

STATUTORY INSTRUMENTS.

S.I. No. 350 of 2000.

PLANNING AND DEVELOPMENT REGULATIONS, 2000.

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The Minister for the Environment and Local Government, in exercise of the powers conferred on him by sections 11, 12, 13, 20, 24, 100, 169 and 262 of the Planning and Development Act, 2000 (No. 30 of 2000) hereby makes the following Regulations:

Citation	1.	These Regulations may be cited as the Planning and Development Regulations, 2000.
Commencement	2.	These Regulations shall come into operation on 1 November, 2000.
Interpretation	3.	In these Regulations:- "the Act of 2000" means the Planning and Development Act, 2000; "DTI Strategy" has the meaning assigned to it by the Dublin Transportation Office (Establishment) Order, 1995 (S.I. No 289 of 1995); "Dublin Docklands Area" has the meaning assigned to it by section 4 of the Dublin Docklands Development Authority Act, 1997; "house" includes a flat, an apartment or other dwelling within a building; "regional assembly" means a regional authority established by the Local Government Act, 1991 (Regional Authorities) (Establishment) Order, 1999 (S.I. No. 226 of 1999).
Authorities prescribed under sections 11, 12 and 13 of Act of 2000.	4.	The prescribed authorities for the purposes of sections 11, 12 and 13 of the Act of 2000 shall be- (a) the Minister, (b) the Board, (c) the Minister for Agriculture, Food and Rural Development, (d) the Minister for Arts, Heritage, Gaeltacht and the Islands, (e) the Minister for Defence, (f) the Minister for Education and Science, (g) the Minister for the Marine and Natural Resources, (h) the Minister for Public Enterprise,

	<ul style="list-style-type: none"> (i) Aer Rianta, (j) Bord Fáilte Éireann, (k) the Central Fisheries Board, (l) An Chomhairle Éalaíon, (m) the Commissioners of Public Works in Ireland, (n) in the case of a planning authority any part of whose functional area is affected by the DTI Strategy, the Dublin Transportation Office, (o) the Electricity Supply Board, (p) Forfás, (q) the appropriate health board, (r) the Heritage Council, (s) the National Authority for Occupational Safety and Health, (t) the National Roads Authority, (u) the appropriate Regional Fisheries Board, (v) in the case of a planning authority any part of whose functional area is situated within the functional area of the Shannon Free Airport Development Company Ltd., that Company, (w) An Taisce - the National Trust for Ireland, (x) every planning authority whose area is contiguous to the area of the planning authority which prepared the draft, (y) every local authority in the area to which the draft relates, and (z) 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.
<p>Authorities prescribed under section 20 of Act of 2000.</p>	<p>5. The prescribed authorities for the purposes of section 20 of the Act of 2000 shall be -</p> <ul style="list-style-type: none"> (a) any local authority in the area to which the local area plan, proposed local area plan or proposed amended plan, as appropriate, relates, and (b) 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.
<p>Authorities prescribed under section 24 of the Act of 2000.</p>	<p>6. The prescribed authorities for the purposes of section 24 of the Act of 2000 shall be -</p> <ul style="list-style-type: none"> (a) the Minister, (b) the Board, (c) the Minister for Agriculture, Food and Rural Development, (d) the Minister for Arts, Heritage, Gaeltacht and the Islands,

	<p>(e) the Minister for Defence,</p> <p>(f) the Minister for Education and Science,</p> <p>(g) the Minister for the Marine and Natural Resources,</p> <p>(h) the Minister for Public Enterprise,</p> <p>(i) Aer Rianta,</p> <p>(j) Bord Fáilte Éireann,</p> <p>(k) the Central Fisheries Board and any Regional Fisheries Board whose area is within the region for which the guidelines are prepared,</p> <p>(l) An Chomhairle Éalaíon,</p> <p>(m) the Commissioners of Public Works in Ireland,</p> <p>(n) in any case where the Dublin Docklands Area is within the region for which the guidelines are prepared - to the Dublin Docklands Development Authority,</p> <p>(o) in any case where an area which is affected by the DTI Strategy is within the region for which the guidelines are prepared, the Dublin Transportation Office,</p> <p>(p) the Electricity Supply Board,</p> <p>(q) Forfás,</p> <p>(r) any health board whose area is within the region for which the guidelines are prepared,</p> <p>(s) the Heritage Council,</p> <p>(t) the National Authority for Occupational Safety and Health,</p> <p>(u) the National Roads Authority,</p> <p>(v) in any case where the functional area of the Shannon Free Airport Development Company Ltd. is within the region for which the guidelines are prepared, that Company,</p> <p>(w) An Taisce - the National Trust for Ireland,</p> <p>(x) every regional authority whose area is contiguous to the region for which the guidelines are prepared,</p> <p>(y) the regional assembly within whose region the region for which the guidelines are prepared is situated.</p>
<p>Accommodation needs</p>	<p>7. The minimum size of accommodation required by eligible persons for the purposes of section 100(1)(a) of the Act of 2000 shall be:-</p> <p>(a) for one person, a house with one bedroom and gross floor area of 35m²,</p> <p>(b) for 2 persons, a house with one bedroom and a gross floor area of 40m²,</p> <p>(c) for 3 persons, a house with 2 bedrooms and a gross floor area of 50m²,</p> <p>(d) for 4 persons, a house with 2 bedrooms and a gross floor area of 60m²,</p>

	<p>(e) for 5 or 6 persons, a house with 3 bedrooms and a gross floor area of 72m², or</p> <p>(f) for 7 or more persons, a house with 4 bedrooms and a gross floor area of 100m².</p>
<p>Authorities prescribed under section 169 of Act of 2000.</p>	<p>8. (1) The prescribed authorities for the purposes of section 169 of the Act of 2000 shall be -</p> <p>(a) the regional authority within whose region the site or sites to which the draft planning scheme applies is or are situated,</p> <p>(b) any local authority whose area is within or contiguous to the site or sites to which the draft planning scheme applies, and</p> <p>(c) any planning authority whose area is contiguous to the site or sites to which the draft planning scheme applies.</p> <p>(2) In addition to the requirements of sub-article (1), a copy of the draft planning scheme shall be sent-</p> <p>(a) where a draft planning scheme relates wholly or mainly to industrial or commercial development, Forfás,</p> <p>(b) where it appears to the planning authority that development under the draft planning scheme would be likely to impact on the provision of education services - to the Minister for Education and Science,</p> <p>(c) where it appears to the planning authority that development under the draft planning scheme would be likely to have significant effects on public health or might otherwise impact on the provision of health services - to the appropriate health board,</p> <p>(d) where it appears to the planning authority that development under the draft planning scheme would be likely to impact on public transport, energy or communication networks - to the Minister for Public Enterprise,</p> <p>(e) where it appears to the planning authority that development under the draft planning scheme would be likely to give rise to a significant increase in the volume of traffic using a national road or would otherwise have significant effects on the national road network - to the National Roads Authority,</p> <p>(f) where it appears to the planning authority that development under the draft planning scheme would be likely to significantly impact on the implementation of the DTI Strategy - to the Dublin Transportation Office,</p> <p>(g) where it appears to the planning authority that development under the draft planning scheme would be likely to -</p> <p>(i) affect, or detract from the appearance of, any protected structure or proposed protected structure or any structure within an architectural conservation area (or an area specified as an architectural conservation area in a draft development plan or a draft variation of a development plan, pending the making of such plan or variation), or</p> <p>(ii) affect or be unduly close to any cave, site, feature or other object of archaeological, geological, scientific or historical interest, or</p> <p>(iii) obstruct any scheme for improvement of the surroundings of</p>

or any means of access to any such structure, area, cave, site, feature or object referred to in sub-paragraphs (i) or (ii),

- to the Minister for Arts, Heritage, Gaeltacht and the Islands, the Heritage Council, An Taisce - the National Trust for Ireland, Bord Fáilte Éireann, and (in relation to a structure referred to in sub-paragraph (i) constructed during or after the year 1900) An Chomhairle Éalaíon,

(h) where it appears to the planning authority that the site or sites to which the draft planning scheme applies is or are situated in an area of special amenity (whether or not an order in respect of that area has been made under section 42 of the Act of 1963) or that development under the draft planning scheme would be likely to obstruct any view or prospect of special amenity value or special interest - to An Chomhairle Éalaíon, Bord Fáilte Éireann and An Taisce - the National Trust for Ireland,

(i) where it appears to the planning authority that development under the draft planning scheme would be likely to obstruct or detract from the value of any tourist amenity or tourist amenity works - to Bord Fáilte Éireann,

(j) where it appears to the planning authority that development under the draft planning scheme would be likely to affect a European site or would otherwise have significant effects on nature conservation - to the Minister for Arts, Heritage, Gaeltacht and the Islands,

(k) where it appears to the planning authority that development under the draft planning scheme would be likely to significantly give rise to appreciable discharges of polluting matters to waters or be likely to cause serious water pollution or the danger of such pollution, or might otherwise affect fisheries - to the appropriate Regional Fisheries Board,

(l) where it appears to the planning authority that development under the draft planning scheme would be likely to significantly impact on the foreshore - to the Minister for Marine and Natural Resources,

(m) where it appears to the planning authority that development under the draft planning scheme would be likely to increase the risk of a major accident or would be of such a nature as to be likely, if a major accident were to occur, and having regard to all the circumstances, to cause there to be serious consequences - to the National Authority for Occupational Safety and Health,

(n) where it appears to the planning authority that development under the draft planning scheme would be likely to significantly endanger or interfere with the safety of aircraft or the safe and efficient navigation thereof - to the Irish Aviation Authority,

(o) where development under the draft planning scheme would comprise or be for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 or a waste licence would be required - to the Environmental Protection Agency,

(p) where the site or sites to which the draft planning scheme applies is or are in the functional area of the Shannon Free Airport Development Company Limited (and that company is not the relevant development agency) - to that Company, or

(q) where the site or sites to which the draft planning scheme applies is or are in the Dublin Docklands Area - to the Dublin Docklands Development Authority.

Given under the Official Seal of the Minister for Environment and Local Government this 31st day of October, 2000

L.S. Noel Dempsey
Minister for the Environment and Local Government.

EXPLANATORY NOTE.

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

These Regulations prescribe -

1. the bodies which must be notified of the preparation of a draft development plan. Copies of the draft development plan and of a draft variation of a development plan, and the development plan or variation as made, must also be sent to those bodies.
2. the bodies which must be notified of the making, amending or revocation of a local area plan, in addition to An Board Pleanála.
3. the bodies which must be notified of the intention to make regional planning guidelines, and sent a copy of the draft guidelines.
4. the size of accommodation needed by eligible persons as defined in section 93 of the Planning and Development Act, 2000.
5. those bodies which must be notified of and sent a copy of a draft planning scheme for a site designated by the Government as a strategic development zone.

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