

**STATUTORY INSTRUMENTS  
S.I. No. 685 of 2006**

**PLANNING AND DEVELOPMENT REGULATIONS 2006**

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# PLANNING AND DEVELOPMENT REGULATIONS 2006

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**S.I. No. 685 of 2006**

**PLANNING AND DEVELOPMENT REGULATIONS 2006.**

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by sections 11, 12, 13, 20, 24, 33, 34, 37D, 37E, 37I, 55, 85, 97, 106, 169, 173, 174, 175, 182A, 182B, 182C, 182D and 262 of the Planning and Development Act 2000, as amended by the Planning and Development (Strategic Infrastructure) Act 2006, hereby makes the following Regulations:

- |  |  |
|--|--|
| Citation and commencement.                   | <p><b>1.</b> (1) (a) These Regulations may be cited as the Planning and Development Regulations 2006.</p> <p>(b) These Regulations and the Planning and Development Regulations 2001 to 2006 shall be construed as one and may be collectively cited as the Planning and Development Regulations 2001 to 2006.</p> <p>(2) (a) Articles 1 and 2 shall come into force on the date of signing of these regulations.</p> <p>(b) Articles 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 21, 22, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 38, 39, 40 and 42 shall come into force on the 31<sup>st</sup> March 2007.</p> <p>(c) Articles 11, 12, 20, 23, 31, 37 and 41 shall come into force on the 31<sup>st</sup> January 2007.</p> |
| Interpretation.                              | <p><b>2.</b> In these Regulations, unless otherwise stated,</p> <p>“the Act” means the Planning and Development Act 2000 (as amended by the Planning and Development (Strategic Infrastructure) Act 2006),</p> <p>“the Regulations” means the Planning and Development Regulations 2001.</p>   |
| Amendment of Article (3) of the Regulations. | <p><b>3.</b> Article 3 of the Regulations is amended by the substitution of</p> <p>““Major Accident Regulations” means the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2006 (S.I. No. 74 of 2006);” for the definition of “Major Accidents Regulations”.</p>   |
| Amendment of Article 7 of the Regulations.   | <p><b>4.</b> Article 7(1) of the Regulations is amended by the substitution of “section 86(8) of the Environmental Protection Agency Act 1992 (No.7 of 1992), as amended” for “section 84(4)(a) of the Environmental Protection Agency Act, 1992 (No.7 of 1992)”.</p>  |
| Substitution of Article 13 of the            | <p><b>5.</b> Article 13 of the Regulations is substituted by the following article:</p>  |



Regulations.

“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 and Food,
- (d) the Minister for Community, Rural and Gaeltacht Affairs,
- (e) the Minister for Defence,
- (f) the Minister for Education and Science,
- (g) the Minister for Communications, Marine and Natural Resources,
- (h) the Minister for Transport,
- (i) Dublin Airport Authority,
- (j) Fáilte Ireland,
- (k) the Central Fisheries Board,
- (l) An Chomhairle Ealaíon,
- (m) the Commissioners,
- (n) 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),
- (o) the Electricity Supply Board,
- (p) Forfás,
- (q) the Health Service Executive,
- (r) the Heritage Council,
- (s) the Health and Safety Authority,
- (t) the National Roads Authority,
- (u) the appropriate Regional Fisheries Board,

- (v) 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,
- (w) An Taisce — the National Trust for Ireland,
- (x) any planning authority whose area is contiguous to the area of the planning authority that prepared the draft,
- (y) any local authority, including town councils, and any city and county development board in the area to which the draft relates, and
- (z) 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.”.

Substitution of Article 14 of the Regulations.

**6.** Article 14 of the Regulations is substituted by the following article:

“14. The prescribed authorities for the purposes of section 20 of the Act shall be –

- (a) the Minister,
- (b) 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, and
- (c) 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.”.

Substitution of Article 15 of the Regulations.

**7.** Article 15 of the Regulations is substituted by the following article:

“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 and Food,
- (d) the Minister for Community, Rural and Gaeltacht Affairs,
- (e) the Minister for Defence,

- (f) the Minister for Education and Science,
- (g) the Minister for Communications, Marine and Natural Resources,
- (h) the Minister for Transport,
- (i) Dublin Airport Authority,
- (j) Fáilte Ireland,
- (k) the Central Fisheries Board and any Regional Fisheries Board whose area is within the region for which the guidelines are prepared,
- (l) An Chomhairle Ealaíon,
- (m) the Commissioners,
- (n) in any case where the Dublin Docklands Area is within the region for which the guidelines are prepared, to the Dublin Docklands Development Authority,
- (o) in any 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 which replaces that office),
- (p) the Electricity Supply Board,
- (q) Forfás,
- (r) the Health Service Executive,
- (s) the Heritage Council,
- (t) the Health and Safety Authority,
- (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.”.

Substitution of Part 4 of the Regulations. **8.**

Part 4 of the Regulations is substituted by the following Part:

“PART 4

CONTROL OF DEVELOPMENT

CHAPTER 1

*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.

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 undertaking 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.

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.

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.

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 be removed by the applicant following the notification of the planning authority decision under article 31.

Restriction on outline application.

**21.**

Notwithstanding section 36 of the Act, an outline application may not be made for permission for —



- (a) retention of development,
- (b) development which would consist of or comprise the carrying out of works to a protected structure or a proposed protected structure, or
- (c) development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence.

Content of planning applications generally.

- 22.**
- (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.
  - (2) A planning application referred to in sub-article (1) shall be accompanied by -
    - (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),
    - (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:
      - (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,
  - (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 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.

(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 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 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).

Procedure on receipt of planning application.

- 26.** (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.

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 and shall indicate in respect of each planning application received during the week to which the list relates—

- (a) the name and address 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.

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 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 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 50,000m<sup>3</sup> or the excavation of earth materials on a site area greater than 1 hectare
- to the Minister for Communications, Marine and Natural Resources.

(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 and address, and telephone number and e-mail address, if any, 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 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.

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.

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

Notification of decision on planning application.

**31.**

an application, has elapsed.

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.

Weekly list of  
planning  
decisions.

- 32.**
- (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 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 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 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 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.

## 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 requirement for further information, 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 to be withdrawn and enter an indication that the application has been declared to be withdrawn into the register.

- 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.

- 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).
- (4)
  - (a) The 4 week period referred to in section 34(8)(b) of the Act shall not, in a case where the planning authority considers that the further information, evidence, revised plans, drawings or particulars received contain significant additional data, commence until the planning authority has received the notices referred to in sub-article (1) (a) and (b).
  - (b) The 8 week period referred to in section 34(8)(c) of the Act shall not commence until the planning authority has received the notices referred to in sub-article (1)(a) and (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.

Prescribed notice for material contravention.

**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 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 and address, and telephone number and e-mail address, if any, 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.

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.

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 use and guidance of planning authorities in dealing with planning applications.

Provision of certain information to Minister.

**39.**

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.

## CHAPTER 3

### *Extension of duration of planning permission*

- |  |  |
|--|--|
| Interpretation for this Chapter.                     | <p><b>40.</b> (1) In this Chapter, the “appropriate period” has the same meaning assigned to it by section 40(3) of the Act.</p> <p>(2) In this Chapter, any reference to a decision to extend or extend further the appropriate period as regards a particular permission shall include a reference to such a decision which is deemed to have been given by virtue of section 42(2) of the Act and cognate expressions shall be construed accordingly.</p>   |
| Time limits for extensions of time.                  | <p><b>41.</b> An application under section 42 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>  |
| Content of application to extend appropriate period. | <p><b>42.</b> An application under section 42 of the Act to extend the appropriate period as regards a particular permission shall be made in writing, shall be accompanied by the prescribed fee as prescribed by Article 170 of these Regulations and shall contain the following particulars—</p> <ul style="list-style-type: none"><li>(a) 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,</li><li>(b) the address to which any correspondence relating to the application should be sent,</li><li>(c) the location, townland or postal address of the land or structure concerned, as may be appropriate,</li><li>(d) the legal interest in the land or structure held by the applicant,</li><li>(e) the development to which the permission relates,</li></ul> |

- (f) the date of the permission and its reference number in the register,
- (g) the date on which the permission will cease to have effect,
- (h) the date of commencement of the development to which the permission relates,
- (i) 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) the additional period by which the permission is sought to be extended, and
- (k) the date on which the development is expected to be completed.

Content of application to further extend appropriate period.

**43.**

An application under section 42 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
- (d) the circumstances beyond the control of the person carrying out the development due to which the development has not been completed.

Procedure on receipt of application to extend

**44.**

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



appropriate period.

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.

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.

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.

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 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 and address of the applicant,
- (b) the location, townland or postal address of the land 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 of the Act to extend or extend further the appropriate period made by the authority during that week.

(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 and address 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 decision on the application, and
- (d) the nature of the decision made.”.

Amendment of Article 52 of the Regulations.

**9.** Article 52(d) of the Regulations is amended by the substitution of “Fáilte Ireland” for “Bord Fáilte Éireann”.

Amendment of Article 55 of the Regulations.

**10.** Article 55 of the Regulations is amended

- (a) by the substitution of “the Minister” for “the Minister for Arts, Heritage, Gaeltacht and the Islands”, and
- (b) the substitution of “Fáilte Ireland” for “Bord Fáilte Éireann”.

Amendment of Article 64 of the Regulations.

**11.** Article 64 of the Regulations of 2001 is substituted by the following article:  
“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 Branch — Southern Section,
- (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 of 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,
- (l) the National Youth Council of Ireland, and
- (m) the Irish Rural Dwellers Association.”.

Amendment of Article 67 of the Regulations.

**12.** Article 67 of the Regulations is amended by substituting sub-article (a) in the definition for “relevant persons” with the following:

“(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,”

Amendment of Article 68 of the Regulations.

**13.** Article 68 of the Regulations is amended by the insertion after “inspection” of “or purchase at a fee not exceeding the reasonable cost of making a

Substitution of  
Article 72 of the  
Regulations.

**14.**

copy”.

Article 72 of the Regulations is substituted by the following article:

“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) and section 215 of the Act received by the Board, and
- (d) the applications for approval under section 175(3) and section 215 of the Act determined or otherwise disposed of by the Board during that week.

(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) 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.
- (7) A list referred to in sub-article (1) shall indicate, in respect of applications for approval under section 175(3) 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 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
- (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.

Amendment of  
Article 74 of the  
Regulations.

**15.**

Article 74(2) of the Regulations is substituted by the following sub-article

- “(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.

Amendment of  
Article 76 of the  
Regulations.

**16.**

Article 76 of the Regulations is substituted by the following Article:

“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.”

Amendment of Article 81 of the Regulations.

- 17.** (1) Article 81(2)(c)(ii) is amended by the deletion of “or an area specified as an architectural conservation area in a draft of a proposed development plan or a proposed variation of a development plan”.
- (2) Article 81(2)(d)(i) is amended by:
  - (a) the insertion after “inspection” of “or purchase at a fee not exceeding the reasonable cost of making a copy”, and
  - (b) the substitution of “not less than 6 weeks” for “not less than 4 weeks”.

Amendment of Article 82 of the Regulations.

- 18.** (1) Article 82(3) of the Regulations is substituted by the following:
  - (3) (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 50,000m<sup>3</sup> or the excavation of earth materials on a site area greater than 1 hectare
    - to the Minister for Communications, Marine and Natural Resources.

(2) Article 82(4) of the Regulations is amended by the substitution of “Fáilte Ireland” for “Bord Fáilte Éireann”.

Amendment of Article 83 of the Regulations.

**19.** Article 83(2) of the Regulations is amended by the substitution of “, 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” for “on payment of a specified fee not exceeding the reasonable cost of making such a copy”.

Amendment of Article 87 of the Regulations.

**20.** (1) Article 87(1) of the Regulations is substituted by the following:

“(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.”.

(2) Articles 87(3)(c)(ii) and (4)(a)(iv)(II) of the Regulations are amended by the deletion of “or an area specified as an architectural conservation area in a draft of a proposed development plan or a proposed variation of a development plan”.

Amendment of Article 88 of the Regulations.

**21.** Article 88(2) of the Regulations is amended by:

(a) the deletion in paragraph (b) of “or an area specified as an architectural conservation area in a draft of a proposed development plan or a proposed variation of a development plan”, and

(b) the substitution of “the Minister” for “the Minister for Arts, Heritage, Gaeltacht and the Islands”.

Amendment of Article 89 of the Regulations.

**22.** Article 89 of the Regulations is amended:

(a) by the substitution of “6 weeks” for “4 weeks”, and

(b) in paragraph (b), by the substitution of “1:2500” for “1:1250”.

Amendment of Article 92 of the Regulations.

**23.** Article 92 of the Regulations is amended by inserting the following after the definition for “application for approval”:

“ ‘application for strategic infrastructure’ 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;”.

Amendment of Article 95 of the Regulations.

**24.** (1) Article 95(1)(b) of the Regulations is substituted by the following paragraph:

“(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.”.

(2) Article 95(2) is substituted by the following:

“(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,
  - (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.

Amendment of Article 103 of the Regulations.

**25.** Article 103(3) is amended by the insertion after “Schedule 7” of “and the decision of the planning authority, including the main reasons and considerations on which the decision is based, shall be placed and kept with the documents relating to the planning application”.

Amendment of Article 105 of the Regulations.

**26.** Article 105 of the Regulations is amended by the insertion of the following sub-article after sub-article (4):

“(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).”

Amendment of Article 112 of the Regulations.

**27.** Article 112(1) of the Regulations is substituted by the following sub-article:

“(1) The Board shall publish, in at least one approved newspaper, notice of any appeal in respect of which it has requested and received an EIS under article 109.”.

Amendment of Article 120 of the Regulations.

**28.** Article 120(7) is amended by the substitution of “make the said decision available for inspection in accordance with that article” with “make the decision, including the main reasons and consideration on which the decision is based, available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy, in accordance with that article”.

Amendment of Article 121 of the Regulations.

**29.** (1) Article 121(1) of the Regulations is substituted by the following-

(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 C oras Iompair  ireann 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 50,000 m<sup>3</sup> or the excavation of earth materials on a site area greater than 1 hectare

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

(2) Article 121(2) of the Regulations is amended by the substitution of “Fáilte Ireland” for “Bord Fáilte Éireann”.

Amendment of Article 123 of the Regulations.

**30.**

Article 123 of the Regulations is hereby amended by the substitution of the following sub-article for sub-article (1):

“(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.”.

Amendment of Part 10 of the Regulations.

**31.**

Part 10 of the Regulations is amended by substituting the following for Chapter 5:

“CHAPTER 5

Transboundary Environmental Effects

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.**

The Minister may, in the case of a planning application, appeal or application for approval to 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  
consultation.

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

**128.**

(1) In the case of a planning application to which

further  
information.

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.

Minimum period for determining planning application, appeal or application for approval.

**130.**

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

- (a) the views, if any, of any relevant transboundary State have been received in response to consultations under article 126(1), or
- (b) the consultations are otherwise completed.

Inclusion of notice of transboundary effects in weekly list

**130A.**

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.

Notice of decision.

**131.**

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 –

- (a) the Minister, and
- (b) any relevant transboundary State.

Public notice of information received pursuant to request under section 174(4) of Act.

**132. (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.

- (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 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.

Amendment of Part 11 of the Regulations.

- 32.** Part 11 of the Regulations is amended by the substitution of “Health and Safety Authority” for “National Authority for Occupational Safety and Health” in each place where it occurs.

Amendment of Article 137 of the Regulations.

- 33.** (1) Article 137(1)(b)(ii) of the Regulations is amended by the substitution of



Article 137 of  
the  
Regulations.

“article 27” for “article 29”.

- (2) Article 137 (3) of the Regulations is amended by substituting paragraphs (e) and (f) with the following paragraphs -

“(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.”.

Amendment of  
Article 141 of  
the  
Regulations.

- 34.** (1) Article 141(1)(b)(ii) of the Regulations is amended by the substitution of “article 27” for “article 29”.

- (2) Article 141(3) of the Regulations is amended:

(a) by the substitution of “issue as soon as may be following” for “issue within 2 weeks of”, and

(b) by the substitution of paragraph (f) by the following paragraphs:

“(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.”.

Amendment of  
Article 143 of  
the  
Regulations.

- 35.** Article 143(1)(b)(ii) is amended by the substitution of “article 27” for “article 29”.

Amendment of  
Article 147 of  
the  
Regulations.

- 36.** Article 147(1)(b)(ii) is amended by the substitution of “article 27” for “article

Article 147 of  
the  
Regulations.

29”.

Amendment of  
Article 150 of  
the  
Regulations.

- 37.** (1) Article 150(1) of the Regulations is amended by the substitution of  
“In addition to the requirements of article 87, where —” with “In addition to the  
requirements of article 87 and section 181A(3) of the Act, where —”
- (2) Article 150(1)(a)(ii) is amended by the substitution of “article 27” for “article  
29”.

Amendment of  
Article 179 of  
the  
Regulations.

- 38.** Article 179(2) of the Regulations is amended:
- (a) by the substitution in paragraph (c) of “the Health Service Executive” for  
“the appropriate health board”,
  - (b) by the substitution of paragraph (d) by the following paragraphs:
    - “(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”,
  - (c) by the substitution of paragraph (f) with the following:
    - “(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)”
  - (d) by the deletion in paragraph (g)(i) of “or an area specified as an  
architectural conservation area in a draft of a proposed development plan  
or a proposed variation of a development plan”,
  - (e) by the substitution in paragraphs (g), (h) and (i) of “Fáilte Ireland” for  
“Bord Fáilte Éireann”,
  - (f) by the substitution in paragraphs (g) and (j) of the “the Minister” for “the  
Minister for Arts, Heritage, Gaeltacht and the Islands”,
  - (g) by the substitution in paragraph (l) of “the Minister for Communications,  
Marine and Natural Resources” for “the Minister for Marine and Natural  
Resources”,

- (h) by the substitution in paragraph (m) of “Health and Safety Authority” for “National Authority for Occupational Safety and Health”,
- (i) by the substitution in paragraph (p) of “the Minister for Community, Rural and Gaeltacht Affairs” for “the Minister for Arts, Heritage, Gaeltacht and the Islands”, and
- (j) by the substitution of paragraphs (r) and (s) by the following paragraphs:

“(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

(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 50,000m<sup>3</sup> and greater than 10m deep,

– to the Minister for Communications, Marine and Natural Resources.”.

Amendment of Article 182 of the Regulations. **39.** Article 182(1) of the Regulations is amended by the substitution, in paragraph (b) of “the Health Service Executive” for “the relevant Health Board”.

Amendment of Article 187 of the Regulations. **40.** Article 187 of the Regulations is amended by insertion of the following sub-article after sub-article (3):

“(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.”.

New Part 18 of the Regulations. **41.** The following Part is inserted after Part 17 of the Regulations:

“PART 18

STRATEGIC INFRASTRUCTURE DEVELOPMENT

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).

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 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 it considers appropriate.

- (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.

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 for the Environment, Heritage and Local Government,
  - (ii) the Environmental Protection Agency,
  - (iii) the Minister for Communications, Marine and Natural Resources,

(iv) the relevant planning authority.

(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.

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.

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, C oras Iompair  ireann 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
- (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.

- (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 (or where the person or body consents to the receiving of information in that form, in electronic form).
- (3) The Board may, at any time, require the applicant to send copies or additional copies of an application and environmental impact statement (including copies in electronic form) to any body or person as it may determine.

Application procedure.

- 214.** (1) When making an application for strategic infrastructure development, the applicant shall send to the Board —
- (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,
  - (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.

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.

- (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.

Weekly list

- 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 and address 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.
- (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 and address 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.

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 and address and the telephone number or e-mail address, if any, of the person making the submission or observation and the name and address and the telephone number or e-mail address, if any, of any person acting on his or her behalf,
  - (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 observations or elaborate upon submissions or observations in relation to an application.

Further information, submissions, meetings etc.

**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.

- 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.
- 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.”.
- 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 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 and address of the requestor, and
- (e) the types of the decision the Board may make in relation to the application.

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.”.

Substitution of  
Schedule 3 of the  
Regulations.

**42.** (1) Schedule 3 of the Regulations is hereby substituted by the Schedule to these Regulations.

SCHEDULE

SCHEDULE 3

PRESCRIBED NOTICES

Form no. 1

Article 19

Site notice.

NAME OF PLANNING AUTHORITY. <sup>1</sup>

**SITE NOTICE**

I, \_\_\_\_\_<sup>2</sup>, intend to apply for permission / retention permission / outline permission/  
permission consequent on the grant of outline permission (Ref. No. of outline permission)<sup>3</sup> for  
development at this site \_\_\_\_\_

4

The development will consist/consists<sup>5</sup> of \_\_\_\_\_

6

The planning application may be inspected or purchased 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 within the period of 5 weeks beginning on the date of receipt by the authority of the application.

Signed: \_\_\_\_\_<sup>7</sup>

Date of erection of site notice \_\_\_\_\_<sup>8</sup>

**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 shall 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 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.***

**BEFORE FILLING OUT THIS FORM PLEASE NOTE THE FOLLOWING:**

**STANDARD PLANNING APPLICATION FORM AND ACCOMPANYING DOCUMENTATION:**

*Please ensure that each section of this application form is fully completed and signed. The applicant should enter n/a (not applicable) where appropriate.*

*Please ensure that all necessary documentation is attached to your application form.*

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.

**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. However, if it is not supplied, the planning authority may not be able to reach a decision on whether or not to grant permission on the basis of the information available to it. Therefore failure to supply this information could delay the decision on an application or lead to a refusal of permission.*

*Applicants should therefore contact the relevant planning authority to determine what local policies and objectives would apply to the development proposed and whether additional information is required.*

PLANNING APPLICATION FORM

**1. Name of Relevant Planning Authority:**

\_\_\_\_\_

**2. Location of Proposed Development:**

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	
<i>Ordnance Survey Map Ref No (and the Grid Reference where available)<sup>1</sup></i>	

**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. Applicant<sup>2</sup>:**

<i>Name(s)</i>	
<i>Address(es)</i>	
<i>Telephone No.</i>	
<i>Mobile No. (if any)</i>	
<i>Email Address (if any)</i>	
<i>Fax No. (if any)</i>	

**6. Where Applicant is a Company (registered under the Companies Acts 1963 to 1999):**

<i>Name(s) of company director(s)</i>	
<i>Registered Address (of company)</i>	
<i>Company Registration No.</i>	
<i>Telephone No.</i>	
<i>Email Address (if any)</i>	
<i>Fax No. (if any)</i>	

**7. Person/Agent acting on behalf of the Applicant (if any):**

<i>Name</i>	
<i>Address</i>	
<i>Telephone No.</i>	
<i>Mobile No. (if any)</i>	
<i>Email Address (if any)</i>	
<i>Fax No. (if any)</i>	
<b>Should all correspondence be sent to the above address? (please tick appropriate box)</b> (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address) Yes [ ]                      No [ ]	

**8. Person responsible for preparation of Drawings and Plans<sup>3</sup>:**

<i>Name</i>	
<i>Address</i>	
<i>Telephone No.</i>	
<i>Mobile No. (if any)</i>	
<i>Email Address (if any)</i>	
<i>Fax No. (if any)</i>	

**9. Description of Proposed Development:**

<i>Brief description of nature and extent of development<sup>4</sup></i>	
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**10. Legal Interest of Applicant in the Land or Structure:**

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	<i>A. Owner</i>	<i>B. Occupier</i>
	<i>C. Other</i>	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		
<i>If you are not the legal owner, please state the name and address of the owner and supply a letter from the owner of consent to make the application as listed in the accompanying documentation</i>		

**11. Site Area:**

<i>Area of site to which the application relates in hectares</i>	ha
--	----

**12. Where the application relates to a building or buildings:**

<i>Gross floor space<sup>s</sup> of any existing building(s) in m<sup>2</sup></i>	
<i>Gross floor space of proposed works in m<sup>2</sup></i>	
<i>Gross floor space of work to be retained in m<sup>2</sup> (if appropriate)</i>	
<i>Gross floor space of any demolition in m<sup>2</sup> (if appropriate)</i>	

**13. In the case of mixed development (e.g. residential, commercial, industrial, etc), please provide breakdown of the different classes of development and breakdown of the gross floor area of each class of development:**

<i>Class of Development</i>	<i>Gross floor area in m<sup>2</sup></i>



**14. In the case of residential development please provide breakdown of residential mix:**

<i>Number of</i>	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4+ Bed	Total
<i>Houses</i>							
<i>Apartments</i>							
<i>Number of car-parking spaces to be provided</i>	Existing:		Proposed:			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:**

<i>Existing use<sup>6</sup> (or previous use where retention permission is sought)</i>	
<i>Proposed use (or use it is proposed to retain)</i>	
<i>Nature and extent of any such proposed use (or use it is proposed to retain)</i>	

**16. Social and Affordable Housing**

<b>Please tick appropriate box</b>	<b>Yes</b>	<b>No</b>
<i>Is the application an application for permission for development to which Part V of the Planning and Development Act 2000 applies?<sup>7</sup></i>		
<p>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.</p> <p>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 2000<sup>8</sup>, 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).</p> <p>If the answer to the above question is “no” by virtue of section 96(13) of the Planning and Development Act</p>		

2000 <sup>9</sup> , details indicating the basis on which section 96(13) is considered to apply to the development should be submitted.		
---	--	--

### 17. Development Details

<i>Please tick appropriate box</i>	<b>Yes</b>	<b>No</b>
<i>Does the proposed development consist of work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage?</i>		
<i>Does the proposed development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?</i>		
<i>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, 1994<sup>10</sup></i>		
<i>Does the application relate to work within or close to a European Site (under S.I. No.94 of 1997) or a Natural Heritage Area?</i>		
<i>Does the proposed development require the preparation of an Environmental Impact Statement<sup>11</sup>?</i>		
<i>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?</i>		
<i>Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence?</i>		
<i>Do the Major Accident Regulations apply to the proposed development?</i>		
<i>Does the application relate to a development in a Strategic Development Zone?</i>		
<i>Does the proposed development involve the demolition of any habitable house<sup>12</sup>?</i>		

## 18. Site History

Details regarding site history (if known)
Has the site in question ever, to your knowledge, been flooded? Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please give details e.g. year, extent.
Are you aware of previous uses of the site e.g. dumping or quarrying? Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please give details.
Are you aware of any valid planning applications previously made in respect of this land/structure?
Yes <input type="checkbox"/> No <input type="checkbox"/>
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.
<b><i>Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development <sup>13</sup>?</i></b>
Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>An Bord Pleanála Reference No.:</i> _____

**19. Pre-application Consultation**

<b><i>Has a pre-application consultation taken place in relation to the proposed development<sup>14</sup>?</i></b>
Yes [ ]                      No [ ]
If yes, please give details:
Reference No. (if any): _____
Date(s) of consultation: ____/____/____
Persons involved: _____
_____

**20. Services**

<b><i>Proposed Source of Water Supply</i></b>
Existing connection [ ]                      New connection [ ]
Public Mains [ ]              Group Water Scheme [ ]              Private Well [ ]
Other (please specify): _____
<i>Name of Group Water Scheme (where applicable)</i> _____
<b><i>Proposed Wastewater Management/Treatment</i></b>
Existing [ ]                      New [ ]
Public Sewer [ ]              Conventional septic tank system [ ]
Other on-site treatment system [ ] Please specify _____
<b><i>Proposed Surface Water Disposal</i></b>
Public Sewer/Drain [ ]              Soakpit [ ]
Watercourse [ ]              Other [ ] Please specify _____

**21. Details of Public Notice**

<i>Approved newspaper<sup>15</sup> in which notice was published</i>	
<i>Date of publication</i>	
<i>Date on which site notice was erected</i>	

**22. Application Fee**

<i>Fee Payable</i>	
<i>Basis of Calculation</i>	

**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:**

<i>Signed (Applicant or Agent as appropriate)</i>	
<i>Date</i>	

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.

*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 map<sup>16</sup>
- 6 copies of site or layout plan<sup>16+17</sup>
- 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 exemption<sup>18</sup>

### **Directions for completing this form.**

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; i.e. 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 the Environment, Heritage and Local Government 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 the Environment, Heritage and Local Government. For information on whether national monuments are in the ownership or guardianship of the Minister for the Environment, Heritage and Local Government or a local authority or are the subject of preservation orders, contact the



National Monuments Section, Department of the Environment, Heritage and Local Government (1890 20 20 21).

11. An Environmental Impact Statement (EIS) is required for classes of development prescribed by Article 93 and Schedule 5 of the Planning and Development Regulations 2001-2006. In accordance with Article 103 of the Planning and Development Regulations 2001, an EIS may also be required for developments below the prescribed threshold if the planning authority considers that the development is likely to have significant effects on the environment or, where the development would be located on or in an area, site, etc. set out in Article 103(2), it considers that the development would be likely to have significant effects on the environment of that area, site, etc.
12. Demolition of a habitable house requires planning permission.
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. While it is not mandatory, a pre-planning consultation is recommended. The applicant should contact the planning authority to arrange specific times and locations. 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 2001-2006.
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 PLEANÁLA 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 \_\_\_\_\_

NAME OF PLANNING AUTHORITY <sup>1</sup>

**SITE NOTICE OF FURTHER INFORMATION/ REVISED PLANS**

Name of applicant \_\_\_\_\_ <sup>2</sup>

Reference number of the application \_\_\_\_\_ <sup>3</sup>

The development applied for consisted of \_\_\_\_\_

\_\_\_\_\_ <sup>4</sup>

Significant Further Information/ Revised Plans<sup>5</sup> has/have<sup>5</sup> been furnished to the planning authority in respect of this proposed development, and is/are<sup>5</sup> 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: \_\_\_\_\_ <sup>6</sup>

Date of erection of site notice: \_\_\_\_\_ <sup>7</sup>

**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.

*Notice of proposed material contravention of development plan.*

PLANNING AND DEVELOPMENT ACT 2000  
MATERIAL CONTRAVENTION OF DEVELOPMENT PLAN FOR

\_\_\_\_\_ <sup>1</sup>

Ref. No. in register \_\_\_\_\_

Notice is hereby given in accordance with section 34(6) of the Planning and Development Act 2000 that \_\_\_\_\_ <sup>2</sup> 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) <sup>3</sup> for \_\_\_\_\_

\_\_\_\_\_ <sup>4</sup>

at \_\_\_\_\_ <sup>5</sup>

The development would contravene materially the following objective of the development plan:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ <sup>6</sup>

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 \_\_\_\_\_ <sup>7</sup> will be duly considered by the planning authority.

Signed \_\_\_\_\_ <sup>8</sup>

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.

Given under the Official Seal of the Minister for  
the Environment, Heritage and Local Government  
this 21<sup>st</sup> day of December 2006.



Dick Roche T.D.  
Minister for the Environment, Heritage and Local  
Government.

## EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The purpose of these Regulations is to amend the Planning and Development Regulations 2001 and to implement the Planning and Development (Strategic Infrastructure) Act 2006. Articles 1 and 2 shall come into force on the date of signing of the regulations, articles 11, 12, 20, 23, 31, 37 and 41 shall come into force on the 31<sup>st</sup> January 2007 and articles 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 21, 22, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 38, 39, 40 and 42 shall come into force on the 31<sup>st</sup> March 2007.