



STATUTORY INSTRUMENTS.

**S.I. No. 476 of 2011**



PLANNING AND DEVELOPMENT (AMENDMENT) (NO. 3)  
REGULATIONS 2011.

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PLANNING AND DEVELOPMENT (AMENDMENT) (NO. 3)  
REGULATIONS 2011.

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PLANNING AND DEVELOPMENT (AMENDMENT) (NO. 3)  
REGULATIONS 2011.

The Minister for the Environment, Community and Local Government, in exercise of the powers conferred on him by sections 11, 12, 13, 20, 24, 33, 37I, 142, 172, 175, 181B, 177N, 177AD, 182B, 182D and 262 of the Planning and Development Act 2000, as amended, hereby makes the following Regulations:

*Citation*

1. (1) These Regulations may be cited as the Planning and Development (Amendment) (No. 3) Regulations 2011.

(2) These Regulations and the Planning and Development Regulations 2001 to 2011 shall be construed as one and may be collectively cited as the Planning and Development Regulations 2001 to 2011.

*Commencement*

2. These Regulations shall come into operation on the date of signature.

*Interpretation*

3. In these Regulations, unless otherwise stated,

“the Regulations” means the Planning and Development Regulations 2001 (S.I. No. 600 of 2001), as amended,

“the Act” means the Planning and Development Act 2000 (No. 30 of 2000), as amended,

“the Board” means An Bord Pleanála.

*Amendment of Article 3 of the Regulations*

4. The following definitions are inserted into article 3 of the Regulations:

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

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

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

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

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 27th September, 2011.*

*Amendment of Article 13 of the Regulations*

5. Article 13 of the Regulations is amended by the insertion after paragraph (l) of the following paragraph:

“(la) EirGrid,

“(lb) the Environmental Protection Agency,”.

*Amendment of Article 15 of the Regulations*

6. Article 15 of the Regulations is amended by the insertion after paragraph (m) of the following paragraph:

“(ma) EirGrid,

“(mb) the Environmental Protection Agency,”.

*Amendment of Article 27 of the Regulations*

7. Article 27(2) of the Regulations is amended by the deletion of “taking account of the preferences outlined by applicants in their applications”.

*Amendment of Article 32 of the Regulations*

8. Article 32(2) of the Regulations is amended by the deletion of “taking account of the preferences outlined by applicants in their applications”.

*Amendment of Article 33 of the Regulations*

9. Article 33 of the Regulations is amended in sub-article (3) by the substitution of “the request for further information under sub-article (1)” for “requirement for further information”.

*Amendment of Article 35 of the Regulations*

10. Article 35 of the Regulations is amended by the deletion of sub-article (4).

*Amendment of Article 67 of the Regulations*

11. Article 67(b) of the Regulations is amended by the substitution of “134” for “134(5)”.

*Amendment of Article 72 of the Regulations*

12. Article 72 of the Regulations is amended:

(a) in sub-article (1) by the insertion of “, section 177AE(3), section 181A” after “section 175(3)” in paragraph (c) and (d) and by the insertion of the following paragraphs after paragraph (d)—

“(e) the applications for substitute consent and applications for leave to apply for substitute consent received by the Board, and

(f) the applications for substitute consent decided or withdrawn and the applications for leave to apply for substitute consent decided or withdrawn.”;

- (b) in sub-article (6) by the insertion of “, section 177AE(3), section 181A” after “section 175(3)” and by the insertion of “or NIS, or both, where appropriate” after “EIS”;
- (c) in sub-article (7) by the insertion of “, section 177AE(3), section 181A” after “section 175(3)”; and
- (d) by the insertion of the following sub-articles after sub-article (7):

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

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

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

- (a) the name of the applicant,
- (b) the name of the planning authority,
- (c) the nature and location of the development, and
- (d) the nature of the decision of the Board and the date of the decision.”.

*Amendment of Article 97 of the Regulations*

13. Article 97 of the Regulations is amended by the insertion of “and one electronic copy” after “10 copies”.



*Substitution of Article 103 of the Regulations*

14. Article 103 of the Regulations is substituted by the following:

“103. (1) Where a planning application for sub-threshold development is not accompanied by an EIS, and the likelihood of significant effects on the environment cannot be excluded by the planning authority, the planning authority shall make a determination as to whether the development would be likely to have significant effects on the environment and where it determines that the development would be likely to have such significant effects it shall, by notice in writing, require the applicant to submit an EIS and to comply with the requirements of article 105.

(2) Where a planning application for sub-threshold development is not accompanied by an EIS, and the development would be located on, or in, or have the potential to impact on—

- (a) a European site,
- (b) an area the subject of a notice under section 16(2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),
- (c) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,
- (d) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976) as amended by sections 26 and 27 of the Wildlife (Amendment) Act 2000,
- (e) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976 as amended by section 28 of the Wildlife (Amendment) Act 2000,
- (f) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed,
- (g) a place or site which has been included by the Minister for Arts, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website,

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

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

(4) Where an EIS is submitted to a planning authority under section 172(1C) or sub-article (1), the planning authority may, irrespective of whether it has already sought further information under article 33, within 8 weeks of receipt of the EIS seek further information in relation to the EIS, and in such case the provisions of article 35 shall apply where relevant.”

*Amendment of Article 107 of the Regulations*

15. Article 107 of Regulations is amended by:

(a) the substitution of the following sub-article for sub-article (1)—

“(1) Where a planning application is accompanied by an EIS, a notice given by a planning authority under article 28(2) shall indicate that fact and shall state that the EIS shall be made available to the prescribed body on request and the planning authority shall comply with any such request as soon as possible.”

and

(b) the substitution of the following paragraph for paragraph (a) of sub-article (2)—

“(a) notify the bodies prescribed under article 28, as appropriate, including any body to which notice has been given under article 28(2), indicating that a copy of the EIS will be made available to the body on request and that a submission or observation in relation to the EIS may be made in writing to the planning authority within 5 weeks of the date of receipt by the authority of the EIS and the planning authority shall comply as soon as possible with any request for an EIS under this paragraph.”.

*Amendment of Article 108 of the Regulations*

16. Article 108(2) of the Regulations is amended by the deletion of “, in accordance with article 33”.

*Substitution of Article 109 of the Regulations*

17. Article 109 of the Regulations is substituted by the following:

“109. (1) Where an appeal received by the Board relates to a planning application for a class of development specified in Schedule 5 which exceeds a quantity, area or other limit specified in that Schedule for that class of development, and an EIS was not submitted to the planning authority in respect of the planning application, the Board shall require the applicant to submit an EIS to the Board.

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

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

- (a) a European site,
- (b) an area the subject of a notice under section 16(2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),
- (c) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,
- (d) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976) as amended by sections 26 and 27 of the Wildlife (Amendment) Act 2000,
- (e) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976 as amended by section 28 of the Wildlife (Amendment) Act 2000,
- (f) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed,
- (g) a place or site which has been included by the Minister for Arts, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website,

the Board shall, in determining whether the development would or would not be likely to have significant effects on the environment, have regard to

the likely significant effects of the development on such site, area, land, place or feature, as appropriate.

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

*Substitution of Article 112 of the Regulations*

18. Article 112 of the Regulations is substituted by the following:

*“Further notice where Board requires an EIS*

112. (1) Where an EIS is required by the Board under article 109(1) or (2), the applicant shall, not more than 2 weeks before submitting the EIS, publish notice of the intention to submit the EIS in at least one approved newspaper.

(2) A notice under sub-article (1) shall contain as a heading “An Bord Pleanála”, and shall state—

- (a) the name of the applicant,
- (b) the name of the planning authority,
- (c) the location, townland or postal address of the land or structure to which the application relates (as may be appropriate),
- (d) the date of the planning application and its reference number in the register,
- (e) the nature and extent of the development,
- (f) that, following a requirement of the Board, an EIS will be submitted to the Board in connection with the application,
- (g) that the EIS will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the offices of the Board, and
- (h) that a submission or observation in relation to the EIS may be made in writing to the Board on payment of the appropriate fee within 5 weeks of the date of receipt by the Board of the EIS.

(3) An EIS submitted under article 109(1) or (2) shall be accompanied by a copy of the relevant page of the newspaper in which a notice under sub-article (1) was published.

(4) Where it appears to the Board that a notice published under sub-article (1)—

- (a) does not comply with any of the requirements of sub-articles (1) or (2), or
- (b) because of its content or for any other reason, is misleading or inadequate for the information of the public,

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

(5) Where an EIS is received by the Board pursuant to a requirement under article 109(1) or (2) the Board shall—

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

*Amendment of Article 118 of the Regulations*

19. Article 118(d) of the Regulations is amended by the insertion of “, a copy of each notice” after “Act”.

*Amendment of Article 120 of the Regulations*

20. Article 120 of the Regulations is amended:

- (a) by the substitution of the following for sub-articles (1), (2) and (3)—

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

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

- (a) a European site,
- (b) an area the subject of a notice under section 16(2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),
- (c) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,
- (d) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976) as amended by sections 26 and 27 of the Wildlife (Amendment) Act 2000,
- (e) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976 as amended by section 28 of the Wildlife (Amendment) Act 2000,
- (f) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed,
- (g) a place or site which has been included by the Minister for Arts, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website,

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

- (3) (a) The Board shall, where it considers that sub-threshold development proposed to be carried out by a local authority would be likely to have significant effects on the environment, require the local authority to prepare, or cause to be prepared, an EIS in respect thereof.
- (b) Where any person considers that a development proposed to be carried out by a local authority would be likely to have significant effects on the environment, he or she may apply to the Board for a determination

as to whether the development would be likely to have such significant effects and the Board shall make a determination on the matter as soon as possible.

- (c) An application for a determination under paragraph (b) shall, in order to be considered by the Board, state the reasons for the forming of the view that the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development is considered to fall.
- (d) Where the Board makes a determination under paragraph (b) that a development would be likely to have significant effects on the environment it shall require the local authority to prepare, or cause to be prepared, an EIS in respect thereof.
- (e) For the purposes of paragraphs (a) and (b), a local authority shall provide information requested by the Board in relation to a sub-threshold development proposed to be carried out by the local authority.”

and

(b) by the substitution of the following for sub-article (7):

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

*Insertion of new Chapter 4A into Part 10 of the Regulations*

21. The following Chapter is inserted after Chapter 4 of Part 10:

“CHAPTER 4A

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

*Sub-threshold EIS*

123A. (1) Where a State authority proposes to carry out a sub-threshold development prescribed under section 181 of the Act and the likelihood of significant effects on the environment cannot be excluded by the authority, the authority shall make a determination as to whether the development would be likely to have significant effects on the environment, and where the

authority determines that the development would be likely to have such significant effects it shall prepare, or cause to be prepared, an EIS in respect thereof.

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

- (a) a European site,
- (b) an area the subject of a notice under section 16(2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),
- (c) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,
- (d) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976) as amended by sections 26 and 27 of the Wildlife (Amendment) Act 2000,
- (e) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976 as amended by section 28 of the Wildlife (Amendment) Act 2000,
- (f) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed,
- (g) a place or site which has been included by the Minister for Arts, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website,

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

- (3) (a) The Board shall, where it considers that sub-threshold development prescribed under section 181 of the Act proposed to be carried out by a State authority would be likely to have significant effects on the environment, require the State authority to prepare, or cause to be prepared, an EIS in respect thereof and



to submit an application for approval under sub-article (5).

- (b) Where any person considers that a development proposed to be carried out by a State authority under section 181 would be likely to have significant effects on the environment, he or she may apply to the Board for a determination as to whether the development would be likely to have such significant effects and the Board shall make a determination on the matter as soon as possible.
- (c) An application for a determination under paragraph (b) shall, in order to be considered by the Board, state the reasons for the forming of the view that the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development is considered to fall.
- (d) Where the Board makes a determination under paragraph (b) that a development would be likely to have significant effects on the environment it shall require the State authority to prepare, or cause to be prepared, an EIS in respect thereof.
- (e) For the purposes of paragraphs (a) and (b), a State authority shall provide information requested by the Board in relation to a sub-threshold development proposed to be carried out by the State authority.

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

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

(6) An application for approval under sub-article (5) shall be deemed to be an application for approval under section 181A of the Act and the provisions of that section shall apply to the application.

(7) Where a State authority makes a determination under sub-article (1) that a proposed development would not be likely to have significant effects on the environment, it shall, in addition to the documents specified in article 89, make the determination, including the main reasons and consideration on which the determination is based, available for inspection or

purchase at a fee not exceeding the reasonable cost of making a copy, in accordance with that article.”.

*Insertion of new Article 132A into the Regulations*

22. The following article is inserted after article 132 of the Regulations:

*“Substitute consent applications*

132A. For the purposes of this Chapter an application for approval to the Board includes an application for substitute consent and all references to applications for approval shall be construed accordingly.”.

*Amendment of Article 213 of the Regulations*

23. Article 213 is amended in sub-articles (2) and (3) by the insertion of “and, where the application is accompanied by an NIS, of the NIS” after “environmental impact statement”.

*Amendment of Article 214 of the Regulations*

24. Article 214 is amended in sub-article (1)(a) by the insertion of “and, where the application is accompanied by an NIS, of the NIS” after “environmental impact statement”.

*Insertion of new Articles 214A and 214B into the Regulations*

25. The following articles are inserted after article 214:

*“Submission of NIS*

214A. (1) Where an application is made to the Board under section 37E of the Act and the applicant considers that the proposed development would be likely to have a significant effect on a European site he or she may submit an NIS with his or her application.

(2) Where an NIS is submitted to the Board in accordance with sub-article (1),

(a) the notice published in a newspaper under section 37E(3) shall—

- (i) state that a Natura impact statement has been prepared in respect of the proposed development,
- (ii) specify the times and places at which and the period (not being less than 6 weeks) during which a copy of the Natura impact statement may be inspected free of charge or purchased at a specified fee (which fee shall not exceed the reasonable cost of making such copy),
- (iii) invite the making of submissions in relation to the likely effects on a European site of the proposed development if carried out.

- (b) the applicant shall, when complying with the requirements of section 37E(3)(b) and (c) of the Act, also send an equal number of copies of the NIS to the planning authority or authorities and prescribed bodies concerned.

*NIS required by the Board*

214B. (1) Where an application to the Board under sections 37E, 181A, 182A or 182C of the Act is not accompanied by an NIS, and an NIS is required by the Board under 177T(5), the applicant shall, not more than 2 weeks before submitting the NIS, publish a notice in at least one newspaper circulating in the area or areas in which it is proposed to carry out the development—

- (a) indicating the nature and location of the proposed development,
- (b) stating that he or she has made an application to the Board under sections 37E, 181A, 182A or 182C of the Act, as the case may be,
- (c) stating that the Board has requested the applicant to submit a Natura impact statement under section 177T(5) of the Act,
- (d) specifying the times and places at which, and the period (not being less than 4 weeks) during which a copy of the application and the Natura impact statement may be inspected free of charge or purchased on payment of a specified fee (which fee shall not exceed the reasonable cost of making such copy),
- (e) inviting the making, during such period, of submissions and observations to the Board relating to the effects on a European site of the proposed development, if carried out, and
- (f) specifying the types of decision the Board may make, under section 37G, 181B, 182B and 182D of the Act, as the case may be, in relation to the application.

(2) Where an NIS is required by the Board under 177T(5) in respect of an application to the Board under sections 37E, 181A, 182A or 182C of the Act, the Board shall, as soon as possible after receipt of such NIS, send a copy of the NIS to the local authority or each local authority in whose area the proposed development would be situate and to any bodies prescribed under the relevant sections as appropriate, together with a notice stating that submissions may be made to the Board, within a period specified by the Board in the notice, in relation to the likely effects of the proposed development on a European site if carried out.”

*Insertion of Part 19, Part 20 and Part 21 into the Regulations*

26. The following Parts are inserted after Part 18 of the Regulations:

## “PART 19

APPLICATION TO AN BORD PLEANÁLA FOR SUBSTITUTE  
CONSENT UNDER SECTION 177E OF THE ACT*Notice of application for substitute consent*

223. (1) An applicant shall within the period of 2 weeks before the making of an application for substitute consent under section 177E of the Act—

- (a) give notice of the intention to make the application in a newspaper in accordance with article 224, and
- (b) give notice of the intention to make the application by the erection or fixing of a site notice in accordance with article 225.

(2) Where the last day of the 2-week period referred to in sub-article (1) is a Saturday, Sunday, a public holiday (within the meaning of the Organisation of Working Time Act 1997 (No. 20 of 1997)), or any other day on which the offices of the Board are closed, the application shall be valid if received on the next following day on which the offices of the Board are open.

(3) The requirement of sub-article (1)(b) shall not apply in relation to an application for development consisting of the construction or erection by an electricity 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*

224. A notice published in accordance with article 223(1)(a) shall be published in a newspaper approved under article 18(2) by the planning authority for the area in which the development the subject of the application for substitute consent is located, shall contain as a heading “Application to An Bord Pleanála for Substitute Consent” and shall—

- (a) state the name of the applicant,
- (b) state the location, townland or postal address of the land or structure to which the application relates (as may be appropriate),
- (c) give a brief description of the nature and extent of the development, including—
  - (i) where the application relates to development consisting of or comprising the provision of houses, the number of houses provided,
  - (ii) where the application relates to development consisting of or comprising the carrying out of works to a protected structure or proposed protected structure, an indication of that fact,

- (iii) where the application relates to development comprising or for the purposes of an activity requiring an integrated pollution prevention and control licence or a waste licence, an indication of that fact,
- (iv) where the application relates to development in a strategic development zone, an indication of that fact,
- (d) state that the application is accompanied by a remedial EIS or remedial NIS, or both of those statements, where that is the case,
- (e) state that the application and accompanying documentation may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the Board and the relevant planning authority during its public opening hours and that a submission or observation in relation to the application may be made to the Board in writing within the period of 5 weeks beginning on the date of receipt by the Board of the application.

*Site notice*

225. (1) A site notice erected or fixed on any land or structure in accordance with article 223(1)(b) shall—

- (a) be in the form set out at Form No. 6 of Schedule 3, or a form substantially to the like effect, and
- (b) be inscribed or printed in indelible ink on a white background, affixed on rigid, durable material and secured against damage from bad weather and other causes.

(2) The provisions of article 19(1)(c), 19(2) and 19(3), shall apply to a notice erected or fixed under sub-article (1), save that a reference to the planning authority shall be construed as a reference to the Board.

*Time limits for site notice*

226. In addition to the requirements of articles 223(1)(b) and 225, a site notice shall be maintained in position on the land, shall be renewed or replaced if it is removed or becomes defaced or illegible and shall not be removed by the applicant prior to notification of the Board's decision under section 177K of the Act.

*Content of applications for substitute consent generally*

227. (1) An application for substitute consent shall be made in the form set out at Form No. 7 of Schedule 3, or a form substantially to the like effect.

(2) An application for substitute consent shall, in addition to the requirements of section 177E of the Act—

- (a) be accompanied by the relevant page of the newspaper, or a copy of the relevant page, including the date and title of the newspaper, in which notice of the application has been published pursuant to article 223(1)(a), and a copy of the site notice erected or fixed on the land or structure pursuant to article 223(1)(b),
- (b) be accompanied by 6 copies of a location map of sufficient size and containing details of features in the vicinity such as to permit the identification of the site to which the application relates, to a scale (which shall be identified thereon) of not less than 1:1000 in built up areas and 1:2500 in all other areas, or such other scale as may be agreed with the Board prior to the submission of the application, in any particular case, and marked so as to identify clearly:
  - (i) the land or structure to which the application relates and the boundaries thereof in red,
  - (ii) any land which adjoins, abuts or is adjacent to the site the subject of the application and which is under the control of the applicant or the person who owns the land which is the subject of the application in blue,
  - (iii) any wayleaves in yellow, and
  - (iv) the position of the site notice or notices erected or fixed to the land or structure pursuant to article 223(1)(b),
- (c) be accompanied by 6 copies of such plans (including a site or layout plan and where appropriate drawings of floor plans, elevations and sections which comply with the requirements of article 23) and such other particulars, as are necessary to describe the works to which the application relates,
- (d) where the development the subject of the application involves the disposal of wastewater from the development other than to a public sewer, include information on the on-site treatment system and evidence as to the suitability of the site for the system in question,
- (e) in the case of an application for the development of houses or of houses and other development, to which section 96 of the Act applies, include proposals as to how the applicant proposes to comply with a condition referred to in sub-section (2) of that section to which the permission, if granted, would be subject,
- (f) be accompanied where appropriate by a certificate issued by the planning authority in accordance with section 97 of the Act, or if such certificate has been applied for but not issued, a copy of the application made in accordance with article 48.

(3) Where the Board consents to the making of an application for substitute consent wholly or partly in electronic form, an application for substitute consent or any part thereof may be made by the applicant in that form; where that occurs, one copy of the application or part thereof will be sufficient.

(4) The Board may, by notice in writing, require an applicant to provide additional copies, whether hard copies or an electronic copy, of any remedial EIS or remedial NIS submitted or any plan, drawing, map, photograph or other particular which accompanies the application.

*Procedure on receipt of application for substitute consent*

228. (1) On receipt of an application, the Board shall consider whether the applicant has complied with the requirements of articles 224, 225 and 227.

(2) Where the Board considers that an application for substitute consent complies with the requirements of section 177E(2) of the Act and articles 224, 225 and 227 it shall send to the applicant an acknowledgement of the application, stating the date of its receipt.

(3) Where, following consideration of an application for substitute consent under sub-article (1), the Board considers that the application does not comply with the requirements of section 177E(2) of the Act or articles 224, 225 and 227, and that such non-compliance constitutes a material defect in the application which cannot be readily rectified through the submission of additional documentation, the application for substitute consent shall be invalid and the Board shall return the application to the applicant with a notice stating that the application is invalid and stating the reason or reasons that the application is invalid and shall return to the applicant any fee paid with the application.

(4) Where, on inspection of the land to which the application for substitute consent relates, the Board considers that the requirements of articles 223(1)(b), 225 or 226 have not been complied with, or the information submitted in the application is substantially incorrect or substantial information has been omitted, the application shall, notwithstanding the fact that an acknowledgement has been sent to an applicant in accordance with sub-article (2), be invalid and the Board shall return the application to the applicant with a notice stating that the application is invalid and stating the reason or reasons that the application is invalid and shall return to the applicant any fee paid with the application.

(5) Sub-articles (3) and (4) shall not apply where the Board is satisfied that the applicant complied with the provisions of articles 223, 224 and 225 but that any site notice erected by the applicant has been maliciously defaced or destroyed by any person other than the applicant.

(6) Where a notice is served on an applicant in accordance with sub-article (3), the Board shall by notice in writing inform any person or body

who has made a submission or observation in accordance with article 231 and any body to whom notice was sent in accordance with article 230 of that fact.

*Making the application for substitute consent available for inspection*

229. (1) As soon as may be after receipt of an application for substitute consent, the Board shall make the application available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy at its offices during its public opening hours.

(2) Where a planning authority receives a copy of an application for substitute consent and all associated documentation from the Board, pursuant to section 177E(5) of the Act, it shall make the application and documentation available for inspection, or purchase at a fee not exceeding the reasonable cost of making a copy, at its offices during its public opening hours.

*Notice to certain bodies*

230. (1) Where the Board receives an application for substitute consent the Board shall, except in the case of an application which has been deemed invalid under article 228, as soon as may be after receipt of the application, give notice as appropriate to a body or bodies prescribed in article 28(1) and (4).

(2) Notice given by the Board pursuant to sub-article (1) shall include a copy of the application referred to in article 227(1), including any electronic copy of the documentation as appropriate, and of the location map referred to in article 227(2)(b) and shall state-

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

(b) that any submission or observation made to the Board in relation to the application before the decision is made on the application will be considered by the Board in making its decision on the application and that the Board will make its decision not earlier than 5 weeks from the date of the notice.

(3) Where a prescribed body which has been notified under sub-article (2) requests a copy of some or all of the documentation accompanying the application the Board shall make that documentation available to the prescribed body as soon as possible.

(4) The Board shall acknowledge any submissions or observations from prescribed bodies as soon as may be after receipt thereof.

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



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

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

*Submissions or observations in relation to an application for substitute consent*

231. (1) (a) Any person or body may make a submission or observation in writing to the Board in relation to an application within the period of 5 weeks beginning on the date of receipt by the Board of the application.

(b) Any submission or observation received shall—

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

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

(2) Subject to article 228, the Board shall acknowledge any submissions or observations received under sub-article (1) as soon as may be after receipt thereof.

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

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

*Allowance for Public Holidays, etc*

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

*Further Information*

233. (1) Where the Board acknowledges receipt of an application for substitute consent in accordance with article 228, it may, by notice in writing require the applicant—

- (a) to submit any further information (including any plans, maps or drawings, or any information as to any estate or interest in or right over land) which the Board considers necessary to enable it to deal with the application, or
- (b) to produce any evidence which the Board may reasonably require to verify any particulars or information given in, or in relation to, the application.

(2) Where a requirement for further information under sub-article (1) is not complied with within the period of 6 months from the date of that requirement, or such additional period as may be agreed by the Board, the application shall be deemed to be withdrawn and the Board shall, as soon as may be, notify the applicant that the application has been deemed to be withdrawn.

*Minimum period for determination of an application for substitute consent*

234. The Board shall not determine an application for substitute consent until after a period of 5 weeks, beginning on the date of receipt of an application, has elapsed.

*Notification of decision on an application for substitute consent*

235. Notification of a decision by the Board in respect of an application for substitute consent shall be given to the applicant and to any other person or body who made a submission or observation in accordance with article 230 or 231 as soon as possible after the decision and shall specify—

- (a) the development to which the decision relates,
- (b) the nature of the decision,
- (c) the date of the decision,
- (d) any conditions attached thereto,
- (e) the main reasons and considerations on which the decision is based, and, where conditions are imposed in relation to a grant of consent, the main reasons for the imposition of such conditions,
- (f) that, in deciding an application, the Board, in accordance with section 177K(2)(f) of the Act, has had regard to submissions or observations received in accordance with these Regulations,
- (g) in the case of a decision to give consent for a structure and to specify the purposes for which the structure may or may not be used — such purposes.

PART 20  
APPROPRIATE ASSESSMENT  
CHAPTER 1

*General*

*Outline Application*

236. (1) In addition to the provisions of article 21, an outline application may not be made in respect of development which requires an NIS.

(2) Where a planning authority receives an outline application, or the Board an appeal in respect of such an application, in relation to development which would, in its opinion, be likely to have a significant effect on a European site, it shall as soon as may be after receipt of the application or appeal, as appropriate, by notice in writing—

- (a) inform the applicant that an outline application may not be made in respect of the development, and
- (b) indicate that the authority or the Board, as appropriate, considers that the development would be likely to have a significant effect on a European site, and that an application for permission to the authority, accompanied by a Natura impact statement, would be required for such development.

(3) The provisions of sub-articles (3) and (4) of article 96 shall apply in case where the planning authority, or the Board, issues a notice under sub-article (2) of this article.

*Submission of NIS with planning application*

237. Where an applicant for permission under Part III of the Act considers that the proposed development would be likely to have a significant effect on a European site he or she may, in addition to the documents specified in article 22, furnish an NIS to the planning authority.

*Copies of NIS*

238. Where an NIS is required to be submitted, pursuant to a requirement under section 177T(5) of the Act, or is submitted by the applicant pursuant to article 237, to—

- (a) a planning authority in connection with a planning application, or
- (b) the Board in connection with an appeal,

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

## CHAPTER 2

*Planning Applications**Newspaper notice*

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

- (a) that a Natura impact statement will be submitted to the planning authority with the application, and
- (b) that the Natura impact statement will be available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy during office hours at the office of the relevant planning authority.

*Further notice where planning authority requires NIS*

240. (1) Where a planning application is not accompanied by an NIS, and an NIS is required by the planning authority under 177T(5) of the Act, the applicant shall, not more than 2 weeks before submitting the NIS, publish notice of the intention to submit the NIS in at least one newspaper approved under article 18(2).

(2) Where an applicant is required to publish a notice pursuant to sub-article (1) the provision of sub-articles (2) to (5) of article 105 shall apply save that a reference to an EIS shall be construed as a reference to a Natura impact statement and a reference to article 103 shall be construed as a reference to section 177T(5) of the Act.

*Weekly list*

241. A list referred to in article 27 shall identify any application in respect of which—

- (a) a Natura impact statement has been received by the planning authority with a planning application,
- (b) a notice has been served by the planning authority under 177T(5), or
- (c) a Natura impact statement has been received by the planning authority pursuant to a notice under 177T(5).

*Notice of NIS*

242. Where an application is accompanied by an NIS, or where an NIS has been received by the planning authority pursuant to a notice under 177T(5), the provisions of sub-articles (1) and (2), respectively, of article 107 shall apply, save that any reference to an EIS shall be construed as a reference to an NIS and any reference to article 103 shall be construed as reference to section 177T(5) of the Act.

*Adequacy of NIS and further information*

243. (1) A planning authority shall consider whether an NIS submitted in respect of a planning application complies with section 177T of the Act and where a planning authority decides that an NIS does not comply with section 177T the authority shall require the applicant to submit such further information as may be necessary to comply with that section.

(2) Where an NIS is submitted to a planning authority following a requirement of the planning authority under section 177T(5), the planning authority may, irrespective of whether it has already sought further information under article 33, within 8 weeks of receipt of the NIS seek further information in relation to the NIS, and in such case the provisions of article 35 shall apply where relevant.

## CHAPTER 3

*Appeals**Newspaper notice*

244. Where an NIS is required by the Board pursuant to section 177T(5) of the Act the provisions of article 112 shall apply save that a reference to an EIS shall be construed as a reference to a Natura impact statement and a reference to article 109(1) or (2) shall be construed as a reference to section 177T(5).

*Notice of further information*

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

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

*Availability of NIS at offices of Board*

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

*Availability of NIS at offices of planning authority*

247. (1) Where an NIS is sent to the Board pursuant to section 177T(5) of the Act, the Board shall send a copy to the relevant planning authority.

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

*Board's weekly list*

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

## CHAPTER 4

*Local Authority Development**Application to An Bord Pleanála for approval*

249. When making an application for approval to the Board under section 177AE of the Act, a local authority shall send to the Board—

- (a) 3 copies of the plans and particulars of the proposed development,
- (b) 3 copies of the NIS for the proposed development,
- (c) a copy of the notice published under section 177AE(4)(a) of the Act, and
- (d) a list of the bodies to which notice was sent under section 177AE(4)(b) of the Act, a copy of each notice and an indication of the date on which the notice was sent.

*Screening for appropriate assessment*

250. (1) In order to ascertain whether an appropriate assessment is required in respect of a development which it proposes to carry out a local authority shall carry out a screening of the proposed development to assess, in view of best scientific knowledge, if the development, individually or in combination with other plans or projects, would be likely to have a significant effect on a European site.

(2) If on the basis of a screening under sub-article (1) it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, would have a significant effect on a European site, the local authority shall determine that an appropriate assessment of the proposed development is required and shall prepare an NIS in respect of the proposed development

and shall submit the proposed development to the Board for approval under section 177AE of the Act.

- (3) (a) The Board shall, where it considers that an application for development proposed to be carried out by a local authority would be likely to have a significant effect on a European site, require the local authority to prepare, or cause to be prepared, an NIS in respect thereof.
- (b) Where any person considers that a development proposed to be carried out by a local authority would be likely to have a significant effect on a European site, he or she may apply to the Board for a determination as to whether the development would be likely to have such significant effect and the Board shall make a determination on the matter as soon as possible.
- (c) An application for a determination under paragraph (b), in order to be considered by the Board, shall state the reasons for the forming of the view that the development would be likely to have a significant effect on a European site.
- (d) Where Board makes a determination under paragraph (b) that a development would be likely to have a significant effect on a European site it shall require the local authority to prepare, or cause to be prepared, an NIS in respect thereof.
- (e) For the purposes of paragraphs (a) and (b), a local authority shall provide information requested by the Board in relation to development proposed to be carried out by the local authority.
- (4) Where an NIS is prepared, or caused to be prepared, by a local authority under sub-article (3), the authority concerned shall apply to the Board for approval.
- (5) An application for approval under sub-article (4) shall be deemed to be an application for approval under section 177AE of the Act and the provisions of that section shall apply to the application.
- (6) Where a local authority makes a determination under sub-article (1) that a proposed development would not be likely to have a significant effect on a European site, it shall, in addition to the documents specified in article 83, make the determination, including the main reasons and considerations on which the determination is based, available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy, in accordance with that article.

*Notice to certain Bodies*

251. The prescribed authorities for the purposes of section 177AE(4) of the Act shall be the same as those prescribed for the purposes of section 175(4) of the Act as set out in article 121.

*Content of decision*

252. A decision by the Board on an application for approval under section 177AE of the Act shall state the main reasons and considerations on which the decision is based.

*Notice of Board's decision on application for approval*

253. (1) The Board shall, as soon as may be following the making of its decision on an application for approval under section 177AE of the Act notify the local authority concerned, and any person or body who made a submission or observation in accordance with section 177AE(4) of the Act, of its decision.

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

## CHAPTER 5

*Development by a State authority prescribed under section 181 of the Act**Screening for appropriate assessment*

254. (1) In order to ascertain whether an appropriate assessment is required in respect of a proposed development prescribed under section 181 of the Act a State authority shall carry out a screening of the proposed development to assess, in view of best scientific knowledge, if that proposed development, individually or in combination with other plans or projects, is likely to have a significant effect on a European site.

(2) If on the basis of a screening under sub-article (1) it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, would have a significant effect on a European site, the State authority shall determine that an appropriate assessment of the proposed development is required and shall prepare an NIS in respect of the proposed development and shall submit the proposed development to the Board for approval under section 181A of the Act.

(3) (a) The Board shall, where it considers that development proposed to be carried out by a State authority under section 181 of the Act would be likely to have a significant effect on a European site, require the State authority to prepare, or cause to be prepared, an NIS in respect thereof.

(b) Where any person considers that a development proposed to be carried out by a State authority under section 181 of the Act would be likely to have a significant effect on a European site, he or she may apply to the Board for a determination as to whether the development would be likely to have such significant effect



and the Board shall make a determination on the matter as soon as possible.

- (c) An application for a determination under paragraph (b), in order to be considered by the Board, shall state the reasons for the forming of the view that the development would be likely to have a significant effect on a European site.
- (d) Where Board makes a determination under paragraph (b) that a development would be likely to have a significant effect on a European site it shall require the State authority to prepare, or cause to be prepared, an NIS in respect thereof.
- (e) For the purposes of paragraphs (a) and (b), a State authority shall provide information requested by the Board in relation to development proposed to be carried out by the State authority.

(4) Where an NIS is prepared, or caused to be prepared, by a State authority under sub-article (3), the authority concerned shall apply to the Board for approval.

(5) An application for approval under sub-article (4) shall be deemed to be an application for approval under section 181A of the Act and the provisions of that section shall apply to the application.

(6) Where a State authority makes a determination under sub-article (1) that a proposed development would not be likely to have a significant effect on a European site, it shall, in addition to the documents specified in article 89, make the determination, including the main reasons and considerations on which the determination is based, available for inspection or purchase at a fee not exceeding the reasonable cost of making a copy, in accordance with that article.

## PART 21

### ADDITIONAL NOTICE REQUIRED BY THE PLANNING AUTHORITY UNDER SECTION 34(8)(f)(vi)(VI) OF THE ACT

#### *Additional Notice*

255. (1) Where the provisions of section 34(8)(f)(vi)(VI) of the Act apply to a planning application, the planning authority shall by notice in writing require the applicant to publish notice in a newspaper in accordance with article 256 and to erect a site notice in accordance with article 257, and to forward a copy of the notices to the planning authority, within the period specified by the planning authority (which period shall not be less than 4 weeks).

(2) Where the applicant fails to comply with the notice issued by the planning authority under sub-article (1) within the period specified by the planning authority, the planning application shall be deemed to be withdrawn.

*Notice in newspaper*

256. A newspaper notice published in accordance with article 255 shall be published in a newspaper approved for this purpose in accordance with article 18(2), shall contain as a heading the name of the planning authority concerned and shall state—

- (a) the name of the applicant;
- (b) the reference number of the planning application in the register;
- (c) a brief description of the proposed development;
- (d) that the planning authority has failed to decide the planning application within 1 year of the period for deciding the application under section 34 of the Planning and Development Act 2000, as amended;
- (e) that the planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours;
- (f) that a submission or observation in relation to the application may be made without charge to the authority in writing within the period of 5 weeks beginning on the date of receipt by the authority of copies of the newspaper and site notices under article 255(1) and that such submissions or observations will be considered by the planning authority in making a decision on the application.

*Site notice*

257. A site notice erected or fixed on any land or structure in accordance with article 255 shall be in the form set out at Form No. 8 of Schedule 3, or a form substantially to the like effect and shall comply with sub-articles (1)(b) and (c), and (2) of article 19.

*Time limits for site notice*

258. In addition to the requirements of article 257, a site notice shall be maintained in position on the land or structure concerned until the application is decided by the planning authority, shall be renewed or replaced if it is removed or becomes defaced or illegible within that period and shall be removed by the applicant following the notification of the planning authority decision.

*Notice to certain bodies*

259. Where a planning authority requests the applicant to publish additional notice pursuant to section 34(8)(f)(vi)(VI) of the Act, it shall give notice as appropriate to a body or bodies prescribed in article 28(1) and the provisions of article 28(2) to (7) shall also apply to the giving of such notice.

*Submissions or observations in relation to additional notice*

260. (1) (a) Any person or body, may make a submission or observation in writing to the planning authority without charge in relation to an application to which this Part applies within the period of 5 weeks beginning on the date of receipt by the authority of copies of the newspaper and site notices in accordance with article 255(1).

(b) Any submission or observation received shall—

- (i) state the name and address of the person or body making the submission or observation, and
- (ii) indicate the address to which any correspondence relating to the application should be sent.

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

(3) Where a submission or observation, under this article, is received by the planning authority after the period of 5 weeks beginning on the date of the planning authority's requirement for additional notice under article 255, the authority shall return to the person or body concerned the submission or observation received and shall notify the person or body that the submission or observation cannot be considered by the authority.

(4) The provisions of article 29(4) and article 29A shall also apply to submissions made under this Part.

*Further information*

261. (1) Where further information or evidence is supplied to the planning authority by an applicant pursuant to a request under section 34(8)(f)(vi)(VI) of the Act, the planning authority shall not require the applicant to submit any further information save as may be reasonably necessary to clarify the matters dealt with in the applicant's response.

(2) Where a requirement to produce further information or evidence pursuant to section 34(8)(f)(vi)(VI) of the Act, or to provide clarification of such information or evidence under sub-article (1), is not complied with within 6 months of the request under section 34(8)(f)(vi)(VI), the planning application shall be deemed to be withdrawn.

(3) The provisions of article 35 shall apply to information received by the planning authority pursuant to a request under section 34(8)(f)(vi)(VI) of the Act.

*Notification of a decision under this Part*

262. The provisions of article 31 shall also apply in case of persons who made submissions or observations in accordance with article 260.”.

*Substitution and addition to Schedule 3 of the Regulations*

27. Schedule 3 of the Regulations is hereby amended by:

- (a) the substitution of Form Nos. 1 and 2 in the Schedule attached to these Regulations for Form Nos. 1 and 2 respectively in Schedule 3 of the Regulations, and
- (b) the insertion of Form Nos. 6, 7 and 8 in the Schedule attached to these Regulations after Form No. 5 in Schedule 3 of the Regulations.

*Transitional provisions*

28. (1) The amendments of the Regulations effected by articles 7 and 8 of these Regulations shall come into operation on 14th October 2011.

(2) The amendments of the Regulations effected by articles 13, 14 and 15 of these Regulations shall not apply in the case of planning applications received by planning authorities prior to the coming into operation of these Regulations.

(3) The amendments of the Regulations effected by articles 16, 18 and 19 of these Regulations shall not apply in the case of appeals received by the Board prior to the coming into operation of these Regulations.

(4) The amendments of the Regulations effected by articles 20 and 21 of these Regulations shall not apply in the case of local authority development or state development under section 181 of the Act which has been approved under Part XI of the Act, or Part 9 of the Regulations, respectively, prior to the coming into operation of these Regulations provided that it is commenced with one year of the coming into operation of these Regulations.

(5) The provisions of articles 250 and 254 of the Regulations, inserted by article 26 of these Regulations, shall not apply in the case of local authority development or state development under section 181 of the Act which has been approved under Part XI of the Act, or Part 9 of the Regulations, respectively, prior to the coming into operation of these Regulations, provided that it is commenced with one year of the coming into operation of these Regulations.

**SCHEDULE**

*Form No. 1*

*Article 19*

*Site notice*

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

**SITE NOTICE**

I, .....<sup>2</sup>, intend to apply for permission/retention permission/outline permission/permission consequent on the grant of outline permission (Ref. No. of outline permission)<sup>3</sup> for development at this site .....  
.....  
.....<sup>4</sup>

The development will consist/consists<sup>5</sup> of.....  
.....  
.....  
.....<sup>6</sup>

The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours.

A submission or observation in relation to the application may be made in writing to the planning authority on payment of the prescribed fee, €20, within the period of 5 weeks beginning on the date of receipt by the authority of the application, and such submissions or observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission.

Signed: .....<sup>7</sup>

Date of erection of site notice .....<sup>8</sup>

**Directions for completing this notice**

1. The name of the planning authority to which the planning application will be made should be inserted here.
2. The name of the applicant for permission (and not his or her agent) should be inserted here.
3. Delete as appropriate. The types of permission which may be sought are—
  - (a) permission,
  - (b) retention permission,
  - (c) outline permission,
  - (d) permission consequent on the grant of outline permission. If this type of permission is being sought, the reference number on the planning register of the relevant outline permission should be included.
4. The location, townland or postal address of the land or structure to which the application relates should be inserted here.
5. Delete as appropriate. The present tense should be used where retention permission is being sought.
6. A brief description of the nature and extent of the development should be inserted here. The description should include—
  - (a) where the application relates to development consisting of or comprising the provision of houses, the number of houses to be provided. 'Houses' includes buildings designed as 2 or more dwellings or flats, apartments or other dwellings within a building,
  - (b) where the application relates to the retention of a structure, the nature of the proposed use of the structure and, where appropriate, the period for which it is proposed to retain the structure,
  - (c) where the application relates to development which would consist of or comprise the carrying out of works to a protected structure or proposed protected structure, an indication of that fact,
  - (d) where an environmental impact statement or Natura impact statement has been prepared in respect of the planning application, an indication of that fact,
  - (e) where the application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact, or
  - (f) where a planning application relates to development consisting of the provision of, or modifications to an establishment within the meaning

of Part 11 of these Regulations (Major Accidents Directive), an indication of that fact.

7. Either the signature of the applicant or the signature and contact address of the person acting on behalf of the applicant should be inserted here.

8. The date that the notice is erected or fixed at the site should be inserted here.

*Planning Application Form***PLANNING APPLICATION FORM****BEFORE FILLING OUT THIS FORM PLEASE NOTE THE FOLLOWING**

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application. Therefore please ensure that each section of this application form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to the application form.

**ADDITIONAL INFORMATION**

It should be noted that each planning authority has its own development plan, which sets out local development policies and objectives for its own area. The authority may therefore need supplementary information (i.e. other than that required in this form) in order to determine whether the application conforms with the development plan and may request this on a supplementary application form.

Failure to supply the supplementary information will not invalidate your planning application but may delay the decision-making process or lead to a refusal of permission. Therefore applicants should contact the relevant planning authority to determine what local policies and objectives would apply to the development proposed and whether additional information is required.

**OTHER STATUTORY CODES**

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Also any works causing the deterioration or destruction of the breeding and resting places of bats, otters, natterjack toads, Kerry slugs and certain marine animals constitute a criminal offence unless covered by a derogation licence issued by the Minister for Arts, Heritage and the Gaeltacht (pursuant to Article 16 of the Habitats Directive).

**DATA PROTECTION**

It is the responsibility of persons or entities wishing to use any personal data on a planning application form for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 and 2003. The Office of the Data Protection Commissioner state that the sending of marketing material to individuals without consent may result in action by the Data Protection Commissioner against the sender including prosecution.



**PLANNING APPLICATION FORM**

<b>1. NAME OF RELEVANT PLANNING AUTHORITY:</b>

<b>2. LOCATION OF DEVELOPMENT:</b>	
<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	
<i>Ordnance Survey Map Ref. No. (and the Grid Reference where available)<sup>1</sup></i>	

<b>3. TYPE OF PLANNING PERMISSION (PLEASE TICK APPROPRIATE BOX):</b>
<input type="checkbox"/> Permission
<input type="checkbox"/> Permission for retention
<input type="checkbox"/> Outline Permission
<input type="checkbox"/> Permission consequent on Grant of Outline Permission

<b>4. WHERE PLANNING PERMISSION IS CONSEQUENT ON GRANT OF OUTLINE PERMISSION:</b>
Outline Permission Register Reference Number:.....
Date of Grant of Outline Permission: ...../...../.....

<b>5. APPLICANT<sup>2</sup>:</b>	
<i>Name(s)</i>	
	Contact details to be supplied at the end of this form. (Question: 24)

<b>6. WHERE APPLICANT IS A COMPANY (REGISTERED UNDER THE COMPANIES ACTS):</b>	
<i>Name(s) of company director(s)</i>	
<i>Registered Address (of company)</i>	
<i>Company Registration number</i>	

<b>7. PERSON/AGENT ACTING ON BEHALF OF THE APPLICANT (IF ANY):</b>	
<i>Name</i>	
	Address to be supplied at the end of this form. (Question 25)

8. PERSON RESPONSIBLE FOR PREPARATION OF DRAWINGS AND PLANS <sup>3</sup> :	
<i>Name</i>	
<i>Firm/Company</i>	

9. DESCRIPTION OF PROPOSED DEVELOPMENT:	
<i>Brief description of nature and extent of development<sup>4</sup></i>	

10. LEGAL INTEREST OF APPLICANT IN THE LAND OR STRUCTURE:		
<i>Please tick appropriate box. Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	<i>A. Owner</i>	<i>B. Occupier</i>
	<i>C. Other</i>	
<i>If you are not the legal owner, please state the name and address of the owner and supply a letter from the owner of consent to make the application as listed in the accompanying documentation</i>		

11. SITE AREA:	
<i>Area of site to which the application relates in hectares</i>	.....ha

12. WHERE THE APPLICATION RELATES TO A BUILDING OR BUILDINGS:	
<i>Gross floor space<sup>5</sup> of any existing building(s) in m<sup>2</sup></i>	
<i>Gross floor space of proposed works in m<sup>2</sup></i>	
<i>Gross floor space of work to be retained in m<sup>2</sup> (if appropriate)</i>	
<i>Gross floor space of any demolition in m<sup>2</sup> (if appropriate)</i>	

13. IN THE CASE OF MIXED DEVELOPMENT (E.G. RESIDENTIAL, COMMERCIAL, INDUSTRIAL, ETC), PLEASE PROVIDE BREAKDOWN OF THE DIFFERENT CLASSES OF DEVELOPMENT AND BREAKDOWN OF THE GROSS FLOOR AREA OF EACH CLASS OF DEVELOPMENT:	
<i>Class of Development</i>	<i>Gross floor area in m<sup>2</sup></i>

<b>14. IN THE CASE OF RESIDENTIAL DEVELOPMENT PLEASE PROVIDE BREAKDOWN OF RESIDENTIAL MIX:</b>							
<i>Number of</i>	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4+ Bed	Total
<i>Houses</i>							
<i>Apartments</i>							
<i>Number of car-parking spaces to be provided</i>							Total

<b>15. WHERE THE APPLICATION REFERS TO A MATERIAL CHANGE OF USE OF ANY LAND OR STRUCTURE OR THE RETENTION OF SUCH A MATERIAL CHANGE OF USE:</b>	
<i>Existing use<sup>6</sup> (or previous use where retention permission is sought)</i>	
<i>Proposed use (or use it is proposed to retain)</i>	
<i>Nature and extent of any such proposed use (or use it is proposed to retain)</i>	

<b>16. SOCIAL AND AFFORDABLE HOUSING:</b>		
<i>(Please tick appropriate box)</i>	<i>Yes</i>	<i>No</i>
<i>Is the application an application for permission for development to which Part V of the Planning and Development Act 2000 applies?<sup>7</sup></i>		
<p>If the answer to the above question is “yes” and the development is not exempt (see below), you must specify, as part of your application, the manner in which you propose to comply with section 96 of Part V of the Act.</p> <p>If the answer to the above question is “yes” but you consider the development to be exempt by virtue of section 97 of the Planning and Development Act 2000<sup>8</sup>, a copy of the Certificate of Exemption under section 97 must be submitted (or, where an application for a certificate of exemption has been made but has not yet been decided, a copy of the application should be submitted).</p> <p>If the answer to the above question is “no” by virtue of section 96(13) of the Planning and Development Act 2000<sup>9</sup>, details indicating the basis on which section 96(13) is considered to apply to the development should be submitted.</p>		

<b>17. DEVELOPMENT DETAILS:</b>		
<b>Please tick appropriate box</b>	<b>Yes</b>	<b>No</b>
<i>Does the proposed development consist of work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage?</i>		
<i>Does the proposed development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?</i>		
<i>Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994<sup>10</sup>?</i>		
<i>Does the proposed development require the preparation of an Environmental Impact Statement<sup>11</sup>?</i>		
<i>Does the application relate to work within or close to a European Site (under S.I. No. 94 of 1997) or a Natural Heritage Area<sup>12</sup>?</i>		
<i>Does the application relate to a development which comprises or is for the purposes of an activity requiring an integrated pollution prevention and control licence?</i>		
<i>Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence?</i>		
<i>Do the Major Accident Regulations apply to the proposed development?</i>		
<i>Does the application relate to a development in a Strategic Development Zone?</i>		
<i>Does the proposed development involve the demolition of any structure?</i>		

<b>18. SITE HISTORY</b>
<i>Details regarding site history (if known)</i>
Has the site in question ever, to your knowledge, been flooded? Yes [ ]      No [ ] If yes, please give details e.g. year, extent. Are you aware of previous uses of the site e.g. dumping or quarrying? Yes [ ]      No [ ] If yes, please give details.
<i>Are you aware of any valid planning applications previously made in respect of this land/structure?</i>
Yes [ ]      No [ ] If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known: Reference No.: ..... Date: ..... If a valid planning application has been made in respect of this land or structure in the 6 months prior to the submission of this application, then the site notice must be on a yellow background in accordance with article 19(4) of the Planning and Development Regulations 2001 as amended.
<i>Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development<sup>13</sup>?</i>
Yes [ ]      No [ ] An Bord Pleanála Reference No.:.....

<b>19. PRE-APPLICATION CONSULTATION:</b>
<i>Has a pre-application consultation taken place in relation to the proposed development<sup>14</sup>?</i>
Yes [ ]      No [ ] If yes, please give details: Reference No. (if any):..... Date(s) of consultation: ...../...../..... Persons involved: .....

<b>20. SERVICES:</b>	
<b><i>Proposed Source of Water Supply</i></b>	
Existing connection [ ]      New connection [ ]	
Public Mains [ ]      Group Water Scheme [ ]      Private Well [ ]	
Other (please specify):.....	
Name of Group Water Scheme (where applicable).....	
<b><i>Proposed Wastewater Management/Treatment</i></b>	
Existing [ ]      New [ ]	
Public Sewer [ ]      Conventional septic tank system [ ]	
Other on-site treatment system [ ]      Please specify.....	
<b><i>Proposed Surface Water Disposal</i></b>	
Public Sewer/Drain [ ]      Soakpit [ ]	
Watercourse [ ]      Other [ ]      Please specify.....	

<b>21. DETAILS OF PUBLIC NOTICE:</b>	
<b><i>Approved newspaper<sup>15</sup> in which notice was published</i></b>	
<b><i>Date of publication</i></b>	
<b><i>Date on which site notice was erected</i></b>	

<b>22. APPLICATION FEE:</b>	
<b><i>Fee Payable</i></b>	
<b><i>Basis of Calculation</i></b>	

<b>23. DECLARATION:</b>	
<b><i>I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning and Development Act 2000, as amended, and the Regulations made thereunder.</i></b>	
<b><i>Signed</i></b> <i>(Applicant or Agent as appropriate)</i>	
<b><i>Date</i></b>	

**CONTACT DETAILS — NOT TO BE PUBLISHED**

<b>24. APPLICANT ADDRESS/CONTACT DETAILS:</b>	
<i>Address</i>	
<i>Email address</i>	
<i>Telephone number (optional)</i>	

<b>25. AGENT'S (IF ANY) ADDRESS/CONTACT DETAILS:</b>	
<i>Address</i>	
<i>Email address</i>	
<i>Telephone number (optional)</i>	
Should all correspondence be sent to the agent's address (where applicable)? Please tick appropriate box. (Please note that if the answer is 'No', all correspondence will be sent to the applicant's address)	
Yes [ ]      No [ ]	

**A contact address must be given, whether that of the applicant or that of the agent.**

***This form should be accompanied by the following documentation:***

Please note that if the appropriate documentation is not included, your application will be deemed invalid.

**ALL Planning Applications**

- The relevant page of newspaper that contains notice of your application
- A copy of the site notice
- 6 copies of site location map<sup>16</sup>
- 6 copies of site or layout plan<sup>16+17</sup>
- 6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections — except in the case of outline permission)
- The appropriate Planning Fee

**Where the applicant is not the legal owner of the land or structure in question:**

- The written consent of the owner to make the application

**Where the application is for residential development that is subject to Part V of the 2000 Act:**

- Specification of the manner in which it is proposed to comply with section 96 of Part V

***or***

- A certificate of exemption from the requirements of Part V

***or***

- A copy of the application submitted for a certificate of exemption.

**Where the application is for residential development that is not subject to Part V of the 2000 Act by virtue of section 96(13) of the Act:**

- Information setting out the basis on which section 96(13) is considered to apply to the development.



**Where the disposal of wastewater for the proposed development is other than to a public sewer:**

- Information on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed.

**Where the application refers to a protected structure/ proposed protected structure/ or the exterior of a structure which is located within an architectural conservation area (ACA):**

- Photographs, plans and other particulars necessary to show how the development would affect the character of the structure.

**Applications that refer to a material change of use or retention of such a material change of use:**

- Plans (including a site or layout plan and drawings of floor plans, elevations and sections which comply with the requirements of article 23) and other particulars required describing the works proposed.

**Where an application requires an Environmental Impact Statement:**

- An Environmental Impact Statement

**Applications that are exempt from planning fees:**

- Proof of eligibility for exemption<sup>18</sup>

**Directions for completing this form**

1. Grid reference in terms of the Irish Transverse Mercator.
2. “The applicant” means the person seeking the planning permission, not an agent acting on his or her behalf.
3. Where the plans have been drawn up by a firm/company the name of the person primarily responsible for the preparation of the drawings and plans, on behalf of that firm/company, should be given.
4. A brief description of the nature and extent of the development, including reference to the number and height of buildings, protected structures, etc.
5. Gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building, that is, floor areas must be measured from inside the external wall.
6. Where the existing use is ‘vacant’ please state most recent authorised use of the land or structure.
7. Part V of the Planning and Development Act 2000 applies where—
  - the land is zoned for residential use or for a mixture of residential and other uses,
  - there is an objective in the Development Plan for the area for a percentage of the land to be made available for social and/or affordable housing, and
  - the proposed development is not exempt from Part V
8. Under section 97 of the Planning and Development Act 2000, applications involving development of 4 or fewer houses or development on land of less than 0.1 hectare may be exempt from Part V.
9. Under section 96(13) of the Planning and Development Act 2000, Part V does not apply to certain housing developments by approved voluntary housing bodies, certain conversions, the carrying out of works to an existing house or the development of houses under an agreement made under section 96 of the Act.
10. The Record of Monuments and Places, under section 12 of the National Monuments Amendment Act 1994, is available, for each county, in the local authorities and public libraries in that county. Please note also that if the proposed development affects or is close to a national monument which, under the National Monuments Acts 1930 to 2004, is in the ownership or guardianship of the Minister for Arts, Heritage and the Gaeltacht or a local authority, or is the subject of a preservation order or a temporary preservation order, a separate statutory consent is required, under the National Monuments Acts, from the Minister for Arts, Heritage and the Gaeltacht. For information on whether national monuments are in the ownership or guardianship of the Minister for

Arts, Heritage and the Gaeltacht or a local authority or are the subject of preservation orders, contact the National Monuments Section, Department of Arts, Heritage and the Gaeltacht.

11. An Environmental Impact Statement (EIS) is required to accompany a planning application for development of a class set out in Schedule 5 of the Planning and Development Regulations 2001-2011 which exceeds a limit, quantity or threshold set for that class of development. An EIS will also be required by the planning authority in respect of sub-threshold development where the authority considers that the development would be likely to have significant effects on the environment (article 103).

12. An appropriate assessment of proposed development is required in cases where it cannot be excluded that the proposed development would have a significant effect on a European site. It is the responsibility of the planning authority to screen proposed developments to determine whether an appropriate assessment is required and where the authority determines that an appropriate assessment is required, the authority will normally require the applicant to submit a Natura impact statement (NIS). Where the applicant considers that the proposed development is likely to have a significant effect on a European site it is open to him/her to submit a NIS with the planning application.

13. The appeal must be determined or withdrawn before another similar application can be made.

14. A formal pre-application consultation may only occur under Section 247 of the Planning and Development Act 2000. An applicant should contact his or her planning authority if he/she wishes to avail of a pre-application consultation. In the case of residential development to which Part V of the 2000 Act applies, applicants are advised to avail of the pre-application consultation facility in order to ensure that a Part V agreement in principle can be reached in advance of the planning application being submitted.

15. The list of approved newspapers, for the purpose of giving notice of intention to make a planning application, is available from the planning authority to which the application will be submitted.

16. All plans, drawings and maps submitted to the planning authority should be in accordance with the requirements of the Planning and Development Regulations 2001-2011.

17. The location of the site notice(s) should be shown on site location map.

18. See Schedule 9 of Planning and Development Regulations 2001. If a reduced fee is tendered, details of previous relevant payments and planning permissions should be given. If exemption from payment of fees is being claimed under article 157 of the 2001 Regulations, evidence to prove eligibility for exemption should be submitted.

*Application to An Bord Pleanála for substitute consent: site notice*

**APPLICATION TO AN BORD PLEANÁLA FOR SUBSTITUTE  
CONSENT**

**SITE NOTICE**

I,.....,<sup>1</sup> intend to apply for substitute consent for development at  
this site.....  
.....  
.....<sup>2</sup>.

The development consists of.....  
.....  
.....<sup>3</sup>

The application is accompanied by a remedial Environmental Impact Statement  
and remedial Natura impact statement [*delete as appropriate*].

Submissions or observations may be made on the application, to An Bord  
Pleanála, Marlborough Street, Dublin 1, without charge. Submissions or obser-  
vations must be in writing and made within the period of 5 weeks beginning on  
the date of receipt of the application by An Bord Pleanála and such submissions  
and observations will be considered by An Bord Pleanála in making a decision  
on the application. An Bord Pleanála may grant the consent subject to or with-  
out conditions, or may refuse to grant it. The application for consent may be  
inspected, or purchased at a fee not exceeding the reasonable cost of making a  
copy, at the offices of An Bord Pleanála, or the relevant planning authority  
during its public opening hours.

Signed: .....<sup>4</sup>

Date of erection of site notice .....<sup>5</sup>

**Directions for completing this notice**

1. The name of the applicant for substitute consent (and not his or her agent) should be inserted here.
2. The location, townland or postal address of the land or structure to which the application relates should be inserted here.
3. A brief description of the nature and extent of the development should be inserted here. The description shall include—
  - (a) where the application relates to development which consisted or comprised of the carrying out of works to a protected structure or proposed protected structure, an indication of that fact,
  - (b) where the application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact, or
  - (c) where an application relates to development consisting of the provision of, or modifications to an establishment within the meaning of Part 11 of these Regulations (Major Accidents Directive), an indication of that fact.
4. Either the signature of the applicant or the signature and contact address of the person acting on behalf of the applicant should be inserted here.
5. The date that the notice is erected or fixed at the site should be inserted here.

*Application to An Bord Pleanála for substitute consent***APPLICATION TO AN BORD PLEANÁLA FOR SUBSTITUTE  
CONSENT****BEFORE FILLING OUT THIS FORM PLEASE NOTE THE  
FOLLOWING**

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application. Therefore please ensure that each section of this application form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to the application form.

**ADDITIONAL INFORMATION**

It should be noted that each planning authority has its own development plan, which sets out local development policies and objectives for its own area. The authority may therefore need supplementary information (i.e. other than that required in this form) in order to determine whether the application conforms with the development plan and may request this on a supplementary application form.

Failure to supply the supplementary information will not invalidate your planning application but may delay the decision-making process or lead to a refusal of permission. Therefore applicants should contact the relevant planning authority to determine what local policies and objectives would apply to the development proposed and whether additional information is required.

**OTHER STATUTORY CODES**

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Also any works causing the deterioration or destruction of the breeding and resting places of bats, otters, natterjack toads, Kerry slugs and certain marine animals constitute a criminal offence unless covered by a derogation licence issued by the Minister for Arts, Heritage and the Gaeltacht (pursuant to Article 16 of the Habitats Directive).

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It is the responsibility of persons or entities wishing to use any personal data on a planning application form for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 and 2003. The Office of the Data Protection Commissioner state that the sending of marketing material to individuals without consent may result in action by the Data Protection Commissioner against the sender including prosecution.

## APPLICATION FORM

<b>1. NAME OF RELEVANT PLANNING AUTHORITY:</b>	

<b>2. LOCATION OF DEVELOPMENT:</b>	
<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	
<i>Ordnance Survey Map Ref No (and the Grid Reference where available)<sup>1</sup></i>	

<b>3. APPLICANT<sup>2</sup>:</b>	
<i>Name(s)</i>	
	Address to be supplied at the end of this form (Question 19)

<b>4. WHERE APPLICANT IS A COMPANY (REGISTERED UNDER THE COMPANIES ACTS):</b>	
<i>Name(s) of company director(s)</i>	
<i>Registered Address (of company)</i>	
<i>Company Registration number</i>	

<b>5. PERSON/AGENT ACTING ON BEHALF OF THE APPLICANT (IF ANY):</b>	
<i>Name</i>	
	Address to be supplied at the end of this form (Question 20)

<b>6. PERSON RESPONSIBLE FOR PREPARATION OF DRAWINGS AND PLANS<sup>3</sup>:</b>	
<i>Name</i>	
<i>Firm/Company</i>	

<b>7. DESCRIPTION OF DEVELOPMENT:</b>	
<i>Brief description of nature and extent of development<sup>4</sup></i>	

<b>8. LEGAL INTEREST OF APPLICANT IN THE LAND OR STRUCTURE:</b>		
<i>Please tick appropriate box</i>	<i>A. Owner</i>	<i>B. Occupier</i>
	<i>C. Other</i>	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		

<b>9. SITE AREA:</b>	
<i>Area of site to which the application relates in hectares</i>	.....ha

<b>10. WHERE THE APPLICATION RELATES TO A BUILDING OR BUILDINGS:</b>	
<i>Gross floor space<sup>5</sup> of existing building(s) in square metres</i>	
<i>Gross floor space of any demolition in square metres (if appropriate)</i>	

<b>11. IN THE CASE OF MIXED DEVELOPMENT (E.G. RESIDENTIAL, COMMERCIAL, INDUSTRIAL, ETC), PLEASE PROVIDE BREAKDOWN OF THE DIFFERENT CLASSES OF DEVELOPMENT AND BREAKDOWN OF THE GROSS FLOOR AREA OF EACH CLASS OF DEVELOPMENT:</b>	
<i>Class of Development</i>	<i>Gross floor area in square metres</i>

<b>12. IN THE CASE OF RESIDENTIAL DEVELOPMENT PLEASE PROVIDE BREAKDOWN OF RESIDENTIAL MIX:</b>							
<i>Number of</i>	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4+ Bed	Total
<i>Houses</i>							
<i>Apartments</i>							
<i>Number of car-parking spaces to be provided</i>							Total



<b>13. DEVELOPMENT DETAILS:</b>		
<i>Please tick appropriate box</i>	<b>Yes</b>	<b>No</b>
<i>Does the development consist of work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage?</i>		
<i>Does the development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?</i>		
<i>Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994<sup>6</sup>?</i>		
<i>Does the application relate to work within or close to a European Site or a Natural Heritage Area?</i>		
<i>Does the development require the preparation of a remedial Environmental Impact Statement?</i>		
<i>Does the development require the preparation of a remedial Natura impact statement?</i>		
<i>Does the application relate to a development which comprises or is for the purposes of an activity requiring an integrated pollution prevention and control licence?</i>		
<i>Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence?</i>		
<i>Do the Major Accident Regulations apply to the development?</i>		
<i>Does the application relate to a development in a Strategic Development Zone?</i>		
<i>Does the development involve the demolition of any structure?</i>		

<b>14. SITE HISTORY:</b>
<i>Details regarding site history (if known)</i>
Has the site in question ever, to your knowledge, been flooded? Yes [ ] No [ ] If yes, please give details e.g. year, extent. Are you aware of previous uses of the site e.g. dumping or quarrying? Yes [ ] No [ ] If yes, please give details.
<i>Are you aware of any valid planning applications previously made in respect of this land/structure?</i>
Yes [ ] No [ ] If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known: Reference No.: ..... Date: .....

<b>15. SERVICES:</b>
<i>Source of Water Supply</i>
Public Mains [ ] Group Water Scheme [ ] Private Well [ ] Other (please specify): ..... Name of Group Water Scheme (where applicable): .....
<i>Wastewater Management/Treatment</i>
Public Sewer [ ] Conventional septic tank system [ ] Other on-site treatment system [ ] Please specify.....
<i>Surface Water Disposal</i>
Public Sewer/Drain [ ] Soakpit [ ] Watercourse [ ] Other [ ] Please specify.....

<b>16. DETAILS OF PUBLIC NOTICE:</b>	
<i>Approved newspaper<sup>7</sup> in which notice was published</i>	
<i>Date of publication</i>	
<i>Date on which site notice was erected</i>	

<b>17. APPLICATION FEE:</b>	
<i>Fee Payable</i>	
<i>Basis of Calculation</i>	

<b>18. DECLARATION:</b>	
<i>I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning &amp; Development Act 2000, as amended, and the Regulations made thereunder.</i>	
<i>Signed</i> <i>(Applicant or Agent as appropriate)</i>	
<i>Date</i>	

**CONTACT DETAILS — NOT TO BE PUBLISHED**

<b>19. APPLICANT ADDRESS/CONTACT DETAILS:</b>	
<i>Address</i>	
<i>Email address</i>	
<i>Telephone number (optional)</i>	

<b>20. AGENT'S (IF ANY) ADDRESS/CONTACT DETAILS:</b>	
<i>Address</i>	
<i>Email address</i>	
<i>Telephone number (optional)</i>	
Should all correspondence be sent to the agent's address? Please tick appropriate box. (Please note that if the answer is 'No', all correspondence will be sent to the applicant's address)	
Yes [ ]      No [ ]	

**A contact address must be given, whether that of the applicant or that of the agent.**

***This form should be accompanied by the following documentation:***

Please note that if the appropriate documentation is not included, your application will be deemed invalid.

**ALL Applications:**

- The relevant page of newspaper that contains notice of your application
- A copy of the site notice
- 6 copies of site location map<sup>8</sup>
- 6 copies of site or layout plan as appropriate<sup>8</sup>
- 6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections) as appropriate<sup>8</sup>
- The appropriate Fee

**Where the disposal of wastewater for the development is other than to a public sewer:**

- Information on the on-site treatment system and evidence as to the suitability of the site for the system.

**Where the application refers to a protected structure/ proposed protected structure/ or the exterior of a structure which is located within an architectural conservation area (ACA):**

- Photographs, plans and other particulars necessary to show how the development affects the character of the structure.

**Where an application requires an Environmental Impact Statement or a Natura Impact Statement:**

- An Environmental Impact Statement
- A Natura Impact Statement

**Directions for completing this form**

1. Grid reference in terms of the Irish Transverse Mercator.
2. “The applicant” means the person seeking the consent, not an agent acting on his or her behalf.
3. Where the plans have been drawn up by a firm/company the name of the person primarily responsible for the preparation of the drawings and plans, on behalf of that firm/company, should be given.
4. A brief description of the nature and extent of the development, including reference to the number and height of buildings, protected structures, etc.
5. Gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building, that is, floor areas must be measured from inside the external wall.
6. The Record of Monuments and Places, under section 12 of the National Monuments Amendment Act 1994, is available, for each county, in the local authorities and public libraries in that county. Please note also that if the proposed development affects or is close to a national monument which, under the National Monuments Acts 1930 to 2004, is in the ownership or guardianship of the Minister for Arts, Heritage and the Gaeltacht or a local authority, or is the subject of a preservation order or a temporary preservation order, a separate statutory consent is required, under the National Monuments Acts, from the Minister for Arts, Heritage and the Gaeltacht. For information on whether national monuments are in the ownership or guardianship of the Minister for Arts, Heritage and the Gaeltacht or a local authority or are the subject of preservation orders, contact the National Monuments Section, Department of Arts, Heritage and the Gaeltacht.
7. A list of approved newspapers, for the purpose of giving notice of intention to make a planning application, is available from the planning authority.
8. All plans, drawings and maps submitted to the planning authority should be in accordance with the requirements of the Planning and Development Regulations 2001-2011.

*Site notice for additional notice under Part 21*

**NAME OF PLANNING AUTHORITY**

**ADDITIONAL SITE NOTICE: PLANNING APPLICATION NOT  
DECIDED WITHIN YEAR OF PERIOD FOR MAKING A DECISION  
UNDER SECTION 34 OF PLANNING AND DEVELOPMENT ACT 2000**

Planning Register Reference: .....

I, .....<sup>1</sup>, have applied for permission/retention  
permission/outline permission/permission consequent on the grant of outline  
permission (Ref. No. of outline permission) for development at this site .....  
.....<sup>2</sup>

The development will consist/ consists of .....  
.....<sup>3</sup>

This application is accompanied by an EIS and/or a Natura impact statement  
[delete as appropriate]

The planning authority has failed to decide the planning application within 1  
year of the period for deciding the application under section 34 of the Planning  
and Development Act 2000 (as amended) and submissions or  
observations/further submissions or observations may now be made on the  
application, to the planning authority, without charge. Submissions or obser-  
vations must be in writing and made within the period of 5 weeks beginning on  
the date of receipt by the authority of copies of the newspaper and site notices:  
such submissions will be considered by the planning authority in making a  
decision on the application.

The planning authority may grant the application subject to or without con-  
ditions, or may refuse to grant it.

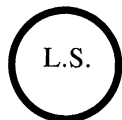
The planning application may be inspected, or purchased at a fee not exceeding  
the reasonable cost of making a copy, at the offices of the planning authority  
during its public opening hours and a submission or observation in relation to  
the application may be made to the authority.

Signed: .....<sup>4</sup>

Date of erection of additional site notice .....<sup>5</sup>

**Directions for completing this notice**

1. The name of the applicant for permission (and not his or her agent) should be inserted here.
2. The location, townland or postal address of the land or structure to which the application relates should be inserted here.
3. A brief description of the nature and extent of the development should be inserted here. The description should include—
  - a) where the application relates to development which consisted or comprised of the carrying out of works to a protected structure or proposed protected structure, an indication of that fact,
  - b) where the application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact, or
  - c) where an application relates to development consisting of the provision of, or modifications to an establishment within the meaning of Part 11 of these Regulations (Major Accidents Directive), an indication of that fact.
4. Either the signature of the applicant or the signature and contact address of the person acting on behalf of the applicant should be inserted here.
5. The date that the notice is erected or fixed at the site should be inserted here.



GIVEN under my Official Seal,  
21 September 2011.

PHIL HOGAN, T.D.,  
Minister for the Environment, Community and  
Local Government.



## EXPLANATORY NOTE

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

The purpose of these Regulations is to amend the Planning and Development Regulations 2001 to 2011, mainly to provide for matters of procedure and administration in relation to Part XA and Part XAB of the Planning and Development Act 2000 (inserted by the Planning and Development (Amendment) Act 2010), which relate to applications for substitute consent and appropriate assessment of proposed development (as defined in the Planning Acts), respectively.

These Regulations also contain a number of other new provisions e.g. in relation to environmental impact assessment (in particular in relation to environmental impact assessment of local authority and state development), and also in relation to cases where a planning application is not decided by a planning authority (section 34(8)(f) of the Act, as amended in 2010).

These Regulations shall come into force on the date of signature.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
nó trí aon díoltóir leabhar.

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