



STATUTORY INSTRUMENTS.

S.I. No. 520 of 2013



PLANNING AND DEVELOPMENT (AMENDMENT) (NO. 2)
REGULATIONS 2013

PLANNING AND DEVELOPMENT (AMENDMENT) (NO. 2)
REGULATIONS 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 sections 11, 12, 13, 20, 24, 33, 37E, 37I, 146C, 169, 175, 179, 181A, 182A, 182C and 262 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) (No. 2) Regulations 2013.

(2) These Regulations and the Planning and Development Regulations 2001 to 2013 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 operation on 1 January 2014.

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;

“the Act” means the Planning and Development Act, 2000 (Number 30 of 2000), as amended.

Amendment of Article 13 of the Regulations.

3. Article 13 of the Regulations is amended by the substitution of the following paragraphs for paragraph (y):

"(y) the regional authority or regional assembly within whose region the functional area of the planning authority is situated, and any regional authority whose region is contiguous to the region of the first-mentioned authority,

(z) Irish Water.”.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 3rd January, 2014.

Amendment of Article 14 of the Regulations.

4. Article 14 of the Regulations is amended by the substitution of the following paragraphs for paragraphs (c) and (d):

- "(c) any local authority, including town councils, in the area to which the local area plan, proposed local area plan or proposed amended plan, as appropriate, relates, and any relevant city and county development board,
- (d) any planning authority whose area is contiguous to the area to which the local area plan, proposed local area plan or proposed amended plan, as appropriate, relates, and
- (e) Irish Water.”.

Amendment of Article 15 of the Regulations.

5. Article 15 of the Regulations is amended by the substitution of the following paragraphs for paragraph (z):

- "(z) any local authority, including town councils, in the region for which the guidelines are prepared,
- (aa) Irish Water.”.

Amendment of Article 28 of the Regulations.

6. (1) Article 28 of the Regulations is amended in sub-article (1) by the substitution of the following paragraphs for paragraph (x):

- "(x) where the application relates to—
 - (i) the extraction of minerals, other than minerals within the meaning of the Minerals Development Acts 1940-1999, whether by surface or underground means,
 - (ii) the development of, or extensions to, quarries, including sand or gravel pits, for the extraction of earth materials, or
 - (iii) a development which, for other purposes, requires the excavation of earth materials greater than a total volume of 50,000m³ or the excavation of earth materials on a site area greater than 1 hectare,

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

- (y) where it appears to the authority that the development might impact on the provision of public water services — to Irish Water.”.

(2) The amendment effected by sub-article (1) of this article shall not apply to planning applications in relation to which a planning authority has sent notice, before 1 January 2014, pursuant to article 28(1) of the Regulations.

Amendment of Article 82 of the Regulations.

7. (1) Article 82 of the Regulations is amended by the substitution of the following sub-article for sub-article (3):

“(3) A notice in accordance with sub-article (1) shall be sent—

- (a) where it appears to the authority that the land or structure is situated in an area of special amenity, whether or not an order in respect of that area has been confirmed under section 203 (or deemed to be so confirmed under section 268(1)(c)) of the Act, or that the development or retention of the structure might obstruct any view or prospect of special amenity value or special interest — to An Chomhairle Ealaíon, Fáilte Ireland, and An Taisce — the National Trust for Ireland,
- (b) where it appears to the authority that the development might obstruct or detract from the value of any tourist amenity or tourist amenity works— to Fáilte Ireland,
- (c) where it appears to the authority that the development—
 - (i) would involve the carrying out of works to a protected structure or proposed protected structure, or to the exterior of a structure which is located within an architectural conservation area,
 - (ii) might detract from the appearance of a structure referred to in sub-paragraph (i),
 - (iii) might affect or be unduly close to—
 - (I) a cave, site, feature or other object of archaeological, geological, scientific, ecological or historical interest,
 - (II) a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994 (No. 17 of 1994),
 - (III) a historic monument or archaeological area entered in the Register of Historic Monuments under Section 5 of the National Monuments (Amendment) Act, 1987 (No. 17 of 1987),
 - (IV) a national monument in the ownership or guardianship of the Minister under the National Monuments Acts, 1930 to 1994, or

(iv) might obstruct any scheme for improvement of the surroundings of, or any means of access to, any structure, place, feature or object referred to in sub-paragraph (iii),

— to the Minister, the Heritage Council, and An Taisce — the National Trust for Ireland, and in the case of development of a type referred to in sub-paragraph (i) or (ii), An Chomhairle Ealaíon and Fáilte Ireland,

(d) where it appears to the authority that the area of another local authority might be affected by the development — to that local authority,

(e) where it appears to the authority that the development would not be consistent with or would materially contravene any regional planning guidelines (or any objective thereof) of a regional authority — to that regional authority,

(f) where it appears to the authority that if permission were granted, a condition should be attached under section 34(4)(m) of the Act — to any local authority (other than the planning authority) who would be affected by any such condition,

(g) where it appears to the authority that—

(i) the development might cause the significant abstraction or addition of water either to or from surface or ground waters, whether naturally occurring or artificial,

(ii) the development might give rise to significant discharges of polluting matters or other materials to such waters or be likely to cause serious water pollution or the danger of such pollution, or

(iii) the development would involve the carrying out of works in, over, along or adjacent to the banks of such waters, or to any structure in, over or along the banks of such waters, which might materially affect the waters,

— to the appropriate Regional Fisheries Board and, in any case where the waters concerned are listed in Part 1 of Annex 1 of the Schedule to the British-Irish Agreement Act, 1999 (No. 1 of 1999), to Waterways Ireland,

(h) where it appears to the authority that the development might endanger or interfere with the safety of, or the safe and efficient navigation of aircraft — to the Irish Aviation Authority,

(i) where it appears to the authority that the development might interfere with the operation and development of a licensed airport, whose annual traffic is not less than 1 million passenger movements — to the airport operator,

- (j) where the development may have an impact on bus or rail-based transport — to Córas Iompair Éireann and the Railway Procurement Agency, as appropriate,
- (k) where it appears to the authority that—
 - (i) the development consists of or comprises the formation, laying out or material widening of an access to a national road within the meaning of section 2 of the Roads Act, 1993 (No. 14 of 1993), not being a national road within a built-up area within the meaning of section 45 of the Road Traffic Act, 1961, or
 - (ii) the development might give rise to a significant increase in the volume of traffic using a national road,
 - to the National Roads Authority,
- (l) where the development might significantly impact on surface transport in the Greater Dublin Area, the Dublin Transportation Office (or any body that replaces that office),
- (m) where the development comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence — to the Environmental Protection Agency,
- (n) where it appears to the authority that the development might have significant effects in relation to nature conservation — to the Heritage Council, the Minister and An Taisce — the National Trust for Ireland,
- (o) where the development is in a Gaeltacht area and it appears to the authority that it might materially affect the linguistic and cultural heritage of the Gaeltacht, including the promotion of Irish as the community language — to the Minister for Community, Rural and Gaeltacht Affairs and Údarás na Gaeltachta,
- (p) where the development is in the vicinity of an explosives factory, storage magazine or local authority explosives store — to the Minister for Justice, Equality and Law Reform,
- (q) where it appears to the authority that the development might have significant effects on public health — to the Health Service Executive,
- (r) where the application relates to extraction of minerals within the meaning of the Minerals Development Acts, 1940 to 1995 — to the Minister for Communications, Marine and Natural Resources,
- (s) where it appears to the authority that the development might impact on the foreshore — to the Minister for Communications, Marine and Natural Resources,
- (t) where the development might—

- (i) give rise to a significant increase in the volume or type of traffic (including construction traffic) passing under a height restricted railway bridge, or using a railway level crossing, or a bridge over a railway,
- (ii) because of its proximity to a railway, impact on the structural integrity of railway infrastructure during construction of the development, or
- (iii) endanger or interfere with the safe operation of a railway, during or after construction,

— to the railway operator, the Railway Safety Commission, and, in the case of development which might impact on a light railway or metro, the Railway Procurement Agency,

(u) where the application relates to—

- (i) the extraction of minerals, other than minerals within the meaning of the Minerals Development Acts 1940-1999, whether by surface or underground means,
- (ii) the development of, or extensions to, quarries, including sand or gravel pits, for the extraction of earth materials, or
- (iii) a development which, for other purposes, requires the excavation of earth materials greater than a total volume of 50,000m³ or the excavation of earth materials on a site area greater than 1 hectare,

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

(v) where it appears to the authority that the development might impact on the provision of public water services — to Irish Water.”.

(2) The amendment effected by sub-article (1) of this article shall not apply to proposed development in relation to which a local authority has sent notice to relevant or specified bodies, before 1 January 2014, pursuant to article 82(1) of the Regulations.

Amendment of Article 121 of the Regulations.

8. (1) Article 121 of the Regulations is amended by the substitution of the following sub-article for sub-article (1):

“(1) The prescribed authorities for the purposes of section 175(4) of the Act shall be—

- (a) where it appears to the authority that the land or structure is situated in an area of special amenity, whether or not an order in respect of that area has been confirmed under section 203 (or deemed to be so confirmed under section 268(1)(c)) of the Act,

or that the development or retention of the structure might obstruct any view or prospect of special amenity value or special interest — to An Chomhairle Ealaíon, Fáilte Ireland, and An Taisce — the National Trust for Ireland,

(b) where it appears to the authority that the development might obstruct or detract from the value of any tourist amenity or tourist amenity works — to Fáilte Ireland,

(c) where it appears to the authority that the development—

(i) would involve the carrying out of works to a protected structure or proposed protected structure, or to the exterior of a structure which is located within an architectural conservation area,

(ii) might detract from the appearance of a structure referred to in sub-paragraph (i),

(iii) might affect or be unduly close to—

(I) a cave, site, feature or other object of archaeological, geological, scientific, ecological or historical interest,

(II) a monument or place recorded under section 12 of the National Monuments (Amendment) Act 1994 (No. 17 of 1994),

(III) a historic monument or archaeological area entered in the Register of Historic Monuments under Section 5 of the National Monuments (Amendment) Act 1987 (No. 17 of 1987),

(IV) a national monument in the ownership or guardianship of the Minister under the National Monuments Acts 1930 to 2004, or

(iv) might obstruct any scheme for improvement of the surroundings of, or any means of access to, any structure, place, feature or object referred to in sub-paragraph (iii),

— to the Minister, the Heritage Council, and An Taisce — the National Trust for Ireland, and in the case of development of a type referred to in sub-paragraph (i) or (ii), An Chomhairle Ealaíon and Fáilte Ireland,

(d) where it appears to the authority that the area of another local authority might be affected by the development — to that local authority,

- (e) where it appears to the authority that the development would not be consistent with or would materially contravene any regional planning guidelines (or any objective thereof) of a regional authority — to that regional authority,
- (f) where it appears to the authority that if permission were granted, a condition should be attached under section 34 (4)(m) of the Act — to any local authority (other than the planning authority) who would be affected by any such condition,
- (g) where it appears to the authority that—
 - (i) the development might cause the significant abstraction or addition of water either to or from surface or ground waters, whether naturally occurring or artificial,
 - (ii) the development might give rise to significant discharges of polluting matters or other materials to such waters or be likely to cause serious water pollution or the danger of such pollution, or
 - (iii) the development would involve the carrying out of works in, over, along or adjacent to the banks of such waters, or to any structure in, over or along the banks of such waters, which might materially affect the waters,

— to the appropriate Regional Fisheries Board and, in any case where the waters concerned are listed in Part 1 of Annex 1 of the Schedule to the British-Irish Agreement Act, 1999 (No. 1 of 1999), to Waterways Ireland,
- (h) where it appears to the authority that the development might endanger or interfere with the safety of, or the safe and efficient navigation of aircraft — to the Irish Aviation Authority,
- (i) where it appears to the authority that the development might interfere with the operation and development of a licensed airport, whose annual traffic is not less than 1 million passenger movements — to the airport operator,
- (j) where the development may have an impact on bus or rail-based transport, to Córas Iompair Éireann and the Railway Procurement Agency, as appropriate,
- (k) where it appears to the authority that—
 - a. the development consists of or comprises the formation, laying out or material widening of an access to a national road within the meaning of section 2 of the Roads Act 1993 (No. 14 of 1993), not being a national road within a built-up area

within the meaning of section 45 of the Road Traffic Act 1961, or

b. the development might give rise to a significant increase in the volume of traffic using a national road,

— to the National Roads Authority,

(*l*) where the development might significantly impact on surface transport in the Greater Dublin Area, the Dublin Transportation Office (or any body that replaces that office),

(*m*) where the development comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence — to the Environmental Protection Agency,

(*n*) where it appears to the authority that the development might have significant effects in relation to nature conservation — to the Heritage Council, the Minister and An Taisce — the National Trust for Ireland,

(*o*) where the development is in a Gaeltacht area and it appears to the authority that it might materially affect the linguistic and cultural heritage of the Gaeltacht, including the promotion of Irish as the community language — to the Minister for Community, Rural and Gaeltacht Affairs and Údarás na Gaeltachta,

(*p*) where the development is in the vicinity of an explosives factory, storage magazine or local authority explosives store — to the Minister for Justice, Equality and Law Reform,

(*q*) where it appears to the authority that the development might have significant effects on public health — to the Health Service Executive,

(*r*) where the application relates to extraction of minerals within the meaning of the Minerals Development Acts, 1940 to 1995 — to the Minister for Communications, Marine and Natural Resources,

(*s*) where it appears to the authority that the development might impact on the foreshore — to the Minister for Communications, Marine and Natural Resources,

(*t*) where the development might—

(i) give rise to a significant increase in the volume or type of traffic (including construction traffic) passing under a height restricted railway bridge, or using a railway level crossing, or a bridge over a railway,

(ii) because of its proximity to a railway, impact on the structural integrity of railway infrastructure during construction of the development, or

(iii) endanger or interfere with the safe operation of a railway, during or after construction,

— to the railway operator, the Railway Safety Commission, and, in the case of development which might impact on a light railway or metro, the Railway Procurement Agency,

(u) where the application relates to—

(i) the extraction of minerals, other than minerals within the meaning of the Minerals Development Acts 1940-1999, whether by surface or underground means,

(ii) the development of, or extensions to, quarries, including sand or gravel pits, for the extraction of earth materials, or

(iii) a development which, for other purposes, requires the excavation of earth materials greater than a total volume of 50,000m³ or the excavation of earth materials on a site area greater than 1 hectare,

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

(v) where it appears to the authority that the development might impact on the provision of public water services — to Irish Water.”.

(2) The amendment effected by sub-article (1) of this article shall not apply to proposed development in relation to which a local authority has sent a notice to the prescribed authorities, before 1 January 2014, pursuant to section 175(4) of the Act.

Amendment of Article 179 of the Regulations.

9. (1) Article 179 of the Regulations is amended in sub-article (2) by the substitution of the following paragraphs for paragraph (u):

"(u) where it appears to the planning authority that development under the draft planning scheme may relate to—

(i) the extraction of minerals, other than minerals within the meaning of the Minerals Development Acts 1940-1999, whether by surface or underground means,

(ii) the development of pits or quarries for the extraction of natural earth materials, or

(iii) where the development requires the excavation of earth material greater than a total volume of 50,000m³ and greater than 10m deep,

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

(v) — to Irish Water.”.

Amendment of Article 213 of the Regulations.

10. (1) Article 213 of the Regulations is amended in sub-article (1) by the substitution of the following paragraphs for paragraph (w):

"(w) where the development might—

(i) give rise to a significant increase in the volume or type of traffic (including construction traffic) passing under a height restricted railway bridge, or using a railway level crossing, or a bridge over a railway,

(ii) because of its proximity to a railway, impact on the structural integrity of railway infrastructure during construction of the development, or

(iii) endanger or interfere with the safe operation of a railway, during or after construction,

— the railway operator, the Railway Safety Commission, and, in the case of development which might impact on a light railway or metro, the Railway Procurement Agency,

(x) — to Irish Water.”.

(2) The amendment effected by sub-article (1) of this article shall not apply to:

(a) applications in relation to which a notice has been sent to prescribed bodies or authorities, before 1 January 2014, pursuant to—

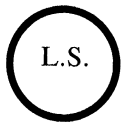
(i) section 37E(3)(c) of the Act, or

(ii) section 181A(3)(b) of the Act, or

(iii) section 182A(4)(b) of the Act, or

(iv) section 182C(4)(b) of the Act,

(b) requests in relation to which a notice has been sent to prescribed bodies or persons, before 1 January 2014, pursuant to section 146C(4)(c) of the Act.



GIVEN under my Official Seal,
19 December 2013.

JAN O'SULLIVAN T.D.,
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.)

These Regulations amend the Planning and Development Regulations, 2001 (as amended) to prescribe Irish Water as a prescribed body for the purposes of plans and proposed development under the Planning and Development Act, 2000 (as amended).

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(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.

€3.81



Wt. (B30381). 285. 12/13. Clondalkin. Gr 30-15.