

S.I. No. 600/2001 - Planning and Development Regulations, 2001

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PLANNING AND DEVELOPMENT REGULATIONS, 2001

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

PART 1

Preliminary and General

- Citation 1. These Regulations may be cited as the Planning and Development Regulations, 2001.
- Commencement 2. (1) Parts 1, 2, 3, 5, 6, 14, 15, 16 and Chapter 1 of Part 7 and Schedules 1, 2, 11 and Forms No. 1 and 2 of Schedule 4 of these Regulations shall come into operation on 21 January, 2002.
- (2) Part 4, 8, 9, 10, 11, 12, 13 and 17 and Chapter 2 of Part 7 and Schedules 3, 5, 6, 7, 8, 9, 10 and 12 and Form No. 3 of Schedule 4 of these Regulations shall come into operation on 11 March, 2002.
- Interpretation. 3. (1) In these Regulations, any reference to a Schedule, Part or article which is not otherwise identified is a reference to a Schedule, Part or article of these Regulations.
- (2) In these Regulations, any reference to a sub-article, paragraph or sub-paragraph which is not otherwise identified is a reference to the sub-article, paragraph or sub-paragraph of the provision in which the reference occurs.
- (3) In these Regulations, except where the context otherwise requires—
- “the 1994 Regulations” mean the Local Government (Planning and Development) Regulations, 1994 (S.I. No. 86 of 1994), as amended;
- “the 1998 Regulations” means the Local Government (Planning and Development) (Fees) (Amendment) (No. 2) Regulations, 1998 (S.I. No. 128 of 1998);
- “the 2001 Regulations” means the Local Government (Planning and Development) (Fees) Regulations, 2001 (S.I. No. 525 of 2001);
- “the Act” means the Planning and Development Act, 2000 ;
- “the Act of 1963” means the Local Government (Planning and Development) Act, 1963 (No. 28 of 1963);
- “approved newspaper” means a newspaper approved by a planning authority for the purposes of these Regulations in accordance with article 18;
- “bring facility” means a facility of purpose-built receptacles in which segregated domestic wastes may be deposited by the public, provided in an area to which the public have access;
- “built-up area” means a city or town (where “city” and “town” have the meanings assigned to them by the Local Government Act, 2001) or an adjoining developed area;
- “DTI Strategy” has the meaning assigned to it by the Dublin Transportation Office (Establishment) Order (Amendment) Order, 1999 (S.I. No. 337 of 1999);
- “Dublin Docklands Area” has the meaning assigned to it by section 4 of the Dublin Docklands Development Authority Act, 1997 (No. 7 of 1997);
- “EIS” means an environmental impact statement;
- “establishment” means an establishment to which the Major Accident Regulations apply;
- “gross floor space” means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions), disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to the primary purpose of the building;
- “hazard” means the intrinsic property of a dangerous substance or physical situation, with a potential for creating damage to human health or the environment;
- “Major Accident Regulations” means the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations, 2000 (S.I. No. 476 of 2000);
- “minerals” means all minerals and substances in or under land of a kind ordinarily worked by underground or by surface working for the removal but does not include turf;
- “motor vehicle” means a mechanically propelled vehicle for the purposes of the Road Traffic Act, 1961 (No. 24 of 1961);
- “outline application” means an application for outline permission;

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

"peat extraction" includes any related drainage of bogland;

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

"regional assembly" means a regional authority established by the Local Government Act, 1991 (Regional Authorities) (Establishment) Order, 1999 (S.I. No. 226 of 1999);

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

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

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

PART 2

Exempted Development

Interpretation 5. (1) In this Part—
for this Part.

"aerodrome" means any definite and limited area (including water) intended to be used, either wholly or in part, for or in connection with the landing or departure of aircraft;

"airport" means an area of land comprising an aerodrome and any buildings, roads and car parks connected to the aerodrome and used by the airport authority in connection with the operation thereof;

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

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

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

"business premises" means—

(a) any structure or other land (not being an excluded premises) which is normally used for the carrying on of any professional, commercial or industrial undertaking or any structure (not being an excluded premises) which is normally used for the provision therein of services to persons,

(b) a hotel or public house,

(c) any structure or other land used for the purposes of, or in connection with, the functions of a State authority;

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

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

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

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

"excluded premises" means—

(a) any premises used for purposes of a religious, educational, cultural, recreational or medical character,

(b) any guest house or other premises (not being a hotel) providing overnight guest accommodation, block of flats or apartments, club, boarding house or hostel,

(c) any structure which was designed for use as one or more dwellings, except such a structure which was used as business premises immediately before 1 October, 1964 or is so used with permission under the Act;

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

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

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

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

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

"light industrial building" means an industrial building in which the processes carried on or the plant or machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

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

(a) for or incidental to the making of any article or part of an article, or

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

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

(i) a vehicle, aircraft, ship or vessel, or

(ii) a sound recording, film, broadcast, cable programme, publication and computer program or other original database;

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

"mobile telephony" means public mobile telephony;

"painting" includes any application of colour;

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

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

(a) for the retail sale of goods,

(b) as a post office,

(c) for the sale of tickets or as a travel agency,

(d) for the sale of sandwiches or other food for consumption off the premises, where the sale of such food is subsidiary to the main retail use,

(e) for hairdressing,

(f) for the display of goods for sale,

(g) for the hiring out of domestic or personal goods or articles,

(h) as a launderette or dry cleaners,

(i) for the reception of goods to be washed, cleaned or repaired,

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

"supermarket" means a self-service shop selling mainly food;

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

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

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

- (2) In Schedule 2, unless the context otherwise requires, any reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground level, and for that purpose "ground level" means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situated or is to be situated is not uniform, the level of the lowest part of the ground adjacent to it.
- Exempted Development. 6. (1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.
- (2) (a) Subject to article 9, development consisting of the use of a structure or other land for the exhibition of advertisements of a class specified in column 1 of Part 2 of Schedule 2 shall be exempted development for the purposes of the Act, provided that—
- (i) such development complies with the conditions and limitations specified in column 2 of the said Part 2 opposite the mention of that class in the said column 1, and
 - (ii) the structure or other land shall not be used for the exhibition of any advertisement other than an advertisement of a class which is specified in column 1 of the said Part 2 and which complies with the conditions and limitations specified in column 2 of the said Part 2 opposite the mention of that class in the said column 1.
- (b) Subject to article 9, development consisting of the erection of any advertisement structure for the exhibition of an advertisement of any one of the classes specified in column 1 of Part 2 of Schedule 2 shall be exempted development for the purposes of the Act, provided that—
- (i) the area of such advertisement structure which is used for the exhibition of an advertisement does not exceed the area, if any, specified in column 2 of the said Part 2 opposite the mention of that class in the said column 1,
 - (ii) the advertisement structure is not used for the exhibition of advertisements other than advertisements of the class to which the exemption relates,
 - (iii) further to section 57 of the Act, the advertisement structure is not erected on a protected structure or a proposed protected structure save an advertisement structure referred to in Classes 5, 9 or 15 of column 1 of Part 2 of Schedule 2,
 - (iv) further to section 82 of the Act, the advertisement structure is not located on the exterior of a structure where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft development plan, so as to materially affect the character of the area, save an advertisement structure referred to in Classes 5, 9 or 15 of column 1 of Part 2 of Schedule 2, and
 - (v) where the advertisement structure is within a Gaeltacht area, any advertisement exhibited is—
 - (I) in Irish, or
 - (II) in Irish and other languages, with prominence given to the Irish text, and identical content in all versions of the text.
- (3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.
- (4) (a) Subject to paragraph (b), the carrying out of such works as are necessary to secure compliance with the Building Regulations, 1997 (S.I. No. 497 of 1997) shall, in the case of development consisting of the construction of a dwelling or dwellings in respect of which permission under Part IV of the Act of 1963 was granted before 1 June 1992, be exempted development.
- (b) Paragraph (a) shall not apply in the case of development consisting of the construction of a building designed for use as 2 or more separate dwellings.
- Development under other enactments. 7. (1) Works consisting of or incidental to the carrying out of development referred to in section 84 (4) (a) of the Environmental Protection Agency Act, 1992 (No. 7 of 1992) for the purpose of giving effect to a condition attached to a licence or revised licence granted by the Environmental Protection Agency under Part IV of the said Act shall be exempted development.
- (2) Works consisting of or incidental to the carrying out of development referred to in section 54 (4) (a) of the Waste Management Act, 1996 (No. 10 of 1996) for the purpose of giving effect to a condition attached to a licence or revised licence granted by the Environmental Protection Agency under Part V of the said Act shall be exempted development.

Works specified in a drainage scheme	8.	Works specified in a drainage scheme confirmed by the Minister for Finance under Part II of the <u>Arterial Drainage Act, 1945</u> (No. 3 of 1945) or the <u>Arterial Drainage (Amendment) Act, 1995</u> (No. 14 of 1995), carried out by, on behalf of, or in partnership with, the Commissioners, with such additions, omissions, variations and deviations or other works incidental thereto, as may be found necessary by the Commissioners or their agent or partner in the course of the works, shall be exempted development.
Restrictions on exemption.	9.	<p>(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—</p> <p>(a) if the carrying out of such development would—</p> <ul style="list-style-type: none"> (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act. (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width, (iii) endanger public safety by reason of traffic hazard or obstruction of road users, (iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies, (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, save any excavation, pursuant to and in accordance with a licence granted under <u>section 26</u> of the <u>National Monuments Act, 1930</u> (No. 2 of 1930), (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use, (ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan, (x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility, (xi) obstruct any public right of way, (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area, <p>(b) in an area to which a special amenity area order relates, if such development would be development:—</p>

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

- Changes of use. 10. (1) Development which consists of a change of use within any one of the classes of use specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not—
- (a) involve the carrying out of any works other than works which are exempted development,
 - (b) contravene a condition attached to a permission under the Act,
 - (c) be inconsistent with any use specified or included in such a permission, or
 - (d) be a development where the existing use is an unauthorised use, save where such change of use consists of the resumption of a use which is not unauthorised and which has not been abandoned.
- (2) (a) A use which is ordinarily incidental to any use specified in Part 4 of Schedule 2 is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.
- (b) Nothing in any class in Part 4 of the Schedule 2 shall include any use—
- (i) as an amusement arcade,
 - (ii) as a motor service station,
 - (iii) for the sale or leasing, or display for sale or leasing, of motor vehicles,
 - (iv) for a taxi or hackney business or for the hire of motor vehicles,
 - (v) as a scrap yard, or a yard for the breaking of motor vehicles,
 - (vi) for the storage or distribution of minerals,
 - (vii) as a supermarket, the total net retail sales space of which exceeds 3,500 square metres in the greater Dublin Area and 3,000 square metres in the remainder of the State,
 - (viii) as a retail warehouse, the total gross retail sales space of which exceeds 6,000 square metres (including any ancillary garden centre), or
 - (ix) as a shop, associated with a petrol station, the total net retail sales space of which exceeds 100 square metres.
- (3) Development consisting of the provision within a building occupied by, or under the control of, a State authority of a shop or restaurant for visiting members of the public shall be exempted development for the purposes of the Act.
- (4) Development consisting of the use of not more than 4 bedrooms in a house, where each bedroom is used for the accommodation of not more than 4 persons as overnight guest accommodation, shall be exempted development for the purposes of the Act, provided that such development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.
- (5) Development consisting of the use of a house for child minding shall be exempted development for the purposes of the Act.
- Saver for certain 11. Development commenced prior to the coming into operation of this Part and which was exempted development for the purposes of the Act of 1963 or the 1994 Regulations, shall notwithstanding the repeal of that Act and the revocation of those Regulations, continue to be exempted development for the purposes of the Act.

PART 3

Plans and Guidelines

Sites prescribed 12.
under section
10(2)(c) of Act.

The sites prescribed for the purposes of section 10(2)(c) of the Act shall be -

- (a) any area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act, 2000 (No. 38 of 2000),
and
- (b) any area the subject of a notice under section 16 (2)(b) of the Wildlife (Amendment) Act, 2000 .

Authorities 13.
prescribed
under sections
11, 12 and 13 of
Act.

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, Food and Rural Development,
- (d) the Minister for Arts, Heritage, Gaeltacht and the Islands,
- (e) the Minister for Defence,
- (f) the Minister for Education and Science,
- (g) the Minister for the Marine and Natural Resources,
- (h) the Minister for Public Enterprise,
- (i) Aer Rianta,
- (j) Bord Fáilte Éireann,
- (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,
- (o) the Electricity Supply Board,
- (p) Forfás,
- (q) the appropriate health board,
- (r) the Heritage Council,
- (s) the National Authority for Occupational Safety and Health,
- (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 which prepared the draft,
- (y) any local authority, including town commissioners, 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.

Authorities 14.
prescribed
under section
20 of Act.

The prescribed authorities for the purposes of section 20 of the Act shall be -

Authorities
prescribed
under section
24 of the Act.

- (a) any local authority, including town commissioners, 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
- (b) 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.

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, Food and Rural Development,
- (d) the Minister for Arts, Heritage, Gaeltacht and the Islands,
- (e) the Minister for Defence,
- (f) the Minister for Education and Science,
- (g) the Minister for the Marine and Natural Resources,
- (h) the Minister for Public Enterprise,
- (i) Aer Rianta,
- (j) Bord Fáilte Éireann,
- (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,
- (p) the Electricity Supply Board,
- (q) Forfás,
- (r) any health board whose area is within the region for which the guidelines are prepared,
- (s) the Heritage Council,
- (t) the National Authority for Occupational Safety and Health,
- (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 commissioners, in the region for which the guidelines are prepared.

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) 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 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 the offices of the planning authority and 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 has 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- <ul style="list-style-type: none"> (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. <p>(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.</p> <p>(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.</p> <p>(4) Where a 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 application in respect of land substantially consisting of the site or part of the site to which the first application related, in lieu of the requirements of sub-article (1)(b), the site notice 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.</p>
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 and shall be renewed or replaced if it is removed or becomes defaced or illegible within that period.
Restriction on outline application.	21.	Notwithstanding section 36 of the Act, an outline application may not be made for permission for- <ul style="list-style-type: none"> (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 shall- <ul style="list-style-type: none"> (a) state 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), (b) (i) state the name and address, and telephone number and e-mail address, if any, of the applicant and of the person, if any, acting on behalf of the applicant. (ii) indicate the address to which any correspondence relating to the application should be sent, (iii) where an applicant referred to in sub-article (i) is a company registered under the Companies Acts, 1963 to 1999, state the names of the company directors and the address and registration number of the company, (c) state the location, townland or postal address of the land or structure concerned, (as may be appropriate), (d) state the legal interest of the applicant in the land or structure and, if the applicant is not the owner, state the name and address of the owner,

- (e) state the area of the land to which the application relates and, where the application relates to a building or buildings,-
 - (i) the gross floor space of any existing building or buildings and of the proposed works, and
 - (ii) the number of houses (if any) to be provided,
 - (f) indicate if the development comprises or is for the purposes of an activity in relation to which an integrated pollution control licence or a waste licence is required,
 - (g) indicate if the development consists of or comprises the carrying out of works to a protected structure or proposed protected structure, and
 - (h) 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, specify 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.
- (2) A planning application referred to in sub-article (1) shall be accompanied by —
- (a) the relevant page 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 of not less than 1:1000 in built up areas and 1:1250 in all other areas (which shall be identified thereon) and marked or coloured so as to identify clearly the land or structure to which the application relates and the boundaries thereof,
 - (c) a plan showing the position of a site notice or notices affixed to the land or structure pursuant to article 17(1)(b),
 - (d) the documents, particulars, plans, drawings and maps referred to in sub-article (3) and a schedule listing such plans, drawings and maps,
 - (e) 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, and
 - (f) the appropriate fee as set out in Schedule 9.
- (3) 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,
 - (iii) such plans and such other particulars as are necessary to identify the area to which the application relates.

Requirements for plans, drawings, maps referred to in 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 of not less than 1:500 (which shall be indicated thereon), 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, 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 shall be outlined in blue and wayleaves shall be shown in yellow,
- (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,
 - (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,
 - (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,
 - (h) the north point shall be indicated on all maps and plans other than drawings of elevations and sections,
 - (i) plans and drawings shall indicate the name and address of the person by whom they were prepared.
- (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 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, 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) 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.
- (4) In addition to the requirements of article 22, a planning authority may request an applicant to provide a scale model of a proposed development, showing the elevations and perspective of the proposed development.

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(3) 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), (h) and (i) thereof, shall not apply to a planning application referred to in sub-article (1).

Procedure on
receipt of
planning
application.

26. (1) Subject to sub-article (3), on receipt of a planning application, a planning authority shall-
- (a) stamp each document with the date of its receipt, and
 - (b) consider whether the applicant has complied with the requirements of articles 18, 19(1)(a) or 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) or 22 and, as may be appropriate, of article 24 or 25, it shall send to the applicant an acknowledgement stating the date of receipt of the application as soon as may be after the receipt of the application.
- (3) Where, following consideration of an application under sub-article (1)(b), 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) or 19 have not been met, 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 details of the invalid application in the register.

(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 third 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 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.

- (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, Bord Fáilte Éireann, 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 Bord Fáilte Éireann,
 - (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 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,
 - (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 for Arts, Heritage, Gaeltacht and the Islands 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 for Arts, Heritage, Gaeltacht and the Islands, 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 Bord Fáilte Éireann,
- (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 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,
 - (k) where it appears to the authority that the development might significantly impact on the implementation of the DTI Strategy — to the Dublin Transportation Office,
 - (l) 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,
 - (m) where it appears to the authority that the development might have significant effects in relation to nature conservation —to the Heritage Council, the Minister for Arts, Heritage, Gaeltacht and the Islands and An Taisce - the National Trust for Ireland,
 - (n) 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 Arts, Heritage, Gaeltacht and the Islands and Údarás na Gaeltachta,
 - (o) where the development is in the vicinity of an explosives factory, storage magazine or local authority explosives store— to the Minister of Justice, Equality and Law Reform,
 - (p) where the application relates to development for the purposes of breeding or rearing of salmonid fish — to the Minister for the Marine and Natural Resources and the appropriate Regional Fisheries Board,
 - (q) 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 the Marine and Natural Resources, The Heritage Council and An Taisce - the National Trust for Ireland,
 - (r) where it appears to the authority that the development might have significant effects on public health — to the appropriate Health Board,
 - (s) where the application relates to extraction of minerals within the meaning of the Minerals Development Act, 1940 to 1995 — to the Minister for the Marine and Natural Resources,
 - (t) where it appears to the authority that the development might impact on the foreshore—to the Minister for the Marine and Natural Resources,
 - (u) where the application relates to development of the electricity transmission system or the provision of, or extension to, an electricity generating station — to the Commission for Electricity Regulation.
- (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 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 within a period of 5 weeks beginning on the date of receipt by the authority of the application will be taken into account by the authority in making its decision on the application.

		(3) A reference in sub-article (1) to Bord Fáilte Éireann 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.
		(4) 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)(b).
		(5) Where a prescribed body to whom notice is sent pursuant to sub-article (1) does not make a submission or observation in relation to an application 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.
Submissions or observations in relation to planning application.	29.	<p>(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.</p> <p>(b) Any submission or observation received shall-</p> <p>(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</p> <p>(ii) indicate the address to which any correspondence relating to the application should be sent.</p> <p>(2) Subject to article 26, 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.</p> <p>(3) Where a submission or observation 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.</p>
Minimum period for determination of planning application.	30.	A planning authority shall not determine an application for permission until after a period of 5 weeks, beginning on the date of receipt of an application, has elapsed.
Notification of decision on planning application.	31.	<p>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—</p> <p>(a) the reference number of the application in the register,</p> <p>(b) the development to which the decision relates,</p> <p>(c) the nature of the decision,</p> <p>(d) the date of the decision,</p> <p>(e) in the case of a decision to grant a permission - any conditions attached thereto,</p> <p>(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,</p> <p>(g) 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,</p> <p>(h) 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,</p> <p>(i) 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,</p> <p>(j) 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,</p>

and

(k) 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 third 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 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 request made under sub-article (1) may not require the submission of any further information in respect of the matters specified in articles 18, 19(1)(a) or 22, save the proposals referred to in article 22(1)(h).
- (3) 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).
- (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 or evidence has elapsed.

Revised plans.

34. Where a planning authority, having considered a planning application, is disposed to grant a permission subject to any modification of the development to which the application relates, it may invite the applicant to submit to it revised plans or other drawings modifying, or other particulars providing for the modification of, the said development and, in case such plans, drawings or particulars are submitted, may decide to grant a permission for the relevant development as modified by all or any such plans, drawings or particulars.

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) 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 within a specified period, and
- (b) notify any person who made a submission or observation in relation to the planning application in accordance with article 29(1), as soon as may be following receipt of the further information or evidence or revised plans, drawings or particulars, as appropriate, 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 office 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 a specified time period,
 - (iii) that no fee or further fee shall be payable on condition that any submission or observation referred to in subparagraph (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,
- (c) require the applicant 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 office hours, and
 - (v) 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.
- (2) Where a planning authority considers that the notice published in accordance with sub-article (1)(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.

Prescribed
notice for
material
contravention.

36. Form No. 2 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.

Withdrawal of
planning
application.

37. 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.

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 model forms and 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 control system, including information in relation to planning applications, fees, decisions and enforcement, as may be requested by the Minister 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.

Chapter 3

Extension of duration of planning permission

Interpretation
for this Chapter

40. (1) In this Chapter, the "appropriate period" has the same meaning assigned to it by section 40(3) of the Act.

	(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.
Time limits for extensions of time.	41.	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.
Content of application to extend appropriate period.	42.	<p>An application under section 42 of the Act to extend the appropriate period as regards a particular permission shall be made in writing and shall contain the following particulars—</p> <ul style="list-style-type: none"> (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, (b) the address to which any correspondence relating to the application should be sent, (c) the location, townland or postal address of the land or structure concerned, as may be appropriate, (d) the legal interest in the land or structure held by the applicant, (e) the development to which the permission relates, (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.	<p>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—</p> <ul style="list-style-type: none"> (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 appropriate period.	44.	<p>(1) On receipt of an application to extend or extend further the appropriate period as regards a particular permission, a planning authority shall—</p> <ul style="list-style-type: none"> (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. <p>(2)</p> <ul style="list-style-type: none"> (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),
 - (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.

PART 5

Housing Supply

- Applications for certificate under section 97 of Act. 48. (1) An application for a certificate under section 97 of the Act shall—
- (a) state the name and address, and telephone number and e-mail address if any, of the applicant and of the person, if any, acting on behalf of the applicant,

- (b) where the applicant is a company registered under the Companies Acts, 1963 to 1999, state the names of the company directors and the address and registration number of the company,
- (c) state the location, townland or postal address (as may be appropriate) of the land in respect of which it is intended to apply for permission,
- (d) indicate the number of houses for which it is intended to apply for permission, and
- (e) indicate the area of the land in respect of which it is intended to apply for permission.

- (2) An application under sub-article (1) shall be accompanied by a location map of sufficient size and containing details of features in the vicinity such as to permit the identification of the land to which the application relates, to a scale of not less than 1:1000 in built up areas and 1:1250 in all other areas (which shall be identified thereon) and marked or coloured so as to identify clearly the land to which the application relates and the boundaries thereof.

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

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

- (a) whether the applicant, or any person with whom the applicant is acting in concert, has been granted, within the period of 5 years prior to the date of making of the application, a certificate under section 97 of the Act which at the time of the application remains in force, and
- (b) whether the applicant, or any person with whom the applicant is acting in concert, has carried out, or has been granted permission to carry out, a development consisting of the provision of 4 or fewer houses or of housing on land of 0.2 hectares or less, within the period of 5 years prior to the date of making of the application for a certificate, on land in respect of which the certificate is being sought or land in its immediate vicinity (save that any such development carried out, or permission granted, before 1 November 2001 may be disregarded).

Accommodation 50. needs.

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

- (a) for one person, a house with one bedroom and gross floor area of 35 square metres,
- (b) for 2 persons, a house with one bedroom and a gross floor area of 40 square metres,
- (c) for 3 persons, a house with 2 bedrooms and a gross floor area of 50 square metres,
- (d) for 4 persons, a house with 2 bedrooms and a gross floor area of 60 square metres,
- (e) for 5 or 6 persons, a house with 3 bedrooms and a gross floor area of 72 square metres, or
- (f) for 7 or more persons, a house with 4 bedrooms and a gross floor area of 100 square metres.

PART 6

Architectural Heritage

Record of protected structures.

51. (1) A record of protected structures shall contain—

- (a) in respect of each protected structure—
 - (i) an identifying number,
 - (ii) an address,
 - (b) one or more maps showing the location of each protected structure to a scale that enables clear identification of such structures, and
 - (c) any other information that the planning authority considers necessary.
- (2) A map referred to in sub-article (1)(b) may, in addition to the information referred to in that sub-article, contain other information.

Prescribed 52. The following bodies are hereby prescribed for the purposes of section 55(1) of the Act—
bodies under
section 55(1) of
Act.

- (a) the Heritage Council,
- (b) An Taisce — the National Trust for Ireland,
- (c) An Chomhairle Ealaíon, and
- (d) Bord Fáilte Éireann.

Compulsory 53. The prescribed documents and particulars for the purposes of section 73(4)(d) of the Act shall be—
acquisition of
protected
structure.

- (a) a copy of the relevant notice published in accordance with section 72(1)(a) of the Act, and
- (b) a copy of the relevant notice served in accordance with section 72(1)(b) of the Act.

Vesting Order. 54. (1) Form No. 1 of Schedule 4, or a form substantially to the like effect, shall be the prescribed form of vesting order in respect of a protected structure for the purposes of section 75 of the Act of 2000.
(2) Form No. 2 of Schedule 4, or a form substantially to the like effect, shall be the prescribed form of vesting order in respect of any land or structure within an architectural conservation area for the purposes of section 75 (as applied by section 83(3) of the Act.

Prescribed 55. The following bodies are hereby prescribed for the purposes of section 85(2)(a) of the Act—
bodies under
section 85 of
Act.

- (a) the Minister for Arts, Heritage, Gaeltacht and the Islands,
- (b) the Heritage Council,
- (c) An Taisce — the National Trust for Ireland,
- (d) An Chomhairle Ealaíon,
- (e) Bord Fáilte Éireann, and
- (f) the appropriate chamber of commerce.

PART 7

An Bord Pleanála

Chapter 1

Appointment of Chairperson and Ordinary Members of An Bord Pleanála

Interpretation 56. In this Chapter, "the committee" means, except where otherwise specified,—
for this Chapter.

- (a) where a request is made under section 105(7) of the Act for the selection of candidates for appointment to be the chairperson, the committee referred to in that section, or
- (b) where a request is made under section 106(7) of the Act for the selection of candidates for appointment to be an ordinary member, the committee referred to in that section.

Procedure 57. (1) Whenever a request is made to the committee under section 105(7) or 106(7) of the Act for the selection of candidates for
where request
under section
105(7) or 106(7)
of Act made to
committee.

- (a) the committee shall meet on a day and at a time and place determined by the President of the High Court in the case of the committee referred to in section 105 of the Act, or by the chairperson in the case of the committee referred to in section 106 of the Act, and such determination shall be communicated to the other members of the committee, and

		(b) the committee shall, before selecting candidates for appointment to be the chairperson or an ordinary member, as appropriate, pursuant to the request, cause an advertisement to be published inviting applications for appointment to such office.
	(2)	An advertisement referred to in sub-article (1) (b) shall specify a period of not less than 3 weeks for the making of applications and any application which is not received by the committee within the period so specified shall be invalid.
Content of application.	58.	An application for selection by the committee shall include a curriculum vitae and particulars of the special knowledge and experience and other qualifications and personal qualities which the applicant considers relevant to the application.
Requirement to submit further particulars.	59.	Where the committee, receives an application for selection by the committee, it may require the applicant to submit, within a period of not more than 3 weeks, such further particulars as it may require (including any evidence which the committee may reasonably require to verify any particulars given by the applicant in, or in relation to, the application).
Interviewing of applicants.	60.	(1) Where the committee considers it necessary for the purposes of selecting candidates it may, subject to sub-article (2), invite applicants to attend for interview on a day and at a time and place specified by the committee. (2) Where the committee decides to invite applicants to attend for interview in accordance with sub-article (1), the committee may, at its absolute discretion, having examined the information contained in the applications and having regard to the special knowledge and experience and other qualifications and personal qualities which the committee considers appropriate to enable a person effectively to perform the functions of the chairperson or of an ordinary member, as appropriate, invite to attend for interview only those applicants who appear to it to be likely to be suitable to be considered for selection as candidates for appointment as chairperson or as an ordinary member, as appropriate.
Cesser of entitlement to further consideration by committee.	61.	(1) Subject to sub-article (2), an applicant who does not attend for interview on the day and at the time and place specified by the committee or who does not furnish such particulars or evidence as may be required by the committee under article 59 within the period specified in that article shall not be entitled to further consideration by the committee for selection as a candidate for appointment as chairperson or as an ordinary member, as appropriate. (2) Notwithstanding sub-article (1), the committee may, at its absolute discretion, invite any person who did not attend for interview on the day and at the time and place previously specified by the committee for interview on another day and at a time and place specified by the committee.
Procedure of committee.	62.	(1) The committee shall hold such and so many meetings as may be necessary for the performance of its functions. (2) (a) The quorum for a meeting of the committee referred to in section 105 of the Act shall be 4. (b) The President of the High Court shall preside at meetings of the committee referred to in section 105 of the Act at which he or she is present. (c) If the President of the High Court is not present at a meeting of the committee referred to in section 105 of the Act, a member of that committee selected by the committee shall preside at the meeting. (3) (a) The Chairperson shall preside at meetings of the committee referred to in section 106 of the Act. (b) All members of the committee referred to in section 106 of the Act shall be present at meetings of the committee. (4) Every question at a meeting of the committee shall be determined by a majority of votes of the members present. (5) Subject to the foregoing provisions of this article, the committee shall regulate its own procedure.
Secretary of Committee.	63.	An officer of the Minister designated by the Secretary-General of the Department of the Environment and Local Government shall act as secretary of the committee.
Prescribed organisations for purposes of section 106(1) of Act.	64.	(1) The prescribed organisations for the purposes of section 106(1)(a) of the Act shall be— (a) the Irish Planning Institute, (b) the Royal Town Planning Institute, Irish 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, and

- (f) the Association of Consulting Engineers of Ireland.
- (2) The prescribed organisations for the purposes of section 106(1)(b) of the Act shall be—
 - (a) An Taisce—the National Trust for Ireland,
 - (b) Bord Fáilte Éireann,
 - (c) the Irish Architectural Archive,
 - (d) the Irish Resource Development Trust,
 - (e) the Royal Irish Academy,
 - (f) Comhar - The National Sustainable Development Partnership, and
 - (g) the Heritage Council.
- (3) The prescribed organisations for the purposes of section 106(1)(c) of the Act shall be—
 - (a) the Construction Industry Federation,
 - (b) Forfás,
 - (c) the Irish Business and Employers' Confederation,
 - (d) the Chambers of Commerce of Ireland,
 - (e) the Irish Tourist Industry Confederation,
 - (f) the Irish Auctioneers and Valuers Institute, and
 - (g) the Institute of Professional Auctioneers and Valuers.
- (4) The prescribed organisations for the purposes of section 106(1)(d) of the Act shall be—
 - (a) the County and City Managers' Association,
 - (b) the General Council of County Councils,
 - (c) the Association of Municipal Authorities of Ireland,
 - (d) the Local Authority Members' Association, and
 - (e) the Institute of Public Administration.
- (5) The prescribed organisations for the purposes of section 106(1)(e) of the Act shall be—
 - (a) the Irish Congress of Trade Unions,
 - (b) the Irish Farmers' Association,
 - (c) the Irish Creamery Milk Suppliers' Association,
 - (d) the Irish Countrywomen's Association, and
 - (e) Muintir na Tíre.
- (6) The prescribed organisations for the purposes of section 106(1)(f) of the Act shall be—
 - (a) the National Youth Council of Ireland,
 - (b) the National Women's Council of Ireland,
 - (c) the Irish Council for Social Housing,
 - (d) Comhdháil Náisiúnta na Gaeilge,
 - (e) the National Disability Authority,
 - (f) People with Disabilities in Ireland Limited, and
 - (g) the Combat Poverty Agency.

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

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

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

Chapter 2

Appeals and referrals and other functions of the Board

- | | | |
|--|-----|--|
| Appeals
accompanied by
EIS or appeal or
referral which
relate to
establishment
to which the
Major Accident
Regulations
apply. | 66. | (1) Where any appeal is required to be accompanied by an EIS in accordance with section 172 of the Act or these Regulations, the requirements of Part 10 shall be complied with in addition to the requirements of this Part. |
| | (2) | Any appeal or referral under section 5 of the Act relating to development of a type referred to in article 138 shall be subject to the requirements of Part 11 in addition to the requirements of this Part. |
| Interpretation
for this Chapter. | 67. | In this Chapter —

“appeal” does not include appeals under section 182(4)(b) of the Act,
“oral hearing” means an oral hearing within the meaning of section 134, 203 or 218 of the Act;
“relevant persons” means-
(a) in the case of an oral hearing under section 134(1) of the Act, the parties to the appeal or referral and any persons who have made submissions or observations to the Board in relation to the appeal or referral in accordance with section 130 of the Act,
(b) in the case of an oral hearing under section 134(5) of the Act, the planning or local authority and, as appropriate, the person who is seeking the determination, any person who made a submission, observation or objection in accordance with the Act, these Regulations or the applicable enactment, and, in the case of any development in respect of which an EIS is submitted, any person who made a submission or observation in respect of the effects on the environment of the proposed development,
(c) in the case of an oral hearing under section 203 of the Act, the planning authority and any person who made an objection to an order under that section,
(d) in the case of an oral hearing under section 218 of the Act, the local authority and any person who made an objection in accordance with the enactments referred to in sections 214 or 215 of the Act. |
| Availability of
documents
relating to
appeals and
referrals. | 68. | Where a copy of an appeal or referral is sent to a planning authority by the Board pursuant to section 128 of the Act, the planning authority shall, as soon as may be after receipt of the copy of the appeal or referral, make a copy of the appeal or referral available for inspection during office hours at the offices of the authority until the appeal or referral is withdrawn or is dismissed or determined by the Board or, in the case of an appeal referred to in section 139 of the Act, a direction is given to the authority in relation to that appeal. |
| Notification of
persons who
made
submissions or
observations. | 69. | (1) Subject to sub-article (2), where a copy of an appeal under section 37 of the Act is sent to a planning authority by the Board in accordance with section 128 of the Act, the planning authority, as soon as may be after receipt of the copy of the appeal, shall notify in writing any person who made a submission or observation in accordance with these Regulations in relation to the planning application in respect of which an appeal has been made. |

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

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

Inclusion of
appeals in
weekly list of
planning
authority.

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

Notification of
application for
leave to appeal.

71. (1) Where a planning authority is notified by the Board in accordance with section 37(6)(c) of the Act, the authority shall, as soon as may be, notify the applicant for permission that the Board has received an application for leave to appeal the decision of the planning authority.

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

- (a) specify the reference number of the Board in respect of the application for leave to appeal,
- (b) specify the name and address of the applicant for leave, and
- (c) state that the planning authority will not make a grant of permission unless the application for leave to appeal is refused.

Board's weekly
list.

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

- (a) the appeals and referrals received by the Board, and
- (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, during that week.

(2) A list referred to in sub-article (1) shall indicate in respect of each of the appeals under section 37 of the Act received by the Board during the week to which the list relates—

- (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, and
- (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 each appeal 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,-

- (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) 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.
- (7) 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.
- (8) (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, 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.
- Revised plans, 73. The Board may, when considering an appeal under section 37 of the Act, invite the applicant for the permission concerned etc. to submit to the Board revised plans or other drawings modifying, or other particulars providing for the modification of, the development to which the appeal relates and an applicant so invited may submit to the Board such number of plans, drawings or particulars as the Board may specify.
- Notification by 74. (1) The Board shall, as soon as may be following the making of a decision on an appeal or referral, notify any party to the Board of decisions on appeals or referrals. appeal or referral and any person who made submissions or observations in relation to the appeal or referral in accordance with section 130 of the Act.
- (2) A notice referred to in sub-article (1) of a decision on an appeal under section 37 of the Act shall specify—
- (a) the reference number of the appeal,
 - (b) the reference number of the planning application concerned in the register of the planning authority,
 - (c) the date of the order of the Board in relation to the appeal,
 - (d) the development to which the decision relates,
 - (e) the nature of the decision and the main reasons and considerations on which the decision is based,
 - (f) in the case of a decision to grant a permission subject to conditions— any conditions to which the permission is subject and the main reasons for the imposition of any such conditions, provided that where a condition imposed is a condition described in section 34(4) of the Act, a reference to the paragraph of the said subsection (4) in which the condition is described shall be sufficient,
 - (g) in the case of a decision to grant a permission for a structure — any purpose for which the structure may or may not be used,

- (h) in the case of a decision to grant a permission — any condition specifying points of detail relating to a grant of permission to be agreed by the planning authority and the person to whom the permission is granted,
 - (i) in the case of a decision to grant a permission — any period specified by the Board pursuant to section 41 of the Act as the period during which the permission is to have effect,
 - (j) 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
 - (k) 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.
- (3) A notice referred to in sub-article (1) of a decision on an appeal (other than an appeal under section 37 of the Act) or referral shall, in addition to any other requirement of the Act, specify—
- (a) the reference number of the Board in respect of the appeal,
 - (b) the nature of appeal or referral to which the decision relates,
 - (c) the nature of the decision,
 - (d) the date of the order of the Board in relation to the appeal or referral, and
 - (e) any other information which the Board considers appropriate.

Inspections in 75.
relation to
appeals,
referrals and
other functions
of the Board.

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

Notice etc. of 76.
oral hearing.

- (1) Where the Board decides to hold, or is required to hold, under section 218 of the Act, an oral hearing, the Board shall—
- (a) inform relevant persons and any other person or body which it considers appropriate and give such persons and bodies not less than one week 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, and
 - (b) subject to sub-section (3), give each relevant person a copy of any correspondence, documents, particulars or other information received from other relevant persons in accordance with the provisions of the Act or these Regulations and not previously given to that relevant person.
- (2) The Board may, where it considers appropriate, give any person (not being a relevant 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.
- (3) In any case where a large number of submissions, observations or objections in respect of a particular matter are received by the Board as part of an organised campaign, the Board may, instead of giving to such relevant persons a copy of all correspondence, documents, particulars or other information received from other relevant persons in accordance with sub-article (1)(b), provide access to such correspondence, documents, particulars or other information by such other means as the Board may determine.
- (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 one week of the new time and place or such shorter notice as may be accepted by all such persons or bodies.

Adjournment or 77.
re-opening of
oral hearing.

- (1) Subject to sub-articles (2) and (3), the Board or other person conducting an oral hearing may adjourn or reopen any hearing or, notwithstanding that any relevant person has failed to attend a hearing, proceed with the hearing.
- (2) Notice of the time and place of the re-opening of an oral hearing or resumption of an oral hearing that has been adjourned indefinitely shall be given by the Board to each relevant person and to any other person or body who was informed of the holding of an oral hearing under article 76(1)(a) or who has been heard at the hearing in accordance with section 135(2)(d) of the Act not less than one week before the said time unless all such persons accept shorter notice.

- (3) An oral hearing under section 218 of the Act, or on which the report has been submitted to the Board, shall not be reopened unless the Board considers it expedient to do so and so directs.

Replacement of 78. person appointed to conduct oral hearing.

- (1) If, for any reason, the person appointed to conduct an oral hearing is unable or fails to conduct the oral hearing, the Board may appoint another person to conduct the oral hearing.
- (2) If, for any reason, the person appointed to conduct an oral hearing is unable to complete the conduct of the oral hearing, or is unable to or fails to furnish a report on an oral hearing to the Board, the Board may appoint another person to conduct a new oral hearing.

PART 8

Requirements in respect of Specified Development by, on Behalf of, or in Partnership with Local Authorities

Development 79. which relates to establishment to which the Major Accident Regulations apply.

Any development of a type referred to in article 145 shall be subject to the requirements of Chapter 4 of Part 11 in addition to the requirements of this Part.

Development 80. prescribed for purposes for section 179 of Act.

- (1) Subject to sub-article (2) and sub-section (6) of section 179 of the Act, the following classes of development, hereafter in this Part referred to as "proposed development", are hereby prescribed for the purposes of section 179 of the Act—

- (a) the construction or erection of a house,
 - (b) the construction of a new road or the widening or realignment of an existing road, where the length of the new road or of the widened or realigned portion of the existing road, as the case may be, would be—
 - (i) in the case of a road in an urban area, 100 metres or more, or
 - (ii) in the case of a road in any other area, 1 kilometre or more,
 - (c) the construction of a bridge or tunnel,
 - (d) the construction or erection of pumping stations, treatment works, holding tanks or outfall facilities for waste water or storm water,
 - (e) the construction or erection of water intake or treatment works, overground aqueducts, or dams or other installations designed to hold water or to store it on a long-term basis,
 - (f) drilling for water supplies,
 - (g) the construction of a swimming pool,
 - (h) the use of land, or the construction or erection of any installation or facility, for the disposal of waste, not being—
 - (i) development which comprises or is for the purposes of an activity in relation to which a waste licence is required or
 - (ii) development consisting of the provision of a bring facility which comprises not more than 5 receptacles,
 - (i) the use of land as a burial ground,
 - (j) the construction or erection of a fire station, a library or a public toilet, and
 - (k) any development other than those specified in paragraphs (a) to (j), the estimated cost of which exceeds €126,000, not being development consisting of the laying underground of sewers, mains, pipes or other apparatus.
- (2) (a) Subject to paragraph (b), this Part shall not apply to proposed development that a local authority that is a planning authority proposes to carry out outside its functional area.
- (b) This Part shall apply to development of a class specified in sub-article (1) (b) or (c) that a local authority that is a planning authority proposes to carry out outside its functional area.
- (c) This Part shall also apply to development which is carried out within the functional area of a local authority that is a planning authority, on behalf of, or in partnership with the local authority, pursuant to a contract with the local authority.

Notice of
proposed
development.

81. (1) A local authority shall, in accordance with this article,—

- (a) give notice of proposed development in an approved newspaper, and
 - (b) erect or fix a site notice or site notices on the land on which the proposed development would be situated.
- (2) A notice referred to in sub-article (1) shall state that the local authority proposes to carry out development and—
- (a) indicate the location, townland or postal address of the proposed development (as may be appropriate),
 - (b) indicate the nature and extent of the proposed development,
 - (c) where the proposed development consists of or comprises the carrying out of works -
 - (i) which would materially affect the character of a protected structure or a proposed protected structure,
 - (ii) to the exterior of a structure which is located within an architectural conservation area 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 the development would materially affect the character of the area concerned,indicate this fact, and
 - (d) state that—
 - (i) plans and particulars of the proposed development will be available for inspection during office hours at the offices of the local authority for a specified period (which shall be not less than 4 weeks beginning on the day of publication of the notice in a newspaper in accordance with sub-article (1)(a)),
 - (ii) submissions or observations with respect to the proposed development, dealing with the proper planning and sustainable development of the area in which the development would be situated, may be made in writing to the local authority before a specified date (which shall be not less than 2 weeks after the end of the period for inspection of plans and particulars specified pursuant to sub-paragraph (i)).
- (3) A site notice erected or fixed in accordance with sub-article (1) (b) shall be—
- (a) inscribed or printed in indelible ink and affixed on rigid, durable material and be secured against damage from bad weather and other causes, and
 - (b) subject to sub-article (4), securely erected or fixed in a conspicuous position on or near the main entrance to the land concerned from a public road, or where there is more than one entrance from public roads, on or near all such entrances, or on any other part of the land or structure adjoining a public road, so as to be easily visible and legible by persons using the public road, and shall not be obscured or concealed at any time.
- (4) Where the land concerned does not adjoin a public road, a site notice shall be erected or fixed in a conspicuous position on the land so as to be easily visible and legible by persons outside the land, and shall not be obscured or concealed at any time.
- (5) A site notice shall be erected or fixed on the land or structure concerned not later than the day of publication of notice of the proposed development in a newspaper in accordance with sub-article (1) (a), shall be maintained in position for a period of at least 4 weeks after publication of the said notice and shall be renewed or replaced if it is removed or becomes defaced or illegible within that period.

Notice of
proposed
development to
certain bodies.

82. (1) A local authority shall send notice of proposed development to any relevant body or bodies specified in sub-article (3).

- (2) A notice in accordance with sub-article (1) shall—
- (a) indicate the location, townland or postal address of the proposed development,
 - (b) indicate the nature and extent of the proposed development, and
 - (c) state that submissions or observations in respect of the proposed development, dealing with the proper planning and sustainable development of the area in which the proposed development would be situated, may be made in writing to the local authority before a specified date (which shall be not less than 2 weeks after the end of the period for inspection of plans and particulars specified pursuant to article 81(2)(d)(i)),
- and be accompanied by a copy of the plans and particulars of the proposed development specified in article 84.
- (3) A notice in accordance with sub-article (1) shall be sent—

- (a) where it appears to the authority that the proposed development would be 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 proposed development might obstruct any view or prospect of special amenity value or special interest — to An Chomhairle Ealaíon, Board Fáilte Éireann, and An Taisce — the National Trust for Ireland,
- (b) where it appears to the authority that the proposed development might obstruct or detract from the value of any tourist amenity or tourist amenity works — to Board Fáilte Éireann,
- (c) where it appears to the authority that the proposed 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 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,
 - (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,
 - (III) a historic monument or archaeological area entered in the Register of Historic Monuments under Section 5 of the National Monuments (Amendment) Act, 1987,
 - (IV) a national monument in the ownership or guardianship of the Minister for Arts, Heritage, Gaeltacht and the Islands 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 for Arts, Heritage, Gaeltacht and the Islands, 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 Bord Fáilte Éireann,
- (d) where it appears to the authority that the area of another local authority might be affected by the proposed development — to that local authority,
- (e) where it appears to the authority that the proposed 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 —
 - (i) the proposed 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 proposed 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 proposed 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, to Waterways Ireland,
- (g) where it appears to the authority that the proposed development might endanger or interfere with the safety of, or the safe and efficient navigation of, aircraft — to the Irish Aviation Authority,
- (h) where it appears to the authority that the proposed 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,
- (i) where it appears to the authority that—
 - (i) the proposed 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, 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 proposed development might give rise to a significant increase in the volume of traffic using a national road,
 - to the National Roads Authority,
- (j) where it appears to the authority that the proposed development might significantly impact on the implementation of the DTI Strategy — to the Dublin Transportation Office,

- (k) where the proposed 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,
 - (l) where it appears to the authority that the proposed development might have significant effects in relation to nature conservation — to the Heritage Council, the Minister for Arts, Heritage, Gaeltacht and the Islands and An Taisce- the National Trust for Ireland,
 - (m) where the proposed 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 Arts, Heritage, Gaeltacht and the Islands and údarás na Gaeltachta,
 - (n) where the proposed 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,
 - (o) where it appears to the authority that the proposed development might have significant effects on public health — to the appropriate Health Board,
 - (p) where it appears to the authority that the proposed development might impact on the foreshore—to the Minister for the Marine and Natural Resources.
- (4) A reference in sub-article (3) to Bord Fáilte Éireann shall, in the case of proposed development which would be situated in the functional area of the Shannon Free Airport Development Company Ltd., be construed as a reference to that Company.

Availability for inspection of documents, particulars and plans.

83. (1) A local authority shall make available for inspection in accordance with article 81(2)(d)(i)—
- (a) a document describing the nature and extent of the proposed development and the principal features thereof, including-
 - (i) where the proposed development would consist of or comprise the provision of houses, the number of houses to be provided,
 - (ii) where proposed development would relate to a protected structure or a proposed protected structure, an indication of that fact,
 - (iii) where the proposed development would comprise or be for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact,
 - (b) a location map, drawn to a scale of not less than 1:1000 in built up areas and 1:1250 in all other areas (which shall be identified thereon) and marked or coloured so as to identify clearly the land on which it is proposed to carry out the proposed development,
 - (c) except in the case of development of a class specified in article 80(1)(b) or (c),—
 - (i) a site layout plan, drawn to a scale of not less than 1:500, showing the boundary of the site on which it is proposed to carry out the proposed development and the buildings or other structures, and roads or other features, in the vicinity of the site, and
 - (ii) such other plans and drawings, drawn to a scale of not less than 1:100, as are necessary to describe the proposed development,
 - (d) in the case of development of a class specified in article 80(1)(b), such plans and drawings drawn to a scale of not less than 1:2500, as are necessary to describe the proposed development,
 - (e) in the case of development of a class specified in article 80(1)(c), such plans and drawings drawn to a scale of not less than 1:200, as are necessary to describe the proposed development.
- (2) A local authority shall make available for inspection or purchase on payment of a specified fee not exceeding the reasonable cost of make such a copy a copy of any submissions or observations received by the authority in respect of a proposed development during office hours at the offices of the authority.

Notice following period of consideration.

- (1) A local authority shall send notice in accordance with sub-article (2) to any body to which notice of the proposed development was sent pursuant to article 82, and to any other persons or bodies who made submissions or observations in respect of the proposed development in accordance with this Part as soon as may be after, as appropriate,—
- (a) the making of a resolution under section 179(4)(b) of the Act, or
 - (b) the expiry of a period of 6 weeks after the receipt of the manager's report referred to in the said section 179(4).

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

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

PART 9

Provisions with Respect to Certain Development by or on Behalf of State Authorities

- Specified development for purposes of section 181(1)(a) of Act. 86. (1) In accordance with section 181(1)(a) of the Act, the provisions of the Act shall not apply to the following classes of development:

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

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

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

Public notice of 87.
proposed
development.

(1) This article shall apply to the classes of development specified in article 86(1) (a), (b) or (c), other than 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, and the development to which this article applies is hereafter in this Part referred to as "proposed development".

(2) A State authority shall, in accordance with this article—

(a) publish notice of proposed development in an approved newspaper, and

(b) erect or fix a site notice or site notices of proposed development on the land or structure where the proposed development would be situated.

(3) A notice published pursuant to sub-article (2) (a) shall contain as a heading the name of the State authority by which the development is proposed to be carried out and shall state—

(a) the location, townland or postal address of the proposed development (as may be appropriate),

(b) the nature and extent of the proposed development,

(c) where the proposed development consists of or comprises the carrying out of works—

(i) which would materially affect the character of a protected structure or proposed protected structure, or

(ii) to the exterior of a structure which is located within an architectural conservation area 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 the development would materially affect the character of the area concerned,

an indication of that fact,

(d) that drawings and particulars of the proposed development will be available for inspection, at the head offices of the State authority and at a specified location in the area in which the development would be situated, at specified times during a period of 6 weeks beginning on the date of publication of the notice,

(e) that submissions or observations with respect to the proposed development, dealing with the proper planning and sustainable development of the area in which the development would be situated, may be made in writing to the State authority within a period of 6 weeks beginning on the date of publication of the notice.

(4) (a) A site notice erected or fixed pursuant to sub-article (2) (b) shall contain as a heading the name of the State authority by which the development is proposed to be carried out and shall state—

(i) the location, townland or postal address of the proposed development (as may be appropriate),

(ii) the nature and extent of the proposed development,

(iii) the locations and the times at which, and the period during which, drawings and particulars of the proposed development will be available for inspection,

(iv) where the proposed development consists of or comprises the carrying out of works—

(I) which would materially affect the character of a protected structure or proposed protected structure, or

(II) to the exterior of a structure which is located within an architectural conservation area 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 the development would materially affect the character of the area concerned,

an indication of that fact, and

(v) the period during which submissions or observations with respect to the proposed development, dealing with the proper planning and sustainable development of the area in which the development would be situated, may be made in writing to the State authority.

(b) A site notice erected or fixed pursuant to sub-article (2) (b)—

(i) shall be inscribed or printed in indelible ink and affixed on rigid, durable material and be secured against damage from bad weather and other causes, and

(ii) subject to paragraph (c), shall be securely erected or fixed in a conspicuous position on or near the main entrance to the land or structure concerned from a public road, or where there is more than one entrance from public roads, on or near all such entrances, or on any other part of the land or structure adjoining a public road, so as to be easily visible and legible by persons using the public road, and shall not be obscured or concealed at any time.

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

(d) A site notice shall be erected or fixed on the land or structure concerned not later than the day of publication of notice of the proposed development in a newspaper pursuant to sub-article (2) (a), shall be maintained in position for a period of at least 4 weeks after publication of the said notice and shall be renewed or replaced if it is removed or becomes defaced or illegible within that period.

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

Notice of
proposed
development to
certain bodies.

88. (1) A State authority shall send notice of proposed development to the planning authority for the area in which the proposed development would be situated.

(2) Where proposed development consists of or comprises the carrying out of works—

(a) which would materially affect the character of a protected structure or proposed protected structure, or

(b) to the exterior of a structure which is within an architectural conservation area 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 the development would materially affect the character of the area concerned,

a State authority shall send notice of such development to the Minister for Arts, Heritage, Gaeltacht and the Islands.

(3) A notice sent in accordance with sub-article (1) or (2) shall—

(a) state the location, townland or postal address of the proposed development (as may be appropriate),

(b) indicate the nature and extent of the proposed development,

(c) be accompanied by a copy of the drawings and particulars of the proposed development made available for inspection in accordance with article 89,

(d) where the proposed development is of a type described in sub-article (2), indicate this fact, and

(e) state that submissions or observations with respect to the proposed development, dealing with the proper planning and sustainable development of the area in which the development would be situated, may be made in writing to the State authority concerned within a period of 6 weeks beginning on the day on which the latest notice under sub-articles (1) or (2) is sent.

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

Availability for
inspection of
plans and
particulars.

89. A State authority shall make available for inspection at the locations and times specified in, and during the period of 4 weeks beginning on the day of publication of, the notice of proposed development published in accordance with article 87(2)(a)—

(a) a document describing, in outline, the nature and extent of the proposed development,

(b) a location map, drawn to a scale of not less than 1:1000 in built up areas and 1:1250 in all other areas (which shall be identified thereon) and marked or coloured so as to identify clearly the land on which it is proposed to carry out the development,

(c) in the case of proposed development referred to in article 86(1)(a) or (b), drawings or particulars describing, in outline, the external appearance of the building, or other premises or installation, or other structure or facility, to be provided or extended (as the case may be), and

(d) in the case of proposed development referred to in article 86(1)(c), such drawings or particulars as are necessary to show how the development would affect the character of the structure.

State authority 90. (1) A State authority shall, in deciding whether a proposed development is to be carried out, have regard to any submissions or observations made by a planning authority or by any other person or body in accordance with this Part.
to have regard
to certain
matters.

(2) A State authority may, following compliance with sub-article (1), decide, as it considers appropriate, that the proposed development will be carried out, with or without variations or modifications, or will not be carried out.

Notice of 91. (1) A State authority shall, as soon as may be after making its decision on a proposed development, send notice of the decision
decision with
respect to
proposed
development.

(2) Subject to sub-article (3), where any person or body, other than the planning authority for the area in which the proposed development would be situated, has made submissions or observations to a State authority with respect to the proposed development in accordance with this Part, the State authority shall send notice of the decision to the person or body as soon as may be after the making of its decision.

(3) Where a large number of submissions or observations referred to in sub-article (2) are made as part of an organised campaign, or it is not possible to readily ascertain the name and address of those persons who made the submissions or observations, a State authority may, instead of giving notice in accordance with sub-article (2), give notice to the public by some other means which the State authority is satisfied can adequately draw the attention of the public to that notice.

(4) (a) A State authority may publish notice of its decision with respect to proposed development in an approved newspaper.
(b) A notice published pursuant to paragraph (a) shall be published within 7 days of the making of the decision of the State authority with respect to the proposed development.

PART 10

Environmental Impact Assessment

Chapter 1

General

Interpretation 92. In this Part—
for this Part.

“application for approval” means an application to the Board by a local authority for approval of proposed development to which section 175 of the Act applies;

“sub-threshold development” means development of a type set out in Schedule 5 which does not exceed a quantity, area or other limit specified in that Schedule in respect of the relevant class of development.

Prescribed 93. The prescribed classes of development for the purposes of section 176 of the Act are set out in Schedule 5.
development.

Content of EIS. 94. An EIS shall contain—

(a) the information specified in paragraph 1 of Schedule 6,

(b) the information specified in paragraph 2 of Schedule 6 to the extent that -

(i) such information is relevant to a given stage of the consent procedure and to the specific characteristics of the development or type of development concerned and of the environmental features likely to be affected, and

(ii) the person or persons preparing the EIS may reasonably be required to compile such information having regard, among other things, to current knowledge and methods of assessment, and

(c) a summary in non-technical language of the information required under paragraphs (a) and (b).

Procedure for 95. (1) A request under section 173 of the Act or article 117 for a written opinion on the information to be contained in an EIS shall
scoping
requests.

(a) the name and address, and telephone number and e-mail address if any, of the person making the request and of the person, if any, acting on behalf of the person making the request, or, in the case of development proposed by a local authority, the name and address, and telephone number and e-mail address, if any, of the authority,

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

- (c) a brief description of the nature of the proposed development and of its possible effects on the environment,
 - (d) if the proposed development comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact,
 - (e) if the proposed development relates to the provision of, or modifications to, an establishment, an indication of that fact.
- (2) (a) A planning authority or the Board shall, as soon as may be after receiving a request for a written opinion—
- (i) give notice of having received the request to the bodies referred to in article 28, as appropriate, indicating that a submission or observation in relation to the information to be contained in the EIS may be made to the authority or the Board, as appropriate, within 4 weeks beginning on the date of the notice, and
 - (ii) notify the person or local authority who made the request of the bodies to whom notice was given under sub-paragraph (i) and advise that a submission or observation in relation to the information to be contained in the EIS may be made to the authority or the Board, as appropriate, within 4 weeks beginning on the date of the notice.
- (b) A notice given under paragraph (a)(i) shall contain the information referred to in sub-article (1) and, where appropriate, any further information provided under sub-article (3).
- (c) A notice under paragraphs (a)(i) and (ii) in respect of the same request shall be issued on the same date.
- (3) Where a planning authority or the Board considers that it has insufficient information to enable it to give a written opinion pursuant to a request, it shall, by notice in writing, require the person or local authority making the request to provide within a specified period such further information as it considers necessary.
- (4) A planning authority or the Board shall, not later than 3 weeks after the expiry of the period referred to in sub-article (2)(a) or any period specified under sub-article (3), whichever is the later, give a written opinion to the person or local authority who made the request.
- (5) A planning authority or the Board shall, in dealing with a request for a written opinion, have regard to—
- (a) article 94,
 - (b) any information or documentation provided under sub-articles (1) and (3), and
 - (c) any submission or observation received in response to a notice under sub-article (2).
- (6) A written opinion shall indicate the extent to which the information in paragraph 2 of Schedule 6 should be contained in the EIS.
96. (1) In addition to the provisions of article 21, an outline application may not be made in respect of development which is of a class for the time being prescribed under article 93.
- (2) Where a planning authority receives an outline application, or the Board an appeal in respect of such an application, in relation to sub-threshold development which would, in its opinion, be likely to have significant effects on the environment, it shall as soon as may be after receipt of the application or appeal, as appropriate, by notice in writing—
- (a) inform the applicant that an outline application may not be made in respect of the development,
 - (b) indicate that the authority or the Board, as appropriate, considers that the development would be likely to have significant effects on the environment, and that an application for permission to the authority, accompanied by an EIS, would be required for such development.
- (3) Where a planning authority issues a notice under sub-article (2), the outline application shall be regarded as having been withdrawn and the planning authority shall—
- (a) return to the applicant—
 - (i) the outline application, including all particulars, plans, drawings and maps, and
 - (ii) any fee paid with the application,
 - (b) enter relevant details on the register, and
 - (c) by notice in writing, inform any person or body who made a submission or observation in accordance with articles 28 or 29 of that fact and return to such person or body any fee paid in respect of any such submission or observation.
- (4) Where the Board issues a notice under sub-article (2)—
- (a) the outline application and the appeal in relation to that application shall be regarded as having been withdrawn and no permission shall be granted by the planning authority on foot of any decision by the authority under section 34 of the Act in respect of that application, and
 - (b) it shall, by notice in writing, inform any party to the appeal and any other person or body who made a submission or observation under section 130 of the Act of that fact.

Outline
application.

Copies of EIS. 97. Where an EIS is required to be submitted to -

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

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

the applicant for planning permission shall submit 10 copies of the EIS.

Chapter 2

Planning Applications

- Newspaper notice. 98. In addition to the requirements of article 18, where a planning application is to be accompanied by an EIS, a notice under article 17(1)(a) shall state—
- (a) that an EIS will be submitted to the planning authority with the application, and
- (b) that the EIS will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the relevant planning authority.
- Invalid planning application. 99. (1) Where a planning application in respect of development of a class prescribed under article 93 is not accompanied by an EIS, it shall be invalid, and the provisions of article 26 shall apply.
- (2) Where an exemption has been granted under section 172(3) of the Act, sub-article (1) shall not apply.
- EIS exemption - other requirements. 100. (1) Where the Board has, in granting an exemption under section 172(3) of the Act, applied other requirements in respect of a proposed development under that section, a planning application for such development shall comply with such requirements.
- (2) Where a planning application for development in respect of which the Board has applied other requirements under section 172(3) of the Act does not, when made, comply with sub-article (1), the planning authority shall, as soon as may be following receipt of the application, by notice in writing, require the applicant to comply with such requirements.
- Procedure on receipt of Board's decision on exemption request. 101. A planning authority shall, on receiving notice, in accordance with section 172(3)(c) of the Act, of the Board's decision on a request under that sub-section, stamp the notice with the date of its receipt.
- EIS submitted with sub-threshold planning application. 102. Where a planning application for sub-threshold development is accompanied by an EIS, the application shall be dealt with as if the EIS had been submitted in accordance with section 172(1) of the Act.
- Requirement to submit EIS with sub-threshold planning application. 103. (1) Where a planning application for sub-threshold development is not accompanied by an EIS, and the planning authority considers that the development would be likely to have significant effects on the environment, it shall, by notice in writing, require the applicant to submit an EIS.
- (2) Where a planning application for sub-threshold development is not accompanied by an EIS, and the development would be located on or in—
- (a) a European site,
- (b) an area the subject of a notice under section 16 (2)(b) of the Wildlife (Amendment) Act, 2000 (No. 38 of 2000),
- (c) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act, 2000 ,
- (d) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act, 1976 (No. 39 of 1976) as amended by sections 26 and 27 of the Wildlife (Amendment) Act, 2000 , or
- (e) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act, 1976 as amended by section 28 of the Wildlife (Amendment) Act, 2000 ,
- the planning authority shall decide whether the development would or would not be likely to have significant effects on the environment of such site, area or land, as appropriate.
- (3) A planning authority shall, in deciding under this article whether a proposed development would or would not be likely to have significant effects on the environment, have regard to the criteria set out in Schedule 7.

- (4) Where an EIS is submitted to a planning authority pursuant to a notice under sub-article (1), the application shall be deemed to be made on the date of receipt by the planning authority of the EIS.
- EIS exemption. 104. (1) A notice served under article 103 shall cease to have effect where an exemption is granted under section 172(3) of the Act in respect of development to which the planning application relates on the date of receipt by the planning authority of notice of the grant of the exemption.
- (2) Where a notice served under article 103 ceases to have effect in accordance with sub-article (1), the planning authority shall, as soon as may be, by notice in writing, inform the applicant of that fact and the date on which the notice ceased to have effect and, where other requirements have been applied in respect of the proposed development under section 172(3) of the Act, require the applicant to comply with such requirements.
- Further notice where planning authority requires EIS. 105. (1) Where an EIS is required under article 103, the applicant shall, not more than 2 weeks before submitting the EIS, publish notice of the intention to submit the EIS in at least one approved newspaper.
- (2) A notice under sub-article (1) shall contain as a heading the name of the planning authority, and shall state—
- (a) the name of the applicant,
 - (b) the location, townland or postal address of the land or structure to which the application relates (as may be appropriate),
 - (c) the date of the planning application and its reference number in the register,
 - (d) the nature and extent of the development,
 - (e) that, following a requirement of the planning authority, an EIS will be submitted to the planning authority in connection with the application,
 - (f) that the EIS will be available for inspection or purchase, at a fee not exceeding the reasonable cost of making a copy, during office hours at the offices of the authority, and
 - (g) that, subject to the payment of any relevant fee, a submission or observation in relation to the EIS may be made in writing to the planning authority within 5 weeks of the date of receipt by the authority of the EIS.
- (3) An EIS submitted under article 103 shall be accompanied by a copy of the relevant page of the newspaper in which a notice under sub-article (1) was published.
- (4) Where it appears to a planning authority that a notice published under sub-article (1)—
- (a) does not comply with any of the requirements of sub-articles (1) or (2), or
 - (b) because of its content or for any other reason, is misleading or inadequate for the information of the public,
- the authority shall require the applicant to give such further notice in such manner and in such terms as it may specify and to submit such evidence as it may specify in relation to compliance with such requirement.
- Weekly list of planning applications. 106. A list referred to in article 27 shall identify any planning application in respect of which—
- (a) an EIS has been received by the planning authority with a planning application,
 - (b) a notice has been served by the planning authority under article 103, or
 - (c) an EIS has been received by the planning authority pursuant to a notice under article 103.
- Notice of EIS. 107. (1) Where a planning application is accompanied by an EIS, the planning authority shall, in addition to the requirements of article 28(2), send a copy of the EIS to any body it is required to notify under that article.
- (2) Where a planning authority receives an EIS pursuant to a notice under article 103, it shall, as soon as may be following receipt of the EIS—
- (a) where notice has already been sent in accordance with article 28(1) to the bodies referred to in that article, as appropriate, send a copy of the EIS to any such bodies, indicating that a submission or observation in relation to the EIS may be made in writing to the planning authority within 5 weeks of the date of receipt by the authority of the EIS, and
 - (b) notify any person who made a submission or observation in relation to the planning application in accordance with article 29(1), indicating that—

- (i) the EIS is available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the authority and that a submission or observation in relation to the EIS may be made in writing to the authority within 5 weeks of the date of receipt by the authority of the EIS, and
- (ii) no further fee shall be payable on condition that any submission or observation referred to in sub-paragraph (i) is accompanied by a copy of the acknowledgement by the authority of receipt of a submission or observation referred to in article 29(2).

- Adequacy of EIS. 108. (1) A planning authority shall consider whether an EIS submitted in respect of a planning application complies with article 94 or, where the authority has given a written opinion under article 95(4), it shall consider whether the EIS complies with the said opinion.
- (2) Where a planning authority decides that an EIS does not comply with article 94, or any relevant written opinion given by the authority under article 95(4), as appropriate, the authority shall, in accordance with article 33, require the applicant to submit such further information as may be necessary to comply with article 94 or 95(4), as appropriate.

Chapter 3

Planning Appeals

- Requirement to submit EIS. 109. (1) Where the Board considers that an appeal relates to a planning application for a class of development to which article 93 applies, and an EIS was not submitted to the planning authority in respect of the planning application, the Board shall require the applicant to submit an EIS to the Board.
- (2) Where an appeal relates to a planning application for sub-threshold development, and an EIS was not submitted to the planning authority in respect of the planning application, the Board shall, where it considers that the development would be likely to have significant effects on the environment, require the applicant to submit an EIS to the Board.
- (3) Where an appeal relates to a planning application for sub-threshold development, and an EIS was not submitted to the planning authority in respect of the planning application, and the development would be located on or in—
- (a) a European site,
 - (b) an area the subject of a notice under section 16 (2)(b) of the Wildlife (Amendment) Act, 2000 (No. 38 of 2000),
 - (c) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act, 2000 ,
 - (d) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act, 1976 (No. 39 of 1976) as amended by sections 26 and 27 of the Wildlife (Amendment) Act, 2000 , or
 - (e) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act, 1976 as amended by section 28 of the Wildlife (Amendment) Act, 2000 ,
- the Board shall decide whether the development would or would not be likely to have significant effects on the environment of such site, area or land, as appropriate.
- (4) The Board shall, in deciding under this article whether a proposed development would or would not be likely to have significant effects on the environment, have regard to the criteria set out in Schedule 7.

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

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

- Newspaper notice. 112. (1) The Board shall publish, in at least one approved newspaper, notice of any appeal in respect of which it has received an EIS.
- (2) A notice published in accordance with sub-article (1) shall state—
- (a) the name of the planning authority,
 - (b) the reference number of the planning application,

- (c) the reference number of the appeal,
- (d) the name of the appellant,
- (e) the name of the applicant,
- (f) the location, townland or postal address of the land or structure to which the application relates (as may be appropriate),
- (g) a brief description of the nature and extent of the proposed development,
- (h) that an EIS has been received by the Board in respect of the appeal,
- (i) where, and the period during which, the EIS will be available for inspection or purchase, and
- (j) that a submission or observation on the appeal may be made to the Board, on payment of the appropriate fee, within 4 weeks beginning on the date of publication of the notice.

Notice of further 113.
information.

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

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

Availability for 114.
inspection or
purchase of EIS
at offices of
Board.

An EIS received by the Board in connection with an appeal shall, as soon as may be following receipt of the EIS, be made available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the Board or such other convenient place as the Board may specify.

Availability for 115. (1)
inspection or
purchase of EIS
at offices of
planning
authority.

(1) Where an EIS is sent to the Board pursuant to article 109, the Board shall send a copy to the relevant planning authority.

- (2) The planning authority shall, as soon as may be following receipt of an EIS under sub-article (1), make the EIS available for inspection or purchase for a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the authority until the appeal is withdrawn or is dismissed or determined by the Board or, in the case of an appeal referred to in section 139 of the Act, a direction is given to the authority in relation to that appeal.

Board's weekly 116.
list.

Where a planning authority sends an EIS to the Board in accordance with the requirements of section 128 of the Act, the list made available by the Board under article 72(2) shall indicate that fact.

Chapter 4

Local Authority Development

Scoping request 117.
to Board.

Before making an application for approval to the Board under section 175(3) of the Act, a local authority may, in accordance with article 95, request the Board to provide a written opinion on the information to be contained in the EIS.

Application to 118.
Board for
approval.

When making an application for approval under section 175(3) of the Act, a local authority shall, subject to article 119, send to the Board-

- (a) 3 copies of the plans and particulars of the proposed development,
- (b) 3 copies of the EIS for the proposed development,
- (c) a copy of the notice published under section 175(4)(a) of the Act, and
- (d) a list of the bodies to which notice was sent under section 175(4)(b) of the Act and an indication of the date on which the notice was sent.

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

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

Sub-threshold EIS. 120. (1) Where a local authority proposes to carry out a sub-threshold development, and where it considers that the development would be likely to have significant effects on the environment, it shall prepare, or cause to be prepared, an EIS in respect thereof.

- (2) Where a local authority proposes to carry out a sub-threshold development which would be located on or in -
- (a) a European site,
 - (b) an area the subject of a notice under section 16 (2)(b) of the Wildlife (Amendment) Act, 2000 ,
 - (c) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act, 2000 ,
 - (d) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act, 1976 as amended by sections 26 and 27 of the Wildlife (Amendment) Act, 2000 , or
 - (e) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act, 1976 as amended by section 28 of the Wildlife (Amendment) Act, 2000 ,
- the local authority concerned shall decide whether the development would or would not be likely to have significant effects on the environment of such site, area or land, as appropriate.
- (3) (a) The Board shall, where it considers that sub-threshold development proposed to be carried out by a local authority would be likely to have significant effects on the environment, require the local authority to prepare, or cause to be prepared, an EIS in respect thereof.
- (b) For the purposes of paragraph (a), a local authority shall provide information requested by the Board in relation to a sub-threshold development proposed to be carried out by the local authority.
- (4) A local authority or the Board shall, in deciding under this article whether a proposed development would or would not be likely to have significant effects on the environment, have regard to the criteria set out in Schedule 7.
- (5) Where an EIS is prepared, or caused to be prepared, by a local authority under this article, the local authority concerned shall apply to the Board for approval.
- (6) An application for approval under sub-article (5) shall be deemed to be an application for approval under section 175(3) of the Act and the provisions of that section shall apply to the application.
- (7) Where a local authority makes a decision under sub-article (2) that a proposed development would not be likely to have significant effects on the environment, it shall, in addition to the documents specified in article 83, make the said decision available for inspection in accordance with that article.

Notice to certain bodies. 121. (1) The prescribed authorities for the purposes of section 175(4) of the Act shall be—

- (a) where it appears to the authority that the proposed development would be 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 proposed development might obstruct any view or prospect of special amenity value or special interest - to An Chomhairle Ealaíon, Bord Fáilte Éireann, and An Taisce - the National Trust for Ireland,
- (b) where it appears to the authority that the proposed development might obstruct or detract from the value of any tourist amenity or tourist amenity works - to Bord Fáilte Éireann,
- (c) where it appears to the authority that the proposed 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 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,
 - (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 ,

- (III) a historic monument or archaeological area entered in the Register of Historic Monuments under Section 5 of the National Monuments (Amendment) Act, 1987,
 - (IV) a national monument in the ownership or guardianship of the Minister for Arts, Heritage, Gaeltacht and the Islands 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 for Arts, Heritage, Gaeltacht and the Islands, 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 Bord Fáilte Éireann,
- (d) where it appears to the authority that the area of another local authority might be affected by the proposed development - to that local authority,
 - (e) where it appears to the authority that the proposed 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 -
 - (i) the proposed 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 proposed 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 proposed 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, to Waterways Ireland,
 - (g) where it appears to the authority that the proposed development might endanger or interfere with the safety of, or the safe and efficient navigation of, aircraft - to the Irish Aviation Authority,
 - (h) where it appears to the authority that the proposed 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,
 - (i) where it appears to the authority that -
 - (i) the proposed 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, not being a national road within a built-up area within the meaning of section 45 of the Road Traffic Act, 1961, or
 - (ii) that the proposed development might give rise to a significant increase in the volume of traffic using a national road

— to the National Roads Authority,
 - (j) where it appears to the authority that the proposed development might significantly impact on the implementation of the DTI Strategy - to the Dublin Transportation Office,
 - (k) where the proposed 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,
 - (l) where it appears to the authority that the proposed development might have significant effects in relation to nature conservation - to the Heritage Council, the Minister for Arts, Heritage, Gaeltacht and the Islands and An Taisce - the National Trust for Ireland,
 - (m) where the proposed 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 Arts, Heritage, Gaeltacht and the Islands and Údarás na Gaeltachta,
 - (n) where the proposed 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,
 - (o) where it appears to the authority that the proposed development might have significant effects on public health - to the appropriate Health Board,
 - (p) where it appears to the authority that the proposed development might impact on the foreshore - to the Minister for the Marine and Natural Resources.

- (2) A reference in sub-article (1) to Bord Fáilte Éireann shall, in the case of proposed development which would be situated in the functional area of the Shannon Free Airport Development Company Limited, be construed as a reference to that Company.

Content of decision. 122. A decision by the Board on an application for approval under section 175 of the Act shall state the main reasons and considerations on which the decision is based.

Notice of Board's decision on application for approval. 123. (1) The Board shall, as soon as may be following the making of its decision on an application for approval -

- (a) publish, in an approved newspaper, notice of its decision, and
- (b) 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.

- (2) A local authority shall, as soon as may be following receipt of notification from the Board under sub-article (1)(b), make a copy of the decision and the relevant EIS available for inspection or purchase, for a fee not exceeding the reasonable cost of making a copy, during office hours at the offices of the local authority.

Chapter 5

Transboundary Environmental Effects

Transboundary environmental effects - notification of Minister. 124. (1) (a) In the case of a planning application to which this Part applies, the relevant planning authority, or in the case of an appeal or application for approval to which this Part applies, the Board, as soon as may be after its receipt, shall notify the Minister of such planning application, appeal or application for approval where, in its opinion, the proposed development to which the application, appeal or application for approval relates would be likely to have significant effects on the environment in a transboundary State.

(b) 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, and
- (III) in the case of an application for approval, the name of the local authority,
- (ii) the location, townland or postal address of the land to which the application, appeal or application for approval relates (as may be appropriate),
- (iii) the nature and extent of the proposed development,
- (iv) the date of receipt of the application, appeal or application for approval, 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.

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, 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 or application for approval, as appropriate.

Transboundary consultation. 126. (1) Where the Minister is notified under article 124(1), or details, information or documents are supplied to him or her under article 125, he or she shall consult with the relevant planning authority or the Board in relation to—

- (a) providing to the State concerned information on the proposed development, including the EIS, and
- (b) consulting with the State concerned in relation to the potential transboundary effects of the proposed development.

- (2) Following consultations between the Minister and a planning authority or the Board under sub-article (1), the relevant planning authority or the Board, as appropriate, shall provide information on the proposed development, including the EIS, to the State concerned and enter into consultations with the State concerned in relation to the potential transboundary effects of the proposed development.
- (3) 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, in the case of a planning application, the applicant, in the case of an appeal, the parties to the appeal, or in the case of an application for approval, the local authority, of that fact.

Notification of Board by planning authority.	127.	Where notice of, or details, information or documents in relation to, a planning application has or have been given to the Minister by a planning authority under article 124 or 125, the authority shall, when complying with the requirements of section 128 of the Act, notify the Board of that fact.
Request for further information.	128.	<ol style="list-style-type: none"> (1) In the case of a planning application to which this Chapter applies, a planning authority may, having regard to the views of a transboundary State, and notwithstanding article 33(2), require an applicant to submit further information in respect of the application. (2) Where a planning authority considers that further information submitted under sub-article (1) contains significant additional data on the effects on the environment of the proposed development, it shall as soon as may be following receipt of the further information— <ol style="list-style-type: none"> (a) send notice of, and a copy of, the further information received by the authority to - <ol style="list-style-type: none"> (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— <ol style="list-style-type: none"> (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— <ol style="list-style-type: none"> (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) 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. (5) 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.

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, 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 or application for approval to which this Chapter applies, until after <ul style="list-style-type: none"> (a) the views, if any, of any relevant transboundary State have been received in response to consultations under article 126(2), or (b) the consultations are otherwise completed.
Notice of decision.	131.	A notice under article 31, 74 and 123 shall, in the case of an application, appeal or application for approval to which this Chapter applies, be sent to - <ul style="list-style-type: none"> (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, 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) A planning authority shall, as soon as may be following receipt of information under sub-article (1), publish a notice in an approved newspaper stating that - <ul style="list-style-type: none"> (a) information has been received in relation to proposed development in such transboundary State, (b) the proposed development has potential transboundary effects, (c) 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 (d) a submission or observation in relation to the proposed development may be made in writing to the authority within a specified period.
		(3) As soon as may be following receipt of any submission or observation referred to in sub-article (2), 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.
		(4) Following consultations between the Minister and a planning authority under sub-article (3), the relevant planning authority shall enter into consultations with the State concerned in relation to the potential transboundary effects of the proposed development.

PART 11

Major Accidents Directive

Chapter 1

Planning Applications

Newspaper notice - planning application.	133.	In addition to the requirements of article 18, where a planning application relates to the provision of, or modifications to, an establishment, a notice under article 17(1)(a) shall indicate that fact.
Restriction on application for outline permission.	134.	In addition to the provisions of article 21, an outline application may not be made in respect of the provision of, or modifications to, an establishment.
Content of planning application.	135.	In addition to the requirements of article 22, where a planning application relates to the provision of, or modifications to, an establishment, the planning application shall be accompanied by 4 copies of the information specified in the Third Schedule of the Major Accident Regulations.
Weekly list of planning applications.	136.	Where a planning application relates to the provision of, or modifications to, an establishment, the list made available under article 27 shall indicate that fact.
Notice to National Authority for Occupational Safety and Health.	137. (1)	In addition to the requirements of article 28, where—

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

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

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

(ii) be located within the distance listed in column 2 of Table 2 of Schedule 8 from an establishment of the corresponding type listed in column 1 of Table 2, or be located within such distance from a particular establishment as has been specified by the National Authority for Occupational Safety and Health in technical advice provided under article 29 of the Major Accident Regulations,

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

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

(i) in the vicinity of an establishment, and

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

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

the planning authority shall notify the National Authority for Occupational Safety and Health.

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

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

(a) issue within 3 weeks of receipt of the planning application,

(b) include a copy of the relevant planning application,

(c) where the planning application relates to development referred to in sub-article (1)(b) or (c), identify the relevant establishment or establishments,

(d) where an EIS has been submitted with the planning application, include a copy of the statement,

(e) where the planning application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, indicate that fact, and

(f) request technical advice on the effects of the proposed development on the risk or consequences of a major accident.

Chapter 2

Planning Appeals

National Authority for Occupational Safety and Health advice to be submitted to Board by planning authority.	138.	Where an appeal relates to development in respect of which the planning authority received technical advice from the National Authority for Occupational Safety and Health, the planning authority concerned shall, in addition to the requirements of section 128 of the Act, submit a copy of the relevant technical advice to the Board.
Newspaper notice - appeal.	139.	Where a notice is required under article 113 and where an appeal relates to the provision of, or modifications to, an establishment, the notice shall indicate that fact.
Board's weekly list.	140.	Where an appeal relates to development which consists of the provision of, or modifications to, an establishment, a list made available by the Board under article 72(1) shall indicate that fact.
Notice to National Authority for Occupational Safety and Health.	141. (1)	<p>Where—</p> <p>(a) the Board receives an appeal relating to the provision of, or modifications to, an establishment, and, in the Board's opinion, the development would be relevant to the risk or consequences of a major accident, and the planning authority has not already sent notice under article 137 to the National Authority for Occupational Safety and Health,</p> <p>(b) the Board receives an appeal relating to development which would, in its opinion—</p> <p>(i) be of a category listed in Table 1 of Schedule 8, and</p> <p>(ii) be located within the distance listed in column 2 of Table 2 of Schedule 8 from an establishment of the corresponding type listed in column 1 of Table 2, or be located within such distance from a particular establishment as has been specified by the National Authority for Occupational Safety and Health in technical advice provided under article 29 of the Major Accident Regulations,</p> <p>and the National Authority for Occupational Safety and Health has not previously provided to the planning authority or the Board, either in relation to the development to which the appeal relates or on a generic basis, relevant technical advice on the risk or consequences of a major accident,</p> <p>(c) the Board receives an appeal relating to development which would, in its opinion, be—</p> <p>(i) in the vicinity of an establishment, and</p> <p>(ii) relevant to the risk or consequences of a major accident,</p> <p>and the National Authority for Occupational Safety and Health has not previously provided to the planning authority or the Board, either in relation to the development to which the appeal relates or on a generic basis, relevant technical advice on the risk or consequences of a major accident,</p> <p>the Board shall notify the National Authority for Occupational Safety and Health.</p> <p>(2) In forming an opinion pursuant to sub-article (1)(c), the Board shall have regard to Tables 1 and 2 of Schedule 8.</p> <p>(3) A notice sent by the Board under sub-article (1) shall—</p> <p>(a) issue within 2 weeks of receipt from the planning authority of documentation referred to in section 128 of the Act,</p> <p>(b) include a copy of the relevant appeal and of any documentation received from the planning authority under section 128 of the Act,</p> <p>(c) where the appeal relates to development referred to in sub-article (1)(b) or (c), identify the relevant establishment or establishments,</p> <p>(d) where an EIS has been submitted with the planning application, include a copy of the EIS,</p> <p>(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, and</p> <p>(f) request technical advice on the effects of the proposed development on the risk or consequences of a major accident.</p>

Chapter 3

Local Authority Development requiring Environmental Impact Assessment

Public notice of
application for
approval.

Where an application for approval under section 175 of the Act relates to the provision of, or modifications to, an establishment, a notice under sub-section (4) of that section shall indicate that fact.

Notice of local
authority
development to
National
Authority for
Occupational
Safety and
Health.

143. (1) In addition to the requirements of article 121, where-

(a) development proposed to be carried out by or on behalf of a local authority -

(i) relates to the provision of, or modifications to, an establishment, and

(ii) would, in its opinion, be relevant to the risk or consequences of a major accident,

(b) development proposed to be carried out by or on behalf of a local authority would—

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

(ii) be located within the distance listed in column 2 of Table 2 of Schedule 8 from an establishment of the corresponding type listed in column 1 of Table 2, or be located within such distance from a particular establishment as has been specified by the National Authority for Occupational Safety and Health in technical advice provided under article 29 of the Major Accident Regulations,

and the National Authority for Occupational Safety and Health has not previously provided to the planning authority, either in relation to the development to which the application for approval will relate or on a generic basis, relevant technical advice on the risk or consequences of a major accident,

(c) development proposed to be carried out by or on behalf of a local authority would, in its opinion,—

(i) be in the vicinity of an establishment, and

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

and the National Authority for Occupational Safety and Health has not previously provided to the planning authority, either in relation to the development to which the application for approval will relate or on a generic basis, relevant technical advice on the risk or consequences of a major accident,

the local authority shall notify the National Authority for Occupational Safety and Health.

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

(3) A notice sent by a local authority under sub-article (1) shall—

(a) include a copy of the application for approval,

(b) where the proposed development is development referred to in sub-article (1)(b) or (c), identify the relevant establishment or establishments,

(c) include a copy of the EIS,

(d) where the proposed development comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, indicate that fact, and

(e) request that technical advice on the effects of the proposed development on the risk or consequences of a major accident be supplied to the Board.

Content of
application for
approval.

144. In addition to the requirements of article 118, an application for approval under section 175 of the Act shall include a copy of any relevant technical advice provided by the National Authority for Occupational Safety and Health.

Chapter 4

Local Authority Development not requiring Environmental Impact Assessment

Local authority prescribed development.	145.	Development (excluding development referred to in Chapter 3 of this Part) which relates to the provision of, or modifications to, an establishment and which could have significant repercussions on major accident hazards, shall be prescribed for the purposes of section 179 of the Act and the provisions of Part 8 shall apply.
Newspaper notice of proposed local authority development.	146.	Where development is of a type referred to in article 145, a notice under article 81 shall indicate that fact.
Notice of proposed local authority development to National Authority for Occupational Safety and Health.	147. (1)	In addition to the requirements of article 82, where— <ul style="list-style-type: none"> (a) proposed development is of a type referred to in article 145, (b) proposed development referred to in article 80 would— <ul style="list-style-type: none"> (i) be of a category listed in Table 1 of Schedule 8, and (ii) be located within the distance listed in column 2 of Table 2 of Schedule 8 from an establishment of the corresponding type listed in column 1 of Table 2, or be located within such distance from a particular establishment as has been specified by the National Authority for Occupational Safety and Health in technical advice provided under article 29 of the Major Accident Regulations, and the National Authority for Occupational Safety and Health has not previously provided to the local authority, either in relation to the proposed development or on a generic basis, relevant technical advice on the risk or consequences of a major accident, (c) proposed development referred to in article 80 would, in the opinion of the local authority— <ul style="list-style-type: none"> (i) be in the vicinity of an establishment, and (ii) be relevant to the risk or consequences of a major accident, and the National Authority for Occupational Safety and Health has not previously provided to the local authority, either in relation to the proposed development or on a generic basis, relevant technical advice on the risk or consequences of a major accident, <p>the local authority shall notify the National Authority for Occupational Safety and Health.</p> <ul style="list-style-type: none"> (2) In forming an opinion pursuant to sub-article (1)(c), a local authority shall have regard to Tables 1 and 2 of Schedule 8. (3) A notice sent by a local authority under sub-article (1) shall— <ul style="list-style-type: none"> (a) include details of the proposed development, (b) where the proposed development is development referred to in sub-article (1)(b) or (c), identify the relevant establishment or establishments, (c) where the proposed development comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, indicate that fact, and (d) request technical advice on the effects of the proposed development on the risk or consequences of a major accident.
Manager's report to members of local authority.	148.	A report prepared under section 179(3) of the Act shall include a copy of any relevant technical advice received from the National Authority for Occupational Safety and Health.

Notice under article 84 to National Authority for Occupational Safety and Health. 149. A notice referred to in article 84 in respect of proposed development referred to in article 147(1) shall also be sent to the National Authority for Occupational Safety and Health.

Chapter 5

State Authority Development

Notice of proposed state authority development to National Authority for Occupational Safety and Health. 150. (1) In addition to the requirements of article 87, where-

(a) proposed development would—

- (i) be of a category listed in Table 1 of Schedule 8, and
- (ii) be located within the distance listed in column 2 of Table 2 of Schedule 8 from an establishment of the corresponding type listed in column 1 of Table 2, or be located within such distance from a particular establishment as has been specified by the National Authority for Occupational Safety and Health in technical advice provided under article 29 of the Major Accident Regulations,

and the National Authority for Occupational Safety and Health has not previously provided to the State authority, either in relation to the proposed development or on a generic basis, relevant technical advice on the risk or consequences of a major accident,

(b) proposed development would, in the opinion of State authority,—

- (i) be in the vicinity of an establishment, and
- (ii) be relevant to the risk or consequences of a major accident,

and the National Authority for Occupational Safety and Health has not previously provided to the State authority, either in relation to the proposed development or on a generic basis, relevant technical advice on the risk or consequences of a major accident,

the State authority shall notify the National Authority for Occupational Safety and Health.

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

(3) A notice sent by a State authority under sub-article (1) shall—

- (a) include details of the proposed development,
- (b) identify the relevant establishment or establishments, and
- (c) request technical advice on the effects of the proposed development on the risk or consequences of a major accident.

(4) For the purposes of this article, "proposed development" has the meaning assigned to it in article 87(1).

Chapter 6

Declaration and Referral under section 5 of the Act

Notice of declaration to National Authority for Occupational Safety and Health. 151. (1) Where a planning authority receives a request for a declaration under section 5 of the Act relating to the provision of, or modifications to, an establishment, and, in the opinion of the authority, the development could have significant repercussions on major accident hazards, the authority shall send notice to the National Authority for Occupational Safety and Health.

- (2) A notice sent by a planning authority under sub-article (1) shall—
- (a) issue as soon as may be following receipt of the request for a declaration,
 - (b) include a copy of the relevant request for a declaration,
 - (c) request technical advice on the effects of the proposed development on the risk or consequences of a major accident.

National Authority for Occupational Safety and Health advice to be included in documentation supplied to Board by planning authority. 152. Where a planning authority submits information or documentation to the Board under section 128 of the Act in respect of a referral to which article 151 applies, it shall include a copy of any relevant technical advice received from the National Authority for Occupational Safety and Health.

Notice of referral to National Authority for Occupational Safety and Health. 153. (1) Where the Board receives a referral under section 5 of the Act relating to the provision of, or modifications to, an establishment, and which, in the opinion of the Board, could have significant repercussions on major accident hazards, and the planning authority has not already done so, the Board shall notify the National Authority for Occupational Safety and Health.

- (2) A notice sent by the Board under sub-article (1) shall—
- (a) issue as soon as may be following receipt of the referral,
 - (b) include a copy of the relevant referral,
 - (c) request technical advice on the effects of the proposed development on the risk or consequences of a major accident.

Board's weekly list. 154. In addition to the requirements of article 72(4), where a referral under section 5 of the Act relates to the provision of, or modifications to, an establishment, the list shall indicate that fact.

Public notice of referral. 155. Where a notice is required under section 142(4) of the Act in respect of a referral under section 5 of the Act which relates to the provision of, or modifications to, an establishment, and which, in the opinion of the Board, could have significant repercussions on major accident hazards, the notice shall indicate that fact.

PART 12

Fees

Fee for planning application. 156. Subject to the provisions of this Part, a fee shall be paid to a planning authority by an applicant when making a planning application.

Exemptions. 157. (1) Where a planning application consists of or comprises development which, in the opinion of the planning authority, is development proposed to be carried out by or on behalf of a voluntary organisation, and which in the opinion of the planning authority—

- (a) is designed or intended to be used for social, recreational, educational or religious purposes by the inhabitants of a locality, or by people of a particular group or religious denomination, and is not to be used mainly for profit or gain,
- (b) is designed or intended to be used as a work-shop, training facility, hostel or other accommodation for persons with disabilities and is not to be used mainly for profit or gain, or
- (c) is ancillary to development referred to in paragraph (a) or (b),

a fee shall not be payable when making any such application.

(2) Where a planning application consists of or comprises the provision of houses, or development ancillary to such provision, which is proposed to be carried out by or on behalf of a body approved for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act, 1992 (No. 18 of 1992) and is not to be used mainly for profit or gain, a fee shall not be payable in respect of any such development.

- Standard Fee. 158. The amount of the fee payable in respect of a planning application shall, subject to articles 159, 160 and 161 and Section 3 of Schedule 9, be the amount indicated in column 2 of Section 2 of the said Schedule, opposite the mention of the relevant class of development in column 1 of Section 2 of the said Schedule.
- Fee for planning 159. Subject to Section 3 of Schedule 9, the amount of the fee payable in respect of an application for permission for the retention of unauthorised development shall be the amount indicated in column 3 of Section 2 of the said Schedule, opposite the mention of the relevant class of development in column 1 of Section 2 of the said Schedule.
- applications relating to retention of unauthorised development.
- Application for 160. Subject to Section 3 of Schedule 9, the amount of the fee payable in respect of an application for outline permission shall be three quarters of the amount indicated in column 2 of Section 2 of the said Schedule, opposite the mention of the relevant class of development in column 1 of Section 2 of the said Schedule.
- outline permission fee.
- Reduced fee 161. (1) Subject to sub-article (3) and Section 3 of Schedule 9, the amount of the fee payable in respect of an application mentioned in sub-article (2) shall be one quarter of the amount indicated in column 2 of Section 2 of the said Schedule, opposite the mention of the relevant class of development in column 1 of Section 2 of the said Schedule.
- (2) The applications referred to in sub-article (1) are—
- (a) an application for permission consequent on the grant of outline permission,
- (b) an application which relates to development which differs from development authorised by a previous permission by reason only of—
- (i) a change in the type of house proposed to be constructed, erected or made, or
- (ii) the modification of the design or of the external appearance of a building or other structure proposed to be constructed, erected or made, or
- (c) an application for permission for development which relates to development authorised by a permission to which section 96(15) of the Act applies.
- (3) This article shall have effect only where a fee under this Part or under the 1994 Regulations, as amended by the 1998 Regulations or the 2001 Regulations, has been paid in relation to the relevant previous permission.
- Refund of fee in 162. (1) Where a planning application (not being an application for permission consequent on the grant of outline permission or an application for retention of unauthorised development) is either—
- case of certain repeat applications.
- (a) withdrawn before a decision to grant or to refuse the relevant permission is made by the planning authority, or
- (b) determined by the planning authority or by the Board,
- and a subsequent such application is made by or on behalf of the same applicant, the planning authority shall, subject to sub-article (3) and article 163 and to paragraph 5 of Section 3 of Schedule 9, refund three quarters of the fee paid to it in respect of the subsequent application if, and only if, each of the conditions mentioned in sub-article (2) is complied with.
- (2) The conditions referred to in sub-article (1) are—
- (a) the planning authority is satisfied that the subsequent application relates to development of the same character or description as the development to which the earlier application related,
- (b) a fee under this Part (or under the 1994 Regulations as amended by the 1998 Regulations or the 2001 Regulations) in respect of the class or classes of development to which the subsequent application relates has been paid in respect of the earlier application,
- (c) the period between the withdrawal or determination of the first application and the making of the subsequent application does not exceed one year,
- (d) the authority is ~~satisfied that~~ the subsequent application relates to land substantially consisting of the site or part of the site to which the earlier application related,
- (e) no previous refund under sub-article (1) or under article 94 of the 1994 Regulations has at any time been made to the same applicant in respect of an application which related substantially to the same land and to development of the same character or description as that to which the subsequent application relates, and
- (f) the case is not a case where a reduced fee has been paid under article 161 or under article 93 of the 1994 Regulations.

- (3) A claim for a refund under this article shall be made in writing to the planning authority and received by it within 8 weeks of the date of the decision of the planning authority in respect of the subsequent application.
- Discretionary power to refund fee in certain limited circumstances. 163. (1) Notwithstanding any other provision of this Part, but subject to paragraph 5 of Section 3 of Schedule 9, a planning authority shall have an absolute discretion to refund a part of the fee payable in respect of a particular planning application where it is satisfied that the payment in full of the fee would not be just and reasonable having regard to any of the following—
- (a) the limited extent of the development,
 - (b) the limited cost of the development,
 - (c) the fee payable in respect of an application for any other development of a similar character, extent or description.
- (2) A decision under sub-article (1) shall contain a statement specifying the reasons for the decision.
- Applications involving mixed development. 164. (1) Subject to sub-article (2), where a planning application relates to development which is within more than one of the classes mentioned in column 1 of Section 2 of Schedule 9—
- (a) an amount shall be calculated in accordance with this Part in respect of the development which is within each such class, and
 - (b) the sum of the amounts so calculated shall, subject to Section 3 of the said Schedule, be taken as the amount of the fee payable in respect of the development to which the application relates.
- (2) Sub-article (1) shall not have effect in relation to development comprising the provision of roads, car parks, services, open spaces or any structures or other works which are included in the planning application and are incidental to development of the class or classes to which the application primarily relates.
- (3) Where a planning application referred to in sub-article (1) relates to a building which is to contain floor space which it is proposed to use (or which is designed for use or is capable of use) for the purposes of providing common access or common services or facilities for persons occupying or using the building, the amount of such common floor space appropriate to each class of development mentioned in column 1 of Section 2 of Schedule 9 shall be taken, for the purposes of the calculation referred to in sub-article (1)(a), to be such proportion of the common floor space as the amount of floor space coming directly within the class bears to the total amount of gross floor space in the building.
- Applications involving multipurpose development. 165. Where a planning application relates to development which is designed for, or capable of, or intended for, use for one of several purposes, the amount of the fee payable in respect of each of the relevant classes of development mentioned in column 1 of Section 2 of Schedule 9 shall be calculated and the fee payable shall, subject to Section 2 of the said Schedule, be the highest of those amounts.
- Applications involving alternate plans. 166. Where a planning application includes proposals for materially different layouts or designs relating to the proposed development, the fee payable in respect of the application shall be calculated as if each proposal constituted a separate planning application.
- Calculation of site area and gross floor space. 167. (1) Where, in respect of any class of development mentioned in column 1 of Section 2 of Schedule 9, the amount of the fee is to be calculated by reference to the site area, that area shall be taken as consisting of the area of land to which the application relates.
- (2) Where, in respect of any class of development mentioned in column 1 of Section 2 of Schedule 9, the amount of the fee is to be calculated by reference to the site area or the area of gross floor space to be provided and the relevant area is less than the unit of measurement specified in respect of the relevant class of development or is not an exact multiple of that unit, the fraction of a unit remaining after division of the total area by the unit of measurement shall be treated, for the purposes of calculating the fee payable in respect of the application, as a complete unit.
- Fee for submission or observation in respect of planning application. 168. (1) (a) Subject to sub-articles (2) and (3), a fee shall be paid to the planning authority by a person or body who makes a submission or observation to the planning authority regarding an application for permission.
- (b) The amount of the fee payable to the planning authority shall be the amount indicated in column 2 of Section 2 of Schedule 10, opposite the mention of a submission or observation on a planning application.

(2) Sub-article (1) shall not apply where the person or body by whom a submission or observation is made is—

- (a) a local authority,
- (b) a body notified or entitled to be notified in accordance with article 28,
- (c) a State authority, or
- (d) a transboundary State.

- (3) Where a fee has been paid under this article by a person or body by whom a submission or observation is made in respect of a particular application for permission, a fee shall not be payable in respect of any further submission or observation made in accordance with Part 4 by or on behalf of the same person in respect of the same application.

Fee for requests
for declarations
under section 5
of Act.

- (1) A person making a request for a declaration to the planning authority under section 5 of the Act shall pay a fee to the planning authority.

- (2) The amount of the fee payable to the planning authority shall be the amount indicated in column 2 of Schedule 10, opposite the mention of a request for a declaration.

Fee for
application to
extend or
further extend
appropriate
period.

170. (1) A fee shall be paid to a planning authority by an applicant in respect of an application under section 42 of the Act for an extension or further extension, as regards a particular permission, of the appropriate period within the meaning of section 40(3) of the Act.

- (2) The amount of the fee payable in respect of an application mentioned in sub-article (1) shall be the amount indicated in column 2 of Schedule 10, opposite the mention of such an application.

Transitional -
Fees to Planning
Authority.

171. Where a planning application or an application under section 4 of the Act of 1982 for an extension or further extension as regards a particular permission of the appropriate period within the meaning of section 2 (5) of that Act is received by a planning authority before the coming into operation of this Part, the fee to be paid to the planning authority shall be the fee payable under the 1994 Regulations, as amended by the 2001 Regulations, notwithstanding any repeal of those Regulations.

Transitional -
Fees to Board.

172. The fees to be paid to the Board in Chapter III of Part VII of, and the Fifth Schedule to, the 1994 Regulations, as amended by the 2001 Regulations, shall continue to be payable to the Board in accordance with that Chapter until such time as the Board determines fees in accordance with section 144 of the Act.

PART 13

Compensation

Interpretation
for this Part.

173. In this Part, "compensation claim" means a claim for compensation under Part XII of the Act.

Compensation
claim.

174. (1) A compensation claim shall be made to the planning authority in writing and shall include—

- (a) the name and address of the claimant and a statement of his or her interest in the land to which the claim relates,
- (b) a statement of the matter in respect of which the claim is made, the provision of the Act under which it is made, the amount of compensation claimed and the basis on which that amount has been calculated, and
- (c) the names and addresses of all other persons (so far as they are known to the claimant) having an interest in the land to which the claim relates, or, where the claimant does not know of any such persons, a statement to that effect.

- (2) Where a planning authority receives a compensation claim which fails to comply with a requirement of sub-article (1), the authority shall, by notice in writing, require the claimant to comply with such requirement and defer consideration of the claim until the claimant has complied with such requirement.

Notice of claim.

175. (1) Within 4 weeks of the receipt by a planning authority of a compensation claim, or within 4 weeks of compliance with a requirement under article 174, the planning authority shall, unless the claim is withdrawn, give notice in writing to every person, other than the claimant, appearing to them to have an interest in the land to which the claim relates.
- (2) A notice under sub-article (1) shall state the name and address of the claimant, the land to which the claim relates, the matter in respect of which the claim is made and, where the relevant period under section 183 of the Act for the making of a compensation claim has not expired, the date, having regard to the timelimits specified in section 183 (subject to subsection (2) of that section), after which a further claim for compensation in respect of that matter cannot be made.

- (3) Where more than one compensation claim in respect of the same matter has been received by a planning authority, the provisions of sub-article (1) shall not apply in respect of any other claimant or persons who have already been given notice of a claim in respect of that matter under that sub-article.

Provision of
certain evidence
and
information.

176. Where a compensation claim is made, the planning authority may, by notice in writing, require the claimant to provide evidence in support of the claim and evidence as to the claimant's interest in the land to which the claim relates and may defer consideration of the claim until the claimant has complied with such requirement.

Notice under
section 192 of
Act.

177. A notice under section 192 of the Act served on a person by whom or on behalf of whom a compensation claim under section 190 of the Act has been made shall—

- (a) indicate the land to which the notice relates,
- (b) state that, notwithstanding the refusal of permission to develop the land or the grant of such permission subject to conditions (as the case may be), the land in question is, in the opinion of the planning authority, capable of other development for which permission under Part III of the Act ought to be granted,
- (c) indicate in outline the nature and extent of the other development (being other development within the meaning of section 192 of the Act) of which, in the opinion of the planning authority, the land is capable,
- (d) state that the notice shall continue in force for a period of 5 years commencing on the day of service of the notice unless, before the expiration of that period,—
 - (i) the notice is withdrawn by the planning authority,
 - (ii) a permission is granted under Part III of the Act to develop the land to which the notice relates in a manner consistent with the other development specified in the notice, subject to no conditions or to conditions of a class or description set out in the Fifth Schedule of the Act, or
 - (iii) the notice is annulled by virtue of section 192(5) of the Act, and
- (e) state that compensation shall not be payable on the claim in respect of the land in question where—
 - (i) the notice is in force,
 - (ii) an application for permission under Part III of the Act to develop the land to which the notice relates in a manner consistent with the other development specified in the notice has not been made before the expiration of the notice, or
 - (iii) permission is granted under Part III of the Act to develop the land to which the notice relates in a manner consistent with the other development specified in the notice, subject to no conditions or to conditions of a class or description set out in the Fifth Schedule of the Act.

Transitional

178. Where a compensation claim has been made in accordance with the 1994 Regulations prior to the coming into force of these Regulations, the claim shall be determined in accordance with those Regulations.

PART 14

Strategic Development Zones

Authorities
prescribed
under section
169 of Act.

179. (1) The prescribed authorities for the purposes of section 169 of the Act shall be -

- (a) the regional authority within whose region the site or sites to which the draft planning scheme applies is or are situated, and
 - (b) any planning or other local authority whose area is within or contiguous to the site or sites to which the draft planning scheme applies.
- (2) In addition to the requirements of sub-article (1), a copy of the draft planning scheme shall be sent to—
- (a) where a draft planning scheme relates wholly or mainly to industrial or commercial development — Forfás,
 - (b) where it appears to the planning authority that development under the draft planning scheme would be likely to impact on the provision of education services — the Minister for Education and Science,
 - (c) where it appears to the planning authority that development under the draft planning scheme would be likely to have significant effects on public health or might otherwise impact on the provision of health services — the appropriate health board,

- (d) where it appears to the planning authority that development under the draft planning scheme would be likely to impact on public transport, energy or communication networks — the Minister for Public Enterprise,
- (e) where it appears to the planning authority that development under the draft planning scheme would be likely to give rise to a significant increase in the volume of traffic using a national road or would otherwise have significant effects on the national road network — the National Roads Authority,
- (f) where it appears to the planning authority that development under the draft planning scheme would be likely to significantly impact on the implementation of the DTI Strategy — the Dublin Transportation Office,
- (g) where it appears to the planning authority that development under the draft planning scheme would be likely to—
 - (i) involve the carrying out of works to a protected structure or proposed protected structure, or to the exterior of a structure which is located within an architectural conservation area 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,
 - (ii) detract from the appearance of a structure referred to in sub-paragraph (i),
 - (iii) affect or be unduly close to—
 - (I) a cave, site, feature or other object of archaeological, geological, scientific, ecological or historical interest,
 - (II) a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994,
 - (III) a historic monument or archaeological area entered in the Register of Historic Monuments under Section 5 of the National Monuments (Amendment) Act, 1987,
 - (IV) a national monument in the ownership or guardianship of the Minister for Arts, Heritage, Gaeltacht and the Islands under the National Monuments Acts, 1930 to 1994, or
 - (iv) obstruct any scheme for improvement of the surroundings of or any means of access to any structure, place, feature or object referred to in sub-paragraph (iii),

— the Minister for Arts, Heritage, Gaeltacht and the Islands, 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 Bord Fáilte Éireann,
- (h) where it appears to the planning authority that the site or sites to which the draft planning scheme applies is or are situated in an area of special amenity, whether or not an order in respect of that area has been confirmed under section 203 (or deemed to be so confirmed under section 268(1)(c)) of the Act, or that development under the draft planning scheme would be likely to obstruct any view or prospect of special amenity value or special interest — An Chomhairle Ealaíon, Bord Fáilte Éireann and An Taisce — the National Trust for Ireland,
- (i) where it appears to the planning authority that development under the draft planning scheme would be likely to obstruct or detract from the value of any tourist amenity or tourist amenity works — Bord Fáilte Éireann,
- (j) where it appears to the planning authority that development under the draft planning scheme might have significant effects in relation to nature conservation — the Heritage Council, the Minister for Arts, Heritage, Gaeltacht and the Islands and An Taisce — the National Trust for Ireland,
- (k) where it appears to the planning authority that development under the draft planning scheme would be likely to—
 - (i) cause the significant abstraction or addition of water either to or from surface or ground waters, whether naturally occurring or artificial,
 - (ii) give rise to significant discharges of polluting matters or other materials to such waters or be likely to cause serious water pollution or the danger of such pollution, or
 - (iii) involve the carrying out of works in, over, along or adjacent to the banks of such waters, or to any structure in, over or along the banks of such waters, which might materially affect the waters,

— the appropriate Regional Fisheries Board and, in any case where the waters concerned are listed in Part 1 of Annex 1 of the Schedule to the British-Irish Agreement Act, 1999 (No. 1 of 1999), Waterways Ireland,
- (l) where it appears to the planning authority that development under the draft planning scheme might impact on the foreshore — the Minister for the Marine and Natural Resources,
- (m) where it appears to the planning authority that development under the draft planning scheme would be likely to increase the risk of a major accident or would be of such a nature as to be likely, if a major accident were to occur, and having regard to all the circumstances, to cause there to be serious consequences — the National Authority for Occupational Safety and Health,

- (n) where it appears to the planning authority that development under the draft planning scheme might endanger or interfere with the safety of, or the safe and efficient navigation of, aircraft — the Irish Aviation Authority,
- (o) where it appears to the authority that the development might interfere with the operation and development of a licensed airport, whose annual traffic is not less than 1 million passenger movements — the airport operator,
- (p) where the development is in a Gaeltacht area and it appears to the authority that it might materially affect the linguistic and cultural heritage of the Gaeltacht, including the promotion of Irish as the community language — the Minister for Arts, Heritage, Gaeltacht and the Islands and Údarás na Gaeltachta,
- (q) where development under the draft planning scheme comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence — the Environmental Protection Agency,
- (r) where the site or sites to which the draft planning scheme applies is or are in the functional area of the Shannon Free Airport Development Company Limited (and that company is not the relevant development agency) — that Company, or
- (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.

PART 15

Disclosure of Interests, etc.

Persons to whom sections 147 and 150 of Act apply. 180. (1) The following classes, descriptions and grades of employees of the Board and other persons are hereby prescribed for the purposes of sections 147 and 150 of the Act—

- (a) every employee of the Board, except those in an employment for which -
 - (i) the qualifications are not wholly or in part professional or technical, and
 - (ii) the maximum remuneration is less than the maximum remuneration for the office of Executive Officer in the Civil Service;
- (b) (i) every officer of the Minister who, pursuant to arrangements made under section 122(1) of the Act,
- (ii) every person employed in a part-time capacity by the Board in accordance with section 120 (2) of the Act, who is engaged in duties relating to appeals, referrals or other matters which fall to be determined by the Board under the Act or any other enactment.
- (2) Every person engaged as a consultant or adviser to the Board under section 124 of the Act is hereby prescribed for the purposes of section 150 of the Act.
- (3) The classes, descriptions and grades of offices under a planning authority prescribed for the purposes of sections 147 and 150 of the Act shall be any office, including that of County Manager or City Manager, the holder of which is assigned duties which relate to the performance of any functions of a planning authority under the Act.

Form of declaration under section 147 of Act. 181. (1) Form No. 1 of Schedule 11 shall be the prescribed form of a declaration to be given to the Board under section 147 of the Act.

(2) Form No. 2 of Schedule 11 shall be the prescribed form of a declaration to be given to a planning authority under section 147 of the Act.

PART 16

Licensing of Outdoor Events

Interpretation for this Part. 182. (1) In this Part, except where the context otherwise requires—

“applicant” means a person who applies for a licence;

“application” means an application for a licence under section 231 of the Act;

“audience” means persons attending an event on a particular day, other than persons working or performing at the event, and shall include persons attending by invitation and, where an event comprises more than one performance at one or more locations at the venue on a particular day, the audience shall mean the total number of persons attending all such performances;

“code of practice” means a code of practice referred to in sections 232 and 268(2) of the Act;

"prescribed bodies" means -

- (a) the relevant Chief Superintendent of An Garda Síochána,
- (b) the relevant Health Board, or
- (c) any county council, county borough corporation, borough corporation or urban district council (other than the local authority to whom the application is made), the area of which will be affected by the event;

"venue" means the site at which it is proposed to hold an event.

- (2) This Part shall also apply to an application for a licence for an event to be held on more than one day or an application for a licence for a number of events at a venue in a period not exceeding one year, subject to any necessary modifications.

Events prescribed for the purposes of section 230 of Act.

- 183. An event at which the audience comprises 5,000 or more people shall be an event prescribed for the purposes of section 230 of the Act.

Pre-application consultation.

- 184. (1) Any person who intends to make an application may, with the agreement (which shall not be unreasonably withheld) of the local authority or any prescribed bodies concerned, enter into consultations with the local authority or such prescribed bodies in order to discuss the submission of an application, including the draft plan for the management of the event, and the authority or the prescribed body may give advice to the applicant regarding the proposed application.
- (2) The carrying out of consultations under sub-article (1) shall not prejudice the performance by the local authority or any prescribed body of any of its functions under the Act or these Regulations or under any other enactment and such consultations cannot be relied upon in the process of determining an application or in legal proceedings.

Newspaper notice.

- 185. (1) Within the period of 2 weeks before applying for a licence, the applicant shall publish a notice of his or her intention to submit an application in one local and one national newspaper.
- (2) A notice under sub-article (1) shall state—
 - (a) the name of the applicant,
 - (b) that the applicant is applying for a licence to hold an event in accordance with Part XVI of the Planning and Development Act, 2000,
 - (c) the location of the venue at which the proposed event is to be held,
 - (d) the type of event proposed to be held,
 - (e) the date proposed for the holding of the event,
 - (f) the name of the local authority to which the application is being made,
 - (g) the anticipated number of the audience at the proposed event,
 - (h) that the application for a licence may be inspected during office hours at the offices of the local authority for a period of 5 weeks from the date of receipt of the application by that authority, and
 - (i) that a submission or observation may be made to the local authority within 5 weeks of the date of receipt of the application by the authority.
- (3) The local authority may require that an additional newspaper notice be published where it considers that the notice, because of its content or for any other reason, is misleading or inadequate for the information of the public.

Making of application.

- 186. (1) An application must be made at least 16 weeks prior to the date for the holding of the event to which the application relates or, in the case of an application for a number of events at a venue in a period not exceeding one year, at least 16 weeks prior to the holding of the first event.
- (2) As soon as may be after receipt of the application, the local authority shall consider whether the requirements of these Regulations have been complied with, and—
 - (a) acknowledge receipt of the application in writing, or
 - (b) inform the applicant that the application is invalid, by reason of the fee submitted being inadequate or for any other reason, and cannot be considered by the authority, indicating which requirement of these Regulations has not been complied with.

Form and content of application.

- 187. (1) An application shall -

- (a) state the name, contact address (including e-mail address where appropriate) and telephone number of the applicant,
- (b) where the applicant is not the promoter of the event, state the name, contact address (including e-mail address where appropriate) and telephone number of the promoter,
- (c) state the anticipated number of the audience at the proposed event,
- (d) state the proposed date on which the event is to be held and the proposed duration of the event, including the times at which the event is proposed to commence and conclude,
- (e) be accompanied by a copy of the relevant page of each newspaper containing the notice required to be published under article 185,
- (f) where the applicant is not the owner or occupier of the venue, be accompanied by confirmation in writing from such owner or occupier of his or her consent to the holding of the event,
- (g) be accompanied by a draft plan for the management of the event prepared in accordance with the appropriate code or codes of practice and including—
 - (i) the names and responsibilities of the event controller, the event safety officer and their deputies,
 - (ii) a draft site emergency plan,
 - (iii) a draft traffic management plan,
 - (iv) a draft safety strategy statement,
 - (v) a draft environment monitoring programme for before, during and after the proposed event, and
 - (vi) provision for the removal of structures and the carrying out of any works for the reinstatement of the venue subsequent to the event, for the full clean-up of the surrounding area, and for any remedial works arising from any damage caused to public property, facilities or amenities associated with the event,
- (h) be accompanied by a location map of sufficient size and containing details of related sites and features in the vicinity of the venue, to a scale of not less than 1:1000 in built up areas and 1:1250 in all other areas and marked clearly to show such related sites or features, and drawings to an appropriate scale of the venue, including a site layout plan and a viewing accommodation plan.

- (2) 6 copies of the application and accompanying documents, maps and drawings shall be submitted to the local authority.
- (3) Where an event is proposed to be held on a public road or on any other land under the control of the local authority, sub-article (1)(f) shall not apply.

Availability of documents.	188.	(1) The local authority shall make the application, any accompanying documents, maps and drawings and any submission or observation made in relation to it, available for inspection during office hours at the offices of the local authority and such other places as it considers appropriate, for a period of 5 weeks from the date of receipt of the application.
	(2)	The local authority shall, on request, make a copy of the application and accompanying documents available for purchase by any person on payment of a sum not exceeding the reasonable cost of making such a copy.
Consultation with prescribed bodies.	189.	(1) Within one week of receipt of an application, a local authority shall consult with the prescribed bodies by sending a copy of the application to them and stating that submissions or observations may be made to the local authority in respect of the application within 5 weeks of the date on which the application was received by the authority.
	(2)	Where a prescribed body requests an extension of time from the local authority to consider an application, the authority may, where it considers it necessary to ensure the safe and effective management of the proposed event, extend that period for such time as the authority considers necessary.
	(3)	A local authority may also consult any other body, not being a prescribed body, in relation to an application where it considers it appropriate.
Making of submissions or observations by any other person.	190.	Any person may make a submission or observation in writing to the local authority in respect of the application within 5 weeks of the receipt of the application by the local authority.
Further information.	191.	(1) A local authority may request such further information from the applicant as it considers necessary to enable it to make a decision under section 231(3) of the Act and the applicant shall comply with any such request.
	(2)	A local authority may request such further information from a prescribed body or any person who made a submission or observation in respect of the application as it considers necessary to enable it to make a decision under section 231(3) of the Act.

- (3) The local authority may, at its discretion, invite any other person to make a submission or observation to it in respect of an application.
- (4) The local authority may take whatever measures it considers necessary, including the convening of meetings or the taking of oral submissions, to seek the views of any person in regard to the application.
- Decision on application. 192. (1) A local authority shall make a decision under section 231(3) of the Act in respect of an application not earlier than 5 weeks after receiving the application.
- (2) Where a local authority makes a decision under section 231(3) of the Act, it shall issue notice of its decision to—
- (a) the applicant,
- (b) the prescribed bodies, and
- (c) any person who made a submission or observation on the application in accordance with article 190.
- Publication of notice of intention by local authority to hold event. 193. (1) Where a local authority proposes to hold an event under section 238 of the Act, it shall publish a notice in one local and one national newspaper.
- (2) A notice under sub-article (1) shall state—
- (a) the name of the local authority proposing to hold the event,
- (b) that it is proposed to hold an event in accordance with Part XVI of the Planning and Development Act, 2000,
- (c) the venue at which the proposed event is to be held,
- (d) the type of event proposed to be held,
- (e) the date proposed for the holding of the event,
- (f) the anticipated number of the audience at the proposed event,
- (g) that a proposal, including a draft plan for the management of the event, in respect of the proposed event may be inspected during office hours at the offices of the local authority for a period of 5 weeks from the date of publication of the notice under sub-article (1), and
- (h) that submissions or observations in respect of the proposed event may be made to the local authority within 5 weeks of the date of publication of the notice under sub-article (1).
- Availability of documents in relation to proposed event by local authority. 194. (1) The local authority shall make a proposal, including a draft plan for the management of the event, and appropriate maps and drawings in relation to the proposed event available for inspection at the offices of the local authority and such other places as it considers appropriate during office hours for a period of 5 weeks from the date of publication of the notice under article 193.
- (2) (a) A proposal referred to in sub-article (1) shall set out the details of the proposed event, including—
- (i) the anticipated number in the audience and details of the number of tickets to be sold for the event,
- (ii) the date proposed for the holding of the event and the duration of the event, including the times at which the proposed event will commence and conclude.
- (b) A draft plan for the management of the event referred to in sub-article (1) shall be prepared in accordance with the appropriate code or codes of practice and include -
- (i) the names and responsibilities of the event controller, the event safety officer and their deputies,
- (ii) a draft site emergency plan,
- (iii) a draft traffic management plan,
- (iv) a draft safety strategy statement,
- (v) a draft environment monitoring programme for before, during and after the proposed event, and
- (vi) provision for the removal of structures and the carrying out of any works for the reinstatement of the venue subsequent to the proposed event.

		(c) The maps and drawings referred to in sub-article (1) shall include a location map of sufficient size and containing details of related sites and features in the vicinity of the venue, to a scale of not less than 1:1000 in built up areas and 1:1250 in all other areas and marked clearly to show such related sites or features, and drawings to an appropriate scale of the venue, including a site layout plan and a viewing accommodation plan.
	(3)	The local authority shall, on request, make a copy of the proposal available for purchase by any person on payment of a sum not exceeding the reasonable cost of making such a copy.
Notification of prescribed bodies.	195. (1)	Within one week of publication of the notice under article 193, a local authority shall notify the prescribed bodies of the proposed event.
	(2)	A notice under sub-article (1) shall -
	(a)	be accompanied by a copy of the proposal made available for inspection in accordance with article 194, and
	(b)	state that a submission or observation may be made to the local authority in respect of the proposed event within 5 weeks of the date of publication of the notice under sub-article (1).
	(3)	Where a prescribed body requests an extension of time from the local authority to consider an application, the authority may, where it considers it necessary to ensure the safe and effective management of the proposed event, extend that period for such time as the authority considers necessary.
	(4)	A local authority may, where it considers it appropriate, notify or consult any other person or body, not being a prescribed body, in relation to the proposed event.
Making of submission or observation by other person.	196.	Any person may make a submission or observation in writing to the local authority in respect of the proposed event within 5 weeks of the date of publication of the notice under sub-article (1).
Notification of decision.	197.	Where a local authority makes a decision under section 238 of the Act, it shall issue notice of its decision to the prescribed bodies and any person who made a submission or observation in accordance with article 196.
Additional means for notification.	198.	Where—
	(a)	a large number of submissions or observations are made to the local authority under article 190 or article 196 as part of an organised campaign, or
	(b)	it is not possible to ascertain readily the full name and address of persons who made a submission or observation under article 190 or article 196,
		the authority may, in lieu of notifying each person who made a submission or observation in accordance with articles 192(2) or 197, as appropriate, take such steps as it considers reasonable in the circumstances to inform such persons of its decision, including, in the case of an organised campaign referred to in paragraph (a), giving notice to any person who, in the opinion of the authority, organised the campaign.
Fees.	199. (1)	(a) Subject to sub-article (2), the fee for making an application in respect of an event being held mainly for profit or gain shall be €2,500.
	(b)	No fee shall apply in respect of an application for an event other than those referred to in sub-article (1).
	(2)	A local authority shall have an absolute discretion to refund all or part of the fee payable in respect of a particular application where it is satisfied that the payment in full of the fee would not be just and reasonable, having regard to the nature, extent or purpose of the event.

PART 17

Miscellaneous and Transitional

Chapter 1

Licensing under Section 254 of the Act

Interpretation for this Chapter.	200.	In this Chapter, "specified appliance, apparatus or structure" means an appliance, apparatus or structure referred to in section 254(1) of the Act or any additional appliance, apparatus or structure specified in article 203.
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Appliances, apparatus and structures suitable for being licensed. 201.

The following appliances, apparatus and structures are hereby prescribed as requiring a licence under section 254 of the Act of 2000—

- (a) a case, rack, shelf or other appliance, apparatus or structure for displaying articles for the purposes of advertisement or of sale in, or in connection with, any adjacent business premises,
- (b) tables and chairs outside a hotel, restaurant, public house or other establishment where food is sold for consumption on the premises,
- (c) a coin-operated machine other than a vending machine,
- (d) an advertisement consisting of any text, symbol, emblem, model, device or logo,
- (e) a pipe or appliance with a pipe attachment for dispensing air or water not being a pipe or appliance attached to a petrol or oil pump,
- (f) a weighing machine,
- (g) a bring facility,
- (h) a cabinet used as part of a wired broadcast relay service by a person licensed under the Wireless Telegraphy (Wired Broadcast Relay Licence) Regulations, 1974 (S.I. No. 67 of 1974),
- (i) a lamp-post,
- (j) a bridge, arch, tunnel, passage or other similar structure which is used or intended for use other than by the public and was constructed on or after 1 October 1964,
- (k) a cellar or other underground structure constructed on or after 1 October 1964,
- (l) a cable for conducting electricity for domestic or agricultural purposes.

Fees for licences under section 254 of Act. 202.

(1) Where a licence is granted by a planning authority under section 254 of the Act—

- (a) to erect, construct, place and maintain, or
- (b) to maintain,

a specified appliance, apparatus or structure referred to in Part 1 of Schedule 12, the amount of the fee to be paid to the planning authority shall, subject to the provisions of article 203, be—

- (i) where the licence is for a period of one year, the appropriate amount indicated in column 2 of that Schedule opposite the reference in column 1 of that Schedule to the specified appliance, apparatus or structure,
- (ii) where the licence is for a period of more than one year, an amount equal to the fee for one year for each year or part of a year for which the licence is granted, and
- (iii) where the licence is for a period of less than one year, an amount equal to one tenth of the fee for one year for each month or part of a month for which the licence is granted.

(2) Where a licence is granted by a planning authority under section 254 of the Act to erect, construct, place and maintain a specified appliance, apparatus or structure referred to in Part 2 of Schedule 12, the amount of the fee to be paid to the planning authority shall be the amount indicated in column 2 of that Schedule opposite the reference in column 1 of that Schedule to the specified appliance, apparatus or structure, and no fee shall be payable in respect of any renewal of a licence for such an appliance, apparatus or structure.

Additional fee for advertising use. 203.

In the case of—

- (a) any machine or similar appliance, apparatus or structure, more than one quarter of the surface area of which is used for advertising purposes,
- (b) any town or landscape map more than one third of the surface area of which is used for advertising purposes, and
- (c) any other appliance, apparatus or structure any part of the area of which is used for advertising purposes,

the amount of the fee under article 204 shall be increased by the amount of the fee payable under that article in respect of an advertisement structure which is on a public road.

- Transitional. 204. Where an application for a licence is received by a planning authority before the coming into operation of this Chapter—
- (a) the fee to be paid to the planning authority shall, be the fee payable under the 1994 Regulations, as amended by the 2001 Regulations, notwithstanding any repeal of those Regulations, and
 - (b) any licence granted under section 89 of the Act of 1963 shall remain in force for the period for which the licence was granted.

Chapter 2

Miscellaneous and Transitional

Form of vesting order under section 45 of Act. 205. Form No. 3 of Schedule 4, or a form substantially to the like effect, shall be the prescribed form of vesting order to be made by a planning authority in exercise of the powers conferred on it by section 45(5) of the Act.

Disposal of land without consent of Minister under section 211 of Act. 206. (1) Subject to the conditions specified in sub-article (2), the consent of the Minister to a disposal of land under section 211(1) of the Act, as required by subsection (2) of that section, shall not be required where a local authority is of the opinion that, for economic or social reasons, it is reasonable that the disposal of land be carried out in accordance with the terms specified by the authority in the notice which is to be given to the members of the authority in relation to the proposed disposal of land in accordance with section 183 of the Local Government Act, 2001.

- (2) The following conditions shall apply in relation to a disposal of land referred to in sub-article (1):
 - (a) the manager shall prepare a report setting out the economic or social reasons which apply in relation to the disposal of land;
 - (b) the report shall be incorporated in or accompany the notice referred to in sub-article (1); and
 - (c) the notice referred to in sub-article (1) and the report referred to in paragraph (a) shall be made available for public inspection at the offices of the local authority during office hours for a period of one year.
- (3) A disposal of land under this article shall be carried out in accordance with the terms of the notice referred to in sub-article (1).

Continuance of Local Government (Planning and Development) Acts, 1963 to 1999 and Regulations made thereunder. 207. (1) Subject to sub-articles (2) and (3), the provisions of the Local Government (Planning and Development) Acts, 1963 to 1999, and the Local Government (Planning and Development) Regulations, 1994 to 2001 shall continue to apply to any valid application for permission received by a planning authority before 11 March, 2002, and any appeal, decision or determination made or to be made in respect of such planning application or in respect of a decision on such application, notwithstanding the repeal of such provisions or the revocation of such Regulations.

- (2) Sections 42 and 43 of the Act and articles 40 to 47 of these Regulations shall apply to any application made after the coming into force of these regulations to extend the appropriate period as regards a permission.
- (3) Section 46 of the Act and article 205 of these Regulations shall apply in any case where a planning authority intends to acquire land as open space, within the meaning of that section, pursuant to a permission under the Act of 1963 or to any condition to which a permission under that Act is subject.

Saver. 208. Anything done under the Planning and Development Regulations, 2000 to 2001, notwithstanding the revocation of those Regulations, shall not be invalidated by such revocation but shall have effect as if done under the corresponding provision of these Regulations.

SCHEDULE 1

Regulations revoked

Article 4

Number and Year	Title
350 of 2000	Planning and Development Regulations, 2000.
457 of 2000	Planning and Development (No. 2) Regulations, 2000.
154 of 2001	Planning and Development (Licensing of Outdoor Events) Regulations, 2001.
336 of 2001	Planning and Development (Appointment of Chairperson and Ordinary Members of An Bord Pleanála) Regulations, 2001.

SCHEDULE 2

Article 6

Part 1

Exempted Development — General

Column 1	Column 2
Description of Development	Conditions and Limitations
<i>Development within the curtilage of a house</i>	
CLASS 1	

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.
(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.
(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.
2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.
(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.
(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.
3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.
(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.
6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

CLASS 2

The provision, as part of a central heating system of a house, of a chimney, boiler house or oil storage tank.

The capacity of any such oil storage tank shall not exceed 3,500 litres.

CLASS 3

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.
2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.
3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.
4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.
5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.
6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

CLASS 4

(a) The erection of a wireless or television antenna, other than a satellite television signal receiving antenna, on the roof of a house.

The height of the antenna above the roof of the house shall not exceed 6 metres.

(b) The erection on or within the curtilage of a house, of a dish type antenna used for the receiving and transmitting of signals from satellites.

1. Not more than one such antenna shall be erected on, or within the curtilage of a house.
2. The diameter of any such antenna shall not exceed 1 metre.
3. No such antenna shall be erected on, or forward of, the front wall of the house.
4. No such antenna shall be erected on the front roof slope of the house or higher than the highest part of the roof of the house.

CLASS 5

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.
2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.
3. No such structure shall be a metal palisade or other security fence.

CLASS 6

- (a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house. The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.
- (b) Any works within the curtilage of a house for—
- (i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,
 - (ii) the provision to the front or side of the house of a hard surface for the parking of not more than 2 motor vehicles used for a purpose incidental to the enjoyment of the house as such.

CLASS 7

- The construction or erection of a porch outside any external door of a house.
1. Any such structure shall be situated not less than 2 metres from any road.
 2. The floor area of any such structure shall not exceed 2 square metres.
 3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

CLASS 8

- The keeping or storing of a caravan, campervan or boat within the curtilage of a house.
1. Not more than one caravan, campervan or boat shall be so kept or stored.
 2. The caravan, campervan or boat shall not be used for the storage, display, advertisement or sale of goods or for the purposes of any business.
 3. No caravan, campervan or boat shall be so kept or stored for more than 9 months in any year or occupied as a dwelling while so kept or stored.

Sundry Works

CLASS 9

- The construction, erection, renewal or replacement, other than within or bounding the curtilage of a house, of any gate or gateway.
- The height of any such structure shall not exceed 2 metres.

CLASS 10

The plastering or capping of any wall of concrete blocks or mass concrete.

CLASS 11

- The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of —
- (a) any fence (not being a hoarding or sheet metal fence), or
 - (b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.
1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.
 2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.

CLASS 12

The painting of any external part of any building or other structure.

Such painting may not, except in the case of a hoarding or other temporary structure bounding land on which development consisting of works is being or will be carried out in pursuance of a permission granted under Part III of the Act or as exempted development, be for the purposes of creating a mural.

CLASS 13

The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.

The width of any such private footpath or paving shall not exceed 3 metres.

Change of use

CLASS 14

Development consisting of a change of use—

- (a) from use for the sale of hot food for consumption off the premises, or for the sale or leasing or display for sale or leasing of motor vehicles, to use as a shop,
- (b) from use as a public house, to use as a shop,
- (c) from use for the direction of funerals, as a funeral home, as an amusement arcade or a restaurant, to use as a shop,
- (d) from use to which class 2 of Part 4 of this Schedule applies, to use as a shop,
- (e) from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,
- (f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

Temporary structures and uses

CLASS 15

Occasional use for social or recreational purposes of any school, hall, club, art gallery, museum, library, reading room, gymnasium or any structure normally used for public worship or religious instruction.

CLASS 16

The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out.

Such structures, works, plant or machinery shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.

CLASS 17

The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development (other than mining) is being, or is about to be carried out, pursuant to any permission, consent, approval or confirmation granted under the Act or any other enactment or as exempted development, of temporary on-site accommodation for persons employed, or otherwise engaged, in connection with the carrying out of the development, during the period in which it is being carried out.

Such accommodation shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by the permission, consent, approval or confirmation granted under the Act or any other enactment.

CLASS 18

The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of mining is to be carried out pursuant to a permission under the Act, of structures, works, plant or machinery needed temporarily in connection with preparation for the development.

Such structures, works, plant or machinery shall be removed when commissioning of the mine, and any ancillary structures or facilities, has been completed pursuant to a permission under the Act.

CLASS 19

Development consisting of the provision, construction or erection by or on behalf of a State authority of temporary structures or other temporary facilities required in connection with a visit of a dignitary or delegation.

The temporary structures and facilities shall be removed after the conclusion of the visit and the land concerned shall be reinstated.

CLASS 20

The use of premises in connection with an election to the office of President of Ireland, an election of members of Dáil Éireann, the Parliament of the European Communities, a local authority or Údarás na Gaeltachta, or a referendum within the meaning of the Referendum Act, 1994 (No. 12 of 1994).

The use shall be discontinued after a period not exceeding 30 days.

Development for industrial purposes

CLASS 21

(a) Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process, or on land used as a dock, harbour or quay for the purposes of any industrial undertaking—

1. Any such development shall not materially alter the external appearance of the premises of the undertaking.

(i) the provision, rearrangement, replacement or maintenance of private ways or private railways, sidings or conveyors,

2. The height of any plant or machinery, or any structure in the nature of plant or machinery, shall not exceed 15 metres above ground level or the height of the plant, machinery or structure replaced, whichever is the greater.

(ii) the provision, rearrangement, replacement or maintenance of sewers, mains, pipes, cables or other apparatus,

(iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.

(b) Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building.

CLASS 22

Storage within the curtilage of an industrial building, in connection with the industrial process carried on in the building, of raw materials, products, packing materials or fuel, or the deposit of waste arising from the industrial process.

The raw materials, products, packing materials, fuel or waste stored shall not be visible from any public road contiguous or adjacent to the curtilage of the industrial building.

Development by statutory undertakers

CLASS 23

The carrying out by any railway undertaking of development required in connection with the movement of traffic by rail in, on, over or under the operational land of the undertaking, except—

Any car park provided or constructed shall incorporate parking space for not more than 60 cars.

(a) the construction or erection of any railway station or bridge, or of any residential structure, office or structure to be used for manufacturing or repairing work, which is not situated wholly within the interior of a railway station, or

(b) the reconstruction or alteration of any of the aforementioned structures so as materially to affect the design or external appearance thereof.

CLASS 24

The carrying out by any harbour authority of development of the following description—

- (a) works authorised by a harbour works order in pursuance of section 134 of the Harbours Act, 1946 (No. 9 of 1946), which consist of the construction, reconstruction, extension or removal of docks, graving docks, quays, wharves, jetties, piers, embankments, break-waters, roads, viaducts, tram-ways, railways or aerodromes (but not the construction or erection of sheds, transit sheds, transhipment sheds, silos, stores and other structures or the reconstruction or alteration of such excepted structures so as materially to affect the design or external appearance thereof), or
- (b) the cleaning, scouring, deepening, improving or dredging of the harbour or the approaches thereto or the removal of any obstruction within the limits of the harbour, and the use of land for the disposal of dredged material in accordance with an objective in a development plan for the area in which the land is situated.

CLASS 25

The carrying out—

- (a) pursuant to and in accordance with a consent given by the Minister for Public Enterprise under section 8 of the Gas Act, 1976 (No. 30 of 1976), by the Irish Gas Board of development consisting of the construction of underground pipelines for the transmission of gas (but not the construction or erection of any apparatus, equipment or other thing ancillary to such a pipeline save cathodic protection equipment and marker posts),
- (b) pursuant to and in accordance with an order made by the Minister for Public Enterprise under section 2 of the Gas (Amendment) Act, 1987 (No. 9 of 1987), by the Irish Gas Board of development consisting of the laying underground of mains, pipes, cables or other apparatus,
- (c) in accordance with any requirements of the Minister for Public Enterprise or the Marine and Natural Resources, as the case may be under section 40 of the Gas Act, 1976, of development consisting of the construction of an underground pipeline for the transmission of gas (but not the construction or erection of any apparatus, equipment or other thing ancillary to such a pipeline save cathodic protection equipment and marker posts), or
- (d) by any gas undertaking (other than the Irish Gas Board) of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking.

CLASS 26

The carrying out by any electricity undertaking of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking.

CLASS 27

The carrying out by any electricity undertaking of development consisting of the construction of over-head transmission or distribution lines for conducting electricity at a voltage not exceeding a nominal value of 20kV.

CLASS 28

The carrying out by any electricity undertaking of development for the purposes of the undertaking consisting of the construction or erection of an overhead transmission line not more than 40 metres from a position in respect of which permission for such line was granted and which otherwise complies with such permission, but not a line in respect of which a condition attached to the relevant permission imposed a contrary requirement.

CLASS 29

The carrying out by any electricity undertaking of development consisting of the construction or erection of a unit substation for the distribution of electricity at a voltage not exceeding a nominal value of 20kV.

The volume above ground level of any such unit substation shall not exceed 11 cubic metres, measured externally.

CLASS 30

The carrying out by An Post — The Post Office of development consisting of the provision of—

- (a) pillarboxes or other forms of letter box,
- (b) roadside boxes for the delivery of mail,
- (c) deposit boxes for the temporary storage of mail for local delivery, or
- (d) machines for the supply of stamps or printed postage labels.

CLASS 31

The carrying out by a statutory undertaker authorised to provide a telecommunications service of development consisting of the provision of—

- (a) underground telecommunications structures or other underground telecommunications works (including the laying of mains and cables and the installation underground of any apparatus or equipment),
- (b) overhead telecommunications,

1. Poles carrying overhead lines shall not exceed 10 metres in height.

2. Poles carrying other equipment shall not exceed 10 metres in height and 0.6 metres in diameter measured at the widest point, where "other equipment" means one transmitting or receiving dish (the diameter of which shall not exceed 0.3 metres), or one panel antenna (the dimensions of which shall not exceed 0.5 metres in length x 0.3 metres in width x 0.2 metres in depth) used for the provision of a specific telecommunications service and the provision of which would otherwise require an additional pole route carrying overhead wires.

3. Where a pole or poles carry radio transmitting or receiving apparatus, the field strength of the non-ionising radiation emissions from that installation shall not exceed the limits specified by the Director of Telecommunications Regulation.

- | | |
|---|---|
| (c) telephone kiosks or other telephone facilities in a public place not being on, over or along a public road, | No such kiosk or facility shall be situated within 10 metres of the curtilage of any house, save with the consent in writing of the owner or occupier thereof. |
| (d) equipment for transmitting or receiving signals from satellites in space, | <p>1. No such equipment shall exceed 10 metres in height</p> <p>2. The diameter of any antenna shall not exceed 2 metres.</p> <p>3. No such equipment shall be situated within 10 metres of the curtilage of any house save with the consent in writing of the owner or occupier thereof, or within 10 metres of the window of a workroom of any other structure.</p> |
| (e) permanent telecommunications exchange and radio station containers, | <p>1. The equipment housed in the container shall be used exclusively for the purposes of concentrating and re-routing calls and the container shall not have attached to it or within it, whether visible or not, any antennae for the direct transmission or reception of mobile telephony or other telecommunications signals in such a way that the container would act as an antennae support structure.</p> <p>2. No such container shall exceed 10 metres in length, 3 metres in width or 3 metres in height.</p> <p>3. No such container shall be situated within 10 metres of the curtilage of a house save with the consent in writing of the owner or occupier thereof, or within 10 metres of the window of a workroom of any other structure.</p> <p>4. The field strength of the non-ionising radiation emissions from the radio station container shall not exceed the limits specified by the Director of Telecommunications Regulation.</p> |
| (f) cabinets forming part of a telecommunications system, | The volume above the ground-level of any such cabinet shall not exceed 2 cubic metres measured externally. |
| (g) transportable radio installation, | <p>1. The height of the structure for such an installation shall not exceed 15 metres in height and 2 metres in width at its widest point.</p> <p>2. The installation may only be used—</p> <p>(a) to provide anticipated additional coverage at a sporting, social or other event, provided that the structure is not in place for more than 2 weeks before the event or for a period exceeding 8 weeks which shall include assembly and dismantling,</p> <p>(b) for demonstration or simulation purposes, whether to demonstrate the visual effects of such structure in a particular location or to measure the output, and such structure shall be in place for a period of not more than 12 weeks, or</p> <p>(c) as a temporary replacement for a structure, which has been accidentally or otherwise incapacitated, and such structure shall be in place for a period of not more than 12 weeks.</p> <p>3. The planning authority in whose functional area the installation is placed shall be notified by the statutory undertaker in writing of the provision and purpose of such installation before it is made operational.</p> |

- (h) the attachment of additional antennae to an existing antenna support structure,
1. The total number of such antennae shall not exceed 12, of which not more than 8 shall be dish type (whether shielded or not).
 2. (a) The dimensions of any such antenna provided shall not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding type already attached to the structure.
 - (b) In any other case, the dimensions of any such antenna provided shall not exceed—
 - (i) in the case of any panel type antenna, 1.5 metres in length × 0.4 metres in width × 0.15 metres in depth,
 - (ii) in the case of any co-linear type antenna, 5 metres in length × 0.1 metres in diameter, and
 - (iii) in the case of any dish type antenna (whether shielded or not), 1.8 metres in diameter.
 3. The attachment of such antennae shall not result in the field strength of the non-ionising radiation emissions from the site exceeding limits specified by the Director of Telecommunications Regulation.
 4. The attachment of such antennae may be carried out by way of a platform only where the antenna support structure already incorporates a platform.
 5. The height of the existing structure (including any antenna thereon) shall not be exceeded.
- (i) antennae for high capacity transmission links by way of attachment to existing high capacity antennae support structures,
1. The addition shall be of the dish type antennae used for the sole purpose of point to point communication.
 2. The additional antennae shall not exceed the number provided for in the existing design capacity of the support structure.
 3. No new member shall be added to the structure save by way of brackets or other fixing systems used for the attachment of the additional antennae.
 4. The maximum diameter of any added antenna shall not exceed the width of the support structure at the point at which the additional antenna is attached.
 5. The planning authority in whose functional area the support structure exists shall be notified by the statutory undertaker in writing of the attachment of any such additional antennae at least 4 weeks before the antenna or antennae are attached.
 6. The attachment of such antenna shall not result in the field strength of the non-ionising radiation emissions from the radio installations on the site exceeding the limits specified by the Director of Telecommunications Regulation.

(j) an antenna support structure in place of an existing antenna support structure,

1. The replaced structure shall be removed no later than 4 weeks following its decommissioning.

2. Where, for reasons of the integrity of the network or other operational reasons, the structure to be replaced remains in use during the construction of the replacement structure, the replacement structure shall be located as near as possible to the existing structure having regard to construction activity and safety requirements and, in any case, no replacement structure shall be located more than 20 metres from the replaced structure (measured from the base).

3. (a) The height of the replacement structure shall not exceed the height of the replaced structure.

(b)(i) Subject to sub-paragraph (ii), the width of the replacement structure shall not exceed the width of the replaced structure.

(ii) Where the replaced structure was 2 metres or less in width, the width of the replacement structure may not be more than twice the width of the replaced structure, all measurements to be taken at the widest point.

(c) Where the replaced structure did not incorporate an antenna platform, the replacement shall not incorporate such a platform.

4.(a) Subject to sub-paragraph (b), the antennae to be attached to the replacement structure shall not exceed the number of antennae on the replaced structure.

(b) An additional 12 antennae for mobile telephony may be attached to the replacement structure, of which not more than 8 of the additional 12 shall be of the dish type (whether shielded or not).

5. (a) The dimensions of any additional antenna for mobile telephony shall not exceed the greatest length, width or depth of any antenna for mobile telephony of corresponding type on the replaced structure.

(b) In any other case, the dimensions of any antenna provided shall not exceed:

(i) in the case of any panel type antenna, 1.5 metres in length × 0.4 metres in width × 0.15 metres in depth,

(ii) in the case of any co-linear type antenna, 5 metres in length × 0.1 metres in diameter, and

(iii) in the case of any dish type antenna (whether shielded or not), 1.8 metres in diameter.

6. The replacement of an antenna support structure together with any replaced or additional antenna shall not result in the field strength of the non-ionising radiation emissions from the radio installations on the site exceeding the limits specified by the Director of Telecommunications Regulation.

- (k) antennae attached to the following existing structures-
- (i) public or commercial buildings (other than education facilities, childcare facilities or hospitals) by way of attachment to roofs, facades, chimneys, chimney pots or vent pipes;
 - (ii) telegraph poles, lamp posts, flag poles, CCTV poles;
 - (iii) electricity pylons.

1. The antenna shall be attached directly to the structure (other than a structure with a flat roof) and not by way of a supporting fixture.
2. In the case of a structure with a flat roof, a supporting fixture may be used provided that-
 - (a) the fixture does not exceed the height of any existing parapet or railing on the roof by more than 2 metres, and
 - (b) access to the roof is not available to any person other than a person authorised by the statutory undertaker.
3. Where an antenna is attached to the façade of a building or the exterior of a chimney or vent, the colour of the antenna shall match and blend with the colour of such façade, chimney or vent pipe.
4. Where the antenna is hidden inside a chimney pot the existing chimney pot may be replaced by a chimney pot in a suitable material which shall be the same colour, size and shape as the replaced pot, and the antenna shall not protrude beyond the top of the chimney pot.
5. The planning authority in whose functional area the structure on which the antennae will be attached is situated shall be notified by the statutory undertaker in writing of the proposed location of any such structure at least 4 weeks before such attachment.
6. The field strength of any such antenna shall not result in the field strength of the non-ionising radiation emission from the radio installations on the site exceeding the limits specified by the Director of Telecommunications Regulation.

CLASS 32

The carrying out by any person to whom an aerodrome licence within the meaning of the Irish Aviation Authority (Aerodromes and Visual Ground Aids) Order, 1998 (No. 487 of 1998) has been granted, of development consisting of—

- (a) the construction or erection of an extension of an airport operational building within an airport,

1. Where the building has not been extended previously, the floor area of any such extension shall not exceed 500 square metres or 15% of the existing floor area, whichever is the lesser.
2. Where the building has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions, shall not exceed 15% of the original floor area or 500 square metres, whichever is the lesser.
3. The planning authority for the area shall be notified in writing not less than 4 weeks before such development takes place.

- (b) the construction, extension, alteration or removal of aprons, taxiways or airside roads used for the movement of aircraft and the distribution of vehicles and equipment on the airside, within an airport,
- (c) the construction, erection or alteration of visual navigation aids on the ground including taxiing guidance, signage, inset and elevated airfield lighting or apparatus necessary for the safe navigation of aircraft, within an airport,
- (d) the construction, erection or alteration of security fencing and gates, security cameras and other measures connected with the security of airport infrastructure, within an airport, or
- (e) the erection or alteration of directional locational or warning signs on the ground, within an airport.

Development for amenity or recreational purposes

CLASS 33

Development consisting of the laying out and use of land—

- (a) as a park, private open space or ornamental garden,
- (b) as a roadside shrine, or
- (c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land.

The area of any such shrine shall not exceed 2 square metres, the height shall not exceed 2 metres above the centre of the road opposite the structure and it shall not be illuminated.

CLASS 34

Works incidental to the maintenance and management of any golf course or pitch and putt course, including alterations to the layout thereof, excluding any extension to the area of a golf course or pitch and putt course.

CLASS 35

Development consisting of—

- (a) the carrying out by or on behalf of a statutory undertaker of any works for the maintenance, improvement, reconstruction or restoration of any watercourse, canal, river, lake or other inland waterway, or any lock, quay, mooring, harbour, pier, dry-dock or other structure forming part of the inland waterway or associated therewith, and any development incidental thereto,
- (b) the erection or construction by or on behalf of a statutory undertaker of facilities required in connection with the operation, use or management of a watercourse, canal, river, lake or other inland waterway.

1. The floor area of any building constructed or erected shall not exceed 40 square metres.
2. The height of any building constructed or erected shall not exceed, in the case of a building with a pitched roof, 6 metres or, in any other case, 3 metres.
3. Any car park provided or constructed shall incorporate parking space for not more than 24 cars.

CLASS 36

- (a) Development consisting of the carrying out by or on behalf of a State authority or other public body, on land used by the authority or body as a public park, of works incidental to that use, including the provision, construction or erection of any structure in connection with or for the purposes of the enjoyment of the park or which is required in connection with or for the purposes of the management or operation of the park.
- (b) Development consisting of the carrying out by or on behalf of a State authority or other public body on a nature reserve established in accordance with section 15 of the Wildlife Act, 1976, as amended by sections 26 and 27 of the Wildlife (Amendment) Act, 2000, of works (including the provision, construction or erection of structures) in connection with or for the purposes of the enjoyment of the reserve or which are required in connection with the management or operation of the reserve.
1. The floor area of any building constructed or erected shall not exceed 40 square metres.
 2. The height of any building or other structure constructed or erected shall not exceed 10 metres.
 3. Any car park provided or constructed shall incorporate parking space for not more than 40 cars.

CLASS 37

- Development consisting of the use of land for any fair, funfair, bazaar or circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character and the placing or maintenance of tents, vans or other temporary or movable structures or objects on the land in connection with such use.
1. The land shall not be used for any such purposes either continuously for a period exceeding 15 days or occasionally for periods exceeding in aggregate 30 days in any year.
 2. On the discontinuance of such use the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.

Miscellaneous

CLASS 38

Development consisting of the placing or erection on, or within the curtilage of, a building, or on any other land, occupied by, or under the control of, a State authority or an institution of the European Union, of flags, banners or national emblems and any structures for the display of flags, banners or national emblems.

CLASS 39

- The erection, placing or keeping on land of any lighthouse, beacon, buoy or other aid to navigation on water or in the air.
- Any such lighthouse, beacon, buoy or other navigational aid shall not exceed 40 metres in height.

CLASS 40

Works incidental to the use or maintenance of any burial ground, churchyard, monument, fairgreen, market, schoolgrounds or showground except—

- (a) the erection or construction of any wall, fence or gate bounding or abutting on a public road,
- (b) the erection or construction of any building, other than a stall or store which is wholly enclosed within a market building, or
- (c) the reconstruction or alteration of any building, other than a stall or store which is wholly enclosed within a market building.

CLASS 41

Works consisting of or incidental to—

- (a) the carrying out of any works on land which are in accordance with, and necessary for compliance with, the terms of any licence granted under section 34 of the Local Government (Sanitary Services) Act, 1948, but not including the erection of any building, hut or chalet or the construction of any road or hard-standing,
- (b) the removal of any structure or object or the carrying out of any works required by a planning authority under the provisions of the Act or any other enactment,
- (c) the carrying out of development in compliance with a notice under section 12 of the Local Government (Water Pollution) Act, 1977 (No. 1 of 1977),
- (d) the carrying out of development in compliance with a notice under section 26 of the Air Pollution Act, 1987 (No. 6 of 1987),
- (e) the carrying out of development in compliance with a condition or conditions attached to a fire safety certificate granted in accordance with Part III of the Building Control Regulations, 1997 other than the construction or erection of an external fire escape or water tank, or
- (f) the carrying out of development in compliance with a notice under section 55 of the Waste Management Act, 1996 (No. 10 of 1996).

CLASS 42

Development consisting of the use of land as a bring facility.

- 1. No more than 5 receptacles shall be provided.
- 2. The capacity of each receptacle shall not exceed 4.5 cubic metres.
- 3. No such receptacle shall be situated on a public road.
- 4. No such receptacle shall be situated within 50 metres of any house, save with the consent in writing of the owner or occupier thereof.

CLASS 43

The excavation for the purposes of research or discovery—

- (a) pursuant to and in accordance with a licence under section 26 of the National Monuments Act, 1930 (No. 2 of 1930), of a site, feature or other object of archaeological or historical interest, or
- (b) of a site, feature or other object of geological interest.

CLASS 44

The sinking of a well, drilling of a borehole, erection of a pump, or construction of a pumphouse, for the purpose of providing a domestic water supply, or a group water supply scheme in accordance with a plan or proposal approved by the Minister or a local authority for the purpose of making a grant towards the cost of such works.

CLASS 45

Any drilling or excavation for the purpose of surveying land or examining the depth and nature of the subsoil, other than drilling or excavation for the purposes of minerals prospecting.

CLASS 46

Development consisting of the provision, construction or erection by the Commissioners or the Environmental Protection Agency, or by a local authority outside the functional area of the authority, of any equipment or structure for or in connection with the collection of information on the levels, volumes or flows of water in rivers or other watercourses, lakes or groundwaters, and any development incidental thereto.

The gross floor space of any building or other structure provided, constructed or erected shall not exceed 8 square metres and the height of any such building or other structure shall not exceed 4 metres.

CLASS 47

Development consisting of the provision, construction, installation or erection by the Environmental Protection Agency, or by a local authority outside the functional area of the authority, of any equipment or structure for or in connection with the collection of information on air quality including, on the level of pollutants in, or the constituents of, the atmosphere, and any development incidental thereto.

1. Any equipment provided, constructed, installed, erected on or attached to an existing structure shall not protrude more than 2 metres in front of the building line or 2 metres above the highest point of the roof.

2. The gross floor space of any building or other structure provided, constructed, installed or erected shall not exceed 20 square metres and the height of any building or other structure shall not exceed 3 metres.

CLASS 48

The connection of any premises to a wired broadcast relay service, sewer, watermain, gas main or electricity supply line or cable, including the breaking open of any street or other land for that purpose.

CLASS 49

The construction or erection by a person licensed under the Wireless Telegraphy (Wired Broadcast Relay Licence) Regulations, 1974 of a cabinet as part of a wired broadcast relay service.

The volume above ground level of any such cabinet shall not exceed 1 cubic metre, measured externally.

CLASS 50

(a) The demolition of a building or other structure, other than—

(i) a habitable house,

(ii) a building which forms part of a terrace of buildings, or

(iii) a building which abuts on another building in separate ownership.

(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

CLASS 51

The carrying out by the Commissioners of any works for the maintenance of works and structures for which, by virtue of the Arterial Drainage Act, 1945 or any order made thereunder, the Commissioners are responsible, and any development incidental thereto.

CLASS 52

Development consisting of the construction or erection by a Regional Fisheries Board of—

(a) a footbridge,

(b) a fish pass,

(c) a fish screen or barrier,

Any such footbridge shall not exceed 1.2 metres in width or 8 metres in length.

(d) a walkway or fishing stand,

Any such walkway shall not exceed 1.2 metres in width, and any such fishing stand shall not exceed 10 square metres in area.

(e) a fish counter.

CLASS 53

The carrying out of development below the high water mark pursuant to and in accordance with a licence under the Fisheries (Amendment) Act, 1997 (No. 23 of 1997) (including a licence deemed to be granted under that Act or the Fisheries and Foreshore (Amendment) Act, 1998 (No. 54 of 1998)).

CLASS 54

Reclamation of an area, not exceeding 100 square metres, of foreshore for the purpose of protecting a pier, slipway or other structure on the foreshore.

CLASS 55

The erection on or within the curtilage of a business premises, of a dish type antenna used for the receiving and transmitting of signals from satellites.

1. Not more than one such antenna shall be erected on or within the curtilage of a business premises.
2. The diameter of any such antenna shall not exceed 2 metres.
3. No such antenna shall be erected on, or forward of, the front wall of the business premises.
4. No such antenna shall be erected on the front roof slope of the business premises or higher than the highest part of the roof of the business premises.

Part 2

Exempted Development — Advertisements

Article 6

Column 1	Column 2
Description of Development	Conditions and Limitations
CLASS 1	
Advertisements (other than those specified in classes 2, 3 or 5 of this Part of this Schedule) exhibited on business premises, wholly with reference to the business or other activity carried on or the goods or services provided on those premises.	<p>1. The total area of such advertisements exhibited on or attached or affixed to the front of any building on the premises shall not exceed an area equal to 0.3 square metres for every metre length of such front, less the total area of any such advertisements exhibited on the premises but not exhibited on or attached or affixed to a building, and in any event shall not exceed 5 square metres.</p> <p>2. The total area of such advertisements exhibited on or attached or affixed to any face of a building on the premises other than the front thereof shall not exceed 1.2 square metres and the total area of any such advertisements on such face which are illuminated shall not exceed 0.3 square metres.</p> <p>3. The total area of such advertisement which are not exhibited on or attached or affixed to a building on the premises shall not exceed 3 square metres, of which not more than 1.5 square metres shall consist of advertisements which are illuminated.</p> <p>4. (a) No part of any such advertisement which is not exhibited on or attached or affixed to a building on the premises, or of an advertisement structure on which it is exhibited, shall be more than 2.5 metres in height.</p> <p>(b) No part of any such advertisement which is exhibited on or attached or affixed to a building on the premises shall be more than 4 metres in height above ground level.</p> <p>5. Where any such advertisement projects more than 5 centimetres over any public road, the sign or other advertisement structure on which it is exhibited shall not be less than 2 metres above the level of such road and shall not project more than 1 metre over such road.</p> <p>6. Where any such advertisement consists of a circular sign and projects more than 5 centimetres over any public road, the diameter of such sign shall not exceed 1 metre and no other such advertisement shall be exhibited on a sign or other advertisement structure projecting more than 5 centimetres over such road.</p> <p>7. Where any one or more such advertisements are exhibited on a swinging or fixed sign or other advertisement structure (other than a circular sign) projecting more than 5 centimetres from any external face of a building, the total area of such advertisements shall not exceed 1.2 square metres and the area of any face of any such advertisement shall not exceed 0.4 square metres.</p> <p>8. No such advertisement shall contain or consist of any symbol, emblem, model, logo or device exceeding 0.6 metres in height or any letter exceeding 0.3 metres in height.</p> <p>9. No such advertisement shall cover any part of any window or door of any building on which the advertisement is exhibited or to which it is attached or affixed.</p>
CLASS 2	

Illuminated advertisements exhibited as part of any shop or other window display on business premises and other advertisements affixed to the inside of the glass surface of a window of a business premises or otherwise exhibited through a window of such premises.

The total area of any advertisements so exhibited shall not exceed one quarter of the area of the window through which the advertisements are exhibited.

CLASS 3

Advertisements displayed within a business premises and which are not visible from outside the premises.

CLASS 4

An advertisement in the form of a flag which is attached to a single flagstaff fixed in an upright position on the roof of a business premises and which bears no inscription or emblem other than the name, device or logo of a person or business occupying the business premises.

Not more than one such advertisement shall be exhibited on a business premises.

CLASS 5

Advertisements, exhibited at the entrance to any premises, relating to any person, partnership or company carrying on a public service or a profession, business or trade at the premises.

1. No such advertisement shall exceed 0.3 square metres in area.
2. Not more than one such advertisement, or, in the case of premises with entrances on different road frontages, one such advertisement for each such frontage, shall be exhibited in respect of each such person, partnership or company on the premises.

CLASS 6

Advertisements relating to any institution of a religious, educational, cultural, recreational or medical or similar character, any guesthouse or other premises (other than a hotel) providing overnight guest accommodation or any public house, block of flats, club, boarding house or hostel, situated on the land on which any such advertisement is exhibited.

1. No such advertisement shall exceed 0.6 square metres in area.
2. No part of any such advertisement or an advertisement structure on which it is exhibited shall be more than 2.5 metres in height above ground level.
3. Not more than one such advertisement or, in the case of premises with entrances on different road frontages, one such advertisement for each such frontage, shall be exhibited in respect of any such premises.

CLASS 7

Advertisements exhibited on land wholly or for the most part enclosed within a hedge, fence, wall or similar screen or structure (not being land which is a public park, public garden or other land held for the use and enjoyment of the public, or a part of a railway undertaking's enclosed land normally used for the carriage of passengers or goods by rail) and not readily visible from land outside the enclosure wherein it is exhibited.

CLASS 8

Advertisements exhibited within a railway station, bus station, airport terminal or ferry terminal and which are not readily visible from outside the premises.

CLASS 9

Advertisements relating to the sale or letting of any structure or other land (not being an advertisement structure) on which they are exhibited.

1. The area of any such advertisement shall not exceed—
 - (a) in the case of an advertisement relating to the sale or letting of a house, 0.6 square metres,
 - (b) in the case of an advertisement relating to the sale or letting of any other structure or land, 1.2 square metres.
2. Not more than one such advertisement shall be exhibited on the structure or other land.
3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall remain on the structure or land, for more than 7 days after the sale or letting to which the advertisement relates.

CLASS 10

Advertisements relating to the sale on or before a date specified therein of goods or livestock, and exhibited on land where such goods or livestock are situated or where such sale is held, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of holding sales of goods or livestock.

1. No such advertisement shall exceed 0.6 square metres in area.
2. Not more than one such advertisement shall be exhibited on the land concerned.
3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall remain on the land, for more than 7 days after the date specified.

CLASS 11

Advertisements relating to the carrying out of building or similar works on the land on which they are exhibited, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of carrying out such works.

1. Where only one advertisement is exhibited, such advertisement shall not exceed 3.5 square metres in area and shall not be exhibited more than 6 metres above ground level.
2. Where more than one advertisement is exhibited, no such advertisement shall exceed 0.6 square metres in area, the total area of such advertisements shall not exceed 3.5 square metres and no such advertisement shall be exhibited more than 4 metres above ground level.
3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall remain on the land, for more than 7 days after the completion of the works.

CLASS 12

Advertisements for the purposes of announcement or direction or warning exhibited by a statutory undertaker in relation to the operation of the statutory undertaking.

CLASS 13

Advertisements for the purposes of identification, direction or warning with respect to the land or structures on which they are exhibited.

No such advertisement shall exceed 0.3 square metres in area.

CLASS 14

Advertisements relating to an election to the office of President of Ireland, an election of members of Dáil Éireann, the Parliament of the European Communities, a local authority or Údarás na Gaeltachta, or a referendum within the meaning of the Referendum Act, 1994.

No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall be left in place, for more than 7 days after the date of the election or referendum to which the advertisement relates.

CLASS 15

Advertisements required to be exhibited by or under any enactment, including advertisements the exhibition of which is so required as a condition of the valid exercise of any power, or proper performance of any function, given or imposed by such enactment, or for compliance with any procedure prescribed by or under any enactment.

CLASS 16

Advertisements other than advertisements specified in class 17 of this Part of this Schedule, announcing any local event of a religious, cultural, educational, political, social, recreational or sporting character, and advertisements relating to any temporary matter in connection with any local event of such a character, not in either case being an event promoted or carried on for commercial purposes.

1. No such advertisement shall exceed 1.2 square metres in area.
2. No such advertisement shall be exhibited more than 2.5 metres above ground level or be glued, pasted or otherwise affixed to any structure other than an advertisement structure.
3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall be left in place, for more than 7 days after the conclusion of the event or matter to which it relates.

CLASS 17

Advertisements consisting of placards, posters or bills relating to the visit of any travelling circus, funfair, carnival, show, musicians, players or other travelling entertainment.

1. No such advertisement shall exceed 1.2 square metres in area.
2. No such advertisement shall be exhibited more than 2.5 metres above ground level or be glued, pasted or otherwise affixed to any structure other than an advertisement structure.
3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall be left in place, for more than 7 days after the last performance or closing of the entertainment.

CLASS 18

An advertisement relating to any demonstration of agricultural methods or processes on the land on which the advertisement is exhibited.

1. No such advertisement shall exceed 0.6 square metres in area.
2. Not more than one such advertisement shall be exhibited on the land concerned.
3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall remain on the land, for more than 7 days after the date of the demonstration to which it relates.

Part 3

Exempted Development — Rural

Article 6

Column 1	Column 2
Description of Development	Conditions and Limitations
<i>Limited use of camping</i>	
CLASS 1	
Temporary use of any land for the placing of any tent, campervan or caravan or for the mooring of any boat, barge or other vessel used for the purpose of camping.	<p>1. Not more than one tent, campervan or caravan shall be placed within 100 metres of another tent, campervan or caravan at any time.</p> <p>2. No tent, campervan, caravan or vessel shall remain on the land for a period greater than 10 days.</p> <p>3. No tent, campervan, caravan or vessel shall be used for the storage, display, advertisement or sale of goods or for the purposes of any business.</p> <p>4. No tent, campervan or caravan shall be placed on land within 50 metres of any public road unless the land is enclosed by a wall, bank or hedge, or any combination thereof, having an average height of not less than 1.5 metres.</p>
CLASS 2	
Temporary use of land by a scouting organisation for a camp.	The land shall not be used for such purposes for any period or periods exceeding 30 days in any year.
<i>Minor works and structures</i>	
CLASS 3	
Works relating to the construction or maintenance of any gully, drain, pond, trough, pit or culvert, the widening or deepening of watercourses, the removal of obstructions from watercourses and the making or repairing of embankments in connection with any of the foregoing works.	
CLASS 4	
The construction or erection of any wall or fence, other than a fence of sheet metal, or a wall or fence within or bounding the curtilage of a house.	<p>1. The height of the wall or fence, other than a fence referred to in paragraph 2, shall not exceed 2 metres.</p> <p>2. The height of any fence for the purposes of deer farming or conservation shall not exceed 3 metres.</p>
<i>Minerals and petroleum prospecting</i>	
CLASS 5	
(a) The carrying out of works on any land for the purpose of minerals prospecting and the erection or placing on land of any structures required for that purpose, where the prospecting is carried out pursuant to and in accordance with the terms and conditions of a licence, lease or permission granted by the Minister for the Marine and Natural Resources under the Minerals Development Acts, 1940 to 1999.	
(b) The carrying out of works on any land for the purpose of searching for petroleum and the erection or placing on land of any structures required for that purpose, where the searching is carried out pursuant to and in accordance with the terms and conditions of an exploration licence, a petroleum prospecting licence or a reserved area licence granted by the Minister for the Marine and Natural Resources under the <u>Petroleum and Other Minerals Development Act, 1960</u> (No. 7 of 1960).	

CLASS 6

Works consisting of the provision of a roofed structure for the housing of cattle, sheep, goats, donkeys, horses, deer or rabbits, having a gross floor space not exceeding 200 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
5. No such structure within 100 metres of any public road shall exceed 8 metres in height.
6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

CLASS 7

Works consisting of the provision of a roofed structure for the housing of pigs, mink or poultry, having a gross floor space not exceeding 75 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The gross floor space of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 100 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
5. No such structure within 100 metres of any public road shall exceed 8 metres in height.
6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.
8. Boundary fencing on any mink holding must be escape-proof for mink.

CLASS 8

Works consisting of the provision of roofless cubicles, open loose yards, self-feed silo or silage areas, feeding aprons, assembly yards, milking parlours or structures for the making or storage of silage or any other structures of a similar character or description, having an aggregate gross floor space not exceeding 200 square metres, and any ancillary provision for effluent storage.

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 300 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use and location shall be constructed in line with Department of Agriculture, Food and Rural Development and the Department of the Environment and Local Government requirements and shall have regard to the need to avoid water pollution.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
5. No such structure within 100 metres of any public road shall exceed 8 metres in height.
6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
7. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

CLASS 9

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.
2. The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.
3. No such structure shall be situated within 10 metres of any public road.
4. No such structure within 100 metres of any public road shall exceed 8 metres in height.
5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.
6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

CLASS 10

The erection of an unroofed fenced area for the exercising or training of horses or ponies, together with a drainage bed or soft surface material to provide an all-weather surface.

1. No such structure shall be used for any purpose other than the exercising or training of horses or ponies.
2. No such area shall be used for the staging of public events.
3. No such structure shall be situated within 10 metres of any public road, and no entrance to such area shall be directly off any public road.
4. The height of any such structure shall not exceed 2 metres.

Land Reclamation

CLASS 11

Development consisting of the carrying out, on land which is used only for the purpose of agriculture or forestry, of any of the following works—

- (a) field drainage,
- (b) land reclamation,
- (c) the removal of fences,
- (d) the improvement of existing fences,
- (e) the improvement of hill grazing, or
- (f) the reclamation of estuarine marsh land or of callows, where the preservation of such land or callows is not an objective of a development plan for the area.

Miscellaneous

CLASS 12

Works consisting of the provision of a roofed structure for housing greyhounds, having a gross floor space not exceeding 50 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

1. No such structure shall be used for any purpose other than the keeping of greyhounds.
2. The gross floor space of such structure together with any other such structures situated within a premises or within 100 metres of that premises shall not exceed 75 square metres gross floor space in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use, location and the need to avoid water pollution shall be provided.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
5. No such structure within 100 metres of any public road shall exceed 8 metres in height.
6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

CLASS 13

Works consisting of the provision, for any purpose in connection with the keeping of greyhounds, of a roofless hard-surfaced yard, or of a roofless hard-surfaced enclosed area, having an area not exceeding 100 square metres (whether or not by extension of an existing yard or area) and any ancillary provision for effluent storage.

1. The gross floor space of such structure or structures together with any other such structures situated within the same complex or within 100 metres of that complex shall not exceed 150 square metres gross floor space in aggregate.
2. Effluent storage facilities adequate to serve the structure having regard to its size, use, location and the need to avoid water pollution shall be provided.
3. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

Intensive agriculture

Class 14

The use of uncultivated land or semi-natural areas for intensive agricultural purposes.

The area involved shall be less than 100 hectares.

Afforestation

CLASS 15

Initial afforestation.

CLASS 16

Replacement of broadleaf high forest by conifer species.

The area involved shall be less than 10 hectares.

Peat extraction.

CLASS 17

(a) Peat extraction in a new or extended area of less than 10 hectares.

(b) Peat extraction in a new or extended area of 10 hectares or more, where the drainage of the bogland commenced prior to the coming into force of these Regulations.

Part 4

Exempted development- Classes of Use

Article 16

CLASS 1

Use as a shop.

CLASS 2

Use for the provision of—

- (a) financial services,
- (b) professional services (other than health or medical services),
- (c) any other services (including use as a betting office),

where the services are provided principally to visiting members of the public.

CLASS 3

Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

CLASS 4

Use as a light industrial building.

CLASS 5

Use as a wholesale warehouse or as a repository.

CLASS 6

Use as a residential club, a guest house or a hostel (other than a hostel where care is provided).

CLASS 7

Use—

- (a) for public worship or religious instruction,
- (b) for the social or recreational activities of a religious body,
- (c) as a monastery or convent.

CLASS 8

Use—

- (a) as a health centre or clinic or for the provision of any medical or health services (but not the use of the house of a consultant or practitioner, or any building attached to the house or within the curtilage thereof, for that purpose),
- (b) as a crèche,
- (c) as a day nursery,
- (d) as a day centre.

CLASS 9

Use—

- (a) for the provision of residential accommodation and care to people in need of care (but not the use of a house for that purpose),
- (b) as a hospital or nursing home,
- (c) as a residential school, residential college or residential training centre.

CLASS 10

Use as—

- (a) an art gallery (but not for the sale or hire of works of art),
- (b) a museum,
- (c) a public library or public reading room,
- (d) a public hall,
- (e) an exhibition hall,
- (f) a social centre, community centre or non-residential club,

but not as a dance hall or concert hall.

CLASS 11

Use as—

- (a) a theatre,
- (b) a cinema,
- (c) a concert hall,
- (d) a bingo hall,
- (e) a skating rink or gymnasium or for other indoor sports or recreation not involving the use of motor vehicles or firearms.

SCHEDULE 3

Prescribed Notices

Article 15

Form no. 1

Site notice.

NAME OF PLANNING AUTHORITY.¹

SITE NOTICE

I, _____², intend to apply for permission / retention permission / outline permission / permission consequent on the grant of outline permission (Ref. No. of outline permission)³ for development at this site _____⁴.

The development will consist/consists⁵ of _____

_____⁶

The planning application may be inspected at the offices of the planning authority at _____⁷. A submission or observation in relation to the application may be made in writing to the planning authority on payment of a fee of €20.

Signed: _____⁸

Date of erection of site notice _____⁹

Directions for completing this notice.

Article 36

FORM NO. 2

Notice of proposed material contravention of development plan.

PLANNING AND DEVELOPMENT ACT, 2000

MATERIAL CONTRAVENTION OF DEVELOPMENT PLAN FOR

_____¹

Ref. No. in register _____

Notice is hereby given in accordance with section 34 (6) of the Planning and Development Act, 2000 that _____² intends to consider deciding to grant a permission/ retention permission / outline permission / permission consequent on the grant of outline permission (Ref. No. of outline permission)³ for

at

_____⁵

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

_____⁶

Particulars of the development may be inspected at _____⁷.

Any submission or observation as regards the making of a decision to grant permission received not later than 4 weeks after _____⁸ will be duly considered by the planning authority.

Signed: _____⁹

Date: _____

Directions for completing this form

SCHEDULE 4

Vesting Orders

Article 54

Form No. 1

Form of Vesting Order for Protected Structure

PLANNING AND DEVELOPMENT ACT, 2000 - SECTION 75

_____ (insert name of planning authority).

VESTING ORDER

WHEREAS the structure described in the Schedule hereto and shown on the map (which has been marked¹ and sealed with the seal of the planning authority) attached hereto is a protected structure within the meaning of the Planning and Development Act, 2000 (hereinafter called "the Act");

AND WHEREAS it appears to² (hereinafter called "the planning authority") that it is necessary to acquire the said structure for the protection of the said structure, and the structure is not lawfully occupied as a dwelling house by any person other than a person employed as a caretaker;

AND WHEREAS the planning authority has, in accordance with section 72(1)(a) of the Act, published a notice and, in accordance with section 72(1)(b) of the said Act, served on every owner, lessee and occupier (except tenants for a period of one month or less) a notice in relation to the compulsory acquisition of the said protected structure;

³ AND WHEREAS no objection has been submitted to the planning authority under section 73 of the Act;

³ AND WHEREAS an objection has been submitted to the planning authority under section 73 of the Act and was subsequently withdrawn;

³ AND WHEREAS an objection has been submitted to the planning authority under section 73 of the Act and has not subsequently been withdrawn, and An Bord Pleanála has granted consent to the compulsory acquisition of the said protected structure by the planning authority;

NOW THEREFORE, the planning authority, in exercise of the powers conferred on it by section 74 of the Act, hereby orders that the said protected structure shall, on _____, ⁴ vest in the planning authority in fee simple free from encumbrances and all estates, rights, titles and interests of whatsoever kind.

SCHEDULE

Description of protected structure.⁵

The official seal of the planning authority was affixed hereto this _____ day of _____, 20_____, in the presence of:

_____ ⁶ _____ ⁶ _____ ⁶

Directions for completing this form.

Article 54

Form no. 2

Form of Vesting Order for Structure or Land in Architectural Conservation Area

PLANNING AND DEVELOPMENT ACT, 2000 - SECTIONS 75 AND 83

_____ (insert name of planning authority).

VESTING ORDER

WHEREAS the structure described in the Schedule hereto and shown on the map (which has been marked¹ and sealed with the seal of the planning authority) attached hereto is a structure or other land situated within an architectural conservation area within the meaning of the Planning and Development Act, 2000 (hereinafter called "the Act");

AND WHEREAS it appears to² (hereinafter called "the planning authority") that it is necessary to acquire the structure or other land in order to preserve the character of the architectural conservation area, and —

³ the condition of the land, or the use to which the land or any structure on the land is being put, detracts, or is likely to detract, to a material degree from the character or appearance of the architectural conservation area,

³ the acquisition of the land is necessary for the development or renewal of the architectural conservation area or for the provision of amenities in the area,

AND WHEREAS the planning authority has, in accordance with section 72(1)(a) (as applied by section 83(3)) of the Act, published a notice and, in accordance with section 72(1)(b) (as applied by section 83(3)) of the said Act, served on every owner, lessee and occupier (except tenants for a period of one month or less) a notice in relation to the compulsory acquisition of the said structure or other land;

⁴ AND WHEREAS an objection has been submitted to the planning authority under section 73 (as applied by section 83(3)) of the Act and was subsequently withdrawn;

NOW THEREFORE, the planning authority, in exercise of the powers conferred on it by section 74 (as applied by section 83(3)) of the Act, hereby orders that the said structure or other land shall, on _____, ⁵ vest in the planning authority in fee simple free from encumbrances and all estates, rights, titles and interests of whatsoever kind.

Description of structure or other land.⁶

_____ 7 _____ 7 _____

Article 205

SECTION 45

VESTING ORDER

² AND WHEREAS a condition requiring the provision or maintenance of land as open space, being open space to which section 45 of the Planning and Development Act, 2000 (hereinafter called "the Act") applies, was attached to the permission;

² AND WHEREAS it was implicit/explicit¹ in the application for the permission that land would be provided or maintained as open space, being open space to which section 45 of the Planning and Development Act, 2000 (hereinafter called "the Act") applies;

AND WHEREAS on _____ (Insert date), the _____³ (hereinafter referred to as "the planning authority") served on the owner of the land a written request that, within a period of _____ (Insert period as stated in the request) commencing on that date, he or she would provide, level, plant or otherwise adapt or maintain the said land in a manner specified in the request, being a manner which, in the opinion of the planning authority, would make it suitable for the purpose for which the open space was to be provided;

AND WHEREAS the owner has failed to comply, or to secure compliance with, such request within such period:

AND WHEREAS the planning authority has, in accordance with section 45(1) of the Act, published an acquisition notice in relation to the said land and has, in accordance with section 45(2) of the Act, served a copy of the notice on the owner of the land within 10 days of the date of publication of the said notice:

² AND WHEREAS no appeal has been taken under section 45(3) of the Act;

² AND WHEREAS an appeal has been taken under section 45(3) of the Act and the appeal has been withdrawn;

² AND WHEREAS an appeal has been taken under section 45(3) of the Act and the said acquisition notice has been confirmed in relation to the land described in the Schedule hereto:

- (d) for the production of basic plant health products and of biocides,
 - (e) for the production of basic pharmaceutical products using a chemical or biological process,
 - (f) for the production of explosives.
7. A line for long-distance railway traffic, or an airport² with a basic runway length of 2,100 metres or more.
 8. (a) Inland waterways and ports for inland waterway traffic which permit the passage of vessels of over 1,350 tonnes.
 - (b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes.
 9. Waste disposal installations for the incineration, chemical treatment as defined in Annex IIA to Directive 75/442/EEC³ under heading D9, or landfill of hazardous waste (i.e. waste to which Directive 91/689/EEC⁴ applies).
 10. Waste disposal installations for the incineration or chemical treatment as defined in Annex IIA to Directive 75/442/EEC under heading D9, of non-hazardous waste with a capacity exceeding 100 tonnes per day.
 11. Groundwater abstraction or artificial groundwater recharge schemes, where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.
 12. (a) Works for the transfer of water resources between river basins, where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres per year.
 - (b) In all other cases, works for the transfer of water resources between river basins, where the multi-annual average flow of the basin of abstraction exceeds 2,000 million cubic metres per year and where the amount of water transferred exceeds 5 per cent of this flow.
 13. Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC⁵.
 14. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of gas.
 15. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.
 16. Pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 millimetres and a length of more than 40 kilometres.
 17. Installations for the intensive rearing of poultry or pigs with more than-
 - (a) 85,000 places for broilers, 60,000 places for hens,
 - (b) 3,000 places for production pigs (over 30 kilograms),
 - (c) 900 places for sows.
 18. Industrial plants for the-
 - (a) production of pulp from timber or similar fibrous materials,
 - (b) production of paper and board with a production capacity exceeding 200 tonnes per day.
 19. Quarries and open-cast mining where the surface of the site exceeds 25 hectares.
 20. Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres.
 21. Installations for storage of petroleum, petrochemical, or chemical products with a capacity of 200,000 tonnes or more.

Part 2

1. *Agriculture, Silviculture and Aquaculture*

- (a) Projects for the restructuring of rural land holdings, where the area to be restructured would be greater than 100 hectares.
- (b) The use of uncultivated land or semi-natural areas for intensive agricultural purposes, where the area to be used for such purposes would be greater than 100 hectares.
- (c) Water management projects for agriculture, including irrigation and land drainage projects, where the catchment area involved would be greater than 1,000 hectares, or where more than 20 hectares of wetland would be affected.
- (d) (i) Initial afforestation which would involve an area of 50 hectares or more.
- (ii) Replacement of broadleaf high forest by conifer species, where the area involved would be greater than 10 hectares.
- (iii) Deforestation for the purpose of conversion to another type of land use, where the area to be deforested would be greater than 10 hectares of natural woodlands or 70 hectares of conifer forest.

- (e) (i) Installations for intensive rearing of poultry not included in Part 1 of this Schedule which would have more than 40,000 places for poultry.
- (ii) Installations for intensive rearing of pigs not included in Part 1 of this Schedule which would have more than 2,000 places for production pigs (over 30 kilograms) in a finishing unit, more than 400 places for sows in a breeding unit or more than 200 places for sows in an integrated unit.
- (f) Seawater fish breeding installations with an output which would exceed 100 tonnes per annum; all fish breeding installations consisting of cage rearing in lakes; all fish breeding installations upstream of drinking water intakes; other freshwater fish breeding installations which would exceed 1 million smolts and with less than 1 cubic metre per second per 1 million smolts low flow diluting water.
- (g) Reclamation of land from the sea, where the area of reclaimed land would be greater than 10 hectares.

2. *Extractive Industry*

- (a) Peat extraction which would involve a new or extended area of 30 hectares or more.
- (b) Extraction of stone, gravel, sand or clay, where the area of extraction would be greater than 5 hectares.
- (c) All extraction of minerals within the meaning of the Minerals Development Acts, 1940 to 1999.
- (d) Extraction of stone, gravel, sand or clay by marine dredging (other than maintenance dredging), where the area involved would be greater than 5 hectares or, in the case of fluvial dredging (other than maintenance dredging), where the length of river involved would be greater than 500 metres.
- (e) All geothermal drilling and drilling for the storage of nuclear waste material; drilling, other than test drilling, for water supplies, where the expected supply would exceed 2 million cubic metres per annum.
- (f) All surface industrial installations for the extraction of coal, petroleum (excluding natural gas), ores or bituminous shale not included in Part 1 of this Schedule.
- (g) All extraction of petroleum (excluding natural gas) not included in Part 1 of this Schedule.
- (h) All onshore extraction of natural gas and offshore extraction of natural gas (where the extraction would take place within 10 kilometres of the shoreline) not included in Part 1 of this Schedule.

3. *Energy Industry*

- (a) Industrial installations for the production of electricity, steam and hot water not included in Part 1 of this Schedule with a heat output of 300 megawatts or more.
- (b) Industrial installations for carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more.
- (c) Installations for surface storage of natural gas, where the storage capacity would exceed 200 tonnes.
- (d) Installations for underground storage of combustible gases, where the storage capacity would exceed 200 tonnes.
- (e) Installations for the surface storage of fossil fuels, where the storage capacity would exceed 100,000 tonnes.
- (f) Installations for industrial briquetting of coal and lignite, where the production capacity would exceed 150 tonnes per day.
- (g) Installations for the processing and storage of radioactive waste not included in Part 1 of this Schedule.
- (h) Installations for hydroelectric energy production with an output of 20 megawatts or more, or where the new or extended superficial area of water impounded would be 30 hectares or more, or where there would be a 30 per cent change in the maximum, minimum or mean flows in the main river channel.
- (i) Installations for the harnessing of wind power for energy production (wind farms) with more than 5 turbines or having a total output greater than 5 megawatts.

4. *Production and processing of metals*

- (a) All installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting.
- (b) Installations for the processing of ferrous metals-
 - (i) hot-rolling mills and smitheries with hammers, where the production area would be greater than 500 square metres,
 - (ii) application of protective fused metal coats, where the production area would be greater than 100 square metres.
- (c) Ferrous metal foundries with a batch capacity of 5 tonnes or more or where the production area would be greater than 500 square metres.

- (d) Installations for the smelting, including the alloyage, of non-ferrous metals, excluding precious metals, including recovered products (refining foundry casting etc.), where the melting capacity would exceed 0.5 tonnes or where the production area would be greater than 500 square metres.
- (e) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process, where the production area would be greater than 100 square metres.
- (f) All installations for manufacture and assembly of motor vehicles or manufacture of motor-vehicle engines.
- (g) Shipyards, where the area would be 5 hectares or more, or with capacity for vessels of 10,000 tonnes or more (dead-weight).
- (h) All installations for the construction of aircraft with a seating capacity exceeding 10 passengers.
- (i) Manufacture of railway equipment, where the production area would be greater than 100 square metres.
- (j) Swaging by explosives, where the floor area would be greater than 100 square metres.
- (k) All installations for the roasting and sintering of metallic ores.

5. Mineral Industry

- (a) All coke ovens (dry coal distillation).
- (b) All installations for the manufacture of cement.
- (c) All installations for the production of asbestos and the manufacture of asbestos based products not included in Part 1 of this Schedule.
- (d) Installations for the manufacture of glass, including glass fibre, where the production capacity would exceed 5,000 tonnes per annum.
- (e) All installations for smelting mineral substances including the production of mineral fibres.
- (f) Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, or with a kiln capacity exceeding 4 cubic metres and with a setting density per kiln exceeding 300 kilograms per cubic metre.

6. Chemical Industry (development not included in Part 1 of this Schedule)

- (a) Installations for treatment of intermediate products and production of chemicals using a chemical or biological process.
- (b) All installations for production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides using a chemical or biological process.
- (c) Storage facilities for petroleum, where the storage capacity would exceed 50,000 tonnes.
- (d) Storage facilities for petrochemical and chemical products, where such facilities are storage to which the provisions of Articles 9, 11 and 13 of Council Directive 96/82/EC⁶ apply.

7. Food Industry

- (a) Installations for manufacture of vegetable and animal oils and fats, where the capacity for processing raw materials would exceed 40 tonnes per day.
- (b) Installations for packing and canning of animal and vegetable products, where the capacity for processing raw materials would exceed 100 tonnes per day.
- (c) Installations for manufacture of dairy products, where the processing capacity would exceed 50 million gallons of milk equivalent per annum.
- (d) Installations for commercial brewing and distilling; installations for malting, where the production capacity would exceed 100,000 tonnes per annum.
- (e) Installations for confectionery and syrup manufacture, where the production capacity would exceed 100,000 tonnes per annum.
- (f) Installations for the slaughter of animals, where the daily capacity would exceed 1,500 units and where units have the following equivalents:-

1 sheep	=	1 unit
1 pig	=	2 units
1 head of cattle	=	5 units

- (g) All industrial starch manufacturing installations.
- (h) All fish-meal and fish-oil factories.

- (i) All sugar factories.

8. *Textile, leather, wood and paper industries*

- (a) All installations for the production of paper and board not included in Part 1 of this Schedule.
- (b) Plants for the pre-treatment (operations such as washing, bleaching, mercerisation or dyeing of fibres or textiles), where the treatment capacity would exceed 10 tonnes per day.
- (c) Plants for the tanning of hides and skins, where the treatment capacity would exceed 100 skins per day.
- (d) Cellulose-processing and production installations, where the production capacity would exceed 10,000 tonnes per annum.

9. *Rubber Industry*

Installations for manufacture and treatment of elastomer based products, where the production capacity would exceed 10,000 tonnes per annum.

10. *Infrastructure projects*

- (a) Industrial estate development projects, where the area would exceed 15 hectares.
- (b)
 - (i) Construction of more than 500 dwelling units.
 - (ii) Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.
 - (iii) Construction of a shopping centre with a gross floor space exceeding 10,000 square metres.
 - (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

(In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)
- (c) All construction of railways and of intermodal transshipment facilities and of intermodal terminals not included in Part 1 of this Schedule which would exceed 15 hectares in area.
- (d) All airfields not included in Part 1 of this Schedule with paved runways which would exceed 800 metres in length.
- (e) New or extended harbours and port installations, including fishing harbours, not included in Part 1 of this Schedule, where the area, or additional area, of water enclosed would be 20 hectares or more, or which would involve the reclamation of 5 hectares or more of land, or which would involve the construction of additional quays exceeding 500 metres in length.
- (f)
 - (i) Inland waterway construction not included in Part 1 of this Schedule which would extend over a length exceeding 2 kilometres.
 - (ii) Canalisation and flood relief works, where the immediate contributing sub-catchment of the proposed works (i.e. the difference between the contributing catchments at the upper and lower extent of the works) would exceed 1,000 hectares or where more than 20 hectares of wetland would be affected or where the length of river channel on which works are proposed would be greater than 2 kilometres.
- (g) Dams and other installations not included in Part 1 of this Schedule which are designed to hold water or store it on a long-term basis, where the new or extended area of water impounded would be 30 hectares or more.
- (h) All tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport.
- (i)
 - (i) Oil pipelines and associated installations not included in Part 1 of this Schedule, where the length of new pipeline would exceed 40 kilometres.
 - (ii) Gas pipelines and associated installations not included in Part 1 of this Schedule, where the design pressure would exceed 16 bar and the length of new pipeline would exceed 40 kilometres.
- (j) Installation of overground aqueducts which would have a diameter of 1,000 millimetres or more and a length of 500 metres or more.
- (k) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dikes, moles, jetties and other sea defence works, where the length of coastline on which works would take place would exceed 1 kilometre, but excluding the maintenance and reconstruction of such works or works required for emergency purposes.
- (l) Groundwater abstraction and artificial groundwater recharge schemes not included in Part 1 of this Schedule where the average annual volume of water abstracted or recharged would exceed 2 million cubic metres.

- (m) Works for the transfer of water resources between river basins not included in Part 1 of this Schedule where the annual volume of water abstracted or recharged would exceed 2 million cubic metres.

11. *Other projects*

- (a) All permanent racing and test tracks for motorised vehicles.
- (b) Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.
- (c) Waste water treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.
- (d) Sludge-deposition sites where the expected annual deposition is 5,000 tonnes of sludge (wet).
- (e) Storage of scrap metal, including scrap vehicles where the site area would be greater than 5 hectares.
- (f) Test benches for engines, turbines or reactors where the floor area would exceed 500 square metres.
- (g) All installations for the manufacture of artificial mineral fibres.
- (h) All installations for the manufacture, packing, loading or placing in cartridges of gunpowder and explosives or for the recovery or destruction of explosive substances.
- (i) All knackers' yards in built-up areas.

12. *Tourism and leisure*

- (a) Ski-runs, ski-lifts and cable-cars where the length would exceed 500 metres and associated developments.
- (b) Sea water marinas where the number of berths would exceed 300 and fresh water marinas where the number of berths would exceed 100.
- (c) Holiday villages which would consist of more than 100 holiday homes outside built-up areas; hotel complexes outside built-up areas which would have an area of 20 hectares or more or an accommodation capacity exceeding 300 bedrooms.
- (d) Permanent camp sites and caravan sites where the number of pitches would be greater than 100.
- (e) Theme parks occupying an area greater than 5 hectares.

13. *Changes, extensions, development and testing*

- (a) Any change or extension of development which would:-
 - (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and
 - (ii) result in an increase in size greater than-
 - 25 per cent, or
 - an amount equal to 50 per cent of the appropriate threshold,whichever is the greater.
- (b) Projects in Part 1 undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than 2 years.

(In this paragraph, an increase in size is calculated in terms of the unit of measure of the appropriate threshold.)

SCHEDULE 6

Information to be contained in an EIS

Article 94

- 1.
 - (a) A description of the proposed development comprising information on the site, design and size of the proposed development.
 - (b) A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.
 - (c) The date required to identify and assess the main effects which the proposed development is likely to have on the environment.
 - (d) An outline of the main alternatives studied by the developer and an indication of the main reasons for his or her choice, taking into account the effects on the environment.
- 2. Further information, by way of explanation or amplification of the information referred to in paragraph 1, on the following matters:-
 - (a)
 - (i) a description of the physical characteristics of the whole proposed development and the land-use requirements during the construction and operational phases;

- (ii) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
- (iii) an estimate, by type and quantity, of expected residues and emissions (including water, air and soil pollution, noise, vibration, light, heat and radiation) resulting from the operation of the proposed development;
- (b) a description of the aspects of the environment likely to be significantly affected by the proposed development, including in particular:
 - human beings, fauna and flora,
 - soil, water, air, climatic factors and the landscape,
 - material assets, including the architectural and archaeological heritage, and the cultural heritage,
 - the inter-relationship between the above factors;
- (c) a description of the likely significant effects (including direct, indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative) of the proposed development on the environment resulting from:
 - the existence of the proposed development,
 - the use of natural resources,
 - the emission of pollutants, the creation of nuisances and the elimination of waste,
 and a description of the forecasting methods used to assess the effects on the environment;
- (d) an indication of any difficulties (technical deficiencies or lack of know-how) encountered by the developer in compiling the required information.

SCHEDULE 7

Criteria for determining whether a development would or would not be likely to have significant effects on the environment

Articles 103, 109 and 120

1. *Characteristics of proposed development*

The characteristics of proposed development, in particular:

- the size of the proposed development,
- the cumulation with other proposed development,
- the use of natural resources,
- the production of waste,
- pollution and nuisances,
- the risk of accidents, having regard to substances or technologies used.

2. *Location of proposed development*

The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard in particular to:

- the existing land use,
- the relative abundance, quality and regenerative capacity of natural resources in the area,
- the absorption capacity of the natural environment, paying particular attention to the following areas:
 - (a) wetlands,
 - (b) coastal zones,
 - (c) mountain and forest areas,
 - (d) nature reserves and parks,
 - (e) areas classified or protected under legislation, including special protection areas designated pursuant to Directives 79/409/EEC and 92/43/EEC,
 - (f) areas in which the environmental quality standards laid down in legislation of the EU have already been exceeded,
 - (g) densely populated areas,
 - (h) landscapes of historical, cultural or archaeological significance.

3. *Characteristics of potential impacts*

The potential significant effects of proposed development in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to:

- the extent of the impact (geographical area and size of the affected population),
- the transfrontier nature of the impact,
- the magnitude and complexity of the impact,
- the probability of the impact,
- the duration, frequency and reversibility of the impact.

SCHEDULE 8

Tables for the purposes of Part 11

Part 11

Table 1

Development Categories

1. Provision of hotel, hostel or holiday accommodation, or housing.
2. Provision of schools, crèches or other educational or childcare facilities, training centres, hospitals, convalescent homes, homes for the elderly or sheltered accommodation.
3. Retail developments greater than 250 square metres in gross floor space.
4. Structures for community and leisure facilities, greater than 100 square metres in gross floor space.
5. Provision of facilities or use of land for activities likely to attract more than 1,000 people at any one time.
6. Commercial or industrial development designed to accommodate 20 or more employees.
7. Provision of parking facilities for more than 200 motor vehicles.
8. Transport links, including public roads.
9. Any development adjoining, or separated only by a road from, an establishment and which poses a risk of fire or explosion.
10. Modifications to categories 2, 3, 4, 6 or 7 which would give rise to an increase in size or capacity of 20 per cent or more.

Table 2

Distances from establishments

Column 1	Column 2
Type of establishment	Distance from establishment perimeter (metres)
Establishment where pressurised flammable substances (including liquefied petroleum gas) are stored in bulk -	
- above ground	600
- mounded/underground	
[not less than or equal to] 100 tonnes	100
> 100 tonnes.	200
Establishment where pressurised or refrigerated toxic substances (including ammonia) are present -	
- in bulk storage	2,000
- in cylinder or drum storage.	700
Establishment consisting of or comprising a warehouse where chemicals are present.	700
Establishment where non-pressurised flammable substances are stored in bulk.	300
Establishment where chemical processing involving flammable or toxic substances takes place.	1,000
Establishment where chemical processing, which involves the risk of dust explosion, takes place.	300
Establishment where explosives are manufactured.	1,000

SCHEDULE 9

Fees for Planning Applications

Part 12

Section 1

Interpretation

1. For the purposes of this Schedule, where appropriate, the "provision" of a house, building or other structure means-

- (a) the carrying out of works,
- (b) the making of a material change in the use of a structure, or
- (c) the retention of an unauthorised development.

2. (a) Subject to paragraph (b), at references 6, 7, 11 and 12 of column 1 of Section 2 of this Schedule "use of land" shall include the retention of an unauthorised use of land, and the carrying out of works, or the retention of structures, on, in or under the land which are incidental to the use.

(b) At reference 11 of column 1 of Section 2 of this Schedule, "use of land" shall not include the carrying out of works for the provision of a club house or related facilities for persons using the golf course or pitch and putt course, or the retention of any such structures.

Section 2

Scale of Fees for Planning Applications

Column 1	Column 2	Column 3
Class of Development	Amount of fee	Amount of Fee for Retention Permission
1. The provision of a house.	€65.	€195, or €2.50 for each square metre of gross floor space for which permission is sought, whichever is the greater.
2. (a) Any works for the carrying out of maintenance, improvement or other alteration of an existing house (including any works for the provision of an extension or the conversion for use as part of the house of any garage, store, shed or other structure).	€34	€102, or €2.50 for each square metre of gross floor space for which permission is sought, whichever is the greater.
(b) Any other works, including the erection, construction or alteration of structures, within or bounding the curtilage of an existing house, for purposes ancillary to the enjoyment of the house as such.	€34.	€102, or €2.50 for each square metre of gross floor space for which permission is sought, whichever is the greater.
3. The provision of buildings or other structures for the purposes of agriculture or the keeping of greyhounds.	(i) In the case of buildings, €80 for each building, or €1 for each square metre of gross floor space to be provided in excess of 50 square metres in the case of a building for the keeping of greyhounds or 200 square metres in any other case, whichever is the greater, (ii) in the case of any other structures, €80 for each structure, subject to a maximum of €300	(i) In the case of buildings, €240 for each building, or €3 for each square metre of gross floor space to be provided in excess of 50 square metres in the case of a building for the keeping of greyhounds or 200 square metres in any other case, whichever is the greater, (ii) in the case of any other structures, €240 for each structure, subject to a maximum of €900.
4. The provision of buildings other than buildings coming within class 1, 2 or 3.	€80 for each building, or €3.60 for each square metre of gross floor space to be provided, whichever is the greater.	€240 for each building, or €10.80 for each square metre of gross floor space to be provided, whichever is the greater.
5. (a) The use of uncultivated land or semi-natural areas for intensive agricultural purposes.	€5 for each hectare of site area.	€15 for each hectare of site area.
(b) Initial afforestation.	€5 for each hectare of site area.	€15 for each hectare of site area.
(c) The replacement of broad-leaf high forest by conifer species.	€80, or €5 for each hectare of site area, whichever is the greater.	€240, or €15 for each hectare of site area, whichever is the greater.
(d) Peat extraction.	€5 for each hectare of site area.	€15 for each hectare of site area.
6. The use of land for—	€500, or €50 for each 0.1 hectare of site area, whichever is the greater.	€1500, or €150 for each 0.1 hectare of site area, whichever is the greater.
(a) the winning and working of minerals,		
(b) the deposit of refuse or waste.		

7. The use of land for— (a) the keeping or placing of any tents, campervans, caravans or other structures (whether or not movable or collapsible) for the purpose of caravanning or camping or the sale of goods, (b) the parking of motor vehicles, (c) the open storage of motor vehicles or other objects or substances.	€80, or €50 for each 0.1 hectare of site area, whichever is the greater.	€240, or €150 for each 0.1 hectare of site area, whichever is the greater.
8. The provision on, in over or under land of plant or machinery, or of tanks or other structures (other than buildings) for storage purposes.	€200, or €50 for each 0.1 hectare of site area, whichever is the greater.	€600, or €150 for each 0.1 hectare of site area, whichever is the greater.
9. The provision of an advertisement structure or the use of an existing structure or other land for the exhibition of advertisements.	€80, or €20 for each square metre, or part thereof, of advertising space to be provided, whichever is the greater.	€240, or €60 for each square metre, or part thereof, of advertising space to be provided, whichever is the greater.
10. The provision of overhead transmission or distribution lines for conducting electricity, or overhead telecommunications lines.	€80, or €50 for each 1,000 metres length, or part thereof, whichever is the greater.	€240, or €150 for each 1,000 metres length, or part thereof, whichever is the greater.
11. The use of land as a golf course or a pitch and putt course.	€50 for each hectare of site area.	€150 for each hectare of site area.
12. The use of land as a burial ground.	€200, or €50 for each hectare of site area, whichever is the greater.	€600, or €150 for each hectare of site area, whichever is the greater.
13. Development not coming within any of the foregoing classes.	€80, or €10 for each 0.1 hectare of site area, whichever is the greater.	€240, or €30 for each 0.1 hectare of site area, whichever is the greater.

Section 3

Maximum and minimum fees for planning applications

1. The maximum fee payable to a planning authority by an applicant in respect of an outline application shall be €28,500.
2. The maximum fee payable to a planning authority by an applicant in respect of an application to which article 161 applies shall be €9,500.
3. The maximum fee payable to a planning authority by an applicant in respect of an application for permission for retention of unauthorised development applies shall be €125,000.
4. The maximum fee payable to a planning authority by an applicant in respect of any planning application other than an application mentioned in paragraph 1, 2 or 3 shall be €38,000.
5. The minimum fee payable to a planning authority by an applicant in respect of a planning application shall be €34 and, in any case where the planning authority make a refund in respect of a planning application, the refund shall not be such as to reduce the balance of the fee to less than €34.

SCHEDULE 10

Miscellaneous Fees

Part 12

Column 1	Column 2
	Amount of Fee
Submission or observation on a planning application.	€20
Request for a declaration under section 5 of the Act.	€80
Application under section 42 of Act.	€62

SCHEDULE 11

Declarations

Article 181

Form No. 1

Declaration to the Board of estate or interest

PLANNING AND DEVELOPMENT ACT, 2000

SECTION 147

I, _____, hereby give to An Bord Pleanála the following declaration of interests in compliance with the requirements of section 147 of the Planning and Development Act, 2000 —

(a) particulars¹ of any estate or interest which I have in any land² —

(b) particulars of any business of dealing in, or developing, land in which I am engaged or employed and of any such business carried on by a company or other body of which I am, or any nominee of mine is, a member—

(c) particulars of any profession, business or occupation in which I am engaged, whether on my own behalf or otherwise, and which relates to dealing in or developing land—

I hereby declare that the foregoing is a true and complete declaration of every interest of mine which is an interest to which section 147 of the Planning and Development Act, 2000 applies.

Signature_____

Date_____

Instructions for completing this form.

Article 181

Form No. 2

Declaration to a planning authority of estate or interest

PLANNING AND DEVELOPMENT ACT, 2000

SECTION 147

I, _____, hereby give to the planning authority,

¹ of which I am a member,

¹ under which I hold the office of _____.

the following declaration of interests in compliance with the requirements of section 147 of Planning and Development Act, 2000 :

(a) particulars² of any estate or interest which I have in any land³ —

(b) particulars of any business of dealing in, or developing, land in which I am engaged or employed and of any such business carried on by a company or other body of which I am, or any nominee of mine is, a member—

(c) particulars of any profession, business or occupation in which I am engaged, whether on my own behalf or otherwise, and which relates to dealing in or developing land—

I hereby declare that the foregoing is a true and complete declaration of every interest of mine which is an interest to which section 147 of the Planning and Development Act, 2000 applies.

Signature _____

Date _____

Directions for completing this form.

SCHEDULE 12

Licence fees under Section 254 of the Act in respect of specified appliances, apparatus and structures.

Article 202

Column 1	Column 2
Appliance, apparatus or Structure	Licence fee
<i>Part 1</i>	
Appliances, apparatus and structures:	
(a) A vending machine or coin operated machine (not being a weighing machine).	€125
(b) A town or landscape map for indicating directions or places.	€25
(c) A hoarding, fence or scaffold (not being a hoarding, fence or scaffold bounding a public road).	€1250
(d) An advertisement structure.	€630
(e) A cable, wire or pipeline (not being a cable for conducting electricity for domestic or agricultural purposes or a drain or waterpipe).	€25 per 100 metres length or part thereof.
(f) A telephone kiosk or pedestal.	€630
(g) A case, rack, shelf or other appliance, apparatus or structure for displaying articles, whether or not for the purpose of advertisement or sale in or in connection with any adjacent business premises.	€125
(h) Tables and chairs outside a hotel, restaurant, public house or other establishment where food is sold for consumption on the premises.	€125 per table
(i) An advertisement consisting of any text, symbol, emblem, model, device or logo.	€630
(j) A pipe or an appliance with a pipe attachment for dispensing air or water, not being a pipe or appliance attached to a petrol or oil pump.	€25
(k) A weighing machine.	€63
(l) A bring facility.	€25
<i>Part 2</i>	
(a) A cabinet used as part of a wired broadcast relay system by a person licensed under the Wireless Telegraphy (Wired Broadcast Relay Licence) Regulations, 1974.	€125
(b) A lamp-post.	€25
(c) A bridge, arch, tunnel, passage or other similar structure used or intended for use other than by the public and constructed on or after 1 October 1964.	€125
(d) A cellar or other underground structure constructed on or after 1 October 1964.	€125
(e) A cable for conducting electricity for domestic or agricultural purposes.	€125



GIVEN under the Official Seal of the Minister
for the Environment and Local Government
this 19th day of December, 2001.
Noel Dempsey, T.D.

Minister for the Environment and Local Government.

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 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,
 - (f) where a planning application relates to development in a strategic development zone, an indication of that fact, or
 - (g) 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 Accident Directive), an indication of that fact.
 7. The address and public opening hours of the planning authority should be inserted here.
 8. 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.
 9. The date that the notice is erected or fixed at the site should be inserted here.
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 be appropriate).
 6. State which objective of the development plan would be materially contravened by granting the permission.
 7. Insert address and public opening hours of office of planning authority.
 8. Insert date of first publication of notice.
 9. Insert description of the person signing form, e.g. Town Clerk.
1. The map should be sealed and marked by a heading containing a reference to the order, e.g. "Map referred to in vesting order made under section 74 of the Planning and Development Act, 2000, on the _____ day of _____, 20____, by _____ (name of planning authority)".
 2. Insert full description of planning authority.
 3. Delete whichever recitals do not apply.
 3. Delete whichever recitals do not apply.
 3. Delete whichever recitals do not apply.
 4. Section 75(2) of the Planning and Development Act, 2000 provides that the vesting date shall be a specified date not earlier than 3 weeks after the making of the vesting order.

5. The description and location of the protected structure should be set out, with an appropriate reference to the manner in which the structure is shown on the map and its identifying number in the relevant record of protected structures.
6. The description of the persons in whose presence the seal is affixed should be stated, e.g. "the Lord Mayor", "Mayor", "Cathaoirleach", "Nominated Member", "Manager", etc.
6. The description of the persons in whose presence the seal is affixed should be stated, e.g. "the Lord Mayor", "Mayor", "Cathaoirleach", "Nominated Member", "Manager", etc.
6. The description of the persons in whose presence the seal is affixed should be stated, e.g. "the Lord Mayor", "Mayor", "Cathaoirleach", "Nominated Member", "Manager", etc.
1. The map should be sealed and marked by a heading containing a reference to the order, e.g. "Map referred to in vesting order made under section 74 (as applied by section 83(3)) of the Planning and Development Act, 2000, on the day of, by (name of planning authority)".
2. Insert full description of planning authority.
3. Delete whichever words do not apply.
3. Delete whichever words do not apply.
4. Delete whichever recitals which do not apply.
4. Delete whichever recitals which do not apply.
4. Delete whichever recitals which do not apply.
5. Section 75(2) (as applied by section 83(3)) of the Planning and Development Act, 2000 provides that the vesting date shall be a specified date not earlier than 3 weeks after the making of the vesting order.
6. The description and location of the protected structure should be set out, with an appropriate reference to the manner in which the structure is shown on the map and its identifying number in the relevant record of protected structures.
7. The description of the persons in whose presence the seal is affixed should be stated, e.g. "the Lord Mayor", "Mayor", "Cathaoirleach", "Nominated Member", "Manager", etc.
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7. The description of the persons in whose presence the seal is affixed should be stated, e.g. "the Lord Mayor", "Mayor", "Cathaoirleach", "Nominated Member", "Manager", etc.
1. Delete words which do not apply.
1. Delete words which do not apply.
2. Delete whichever recitals do not apply.
2. Delete whichever recitals do not apply.
1. Delete words which do not apply.
3. Insert full description of planning authority.
2. Delete whichever recitals do not apply.
2. Delete whichever recitals do not apply.
2. Delete whichever recitals do not apply.
1. Delete words which do not apply.
4. The map should be sealed and marked by a heading containing a reference to the order e.g. "Map referred to in order made under section 45 of the Planning and Development Act, 2000, on the _____ day of _____, 20_____, by _____ (name of planning authority)".
5. The vesting date can be the date of the order or any subsequent date.
6. The quantity, description and situation of the land should be set out, with an appropriate reference to the manner in which the land is shown on the map.
7. The description of the persons in whose presence the seal is affixed should be stated e.g. "Lord Mayor", "Mayor", "Cathaoirleach", "Nominated Member", "Manager", etc.
7. The description of the persons in whose presence the seal is affixed should be stated e.g. "Lord Mayor", "Mayor", "Cathaoirleach", "Nominated Member", "Manager", etc.

7. The description of the persons in whose presence the seal is affixed should be stated e.g. "Lord Mayor", "Mayor", "Cathaoirleach", "Nominated Member", "Manager", etc.

- 1 Nuclear power stations and other nuclear reactors cease to be such an installation when all nuclear fuel and other radioactively contaminated elements have been removed permanently from the installation site.
- 2 In this context, "airport" means an airport which complies with the definition in the 1944 Chicago Convention for setting up the International Civil Aviation Organisation (Annex IV).
- 3 OJ No. L 194, 25.7.1995, p. 39. Directive as amended by Commission Decision 94/3/EC (OJ No. L 5, 7.1.1994, p. 15).
- 4 OJ No. L 337, 31.12.1991, p. 20. Directive as amended by Directive 94/31 EC (OJ No. L 168, 2.7.1994, p. 28).
- 5 OJ No. L 135, 30.6.1991, p. 40. Directive as amended by the 1994 Act of Accession.
- 6 OJ No. L 10, 14.1.1997, p. 13.

(1) Include the location of the land and the area of the planning authority in which the land is situated.

(2) Include estates or interests held in any land other than an interest in land consisting of a private home, that is to say, a building or part of a building that is occupied by the person (or his or her spouse or a child of the person or of the spouse) as a separate dwelling and any garden or other land usually occupied with the dwelling, being land that is subsidiary or ancillary to it, is required for its amenity or convenience and is not being used or developed primarily for commercial purposes.

(1) Delete words which do not apply.

(1) Delete words which do not apply.

(2) Include the location of the land and the area of the planning authority in which the land is situated.

(3) Include estates or interests held in any land other than an interest in land consisting of a private home, that is to say, a building or part of a building that is occupied by the person (or his or her spouse or a child of the person or of the spouse) as a separate dwelling and any garden or other land usually occupied with the dwelling, being land that is subsidiary or ancillary to it, is required for its amenity or convenience and is not being used or developed primarily for commercial purposes.