



STATUTORY INSTRUMENTS.

S.I. No. 648 of 2023



PLANNING AND DEVELOPMENT (AMENDMENT) (No.4)
REGULATIONS 2023

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NOW I, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by subsection (1) of section 37P and subsection (1) of section 177N and section 262 of the Planning and Development Act 2000 (No. 30 of 2000) (as adapted by the Housing, Planning and Local Government (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 408 of 2020)), hereby make the following regulations:

Citation

1. (1) These Regulations may be cited as the Planning and Development (Amendment) (No.4) Regulations 2023.

(2) The collective citation "Planning and Development Regulations 2001 to 2023" includes these Regulations.

Interpretation

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

Amendment of Article 72 of the Principal Regulations

3. Article 72 of the Principal Regulations is amended—

(1) in sub-article (1) by deleting—

- (a) in paragraph (e) "and applications for leave to apply for substitute consent", and
- (b) in paragraph (f) "decided or withdrawn and the applications for leave to apply for substitute consent".

(2) in sub-article (7A) by deleting—

- (a) "and applications for leave to apply for substitute consent",
- (b) "and section 177C, respectively," and
- (c) "or leave", and

(3) in sub-article (7B) by deleting—

- (a) "and applications for leave to apply for substitute consent", and
- (b) "and section 177C, respectively,".

Amendment of Article 223 of the Principal Regulations

4. Article 223 of the Principal Regulations is amended by substituting “substitute consent in respect of development of land under section 177E” for “substitute consent under 177E”.

Amendment of Article 226 of the Principal Regulations

5. Article 226 of the Principal Regulations is amended by deleting “233A(1)(b) and 233C”.

Amendment of Article 230 of the Principal Regulations

6. Article 230 of the Principal Regulations is amended by substituting “8 weeks” for “5 weeks” in both places where it occurs.

Amendment of Article 231 of the Principal Regulations

7. Article 231 of the Principal Regulations is amended by substituting “8 weeks” for “5 weeks” in both places where it occurs.

Amendment of Article 233 of the Principal Regulations

8. Article 233 of the Principal Regulations is amended—

(1) by inserting the following sub-article after sub-article 233(1)(b)—

“233(1A) Where the Board requests further information under sections 177K(2CA) or 177K(2CA) and 177K(2CC) of the Act, notwithstanding that an application for substitute consent has already been submitted to the Board articles 227(2)(cb) and 227(2A) shall apply.”

Amendment of Article 234 of the Principal Regulations

9. Article 234 of the Principal Regulations is amended by substituting “8 weeks” for “5 weeks”.

Amendment of Article 235 of the Principal Regulations

10. Article 235 of the Principal Regulations is amended by deleting “233F, or 233H”.

Amendment of Article 264 of the Principal Regulations

11. Article 264 of the Principal Regulations is amended by substituting—

(1) “development of land” for “quarry”,

(2) “EIAR” for “EIS”, and

(3) “8 weeks” for “5 weeks”.

Amendment of Article 270 of the Principal Regulations

12. Article 270 of the Principal Regulations is amended by substituting “8 weeks” for “5 weeks” in both places where it occurs.

Amendment of Article 271 of the Principal Regulations

13. Article 271 of the Principal Regulations is amended by substituting “8 weeks” for “5 weeks” in both places where it occurs.

Amendment of Article 273 of the Principal Regulations

14. Article 273 of the Principal Regulations is amended in sub-article (1) by substituting “EIAR” for “EIS” in each place where it occurs.

Amendment of Article 274 of the Principal Regulations

15. Article 274 of the Principal Regulations is amended—

(1) in sub-article (1) by substituting—

(a) “a development of land of which the development type is listed in Schedule 5 Part 2 shall be accompanied by an EIAR” for “a quarry which does not exceed 5 hectares is not accompanied by an EIS”, and

(b) “to submit EIAR” for “to submit EIS”.

Amendment of Article 276 of the Principal Regulations

16. Article 276 of the Principal Regulations is amended by substituting—

(1) “EIAR” for “EIS” in each place where it occurs, and

(2) “8 weeks” for “5 weeks” in each place where it occurs.

Amendment of Article 277 of the Principal Regulations

17. Article 277 of the Principal Regulations is amended by substituting “EIAR” for “EIS”.

Amendment of Article 278 of the Principal Regulations

18. Article 278 of the Principal Regulations is amended by substituting “EIAR” for “EIS” in both places where it occurs.

Amendment of Article 279 of the Principal Regulations

19. Article 279 of the Principal Regulations is amended by substituting “EIAR” for “EIS” in each place where it occurs.

Amendment of Article 280 of the Principal Regulations

20. Article 280 of the Principal Regulations is amended by substituting “EIAR” for “EIS”.

Amendment of Article 281 of the Principal Regulations

21. Article 281 of the Principal Regulations is amended by substituting “8 weeks” for “5 weeks”.

Revocations

22. Articles 233A to 233H (inserted by Article 4 of Planning and Development (Amendment) (No.2) Regulations 2020 (S.I. No. 692/2020)) of the Principal Regulations are revoked.

Schedule

23. Schedule 3 of the Principal Regulations is amended—

(1) by substituting Form A set out in the Schedule to these regulations for Form No. 6,

(2) by deleting Form No. 6A,

(3) section 13 of Form No. 7 is amended by substituting “Is the remedial Environmental Impact Assessment Report included with this application?” for “Does the development require the preparation of a remedial Environmental Impact Assessment Report?”, and

(4) by substituting Form B set out in the Schedule to these regulations for Form No. 10.

Schedule

Form A

Form No. 6 Article 225

Application to An Bord Pleanála for substitute consent: site notice

**APPLICATION TO AN BORD PLEANÁLA FOR SUBSTITUTE
CONSENT SITE NOTICE**

I,¹, intend to apply for substitute
consent for development at this site²

.....
The development consists of.....
.....³

The application is accompanied by a remedial Environmental Impact Assessment Report and remedial Natura impact statement [delete as appropriate].

Submissions or observations may be made on the application, to An Bord Pleanála, 64 Marlborough Street, Dublin 1, www.pleanala.ie without charge. Submissions or observations must be in writing and made within the period of 8 weeks beginning on the date of receipt of the application by An Bord Pleanála and such submissions and observations will be considered by An Bord Pleanála in making a decision on the application. An Bord Pleanála may grant the consent subject to or without conditions, or may refuse to grant it.

The application for consent may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of An Bord Pleanála, or the relevant planning authority during its public opening hours.

Any enquiries relating to the application process should be directed to An Bord Pleanála (Tel. 01-8588100).

Signed:⁴

Date of erection of site notice⁵

Directions for completing site notice

1. The name of the applicant for substitute consent (and **not** his or her agent) should be inserted here.

2. The location, townland or postal address of the land or structure to which the application relates should be inserted here.

3. A brief description of the nature and extent of the development should be inserted here. The description shall include—
 - (a) where the application relates to development which consisted or comprised of the carrying out of works to a protected structure or proposed protected structure, an indication of that fact,
 - (b) where the application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact, or
 - (c) where an application relates to development consisting of the provision of, or modifications to an establishment within the meaning of Part 11 of these Regulations (Major Accidents Directive), an indication of that fact.

4. Either the signature of the applicant or the signature and contact address of the person acting on behalf of the applicant should be inserted here.

5. The date that the notice is erected or fixed at the site should be inserted here.

Form B

Form No. 10

Article 265

SITE NOTICE

APPLICATION TO AN BORD PLEANÁLA FOR PERMISSION FOR DEVELOPMENT OF LAND UNDER SECTION 37L OF THE ACT

I, ¹ intend to apply for permission under section 37L of the Planning and Development Act 2000 for development at this site.

.....
..... ²

The development consists of.....
..... ³

The application is accompanied by an Environmental Impact Assessment Report⁴:

Yes No

The application is accompanied by a Natura Impact Statement⁴:

Yes No

Submissions or observations may be made on the application, to An Bord Pleanála, 64 Marlborough Street, Dublin 1, www.pleanala.ie free of charge. Submissions or observations must be in writing and made within the period of 8 weeks beginning on the date of receipt of the application by An Bord Pleanála and such submissions and observations will be considered by An Bord Pleanála in making a decision on the application. An Bord Pleanála may grant the consent subject to or without conditions, or may refuse to grant it.

The application for permission may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of An Bord Pleanála, or the relevant planning authority during its public opening hours.

Any enquiries relating to the application process should be directed to An Bord Pleanála (Tel. 01-8588100).

Signed: ⁵

Date of erection of site notice ⁶

Directions for completing site notice

1. The name of the applicant for permission (and **not** his or her agent) should be inserted here.
2. The location, townland or postal address of the land or structure to which the application relates should be inserted here.
3. A brief description of the nature and extent of the development should be inserted here.
4. Tick as appropriate.
5. Either the signature of the applicant or the signature and contact address of the person acting on behalf of the applicant should be inserted here.
6. The date that the notice is erected or fixed at the site should be inserted here.



GIVEN under my Official Seal,
16 December, 2023.

DARRAGH O'BRIEN,
Minister for 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 sections 37P(1), 177N(1) and 262 of the Planning and Development Act 2000, as amended, and come into force on the date of signature. The purpose of these Regulations is to amend Parts 7, 19, 22 and Schedule 3 of the Planning and Development Regulations 2001, as amended, to provide for consequential and supplementary amendments arising from the changes to the substitute consent provisions of the Planning and Development Act, 2000 provided for in the Planning and Development, Maritime and Valuation (Amendment) Act 2022. The Planning and Development, Maritime and Valuations (Amendment) Act 2022 includes provisions which:

- enable the streamlining of substitute consent procedures for applications to regularise existing development requiring retrospective environmental impact assessment or appropriate assessment;
- provide for a single-stage application process;
- allow pre-application consultations with the Board on proposed applications;
- extend simultaneous applications for both retrospective and future facing development to An Bord Pleanála;
- provide for the Board to refuse to consider an application for retention of unauthorised development where either or both an environmental impact assessment/appropriate assessment was or is required;
- specify the additional information that can be provided by an applicant when a request received by the Board under section 177K of the Planning and Development Act 2000 applies;
- enable the Board to request any necessary further information in assisting with the decision making of the consent; and
- repeal temporary substitute consent provisions provided for by the Planning and Development, and Residential Tenancies Act 2020.

These regulations will align the Planning and Development Regulations 2001 with the Planning and Development Act 2000 as amended. The Regulations will also extend the timeline for receipt of submissions or observations in relation to substitute consent applications.

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

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD,
KILMAINHAM, DUBLIN 8,
D08 XAO6

Tel: 046 942 3100
E-mail: publications@opw.ie

€ 3.50

ISBN 978-1-3993-2800-5



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