



STATUTORY INSTRUMENTS.

S.I. No. 29 of 2018



PLANNING AND DEVELOPMENT (AMENDMENT) REGULATIONS
2018

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I, DAMIEN ENGLISH, Minister of State at the Department of Housing, Planning and Local Government, in exercise of the powers conferred on me by sections 4(2) and 262 of the Planning and Development Act 2000 (No. 30 of 2000) (as adapted by the Housing, Planning, Community and Local Government (Alteration of Name of Department and Title of Minister) Order (S.I. No. 358 of 2017)) and by the Housing, Planning, Community and Local Government (Delegation of Ministerial Functions) (No.2) Order 2017 (S.I. 352 of 2017), hereby make the following regulations with respect to which, pursuant to section 262(4) of that Act, a draft has been laid before both Houses of the Oireachtas and a resolution approving the draft has been passed by each such House:

Citation

1. (1) These Regulations may be cited as the Planning and Development (Amendment) Regulations 2018.

(2) The collective citation “Planning and Development Regulations 2001 to 2018” includes these Regulations.

Definition

2. In these Regulations “Principal Regulations” means the Planning and Development Regulations 2001 (S.I. No. 600 of 2001).

Amendment of Article 5 of the Principal Regulations

3. Article 5(1) of the Principal Regulations is amended by inserting the following definition after the definition of “amusement arcade”:

“‘associated accessories’, in relation to the inspection, maintenance, repair, renewal, removal or installation of pipes, water mains, sewer or other pipe for the purposes of the Water Services Acts 2007 to 2017, has the meaning assigned to “accessories” by section 2 of the Water Services Act 2007 (No. 30 of 2007) and includes cables that are associated with any of those matters;”.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 13th February, 2018.*

Amendment of Part 1 of Schedule 2 to the Principal Regulations

4. Part 1 (Exempted Development — General) of Schedule 2 to the Principal Regulations is amended—

(a) subject to paragraph (b), by inserting the following after Class 57:

“

Column 1 Description of Development	Column 2 Conditions and Limitations
<p>Class 58 Development by Irish Water, for the purpose of the provision of water services, consisting of one or more of the following:</p> <p>(a) the inspection, maintenance, repair, renewal or removal of pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes, kiosks, intakes, overhead wires, meters and other apparatus, including the excavation of any street or other land for that purpose;</p> <p>(b) the installation of either or both—</p> <p>(i) underground pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes and meters, and,</p> <p>(ii) above ground kiosks, meters and other apparatus and overhead wires,</p> <p>including the excavation of any street or other land for that purpose;</p> <p>(c) The construction or erection of either or both—</p> <p>(i) below ground pumping or booster stations and, where appropriate, above ground kiosks, and</p> <p>(ii) below ground holding tanks or reservoirs;</p> <p>(d) the provision of telemetry and telecommunications apparatus in the form of a free-standing pole or antenna to the top or side of an existing building or structure within an existing water services site (being a site of not less than 0.1 hectare used for the provision of water services);</p> <p>(e) the provision of structures for sampling, testing or odour abatement within the curtilage of existing water services sites;</p>	<p>The volume above ground level of any such kiosk, meter or other apparatus shall not exceed 13 cubic metres in rural areas (being areas as defined in Article 6(3)) or 2 cubic metres in other areas, measured externally.</p> <p>1. The volume of any such below ground level pumping or booster station and any such holding tank or reservoir shall not exceed 500 cubic metres, measured externally.</p> <p>2. The volume above ground level of any such kiosk, meter or other apparatus shall not exceed 13 cubic metres in rural areas (being areas as defined in Article 6(3)) or 2 cubic metres in other areas, measured externally.</p> <p>Any such pole or antenna shall not exceed 10 metres in height or 0.60 metres in diameter.</p> <p>The capacity of any such structure shall not exceed 50 cubic meters and the height of any such structure shall not exceed the current height of existing structures on the site.</p>

Column 1 Description of Development	Column 2 Conditions and Limitations
<p>(f) the carrying out of remedial works in respect of existing water services infrastructure in order to comply with conditions of licences and certificates issued under the Waste Water Discharge (Authorisation) Regulations 2007 (S.I. No. 684 of 2007);</p> <p>(g) the upgrade of existing water or waste water structures, or both, within existing site boundaries or the alteration or repair of any structure or its replacement with a similar structure;</p> <p>(h) the installation of plant or equipment within the curtilage of an existing water services site only in so far as is necessary to avert serious risks to public health or critical failure of infrastructure;</p> <p>(i) the carrying out of any emergency work on an asset owned by Irish Water in order to ensure the continued supply of essential water and waste water services;</p> <p>(j) such fencing, gates, CCTV equipment and signage as are required to prevent unauthorised access to sites owned by Irish Water and ensure public safety or health and safety within the site;</p> <p>(k) test drilling for public water supplies.</p>	<p>The upgrading of any such structure shall not increase the existing floor area by more than 10% and the height of the upgraded structure shall not exceed the current height of existing structures.</p> <p>The height of any such fencing shall not exceed 2.5 metres and the type of such fencing shall be consistent with existing development in the vicinity.</p>

”.

- (b) For convenience of reference only, there is set out in paragraph (a), before the reference to Class 58, the relevant headings that apply in respect of the columns concerned.

GIVEN under my Hand,
8 February 2018.

DAMIEN ENGLISH,
Minister of State at the Department of Housing, Planning and
Local Government.

EXPLANATORY NOTE

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

These Regulations amend the Planning and Development Regulations 2001, as amended (the Principal Regulations).

Article 3 of these Regulations amends Article 5 of the Principal Regulations by inserting a new definition for “associated accessories”.

Article 4 of these Regulations amends Part 1 (Exempted Development — General) of Schedule 2 to the Principal Regulations by inserting a new Class 58 of exemptions from the requirement to obtain planning permission for certain works undertaken by Irish Water in relation to the provision of water services.

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(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54



Wt. (B33317). 285. 2/18. Essentra. Gr 30-15.