act, published a notice and, in accordance with section 72(1)(b) of the said Act, served on every owner, lessee and occupier (except tenants for a period of one month or less) a notice in relation to the compulsory acquisition of the said protected structure;

³ AND WHEREAS no objection has been submitted to the planning authority under section 73 of the Act;

³ AND WHEREAS an objection has been submitted to the planning authority under section 73 of the Act and was subsequently withdrawn;

³ AND WHEREAS an objection has been submitted to the planning authority under section 73 of the Act and has not subsequently been withdrawn, and An Bord Pleanála has granted consent to the compulsory acquisition of the said protected structure by the planning authority;

NOW THEREFORE, the planning authority, in exercise of the powers conferred on it by section 74 of the Act, hereby orders that the said protected structure shall, on _____, ⁴ vest in the planning authority in fee simple free from encumbrances and all estates, rights, titles and interests of whatsoever kind.

SCHEDULE

*Description of protected structure.*⁵

The official seal of the planning authority was affixed hereto this _____ day of _____, 20____, in the presence of:

_____ 6 _____ 6 _____ 6

Directions for completing this form.

1. The map should be sealed and marked by a heading containing a reference to the order, e.g. "Map referred to in vesting order made under section 74 of the Planning and Development Act, 2000, on the _____ day of _____, 20____, by _____(name of planning authority)".
2. Insert full description of planning authority.
3. Delete whichever recitals do not apply.
4. Section 75(2) of the Planning and Development Act, 2000 provides that the vesting date shall be a specified date not earlier than 3 weeks after the making of the vesting order.
5. The description and location of the protected structure should be set out, with an appropriate reference to the manner in which the structure is shown on the map and its identifying number in the relevant record of protected structures.
6. The description of the persons in whose presence the seal is affixed should be stated, e.g. "the Lord Mayor", "Mayor", "Cathaoirleach", "Nominated Member", "Manager", etc.

**Form of Vesting Order for Structure or Land in
Architectural Conservation Area**

PLANNING AND DEVELOPMENT ACT, 2000 -
SECTIONS 75 AND 83

_____ (insert name of planning authority).

VESTING ORDER

WHEREAS the structure described in the Schedule hereto and shown on the map (which has been marked _____¹ and sealed with the seal of the planning authority) attached hereto is a structure or other land situated within an architectural conservation area within the meaning of the Planning and Development Act, 2000 (hereinafter called “the Act”);

AND WHEREAS it appears to _____² (hereinafter called “the planning authority”) that it is necessary to acquire the structure or other land in order to preserve the character of the architectural conservation area, and —

³the condition of the land, or the use to which the land or any structure on the land is being put, detracts, or is likely to detract, to a material degree from the character or appearance of the architectural conservation area,

³the acquisition of the land is necessary for the development or renewal of the architectural conservation area or for the provision of amenities in the area,

and the structure is not lawfully occupied as a dwelling house by any person other than a person employed as a caretaker;

AND WHEREAS the planning authority has, in accordance with section 72(1)(a) (as applied by section 83(3)) of the Act, published a notice and, in accordance with section 72(1)(b) (as applied by section 83(3)) of the said Act, served on every owner, lessee and occupier (except tenants for a period of one month or less) a notice in relation to the compulsory acquisition of the said structure or other land;

⁴AND WHEREAS no objection has been submitted to the planning authority under section 73 (as applied by section 83(3)) of the Act;

⁴AND WHEREAS an objection has been submitted to the planning authority under section 73 (as applied by section 83(3)) of the Act and was subsequently withdrawn;

⁴AND WHEREAS an objection has been submitted to the planning authority under section 73 (as applied by section 83(3)) of the Act and has not subsequently been withdrawn, and An Bord Pleanála has granted consent to the compulsory acquisition of the said structure or other land by the planning authority;

Directions for completing this form.

1. The map should be sealed and marked by a heading containing a reference to the order, e.g. “Map referred to in vesting order made under section 74 (as applied by section 83(3)) of the Planning and Development Act, 2000, on the day of, by (name of planning authority)”.
2. Insert full description of planning authority.
3. Delete whichever words do not apply.
4. Delete whichever recitals which do not apply.
5. Section 75(2) (as applied by section 83(3)) of the Planning and Development Act, 2000 provides that the vesting date shall be a specified date not earlier than 3 weeks after the making of the vesting order.
6. The description and location of the protected structure should be set out, with an appropriate reference to the manner in which the structure is shown on the map and its identifying number in the relevant record of protected structures.
7. The description of the persons in whose presence the seal is affixed should be stated, e.g. “ the Lord Mayor”, “Mayor”, “Cathaoirleach”, “Nominated Member”, “Manager”, etc.

Form of Vesting Order for Open Space

PLANNING AND DEVELOPMENT ACT, 2000

SECTION 45

_____ (Insert name of planning authority).

VESTING ORDER

WHEREAS development is being/has been¹ carried out pursuant to a permission granted on _____ (Insert date) under section 26 of the Local Government (Planning and Development) Act, 1963/section 34 of the Planning and Development Act, 2000¹ (Insert Reference No. in Register _____);

² AND WHEREAS a condition requiring the provision or maintenance of land as open space, being open space to which section 45 of the Planning and Development Act, 2000 (hereinafter called “the Act”) applies, was attached to the permission;

² AND WHEREAS it was implicit/explicit¹ in the application for the permission that land would be provided or maintained as open space, being open space to which section 45 of the Planning and Development Act, 2000 (hereinafter called “the Act”) applies;

AND WHEREAS on _____ (Insert date), the _____³ (hereinafter referred to as “the planning authority”) served on the owner of the land a written request that, within a period of _____ (Insert period as stated in the request) commencing on that date, he or she would provide, level, plant or otherwise adapt or maintain the said land in a manner specified in the request, being a manner which, in the opinion of the planning authority, would make it suitable for the purpose for which the open space was to be provided;

AND WHEREAS the owner has failed to comply, or to secure compliance with, such request within such period;

AND WHEREAS the planning authority has, in accordance with section 45(1) of the Act, published an acquisition notice in relation to the said land and has, in accordance with section 45(2) of the Act, served a copy of the notice on the owner of the land within 10 days of the date of publication of the said notice;

² AND WHEREAS no appeal has been taken under section 45(3) of the Act;

² AND WHEREAS an appeal has been taken under section 45(3) of the Act and the appeal has been withdrawn;

²AND WHEREAS an appeal has been taken under section 45(3) of the Act and the said acquisition notice has been confirmed in relation to the land described in the Schedule hereto;

NOW THEREFORE, the planning authority, in exercise of the powers conferred on it by section 45(5) of the Act, hereby orders that the land described in the Schedule hereto, being the land to which the said acquisition notice (as confirmed)¹ relates, and which is shown on the map attached hereto (which has been marked _____⁴ and sealed with the seal of the planning authority), shall, on _____,⁵ vest in the planning authority for all the estate, term or interest for which, immediately before the date of this order, the said land was held by the owner together with all rights and liabilities which, immediately before the said date, were enjoyed or incurred in connection therewith by the owner together with an obligation to comply with the request made under section 45(1)(c) of the Act.

SCHEDULE

*Description of land*⁶

The official seal of the planning authority was affixed hereto this _____ day of _____, 20_____
in the presence of:

_____ ⁷

_____ ⁷

_____ ⁷

Directions for completing this form.

1. Delete words which do not apply.
2. Delete whichever recitals do not apply.
3. Insert full description of planning authority.
4. The map should be sealed and marked by a heading containing a reference to the order e.g. "Map referred to in order made under section 45 of the Planning and Development Act, 2000, on the ____ day of _____, 20____, by _____(name of planning authority)".
5. The vesting date can be the date of the order or any subsequent date.
6. The quantity, description and situation of the land should be set out, with an appropriate reference to the manner in which the land is shown on the map.
7. The description of the persons in whose presence the seal is affixed should be stated e.g. "Lord Mayor", "Mayor", "Cathaoirleach", "Nominated Member", "Manager", etc.

SCHEDULE 5

DEVELOPMENT FOR THE PURPOSES OF PART 10

Article 93

PART 1

1. A crude oil refinery (excluding undertakings manufacturing only lubricants from crude oil) or an installation for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.
2.
 - (a) A thermal power station or other combustion installation with a heat output of 300 megawatts or more.
 - (b) A nuclear power station or other nuclear reactor including the dismantling or decommissioning of such a power station or reactor¹ (except a research installation for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).
3.
 - (a) All installations for the reprocessing of irradiated nuclear fuel.
 - (b) Installations designed -
 - for the production or enrichment of nuclear fuel,
 - for the processing of irradiated nuclear fuel or high level radioactive waste,
 - for the final disposal of irradiated fuel,
 - solely for the final disposal of radioactive waste,
 - solely for the storage (planned for more than 10 years) of irradiated fuels or radioactive waste in a different site than the production site.
4.
 - (a) Integrated works for the initial smelting of cast iron and steel.
 - (b) Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.

5. An installation for the extraction of asbestos or for the processing and transformation of asbestos or products containing asbestos-
 - (a) in case the installation produces asbestos-cement products, where the annual production would exceed 20,000 tonnes of finished products,
 - (b) in case the installation produces friction material, where the annual production would exceed 50 tonnes of finished products, or
 - (c) in other cases, where the installation would utilise more than 200 tonnes of asbestos per year.

6. Integrated chemical installations, i.e. those installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are-
 - (a) for the production of basic organic chemicals,
 - (b) for the production of basic inorganic chemicals,
 - (c) for the production of phosphorous, nitrogen or potassium based fertilisers (simple or compound fertilisers),
 - (d) for the production of basic plant health products and of biocides,
 - (e) for the production of basic pharmaceutical products using a chemical or biological process,
 - (f) for the production of explosives.

7. A line for long-distance railway traffic, or an airport² with a basic runway length of 2,100 metres or more.

8.
 - (a) Inland waterways and ports for inland waterway traffic which permit the passage of vessels of over 1,350 tonnes.
 - (b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes.

9. Waste disposal installations for the incineration, chemical treatment as defined in Annex IIA to Directive 75/442/EEC³ under heading D9, or landfill of hazardous waste (i.e. waste to which Directive 91/689/EEC⁴ applies).

10. Waste disposal installations for the incineration or chemical treatment as defined in Annex IIA to Directive 75/442/EEC under heading D9, of non-hazardous waste with a capacity exceeding 100 tonnes per day.
11. Groundwater abstraction or artificial groundwater recharge schemes, where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.
12. (a) Works for the transfer of water resources between river basins, where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres per year.
 (b) In all other cases, works for the transfer of water resources between river basins, where the multi-annual average flow of the basin of abstraction exceeds 2,000 million cubic metres per year and where the amount of water transferred exceeds 5 per cent of this flow.

In the case of (a) and (b) above, transfers of piped drinking water are excluded.

Comment [i437]: Inserted by article 15 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

13. Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC⁵.
14. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of gas.
15. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.
16. Pipelines with a diameter of more than 800mm and a length of more than 40km:
 - for the transport of gas, oil, chemicals, and,
 - for the transport of carbon dioxide (CO₂) streams for the purposes of geological storage, including associated booster stations.
17. Installations for the intensive rearing of poultry or pigs with more than-
 - (a) 85,000 places for broilers, 60,000 places for hens,

Comment [i438]: Substituted by article 16 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

- (b) 3,000 places for production pigs (over 30 kilograms), or
- (c) 900 places for sows.

Comment [i439]: Inserted by article 17 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

18. Industrial plants for the-

- (a) production of pulp from timber or similar fibrous materials,
- (b) production of paper and board with a production capacity exceeding 200 tonnes per day.

19. Quarries and open-cast mining where the surface of the site exceeds 25 hectares.

20. Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres.

21. Installations for storage of petroleum, petrochemical, or chemical products with a capacity of 200,000 tonnes or more.

22. Any change to or extension of projects listed in this Annex where such a change or extension in itself meets the thresholds, if any, set out in this Annex.

Comment [i440]: Inserted by article 5(a) of S.I. No. 364/2005 – Planning and Development Regulations 2005

23. Storage sites pursuant to Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide⁶.

24. Installations for the capture of CO₂ streams for the purposes of geological storage pursuant to Directive 2009/31/EC from installations covered by this Part, or where the total yearly capture of CO₂ is 1.5 megatonnes or more.

Comment [i441]: Inserted by article 18(a) of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

¹ Nuclear power stations and other nuclear reactors cease to be such an installation when all nuclear fuel and other radioactively contaminated elements have been removed permanently from the installation site.

² For the purposes of this Directive, ‘airport’ means airports which comply with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organization (Annex 14).

³ OJ No. L 194, 25.7.1975, p. 39. Directive as last amended by Commission Decision 94/3/EC (OJ No. L 5, 7.1.1994, p.15).

⁴ OJ No. L 377, 31.12.1991, p. 20. Directive as last amended by Directive 94/31/EC (OJ No. L 168, 2.7.1994, p.28).

⁵ OJ No. L 135, 30.5.1991, p.40. Directive as last amended by the 1994 Act of Accession.

⁶ OJ No. L 140, 5.6.2009, p.114.

Comment [i442]: Substituted by article 18(b) of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

PART 2

1. *Agriculture, Silviculture and Aquaculture*

- (c) Development consisting of the carrying out of drainage and/or reclamation of wetlands where more than 2 hectares of wetlands would be affected.
- (d) (ii) Replacement of broadleaf high forest by conifer species, where the area involved would be greater than 10 hectares.
- (iii) Deforestation for the purpose of conversion to another type of land use, where the area to be deforested would be greater than 10 hectares of natural woodlands or 70 hectares of conifer forest.
- (e) (i) Installations for intensive rearing of poultry not included in Part 1 of this Schedule which would have more than 40,000 places for poultry.
- (ii) Installations for intensive rearing of pigs not included in Part 1 of this Schedule which would have more than 2,000 places for production pigs (over 30 kilograms) in a finishing unit, more than 400 places for sows in a breeding unit or more than 200 places for sows in an integrated unit.
- (f) Seawater fish breeding installations with an output which would exceed 100 tonnes per annum; all fish breeding installations consisting of cage rearing in lakes; all fish breeding installations upstream of drinking water intakes; other freshwater fish breeding installations which would exceed 1 million smolts and with less than 1 cubic metre per second per 1 million smolts low flow diluting water.
- (g) Reclamation of land from the sea, where the area of reclaimed land would be greater than 10 hectares.

Comment [i443]: Deleted by article 19(a) of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

Comment [i444]: Substituted by article 5 of S.I. No. 464/2011 – European Communities (Amendment to Planning and Development Regulations) Regulations 2011

Comment [i445]: Substituted by article 19(b) of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

Comment [i446]: Deleted by article 19(c) of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

2. *Extractive Industry*

- (a) Peat extraction which would involve a new or extended area of 30 hectares or more.
- (b) Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares.
- (c) All extraction of minerals within the meaning of the Minerals Development Acts, 1940 to 1999.
- (d) Extraction of stone, gravel, sand or clay by marine dredging (other than maintenance dredging), where the area involved would be greater

than 5 hectares or, in the case of fluvial dredging (other than maintenance dredging), where the length of river involved would be greater than 500 metres.

- (e) With the exception of drilling for investigating the stability of the soil, deep drilling, consisting of—
- (i) geothermal drilling,
 - (ii) drilling for the storage of nuclear waste material,
 - (iii) drilling for water supplies, where the expected supply would exceed 2 million cubic metres per annum, or
 - (iv) any other deep drilling, except where, in considering whether or not to carry out an environmental impact assessment, either—
 - (I) the Board or a planning authority, for the purposes of Part X of the Planning and Development Act 2000, having regard to the criteria set out in Schedule 7, or
 - (II) the appropriate Minister (within the meaning of the Foreshore Act 1933) for the purposes of section 13A (as amended by the European Union (Environmental Impact Assessment and Appropriate Assessment) (Foreshore) Regulations 2014), or section 13B(3) (inserted by those Regulations) of the Foreshore Act 1933, having regard to the criteria referred to in section 13A(2B) of that Act, determines that the drilling concerned would not have a significant effect on the environment.
- (f) All surface industrial installations for the extraction of coal, petroleum (excluding natural gas), ores or bituminous shale not included in Part 1 of this Schedule.
- (g) All extraction of petroleum (excluding natural gas) not included in Part 1 of this Schedule.
- (h) All onshore extraction of natural gas and offshore extraction of natural gas (where the extraction would take place within 10 kilometres of the shoreline) not included in Part 1 of this Schedule.

Comment [i447]: Substituted by article 3 of S.I. No. 543/2014 – European Union (Environmental Impact Assessment) (Planning and Development) Regulations 2014

3. *Energy Industry*

- (a) Industrial installations for the production of electricity, steam and hot water not included in Part 1 of this Schedule with a heat output of 300 megawatts or more.

- (b) Industrial installations for carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more.
- (c) Installations for surface storage of natural gas, where the storage capacity would exceed 200 tonnes.
- (d) Installations for underground storage of combustible gases, where the storage capacity would exceed 200 tonnes.
- (e) Installations for the surface storage of fossil fuels, where the storage capacity would exceed 100,000 tonnes.
- (f) Installations for industrial briquetting of coal and lignite, where the production capacity would exceed 150 tonnes per day.
- (g) Installations for the processing and storage of radioactive waste not included in Part 1 of this Schedule.
- (h) Installations for hydroelectric energy production with an output of 20 megawatts or more, or where the new or extended superficial area of water impounded would be 30 hectares or more, or where there would be a 30 per cent change in the maximum, minimum or mean flows in the main river channel.
- (i) Installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts.
- (j) Installations for the capture of CO₂ streams for the purposes of geological storage pursuant to Directive 2009/31/EC from installations not covered by Part 1 of this Schedule.

Comment [i448]: Inserted by article 19(d) of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

4. *Production and processing of metals*

- (a) All installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting.
- (b) Installations for the processing of ferrous metals-
 - (i) hot-rolling mills and smitheries with hammers, where the production area would be greater than 500 square metres,
 - (ii) application of protective fused metal coats, where the production area would be greater than 100 square metres.
- (c) Ferrous metal foundries with a batch capacity of 5 tonnes or more or where the production area would be greater than 500 square metres.

- (d) Installations for the smelting, including the alloyage, of non-ferrous metals, excluding precious metals, including recovered products (refining foundry casting etc.), where the melting capacity would exceed 0.5 tonnes or where the production area would be greater than 500 square metres.
- (e) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process, where the production area would be greater than 100 square metres.
- (f) All installations for manufacture and assembly of motor vehicles or manufacture of motor-vehicle engines.
- (g) Shipyards, where the area would be 5 hectares or more, or with capacity for vessels of 10,000 tonnes or more (dead-weight).
- (h) All installations for the construction of aircraft with a seating capacity exceeding 10 passengers.
- (i) Manufacture of railway equipment, where the production area would be greater than 100 square metres.
- (j) Swaging by explosives, where the floor area would be greater than 100 square metres.
- (k) All installations for the roasting and sintering of metallic ores.

5. *Mineral Industry*

- (a) All coke ovens (dry coal distillation).
- (b) All installations for the manufacture of cement.
- (c) All installations for the production of asbestos and the manufacture of asbestos based products not included in Part 1 of this Schedule.
- (d) Installations for the manufacture of glass, including glass fibre, where the production capacity would exceed 5,000 tonnes per annum.
- (e) All installations for smelting mineral substances including the production of mineral fibres.
- (f) Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, or with a kiln capacity exceeding 4 cubic metres and with a setting density per kiln exceeding 300 kilograms per cubic metre.

6. *Chemical Industry (development not included in Part 1 of this Schedule)*

- (a) Installations for treatment of intermediate products and production of chemicals using a chemical or biological process.
- (b) All installations for production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides using a chemical or biological process.
- (c) Storage facilities for petroleum, where the storage capacity would exceed 50,000 tonnes.
- (d) Storage facilities for petrochemical and chemical products, where such facilities are storage to which the provisions of Articles 9, 11 and 13 of Council Directive 96/82/EC⁶ apply.

7. *Food Industry*

- (a) Installations for manufacture of vegetable and animal oils and fats, where the capacity for processing raw materials would exceed 40 tonnes per day.
- (b) Installations for packing and canning of animal and vegetable products, where the capacity for processing raw materials would exceed 100 tonnes per day.
- (c) Installations for manufacture of dairy products, where the processing capacity would exceed 50 million gallons of milk equivalent per annum.
- (d) Installations for commercial brewing and distilling; installations for malting, where the production capacity would exceed 100,000 tonnes per annum.
- (e) Installations for confectionery and syrup manufacture, where the production capacity would exceed 100,000 tonnes per annum.
- (f) Installations for the slaughter of animals, where the daily capacity would exceed 1,500 units and where units have the following equivalents:-

1 sheep	=	1 unit
1 pig	=	2 units
1 head of cattle	=	5 units
- (g) All industrial starch manufacturing installations.

⁶ OJ No. L 10, 14.1.1997, p.13.

- (h) All fish-meal and fish-oil factories.
- (i) All sugar factories.

8. *Textile, leather, wood and paper industries*

- (a) All installations for the production of paper and board not included in Part 1 of this Schedule.
- (b) Plants for the pre-treatment (operations such as washing, bleaching, mercerisation or dyeing of fibres or textiles), where the treatment capacity would exceed 10 tonnes per day.
- (c) Plants for the tanning of hides and skins, where the treatment capacity would exceed 100 skins per day.
- (d) Cellulose-processing and production installations, where the production capacity would exceed 10,000 tonnes per annum.

9. *Rubber Industry*

Installations for manufacture and treatment of elastomer based products, where the production capacity would exceed 10,000 tonnes per annum.

10. *Infrastructure projects*

- (a) Industrial estate development projects, where the area would exceed 15 hectares.
- (b)
 - (i) Construction of more than 500 dwelling units.
 - (ii) Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.
 - (iii) Construction of a shopping centre with a gross floor space exceeding 10,000 square metres.
 - (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

- (c) All construction of railways and of intermodal transshipment facilities and of intermodal terminals not included in Part 1 of this Schedule which would exceed 15 hectares in area.
- (d) All airfields not included in Part 1 of this Schedule with paved runways which would exceed 800 metres in length.
- (dd) All private roads which would exceed 2000 metres in length.
- (e) New or extended harbours and port installations, including fishing harbours, not included in Part 1 of this Schedule, where the area, or additional area, of water enclosed would be 20 hectares or more, or which would involve the reclamation of 5 hectares or more of land, or which would involve the construction of additional quays exceeding 500 metres in length.
- (f)
 - (i) Inland waterway construction not included in Part 1 of this Schedule which would extend over a length exceeding 2 kilometres.
 - (ii) Canalisation and flood relief works, where the immediate contributing sub-catchment of the proposed works (i.e. the difference between the contributing catchments at the upper and lower extent of the works) would exceed 100 hectares or where more than 2 hectares of wetland would be affected or where the length of river channel on which works are proposed would be greater than 2 kilometres.
- (g) Dams and other installations not included in Part 1 of this Schedule which are designed to hold water or store it on a long-term basis, where the new or extended area of water impounded would be 30 hectares or more.
- (h) All tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport.
- (i) Oil and gas pipeline installations and pipelines for the transport of CO₂ streams for the purposes of geological storage (projects not included in Part 1 of this Schedule).
- (j) Installation of overground aqueducts which would have a diameter of 1,000 millimetres or more and a length of 500 metres or more.
- (k) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dikes, moles, jetties and other sea defence works, where the length of coastline on which works would take place would exceed 1 kilometre,

Comment [i449]: Inserted by article 7 of S.I. No. 235/2008 – Planning and Development Regulations 2008

Comment [i450]: Substituted by article 19(e) of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

Comment [i451]: Substituted by article 19(e) of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

Comment [i452]: Substituted by article 19(f) of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

but excluding the maintenance and reconstruction of such works or works required for emergency purposes.

- (l) Groundwater abstraction and artificial groundwater recharge schemes not included in Part 1 of this Schedule where the average annual volume of water abstracted or recharged would exceed 2 million cubic metres.
- (m) Works for the transfer of water resources between river basins not included in Part 1 of this Schedule where the annual volume of water abstracted or recharged would exceed 2 million cubic metres.

11. *Other projects*

- (a) All permanent racing and test tracks for motorised vehicles.
- (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.
- (c) Waste water treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.
- (d) Sludge-deposition sites where the expected annual deposition is 5,000 tonnes of sludge (wet).
- (e) Storage of scrap metal, including scrap vehicles where the site area would be greater than 5 hectares.
- (f) Test benches for engines, turbines or reactors where the floor area would exceed 500 square metres.
- (g) All installations for the manufacture of artificial mineral fibres.
- (h) All installations for the manufacture, packing, loading or placing in cartridges of gunpowder and explosives or for the recovery or destruction of explosive substances.
- (i) All knackers' yards in built-up areas.

12. *Tourism and leisure*

- (a) Ski-runs, ski-lifts and cable-cars where the length would exceed 500 metres and associated developments.
- (b) Sea water marinas where the number of berths would exceed 300 and fresh water marinas where the number of berths would exceed 100.

- (c) Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.
- (d) Permanent camp sites and caravan sites where the number of pitches would be greater than 100.
- (e) Theme parks occupying an area greater than 5 hectares.

13. *Changes, extensions, development and testing*

- (a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

Comment [i453]: Inserted by article 19(g) of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

Comment [i454]: Substituted by article 5(b) of S.I. No. 364/2005 – Planning and Development Regulations 2005

- (ii) result in an increase in size greater than –

- 25 per cent, or
- an amount equal to 50 per cent of the appropriate threshold,

whichever is the greater.

- (b) Projects in Part 1 undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than 2 years.

(In this paragraph, an increase in size is calculated in terms of the unit of measure of the appropriate threshold.)

- (c) Any change or extension of development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, which would result in the demolition of structures, the demolition of which had not previously been authorised, and where such demolition would be likely to have significant effects on the environment, having regard to the criteria set out under Schedule 7.

Comment [i455]: Inserted by article 7 of S.I. No. 235/2008 – Planning and Development Regulations 2008

14. *Works of Demolition*

Works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

15. Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

Comment [i456]: Inserted by article 19(h) of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

SCHEDULE 6

INFORMATION TO BE CONTAINED IN AN EIS

1.
 - (a) A description of the proposed development comprising information on the site, design and size of the proposed development.
 - (b) A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.
 - (c) The data required to identify and assess the main effects which the proposed development is likely to have on the environment.
 - (d) An outline of the main alternatives studied by the developer and an indication of the main reasons for his or her choice, taking into account the effects on the environment.

2. Further information, by way of explanation or amplification of the information referred to in paragraph 1, on the following matters:-
 - (a)
 - (i) a description of the physical characteristics of the whole proposed development and the land-use requirements during the construction and operational phases;
 - (ii) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
 - (iii) an estimate, by type and quantity, of expected residues and emissions (including water, air and soil pollution, noise, vibration, light, heat and radiation) resulting from the operation of the proposed development;
 - (b) a description of the aspects of the environment likely to be significantly affected by the proposed development, including in particular:
 - human beings, fauna and flora,
 - soil, water, air, climatic factors and the landscape,
 - material assets, including the architectural and archaeological heritage, and the cultural heritage,

- the inter-relationship between the above factors;
- (c) a description of the likely significant effects (including direct, indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative) of the proposed development on the environment resulting from:
- the existence of the proposed development,
 - the use of natural resources,
 - the emission of pollutants, the creation of nuisances and the elimination of waste,
- and a description of the forecasting methods used to assess the effects on the environment;
- (d) an indication of any difficulties (technical deficiencies or lack of know-how) encountered by the developer in compiling the required information.

SCHEDULE 7

CRITERIA FOR DETERMINING WHETHER A DEVELOPMENT WOULD OR WOULD NOT BE LIKELY TO HAVE SIGNIFICANT EFFECTS ON THE ENVIRONMENT

Articles 103, 109 and 120

1. *Characteristics of proposed development*

The characteristics of proposed development, in particular:

- the size of the proposed development,
- the cumulation with other proposed development,
- the nature of any associated demolition works,
- the use of natural resources,
- the production of waste,
- pollution and nuisances,
- the risk of accidents, having regard to substances or technologies used.

Comment [i457]: Substituted by article 8 of S.I. No. 235/2008 – Planning and Development Regulations 2008

2. *Location of proposed development*

The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard in particular to:

- the existing land use,
- the relative abundance, quality and regenerative capacity of natural resources in the area,
- the absorption capacity of the natural environment, paying particular attention to the following areas:
 - (a) wetlands,
 - (b) coastal zones,
 - (c) mountain and forest areas,
 - (d) nature reserves and parks,

- (e) areas classified or protected under legislation, including special protection areas designated pursuant to Directives 79/409/EEC and 92/43/EEC,
- (f) areas in which the environmental quality standards laid down in legislation of the EU have already been exceeded,
- (g) densely populated areas,
- (h) landscapes of historical, cultural or archaeological significance.

3. *Characteristics of potential impacts*

The potential significant effects of proposed development in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to:

- the extent of the impact (geographical area and size of the affected population),
- the transfrontier nature of the impact,
- the magnitude and complexity of the impact,
- the probability of the impact,
- the duration, frequency and reversibility of the impact.

SCHEDULE 8

TABLES FOR THE PURPOSES OF PART 11

Part 11

TABLE 1

Development Categories

1. Provision of hotel, hostel or holiday accommodation, or housing.
2. Provision of schools, crèches or other educational or childcare facilities, training centres, hospitals, convalescent homes, homes for the elderly or sheltered accommodation.
3. Retail developments greater than 250 square metres in gross floor space.
4. Structures for community and leisure facilities, greater than 100 square metres in gross floor space.
5. Provision of facilities or use of land for activities likely to attract more than 1,000 people at any one time.
6. Commercial or industrial development designed to accommodate 20 or more employees.
7. Provision of parking facilities for more than 200 motor vehicles.
8. Transport links, including public roads.
9. Any development adjoining, or separated only by a road from, an establishment and which poses a risk of fire or explosion.
10. Modifications to categories 2, 3, 4, 6 or 7 which would give rise to an increase in size or capacity of 20 per cent or more.

TABLE 2

Distances from establishments

Column 1 Type of establishment	Column 2 <i>Distance from establishment perimeter (metres)</i>
Establishment where pressurised flammable substances (including liquefied petroleum gas) are stored in bulk – <ul style="list-style-type: none"> - above ground - mounded/underground <ul style="list-style-type: none"> ≤ 100 tonnes > 100 tonnes. 	600 100 200
Establishment where pressurised or refrigerated toxic substances (including ammonia) are present – <ul style="list-style-type: none"> - in bulk storage - in cylinder or drum storage. 	2,000 700
Establishment consisting of or comprising a warehouse where chemicals are present.	700
Establishment where non-pressurised flammable substances are stored in bulk.	300
Establishment where chemical processing involving flammable or toxic substances takes place.	1,000
Establishment where chemical processing, which involves the risk of dust explosion, takes place.	300
Establishment where explosives are manufactured.	1,000

SCHEDULE 9

Part 12

FEEs FOR PLANNING APPLICATIONS

Section 1

Interpretation

1. For the purposes of this Schedule, where appropriate, the “provision” of a house, building or other structure means-
 - (a) the carrying out of works,
 - (b) the making of a material change in the use of a structure, or
 - (c) the retention of an unauthorised development.
2. (a) Subject to paragraph (b), at references 6, 7, 11 and 12 of column 1 of Section 2 of this Schedule “use of land” shall include the retention of an unauthorised use of land, and the carrying out of works, or the retention of structures, on, in or under the land which are incidental to the use.
- (b) At reference 11 of column 1 of Section 2 of this Schedule, “use of land” shall not include the carrying out of works for the provision of a club house or related facilities for persons using the golf course or pitch and putt course, or the retention of any such structures.

Section 2

Scale of Fees for Planning Applications

Column 1 Class of Development	Column 2 Amount of Fee	Column 3 Amount of Fee for Retention Permission
1. The provision of a house.	€65.	€195, or €2.50 for each square metre of gross floor space for which permission is sought, whichever is the greater.
2. (a) Any works for the carrying out of maintenance, improvement or other alteration of an existing house (including any works for the provision of an extension or the conversion for use as part of the house of any garage, store, shed or other structure). (b) Any other works, including the erection, construction or alteration of structures, within or bounding the curtilage of an existing house, for purposes ancillary to the enjoyment of the house as such.	€34.	€102, or €2.50 for each square metre of gross floor space for which permission is sought, whichever is the greater.
3. The provision of buildings or other structures for the purposes of agriculture or the keeping of greyhounds.	(i) In the case of buildings, €80 for each building, or €1 for each square metre of gross floor space to be provided in excess of 50 square metres in the case of a building for the keeping of greyhounds or 200	(i) In the case of buildings, €240 for each building, or €3 for each square metre of gross floor space to be provided in excess of 50 square metres in the case of a building for the keeping of greyhounds or 200 square metres in any other case, whichever is the greater,

	square metres in any other case, whichever is the greater,	
	(ii) in the case of any other structures, €80 for each structure,	(ii) in the case of any other structures, €240 for each structure,
	subject to a maximum of €300.	subject to a maximum of €900.
4. The provision of buildings other than buildings coming within class 1, 2 or 3.	€80 for each building, or €3.60 for each square metre of gross floor space to be provided, whichever is the greater.	€240 for each building, or €10.80 for each square metre of gross floor space to be provided, whichever is the greater.
5. (a) The use of uncultivated land or semi-natural areas for intensive agricultural purposes.	€5 for each hectare of site area.	€15 for each hectare of site area.
(b) Initial afforestation.	€5 for each hectare of site area.	€15 for each hectare of site area.
(c) The replacement of broad-leaf high forest by conifer species.	€80, or €5 for each hectare of site area, whichever is the greater.	€240, or €15 for each hectare of site area, whichever is the greater.
(d) Peat extraction.	€5 for each hectare of site area.	€15 for each hectare of site area.
6. The use of land for—	€500, or €50 for each 0.1 hectare of site area, whichever is the greater.	€1,500, or €150 for each 0.1 hectare of site area, whichever is the greater.
(a) the winning and working of minerals,		
(b) the deposit of refuse or waste.		
7. The use of land for—	€80, or €50 for each 0.1 hectare of site area, whichever is the greater.	€240, or €150 for each 0.1 hectare of site area, whichever is the greater.
(a) the keeping or placing of any tents, campervans, caravans or other structures (whether or not movable or collapsible) for the purpose of caravanning or camping or the sale of goods,		

<p>(b) the parking of motor vehicles,</p> <p>(c) the open storage of motor vehicles or other objects or substances.</p>		
<p>8. The provision on, in over or under land of plant or machinery, or of tanks or other structures (other than buildings) for storage purposes.</p>	<p>€200, or €50 for each 0.1 hectare of site area, whichever is the greater.</p>	<p>€600, or €150 for each 0.1 hectare of site area, whichever is the greater.</p>
<p>9. The provision of an advertisement structure or the use of an existing structure or other land for the exhibition of advertisements.</p>	<p>€80, or €20 for each square metre, or part thereof, of advertising space to be provided, whichever is the greater.</p>	<p>€240, or €60 for each square metre, or part thereof, of advertising space to be provided, whichever is the greater.</p>
<p>10. The provision of overhead transmission or distribution lines for conducting electricity, or overhead telecommunications lines.</p>	<p>€80, or €50 for each 1,000 metres length, or part thereof, whichever is the greater.</p>	<p>€240, or €150 for each 1,000 metres length, or part thereof, whichever is the greater.</p>
<p>11. The use of land as a golf course or a pitch and putt course.</p>	<p>€50 for each hectare of site area.</p>	<p>€150 for each hectare of site area.</p>
<p>12. The use of land as a burial ground.</p>	<p>€200, or €50 for each hectare of site area, whichever is the greater.</p>	<p>€600, or €150 for each hectare of site area, whichever is the greater.</p>
<p>13. Development not coming within any of the foregoing classes.</p>	<p>€80, or €10 for each 0.1 hectare of site area, whichever is the greater.</p>	<p>€240, or €30 for each 0.1 hectare of site area, whichever is the greater.</p>

Section 3

Maximum and minimum fees for planning applications

1. The maximum fee payable to a planning authority by an applicant in respect of an outline application shall be €28,500.
2. The maximum fee payable to a planning authority by an applicant in respect of an application to which article 161 applies shall be €9,500.
3. The maximum fee payable to a planning authority by an applicant in respect of an application for permission for retention of unauthorised development applies shall be €125,000.
4. The maximum fee payable to a planning authority by an applicant in respect of any planning application other than an application mentioned in paragraph 1, 2 or 3 shall be €38,000.
5. The minimum fee payable to a planning authority by an applicant in respect of a planning application shall be €34 and, in any case where the planning authority make a refund in respect of a planning application, the refund shall not be such as to reduce the balance of the fee to less than €34.

SCHEDULE 10
MISCELLANEOUS FEES

Part 12

Column 1	Column 2 Amount of Fee
Submission or observation on a planning application.	€20
Request for a declaration under section 5 of the Act.	€80
Application under section 42 of Act.	€62

SCHEDULE 11

DECLARATIONS

Form No. 1

Article 181

Declaration to the Board of estate or interest

PLANNING AND DEVELOPMENT ACT, 2000

SECTION 147

I,, hereby give to An Bord Pleanála the following declaration of interests in compliance with the requirements of section 147 of the Planning and Development Act, 2000—

(a) Particulars¹ of any estate or interest which I have in any land²—

(b) Particulars of any business of dealing in, or developing, land in which I am engaged or employed and of any such business carried on by a company or other body of which I am, or any nominee of mine is, a member—

(c) Particulars of any profession, business or occupation in which I am engaged, whether on my own behalf or otherwise, and which relates to dealing in or developing land—

I hereby declare that the foregoing is a true and complete declaration of every interest of mine which is an interest to which section 147 of the Planning and Development Act, 2000 applies.

Signature _____

Date _____

Instructions for completing this form.

- (1) Include the location of the land and the area of the planning authority in which the land is situated.
- (2) Include estates or interests held in any land other than an interest in land consisting of a private home, that is to say, a building or part of a building that is occupied by the person (or his or her spouse or a child of the person or of the spouse) as a separate dwelling and any garden or other land usually occupied with the dwelling, being land that is subsidiary or ancillary to it, is required for its amenity or convenience and is not being used or developed primarily for commercial purposes.

Declaration to a planning authority of estate or interest

PLANNING AND DEVELOPMENT ACT, 2000

SECTION 147

I, _____, hereby give to the planning authority,

¹of which I am a member,

¹under which I hold the office of _____,

the following declaration of interests in compliance with the requirements of section 147 of Planning and Development Act, 2000:

(a) Particulars² of any estate or interest which I have in any land³—

(b) Particulars of any business of dealing in, or developing, land in which I am engaged or employed and of any such business carried on by a company or other body of which I am, or any nominee of mine is, a member—

(c) Particulars of any profession, business or occupation in which I am engaged, whether on my own behalf or otherwise, and which relates to dealing in or developing land—

I hereby declare that the foregoing is a true and complete declaration of every interest of mine which is an interest to which section 147 of the Planning and Development Act, 2000 applies.

Signature _____

Date _____

Directions for completing this form.

- (1) Delete words which do not apply.
- (2) Include the location of the land and the area of the planning authority in which the land is situated.
- (3) Include estates or interests held in any land other than an interest in land consisting of a private home, that is to say, a building or part of a building that is occupied by the person (or his or her spouse or a child of the person or of the spouse) as a separate dwelling and any garden or other land usually occupied with the dwelling, being land that is subsidiary or ancillary to it, is required for its amenity or convenience and is not being used or developed primarily for commercial purposes.

SCHEDULE 12

Article 202

LICENCE FEES UNDER SECTION 254 OF THE ACT IN RESPECT OF SPECIFIED APPLIANCES, APPARATUS AND STRUCTURES.

Column 1 Appliance, Apparatus or Structure	Column 2 Licence fee
<i>Part I</i>	
Appliances, apparatus and structures:	
(a) A vending machine or coin operated machine (not being a weighing machine).	€125.
(b) A town or landscape map for indicating directions or places.	€25.
(c) A hoarding, fence or scaffold (not being a hoarding, fence or scaffold bounding a public road).	€1,250.
(d) An advertisement structure (other than an advertisement structure specified in paragraph (dd)).	€630.
(dd) An advertisement structure (being of a fingerpost type not exceeding 1 metre in length) consisting of a direction sign.	€50.
(e) A cable, wire or pipeline (not being a cable for conducting electricity for domestic or agricultural purposes or a drain or waterpipe).	€25 per 100 metres length or part thereof.
(f) A telephone kiosk or pedestal.	€630.
(g) A case, rack, shelf or other appliance, apparatus or structure for displaying articles, whether or not for the purpose of advertisement or sale in or in connection with any adjacent business premises.	€125.
(h) Tables and chairs outside a hotel, restaurant, public house or other establishment where food is sold for consumption on the premises.	€125 per table.
(i) An advertisement consisting of any text, symbol, emblem, model, device or logo.	€630.
(j) A pipe or an appliance with a pipe attachment for dispensing air or water, not being a pipe or appliance attached to a petrol	€25.

Comment [i460]: Inserted by article 2(b) of S.I. No. 149 of 2002 – Planning and Development (No. 2) Regulations 2002

Comment [i458]: Amended by article 20 of S.I. No. 454/2011 – Planning and Development (Amendment) (No. 2) Regulations 2011

Comment [i459]: Inserted by article 2(b) of S.I. No. 149 of 2002 – Planning and Development (No. 2) Regulations 2002

or oil pump.	
(k) A weighing machine.	€63.
(l) A bring facility.	€25.
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<i>Part 2</i>	
(a) A cabinet used as part of a wired broadcast relay system by a person licensed under the Wireless Telegraphy (Wired Broadcast Relay Licence) Regulations, 1974.	€125.
(b) A lamp-post.	€25.
(c) A bridge, arch, tunnel, passage or other similar structure used or intended for use other than by the public and constructed on or after 1 October 1964.	€125.
(d) A cellar or other underground structure constructed on or after 1 October 1964.	€125.
(e) A cable for conducting electricity for domestic or agricultural purposes.	€125.
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