



STATUTORY INSTRUMENTS.

S.I. No. 264 of 2015



PLANNING AND DEVELOPMENT (AMENDMENT) REGULATIONS
2015

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I, PAUDIE COFFEY, 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, Community and Local Government by sections 231, 238 and 262 (1) of the Planning and Development Act, 2000, (No. 30 of 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. 193 of 2011), which powers are delegated to me by the Environment, Community and Local Government (Delegation of Ministerial Functions) Order 2014 (S.I. 524 of 2014) hereby make the following regulations:

Citation and Commencement.

1. (1) These Regulations may be cited as the Planning and Development (Amendment) Regulations 2015.

(2) These Regulations and the Planning and Development Regulations 2001 to 2014 shall be construed as one and may be collectively cited as the Planning and Development Regulations 2001 to 2015.

(3) These Regulations shall come into operation on 1 October 2015.

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 (No. 30 of 2000), as amended.

Amendment of article 182 of the Regulations.

3. Article 182 is amended in sub-article (1) by the insertion after the definition of “venue” of the following definition—

“ “venue owner” means the owner(s) of the site at which it is proposed to hold an event.”.

Substitution of article 184 of the Regulations.

4. Article 184 of the Regulations is substituted by the following article—

“184.(1) A local authority shall, at the written request of a person who intends to make an application for a licence under section 230 of the Act, as soon as practicable hold a pre-application consultation meeting with the

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 23rd June, 2015.*

person concerned in order to discuss the proposed event(s), and shall invite the prescribed bodies to attend the meeting; the local authority and the prescribed bodies may give advice to the applicant regarding the proposed application.

(2) The carrying out of consultations under sub-article (1) shall not prejudice the performance by the local authority or any prescribed body of any of its functions under the Act or these Regulations or under any other enactment and such consultations cannot be relied upon in the process of determining an application or in legal proceedings.

(3) A preliminary risk assessment of the proposed event in the form set out at Form No. 9 of Schedule 3, or a form substantially to the like effect, shall be submitted to the local authority in advance of any such pre-application consultation meeting.

(4) Upon receipt of a preliminary risk assessment of the proposed event in accordance with Form No. 9 of Schedule 3, the local authority shall send a copy of the assessment to the prescribed bodies.

(5) Any person who intends to make an application may be accompanied by the venue owner(s) at any such pre-application consultation meeting.

(6) A further pre-application consultation meeting shall be convened where the person who intends to submit an application proposes to increase the scope of the proposed event, by increasing the size of the audience or the number of performances, and a revised preliminary risk assessment in accordance with Form No. 9 of Schedule 3 shall be submitted to the local authority in advance of any such pre-application consultation meeting.

(7) The local authority shall keep a record in writing of any pre-application consultation meeting under this article, including the names of those who participated in the meeting.

(8) A copy of a record under sub-article (7) shall be made available by the local authority for inspection by members of the public, as soon as possible after a decision is made on an application for a licence for the event which was the subject of the pre-application consultation meeting, during office hours at the offices of the authority and such other places as it considers appropriate; the record shall also be made available by the local authority for purchase at a cost not exceeding the reasonable cost of making a copy.

(9) A local authority shall not enter into any pre-application consultation meeting in relation to a proposed event with any person who has already either—

- (a) advertised the proposed event in relation to which the pre-application consultation meeting is requested, or

- (b) offered for sale tickets for the proposed event in relation to which the pre-application consultation meeting is requested.”.

Amendment of article 185 of the Regulations.

5. Article 185 of the Regulations is amended in sub-article (2) by the substitution of the following paragraph for paragraph (i)—

- “(i) that a submission or observation may be made to the local authority within 3 weeks of the date of receipt of the application by the local authority.”.

Amendment of article 186 of the Regulations.

6. Article 186 of the Regulations is amended by the substitution of the following sub-article for sub-article (1)—

“(1) An application must be made at least 13 weeks prior to the date of the holding of the event to which the application relates or, in the case of an application for a number of events at a venue in a period not exceeding one year, at least 13 weeks prior to the holding of the first event.

(1A) A local authority shall not accept an application for a licence for an event unless a pre-application consultation meeting under article 184 has taken place in relation to the event during the 12 month period prior to the date of the event to which the application relates or, in the case of an application for a number of events at a venue in a period not exceeding one year, 12 months prior to the holding of the first event.”.

Amendment of article 187 of the Regulations.

7. Article 187 of the Regulations is amended in sub-article (1) by the substitution of the following paragraphs for paragraph (h)—

“(h) be accompanied by a location map of sufficient size and containing details of related sites and features in the vicinity of the venue, to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas and marked clearly to show such related sites or features, and drawings to an appropriate scale of the venue, including a site layout plan and a viewing accommodation plan,

(i) be accompanied by a statement of compliance from the applicant stating that no substantial or habitual breaches of a licence, or the conditions of a licence, granted by any local authority under section 231 of the Act occurred during the preceding 24 months.”.

Amendment of article 188 of the Regulations.

8. Article 188 of the Regulations is amended by the substitution of the following sub-article for sub-article (1)—

“The local authority shall make the application, any accompanying documents, maps and drawings and any submission or observation made in relation to it, available for inspection during office hours at the offices of

the local authority and such other places as it considers appropriate, for a period of 3 weeks from the date of receipt of the application.”.

Amendment of article 189 of the Regulations.

9. Article 189 of the Regulations is amended by the substitution of the following sub-article for sub-article (1)—

“(1) Within one week of receipt of an application, a local authority shall consult with the prescribed bodies by sending a copy of the application to them and stating that submissions or observations may be made to the local authority in respect of the application within 3 weeks of the date on which the application was received by the local authority.”.

Substitution of article 190 of the Regulations.

10. Article 190 of the Regulations is substituted by the following article—

“190. (1) Any person may make a submission or observation in writing to the local authority in respect of an application within 3 weeks of the receipt of the application by the local authority.

(2) A submission or observation under sub-article (1) shall not be considered by the local authority unless it—

- (i) states the name of the person or organisation making the submission or observation, and
- (ii) indicates the residential or business address to which any correspondence relating to the application should be sent.”.

(3) Subject to sub-article (2), the local authority shall acknowledge any submissions or observations as soon as may be after receipt.”.

Amendment of article 192 of the Regulations.

11. Article 192 of the Regulations is amended—

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

“(1) A local authority shall make a decision under section 231(3) of the Act in respect of an application not earlier than 5 weeks after receiving the application and not later than 4 weeks prior to the date for the holding of the event to which the application relates or, in the case of an application for a number of events at a venue in a period not exceeding one year, not later than 4 weeks prior to the holding of the first event;

(1A) A local authority may amend any condition(s) attached to a licence issued under section 231(3) of the Act not later than 3 weeks prior to the date of the holding of the event or, in the case of a number of events at a venue in a period not exceeding one year, not later than 3 weeks prior to the holding of the first event, where the local authority is notified by the applicant that the anticipated audience will be less

than the permitted audience in the original licence issued by the local authority.”, and

(b) by the insertion of the following sub-article after sub-article (2)—

“(3) Where a local authority makes a decision to grant a licence, it shall make the decision available for inspection by members of the public, as soon as possible after the decision is made, during office hours at the offices of the authority and such other places as it considers appropriate, and shall also make the decision available for purchase at a cost not exceeding the reasonable cost of making a copy.”.

Amendment of article 193 of the Regulations.

12. Article 193 of the Regulations is amended—

(a) in sub-article (2) by the substitution of the following paragraph for paragraph (h)—

“(h) that submissions or observations in respect of the proposed event may be made to the local authority within 3 weeks of the date of publication of the notice under sub-article (1).”, and

(b) by the insertion of the following sub-article after sub-article (2)—

“(3) Before publishing a notice under sub-article (1) a local authority shall consult with the prescribed bodies and with the relevant departments within the local authority concerned in relation to the proposed event.”.

Amendment of article 194 of the Regulations.

13. Article 194 of the Regulations is amended by the substitution of the following sub-article for sub-article (1)—

“(1) The local authority shall make a proposal, including a draft plan for the management of the event, and appropriate maps and drawings in relation to the proposed event available for inspection at the offices of the local authority and such other places as it considers appropriate during office hours for a period of 3 weeks from the date of publication of the notice under article 193.”.

Amendment of article 195 of the Regulations.

14. Article 195 of the Regulations is amended in sub-article (2) by the substitution of the following paragraph for paragraph (b)—

“(b) state that a submission or observation may be made to the local authority in respect of the proposed event within 3 weeks of the date of publication of the notice under sub-article (1).”.

Substitution of article 196 of the Regulations.

15. Article 196 is substituted by the following article—

“196. (1) Any person may make a submission or observation in writing to the local authority in respect of the proposed event within 3 weeks of the date of publication of the notice under article 193 (1).

(2) A submission or observation under sub-article (1) shall not be considered by the local authority unless it—

(i) states the name of the person making the submission or observation, and

(ii) indicates the residential or business address to which any correspondence relating to the proposed event should be sent.

(3) Subject to sub-article (2), the local authority shall acknowledge any submissions or observations as soon as may be after receipt.”.

Amendment of Schedule 3 of the Regulations.

16. Schedule 3 of the Regulations is amended by the insertion, after Form No. 8, of Form No. 9 set out in the Schedule to these Regulations.

**PRELIMINARY RISK ASSESSMENT FORM FOR PROPOSED
EVENT(S) UNDER SECTIONS 229 AND 230 OF THE ACT**

Submit to: (Insert Planning Authority details here)

Date:

Applicant Name:	
Type of event proposed ¹	
Location of event(s) proposed ²	
Date(s) of event(s) proposed:	
Duration of event proposed:	
Commencement & conclusion times of proposed event:	
Contact details: (including address, email address, telephone number etc.)	
Where the organiser is not the owner or occupier of the proposed venue, please state the name of the owner / occupier of the venue	
State the anticipated number of persons at the proposed event broken down into:- (a) Performers (b) Audience (c) Event Staff	
Ticketed or non-ticketed event-	
Attach a short risk assessment of the event covering the nature of the anticipated crowd, the nature of the event, proposals (if any) for the sale or distribution of alcohol, previous history of this or similar event and any other factor that might need to be considered ³	
State the names (if currently known) and contact details of the • Event controller & deputy • Event safety officer & deputy • Event medical co-ordinator & deputy	Contact No. 1: Contact No. 2: Contact No. 3:
Please provide details of your insurance arrangements ⁴	

¹An event as set out in Sections 229 and 230 of the Planning and Development Act, 2000 (as amended).

²Provide a location map of sufficient size and containing details of related sites and features in the vicinity of the venue.

³This can be a summary of the Safety Statement but the Safety Statement itself is not required at this preliminary stage.

⁴If not yet arranged, indicate what is proposed.

Declaration — By signing and dating this form you are confirming that the information provided is correct at the time of signing.

Signature _____

Date _____



GIVEN under my Official Seal,
19 June 2015.

PAUDIE COFFEY TD,
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 to 2014. They impose an obligation on event organisers and local authorities to hold a pre-application consultation meeting. Prescribed bodies will be invited by local authorities to attend such pre-application consultation meetings. They require the submission of the prescribed preliminary risk assessment form of the proposed event by the proposed applicant to the local authority prior to the pre-application consultation meeting. They require further pre-application consultation meetings and a revised preliminary risk assessment to be submitted by the proposed applicant if additional events are proposed to those outlined in the original preliminary risk assessment. They prevent the granting of a pre-application consultation meeting to a proposed applicant who has already either advertised the proposed event, or offered tickets for sale for the proposed event for which the meeting is being requested. They increase the period prior to the event that a licence application for an outdoor event must be made from 10 weeks to 13 weeks. They require a local authority to refuse applications for an event unless the authority has held a pre-application consultation meeting with the applicant in relation to the event being applied for during the 12 month period prior to the date of the event. They require a statement of compliance from the applicant that there have been no substantial or repeated breaches of a licence, or conditions of a licence issued to the applicant by any local authority in the previous 24 months. They reduce the time period within which any prescribed body or any other person can make written submissions on an application from 5 weeks to 3 weeks from the date the application is received by the local authority. Submissions or observations will only be considered if they include the name and residential or business address of the person or organisation making the submission. Valid submissions will be acknowledged by the local authority as soon as possible after receipt. They impose an obligation on the local authority to make its decision on the application at least 4 weeks in advance of the event. They allow the local authority to amend any condition(s) of a licence issued for an event where the local authority has been notified by the applicant not later than 3 weeks prior to the event, or the first event, that the anticipated audience will be less than the audience permitted in the original licence issued by the local authority. If a local authority intends to hold an event, the local authority is required to consult with the relevant departments within the authority concerned and with the prescribed bodies in relation to the proposed event, prior to publishing a newspaper notice. They reduce the period for observations or submissions from any prescribed body or any other person for events proposed by a local authority from 5 weeks to 3 weeks from the publication date of the newspaper notice for the proposed event. Submissions or observations will only be considered by the local authority if they include the name and the residential or business address of the person or organisation making the submission. Valid submissions will be acknowledged by the local authority as soon as possible after receipt.

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