

# S.I. No. 135/2007 — Planning and Development (No. 2) Regulations 2007.

S.I. No. 135 of 2007

PLANNING AND DEVELOPMENT (NO. 2) REGULATIONS 2007.

*Notice of the making of this Statutory Instrument was published in*

*“Iris Oifigiúil” of 3rd April, 2007.*

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by sections 11, 12, 13, 24, 33, 37I and 262 of the Planning and Development Act 2000 , as amended by the Planning and Development (Strategic Infrastructure) Act 2006 , (as adapted by the Environment and Local Government (Alteration of Name of Department and Title of Minister) Order 2003 (S.I. 233 of 2003) hereby makes the following Regulations—

## PART 1 Preliminary and General

### *Citation*

1. These Regulations shall be cited as the Planning and Development (No. 2) Regulations 2007.

### *Commencement*

2. These Regulations shall come into operation on the 31st March 2007.

### *Interpretation*

3. In these Regulations—

‘the 2001 Regulations’ means the Planning and Development Regulations 2001 (S.I. 600 of 2001);

‘the 2006 Regulations’ means the Planning and Development Regulations 2006 (S.I. 685 of 2006);

‘the Act’ means the Planning and Development Acts 2000-2006.

## PART 2 Amendment of 2006 Regulations

### *Amendment of Article 34 of the 2006 Regulations*

4. Article 34(2) of the 2006 Regulations is amended by the substitution in paragraph (b) of “paragraphs (e) and (f)” for “paragraph (f)”.

### *Insertion of new Article 43 into 2006 Regulations*

5. The 2006 Regulations are amended by the insertion of the following after Article 42  
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#### *“Transitional arrangements*

43. (1) Applications made in accordance with the 2001 Regulations prior to the coming into force of these regulations, but not determined by the planning authority on the coming into force of these Regulations, shall continue to be valid.

(2) In the case of applications referred to in paragraph (1), where, on inspection of the site, the requirements of the 2001 Regulations prior to the coming into force of these Regulations have been met, the application shall not be deemed invalid on the basis of Article 26 of the 2001 Regulations as amended.

(3) No application shall be invalidated in accordance with Article 26 of the 2001 Regulations as amended, if it meets the requirements of the 2001 regulations prior to the coming into force of these regulations.

(4) The provisions of this article shall cease to have effect on 1st June 2007.”.

## PART 3 Amendment of the Planning and Development Regulations 2001-2007

### *Interpretation for this Part*

6. In this Part unless otherwise indicated, “the Regulations” means the Planning and Development Regulations 2001 to 2007 and a reference to an article shall be construed accordingly.

*Amendment of Article 13 of the Regulations*

7. Article 13 of the Regulations is amended by the insertion after paragraph (o) of the following paragraph—

“(oo) the Environmental Protection Agency,”.

*Amendment of Article 15 of the Regulations*

8. Article 15 of the Regulations is amended by the insertion after paragraph (p) of the following paragraph—

“(pp) the Environmental Protection Agency,”.

*Amendment of Article 27 of the Regulations*

9. Article 27(2) is amended by—

(a) the insertion, after “refused” of “; that it is the responsibility of any person wishing to use the personal data on planning applications and decisions lists for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 and 2003 taking account of the preferences outlined by applicants in their applications,”

(b) by the deletion of “and address” in paragraph (a).

*Amendment of Article 29 of the Regulations*

10. Article 29(1) of the Regulations is amended by the substitution of paragraph (b) with the following—

“(b) Any submission or observation received shall—

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

(ii) indicate the address to which any correspondence relating to the application should be sent.”.

*Amendment of Article 32 of the Regulations*

11. Article 32 of the Regulations is amended by the substitution of sub-article (2) with the following—

“(2) A list referred to in sub-article (1) shall have a banner heading stating—

(a) that in deciding a planning application the planning authority, in accordance with section 34(3) of the Act, has had regard to submissions or observations received in accordance with these Regulations,

(b) that it is the responsibility of any person wishing to use the personal data on planning applications and decisions lists for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 and 2003 taking account of the preferences outlined by applicants in their applications,

and shall indicate, in addition to the matters specified in article 27(2), the nature of the decision of the planning authority in respect of the application.”.

*Amendment of Article 36 of the Regulations*

12. Article 36 is amended by the substitution of sub-article (3) with the following—

“(3) Any submission or observation made in accordance with sub-article (2) shall—

(a) state the name of the person or body making the submission or observation, and

(b) indicate the address to which any correspondence relating to the application should be sent.”.

*Amendment of Article 42 of the Regulations*

13. Article 42 of the Regulations is amended by the substitution of the following paragraph for paragraph (a)—

“(a) the name and address of the applicant and of the person, if any, acting on behalf of the applicant,”.

*Amendment of Article 47 of the Regulations*

14. Article 47 of the Regulations is amended—

(a) in sub-article (2) by the deletion of “and address” in paragraph (a), and

(b) in sub-article (4) by the deletion of “and address” in paragraph (a).

*Amendment of Article 216 of the Regulations*

15. Article 216 of the Regulations is amended by—

(a) in sub-article (2) by the deletion of “and address” in paragraph (b), and

(b) in sub-article (3) by the deletion of “and address” in paragraph (c).

*Amendment of Article 217 of the Regulations*

16. Article 217(1) is amended by the substitution of the following sub-paragraph for sub-paragraph (i) in paragraph (a)—

“(i) the name of the person making the submission or observation, the name of the person acting on his or her behalf, if any, and the address to which any correspondence relating to the application should be sent.”.

*Amendment of Article 221 of the Regulations*

17. Article 221(2) of the Regulations is amended by the deletion of “and address” in paragraph (d).



GIVEN under my Official Seal,

29 March 2007

DICK ROCHE T.D.

Minister for the Environment, Heritage and Local Government.

## EXPLANATORY NOTE

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

The purpose of these Regulations is to make certain amendments to the Planning and Development Regulations 2001-2006 including in relation to Data Protection requirements.

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