



STATUTORY INSTRUMENTS.

S.I. No. 219 of 2013



PLANNING AND DEVELOPMENT (AMENDMENT) REGULATIONS
2013

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2013

I, JAN O’SULLIVAN, Minister of State at the Department of the Environment, Community and Local Government, in exercise of the powers conferred on the Minister for the Environment, Heritage and Local Government by section 4 of the Planning and Development Act, 2000, as amended, as adapted by the Environment, Heritage and Local Government (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 193 of 2011), which powers are delegated to me by the Environment, Community and Local Government (Delegation of Ministerial Functions) Order 2012 (S.I. No. 148 of 2012), hereby make the following Regulations:

Citation and Commencement

1. (1) These Regulations may be cited as the Planning and Development (Amendment) Regulations 2013.

(2) These Regulations and the Planning and Development Regulations 2001 to 2012 shall be construed as one and may be collectively cited as the Planning and Development Regulations 2001 to 2013.

(3) These Regulations shall come into effect on the date of signature.

Interpretation

2. In these Regulations, unless otherwise stated,

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

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

Insertion of new articles 8F and 8G into the Regulations

3. The following articles are inserted after article 8E:

“8F. Development consisting of the thinning, felling or replanting of trees, forests or woodlands, or works ancillary to that development, but not including the replacement of broadleaf high forest by conifer species, shall be exempted development.

8G. Development (other than where the development consists of provision of access to a public road) consisting of the construction, maintenance

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 28th June, 2013.*

or improvement of a road (other than a public road), or works ancillary to such road development, where the road serves forests and woodlands, shall be exempted development.”.

Amendment of Class 29 of Schedule 2, Part 1 of the Regulations

4. Class 29 of Schedule 2, Part 1 of the Regulations is amended by the insertion in Column 1 of “(excluding a charging point for electric vehicles) or minipillar” after “unit substation” and by the insertion in Column 2 of “or minipillar” after “unit substation”.

Insertion of new Class 29A into Schedule 2, Part 1 of the Regulations

5. Schedule 2, Part 1 of the Regulations is amended by the insertion of the following after Class 29:

“

<p>CLASS 29A The carrying out by any electricity undertaking of development consisting of the construction or erection of a charging point for electric vehicles.</p>	<ol style="list-style-type: none"> 1. The volume above ground level of any such charging point shall not exceed 3 cubic metres, measured externally. 2. The volume above ground level of any such charging point, when located on a public road, shall not exceed 0.5 cubic metres, measured externally. 3. No advertising matter or signage at or adjoining such charging point shall be exhibited, other than for identification, instructions and contact details for the use thereof.
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Amendment of Class 31 of Schedule 2, Part 1 of the Regulations

6. Class 31 of Schedule 2, Part 1 of the Regulations is amended:

(1) in paragraph (b) by the insertion in Column 1 of “including the erection of poles or other support structures or the use of existing poles or other support structures” after “telecommunications” and by the insertion in Column 2 of “or other support structures” after “poles” in each place that it occurs.

(2) by the insertion of the following after paragraph (b):

“

<p>(bb) The attachment to a pole or other support structure referred to in paragraph (b) above of any bracket, clamp or other fixture required for the carrying or support of any cable (including fibre optic cable), wire, tube, pipe, duct or similar thing, or required for the carrying or support of any device containing any such cable, wire, tube, pipe, duct or similar thing, and the attachment to such fixture of—</p> <p>(i) any cable (including fibre optic cable), wire, tube, pipe, duct or similar thing (including its casing or coating) or any device containing any of the foregoing,</p> <p>(ii) any other equipment or apparatus used for telecommunications purposes, which is exempted development for the purposes of Article 6 and this Class,</p>	<p>The dimensions of any such device should not exceed 0.50 cubic metres measured externally.</p>
<p>(bbb) the attachment to any cable (including fibre optic cable), wire, tube, pipe, duct or similar thing of any device containing any such cable, wire, tube, pipe, duct or similar thing,</p>	<p>The dimensions of any such device should not exceed 0.25 cubic metres measured externally.</p>

”

- (3) in paragraph (e) by the insertion in Column 1 of “including containers for electronic equipment required for transmitting, receiving and processing telecoms data for both wireless or wired networks,” after “containers,” and by the insertion in Column 2 of “or for transmitting, receiving and processing telecoms data for both wireless or wired networks” after “re-routing calls”.

Amendment of Class 41 of Schedule 2, Part 1 of the Regulations

7. Class 41 of Schedule 2, Part 1 of the Regulations is amended by the substitution of the following for paragraphs (e) and (f):

“

<p>(e) the carrying out of development in compliance with a condition or conditions attached to a fire safety certificate granted in accordance with Part III of the Building Control Regulations, 1997 other than the construction or erection of an external fire escape or water tank,</p> <p>(f) the carrying out of development in compliance with a notice under section 55 of the Waste Management Act, 1996 (No. 10 of 1996), or</p> <p>(g) the carrying out of remedial works in compliance with an advisory notice issued under section 70H(5) of the Water Services Act 2007 (as inserted by section 4 of the Water Services (Amendment) Act 2012).</p>	
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GIVEN under my Official Seal,
24 June 2013.

JAN O'SULLIVAN,
Minister of State at the Department of 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 exempted development provisions of the Planning and Development Regulations 2001 to 2012.

The installation of charging points for electric vehicles is being exempted from the requirement to obtain planning permission, subject to certain conditions and limitations.

A planning exemption is being introduced in respect of remedial works carried out in compliance with an advisory notice from a water services authority requiring remediation in cases where septic tanks or other onsite waste water treatment systems have been assessed by the water services authority as causing or likely to cause a risk to human health or the environment.

The exemption relating to the provision of overhead communications by a statutory undertaker authorised to provide a telecommunications service is amended by adding “other support structures” to “poles” and by clarifying that existing poles may be used for carrying fibre optic or similar telecommunications cable (or new poles may be erected for that purpose), and that brackets or devices (for spare cable) may also be attached (subject to size limitations).

The thinning, felling or replanting of trees, forests or woodlands (not including the replacement of broadleaf high forest by conifer species) and the construction or maintenance of a forest road are exempted development under section 4 of the Act because they come under consent systems under the Minister for Agriculture, Food and the Marine. However the effect of the amendments to section 4(4) of the Act, introduced by section 17 of the Environment (Miscellaneous Provisions) Act 2011 (commenced on 21 September 2011), are to bring such development back under the Planning and Development Act if it would require environmental impact assessment or appropriate assessment. Accordingly this development is now re-exempted as envisaged by section 4(4A).

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