



STATUTORY INSTRUMENTS.

S.I. No. 664 of 2022



PLANNING AND DEVELOPMENT ACT 2000 (EXEMPTED
DEVELOPMENT) (NUMBER 5) REGULATIONS 2022

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I, PETER BURKE, Minister of State at the Department of Housing, Local Government and Heritage in exercise of the powers conferred on me by subsection (4A) of section 4 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 2020 (S.I. No. 408 of 2020)) and by the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2020 (S.I. 559/2020), hereby make the following regulations:

Citation and construction

1. (1) These Regulations may be cited as the Planning and Development Act 2000 (Exempted Development) (Number 5) Regulations 2022.

(2) These Regulations shall be included in the collective citation the Planning and Development Regulations 2001 to 2022.

(3) These Regulations shall come into operation on the day immediately following the day on which they are made.

Interpretation

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

Insertion of new Article 8H into the Regulations

3. The following Article is inserted after Article 8G:
“8H. In areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development that is licensed or approved under section 6 of the Forestry Act 2014 (No. 31 of 2014) and that consists of the replacement of broadleaf high forest by conifer species in areas less than 10 hectares shall be exempted development for the purposes of the Act.”

GIVEN under my hand,
13 December 2022

PETER BURKE,
Minister of State at the Department of Housing, Local Government
and Heritage.

EXPLANATORY NOTE

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

These Regulations are made under section 4(4A) of the Planning and Development Act 2000, as amended.

In areas other than a city, a town or other specified areas, the replacement of broadleaf high forest by conifer species in areas less than 10 hectares is exempted development under Article 6(3) of the Planning and Development Regulations 2001. Under section 4(4) of the Planning and Development Act 2000, this development is no longer exempted if it would require an environmental impact assessment and/or an appropriate assessment.

Article 3 of these Regulations amends the Planning and Development Regulations, 2001, as amended, in accordance with section 4(4A) of the Act, by inserting a new Article 8H to ensure that this development remains exempted development, even where an environmental impact assessment and/or an appropriate assessment is required in cases where the development is licenced or approved by the Minister for Agriculture, Food and the Marine under section 6 of the Forestry Act, 2014.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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