

# **LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) REGULATIONS 1994**

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LICENCE FEEs UNDER SECTION 89 OF ACT OF 1963 IN RESPECT OF SPECIFIED APPLIANCES AND STRUCTURES

S.I. No. 86 of 1994.

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) REGULATIONS, 1994.

The Minister for the Environment, in exercise of the powers conferred on him—

- (i) by sections 10 of the Local Government (Planning and Development) Act, 1963 (No. 28 of 1963), by section 4 of that Act as amended by section 43 of the Local Government (Planning and Development) Act, 1976 (No. 20 of 1976) and Article 6 of the European Communities (Environmental Impact Assessment) Regulations, 1989 (S.I. No. 349 of 1989), by section 8 of that Act as amended by section 12 of the Local Government (Planning and Development) Act, 1982 (No. 21 of 1982), by section 21 of that Act as amended by section 43 of the Local Government (Planning and Development) Act, 1976, by section 25 of that Act as amended by section 39 of the Local Government (Planning and Development) Act, 1976, Article 7 of the European Communities (Environmental Impact Assessment) Regulations, 1989 and Article 5 of the European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1994 (S.I. No. 84 of 1994), by section 26 of that Act as amended by section 39 of the Local Government (Planning and Development) Act, 1976, Article 8 of the European Communities (Environmental Impact Assessment) Regulations, 1989, section 45 of the Local Government Act, 1991 (No. 11 of 1991), section 3 of the Local Government (Planning and Development) Act, 1992 (No. 14 of 1992) and Article 6 of the European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1994, by section 46 of that Act as amended by section 40 of the Local Government (Planning and Development) Act, 1976, and by section 78 of that Act as amended by Article 10 of the European Communities (Environmental Impact Assessment) Regulations, 1989, section 3 of the Local Government (Planning and Development) Act, 1993 (No. 12 of 1993) and Article 8 of the European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1994, and
- (ii) by sections 5 of the Local Government (Planning and Development) Act, 1976, and by section 25 of that Act as amended by section 3 of the Local Government (Planning and Development) Act, 1990 (No. 11 of 1990), and
- (iii) by sections 10 of the Local Government (Planning and Development) Act, 1982, and
- (iv) by section 7 of the Local Government (Planning and Development) Act, 1983 (No. 28 of 1983), and by section 5 of that Act as amended by the Local Government (Planning and Development) Act, 1983 (Section 5) Order, 1993 (S.I. No. 343 of 1993), and
- (v) by sections 6 and 13 of the Local Government (Planning and Development) Act, 1990, and
- (vi) by section 5 of the Local Government (Planning and Development) Act, 1992, and by section 18 of that Act as amended by Article 9

of the European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1994, and  
(vii) by section 2 of the Local Government (Planning and Development) Act, 1993,  
and with the consent of the Minister for Finance for Part VII of these Regulations, hereby makes the following Regulations:—

## **PART I**

### **PRELIMINARY AND GENERAL**

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#### **REG 1**

Citation.

1. These Regulations may be cited as the Local Government (Planning and Development) Regulations, 1994.

#### **REG 2**

Commencement.

2. (1) Subject to sub-article (2), these Regulations shall come into operation on the 16th day of May, 1994.

(2) Parts X and XIII, and article 9 (1) (a) with respect to development of classes 32, 34, 35, 46 and 47 specified in column 1 of Part I of the Second Schedule, shall come into operation on the 15th day of June, 1994.

#### **REG 3**

Interpretation.

3. (1) In these Regulations, any reference to a Schedule, Part or article which is not otherwise identified is a reference to a Schedule, Part or article of these Regulations.

(2) In these Regulations, any reference to a sub-article, paragraph or sub-paragraph which is not otherwise identified is a reference to the sub-article, paragraph or sub-paragraph of the provision in which the reference occurs.

(3) In these Regulations, except where the context otherwise requires—

"the Act of 1963" means the Local Government (Planning and Development) Act, 1963;

"the Act of 1976" means the Local Government (Planning and Development) Act, 1976;

"the Act of 1982" means the Local Government (Planning and Development) Act, 1982;

"the Act of 1983" means the Local Government (Planning and Development) Act, 1983;

"the Act of 1990" means the Local Government (Planning and Development) Act, 1990;

"the Act of 1992" means the Local Government (Planning and Development) Act, 1992;

"the Act of 1993" means the Local Government (Planning and Development) Act, 1993;

"the Acts" means the Local Government (Planning and Development)

Acts, 1963 to 1993;

"appeal" means an appeal to the Board under the Acts or any order made under the Acts;

"approval" means an approval consequent on an outline permission or an approval which is required to be obtained under a condition subject to which a permission or an approval is granted under the Acts;

"the Board" means An Bord Pleanála;

"the Environmental Impact Assessment Regulations" means the European Communities (Environmental Impact Assessment) Regulations, 1989;

"environmental impact statement" means a statement of the effects, if any, which proposed development, if carried out, would have on the environment;

"minerals" means all minerals and substances in or under land of a kind ordinarily worked by underground or by surface working for removal but does not include turf;

"the Minister" means the Minister for the Environment;

"oral hearing" means an oral hearing by the Board of an appeal or reference;

"outline application" means an application for an outline permission;

"outline permission" means a permission for development subject to the subsequent approval of the planning authority;

"permission" includes outline permission;

"planning application" means an application to a planning authority for permission to develop land and includes—

( a ) an outline application,

( b ) an application for an approval,

( c ) an application for permission for the retention of a structure, and

( d ) an application for permission for the continuance of any use of any structure or other land;

"reference" means a reference under section 5 of the Act of 1963;

"register" means the register kept by a planning authority pursuant to section 8 of the Act of 1963;

"State authority" means any authority being a Minister of the Government or the Commissioners of Public Works in Ireland.

(4) In these Regulations, a reference to any enactment shall be construed as a reference to that enactment as amended or adapted by any subsequent enactment or instrument.

#### REG 4

Revocations.

4. The Regulations mentioned in the First Schedule are hereby revoked.

## **PART II**

### **DEVELOPMENT PLANS**

#### **REG 5**

Authorities prescribed under section 21 (1) (a) of Act of 1963.

5. The prescribed authorities for the purposes of section 21 (1)

(a) of the Act of 1963 shall be—

- ( a ) Bord Fáilte Éireann,
- ( b ) the Central Fisheries Board,
- ( c ) An Chomhairle Ealaíon,
- ( d ) the Commissioners of Public Works in Ireland,
- ( e ) the Electricity Supply Board,
- ( f ) Forfás,
- ( g ) the Minister for Agriculture, Food and Forestry,
- ( h ) the Minister for Arts, Culture and the Gaeltacht,
- ( i ) the Minister for Defence,
- ( j ) the Minister for Transport, Energy and Communications,
- ( k ) the National Authority for Occupational Safety and Health,
- ( l ) the National Monuments Advisory Council,
- ( m ) the appropriate Regional Fisheries Board,
- ( n ) in the case of a planning authority any part of whose functional area is situate within the functional area of the Shannon Free Airport Development Company Ltd., that Company,
- ( o ) An Taisce — the National Trust for Ireland,
- ( p ) the Minister,
- ( q ) the Board,
- ( r ) the National Roads Authority,
- ( s ) every planning authority whose area is contiguous to the area of the planning authority which prepared the draft,
- ( t ) every local authority in the area to which the draft relates, and
- ( u ) the regional authority established by order under section 43 of the Local Government Act, 1991 within whose region the functional area of the planning authority is situate, and any regional authority whose region is contiguous to the region of the first-mentioned regional authority.

#### **REG 6**

Documents prescribed under section 21 (1) (a) of Act of 1963.

6. The prescribed documents for the purposes of section 21 (1) (a) of the Act of 1963 shall be—

( a ) in relation to the authorities prescribed at (a) to (o) of article 5—

- (i) a copy of the notice of the preparation of the draft published in accordance with section 21 (1) (b) of the Act of 1963,
- (ii) a copy of the written statement comprised in any draft of a proposed development plan, or of proposed variations of a development plan, and

(iii) a copy of any plan, diagram or other illustrative material comprised in the draft;

( b ) in relation to the authorities prescribed at (p) to (u) of article 5—

(i) a copy of the notice of the preparation of the draft published in accordance with section 21 (1) (b) of the Act of 1963,

(ii) three copies of the written statement comprised in any draft of a proposed development plan, or of proposed variations of a development plan, and

(iii) three copies of any plan, diagram or other illustrative material comprised in the draft.

## REG 7

Copies of development plans and extracts.

7. (1) A planning authority shall make available for purchase by the public copies of a development plan and extracts therefrom.

(2) Where application is made to a planning authority by a member of the public for a copy of a development plan or of an extract therefrom, the copy shall be issued to the applicant on payment to the planning authority of such fee as they may fix not exceeding the reasonable cost of making the copy.

## PART III

### EXEMPTED DEVELOPMENT

## REG 8

Interpretation for Part III.

8. (1) In this Part—

"amusement arcade" means premises used for the playing of gaming machines, video games or other amusement games;

"betting office" means premises for the time being registered in the register of bookmaking offices kept by the Revenue Commissioners under the Betting Act, 1931 (No. 27 of 1931);

"business premises" means—

( a ) any structure or other land (not being an excluded premises) which is normally used for the carrying on of any professional, commercial or industrial undertaking or any structure (not being an excluded premises) which is normally used for the provision therein of services to persons,

( b ) a hotel or public house,

( c ) any structure or other land used for the purposes of, or in connection with, the functions of a State authority;

"care" means personal care, including help with physical or social needs;

"day centre" means non-residential premises used for social or recreational purposes or for the provision of care (including occupational training);

"dwellinghouse" does not, as regards development of classes 1, 2, 4, 6 (b) (ii) or 7 specified in column 1 of Part I of the Second Schedule, include a building designed for use and used as two or more separate flats or apartments, or a flat or apartment contained

within such a building;

"excluded premises" means—

( a ) any premises used for purposes of a religious, educational, cultural, recreational or medical character,

( b ) any guest house or other premises (not being a hotel) providing overnight guest accommodation, block of flats or apartments, club, boarding house or hostel,

( c ) any structure which was designed for use as one or more separate dwellings, except such a structure which was used as business premises immediately before the 1st day of October, 1964 or is so used with permission under the Acts;

"habitable house" means a building or part of a building which—

( a ) is used as a dwelling, or

( b ) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling, or

( c ) was provided for use as a dwelling but has not been occupied;

"illuminated" in relation to any advertisement, sign or other advertisement structure means illuminated internally or externally by artificial lighting, directly or by reflection, for the purpose of advertisement, announcement or direction;

"industrial building" means a structure (not being a shop, or a structure in or adjacent to and belonging to a quarry or mine) used for the carrying on of any industrial process;

"light industrial building" means an industrial building in which the processes carried on or the plant or machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit;

"industrial process" means any process which is carried on in the course of trade or business other than agriculture and which is for or incidental to the making of any article or part of an article (including a vehicle, aircraft, ship or vessel, or a film, video or sound recording), or the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals;

"industrial undertaker" means a person by whom an industrial process is carried on and "industrial undertaking" shall be construed accordingly;

"motor vehicle" means a mechanically propelled vehicle for the purposes of the Road Traffic Act, 1961 (No. 24 of 1961);

"painting" includes any application of colour;

"repository" means a structure (excluding any land occupied therewith) where storage is the principal use and where no business is transacted other than business incidental to such storage;

"shop" means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public—

( a ) for the retail sale of goods,

( b ) as a post office,

( c ) for the sale of tickets or as a travel agency,

( d ) for the sale of sandwiches or other cold food for consumption off the premises,

( e ) for hairdressing,

- ( f ) for the display of goods for sale,
- ( g ) for the hiring out of domestic or personal goods or articles,
- ( h ) as a launderette or dry cleaners,
- ( i ) for the reception of goods to be washed, cleaned or repaired,

but does not include use for the direction of funerals or as a funeral home, or as a hotel, a restaurant or a public house, or for the sale of hot food for consumption off the premises, or any use to which class 2 or 3 of Part IV of the Second Schedule applies;

"wholesale warehouse" means a structure where business, principally of a wholesale nature, is transacted and goods are stored or displayed but only incidentally to the transaction of that business.

(2) In the Second Schedule, unless the context otherwise requires, any reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground level, and for that purpose "ground level" means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situate or is to be situate is not uniform, the level of the lowest part of the ground adjacent to it.

## REG 9

Exempted development.

9. (1) (a) Subject to paragraph (b) and article 10, development of a class specified in column 1 of Part I of the Second Schedule shall be exempted development for the purposes of the Acts, provided that such development complies with the conditions and limitations specified in column 2 of the said Part I opposite the mention of that class in the said column 1.

( b ) Development of class 29 (f) specified in column 1 of Part I of the Second Schedule which complies with the conditions and limitations specified in column 2 of the said Part I opposite the mention of that part of that class in the said column 1 shall, if commenced during the period of six months beginning on the coming into operation of this paragraph, be exempted development for the purposes of the Acts.

(2) ( a ) Subject to article 10, development consisting of the use of a structure or other land for the exhibition of advertisements of a class specified in column 1 of Part II of the Second Schedule shall be exempted development for the purposes of the Acts, provided that—

(i) such development complies with the conditions and limitations specified in column 2 of the said Part II opposite the mention of that class in the said column 1, and

(ii) the structure or other land shall not be used for the exhibition of any advertisement other than an advertisement of a class which is specified in column 1 of the said Part II and which complies with the conditions and limitations specified in column 2 of the said Part II opposite the mention of that class in the said column 1.

( b ) Subject to article 10, development consisting of the erection of any advertisement structure for the exhibition of an advertisement

of any one of the classes specified in column 1 of Part II of the Second Schedule shall be exempted development for the purposes of the Acts, provided that—

(i) the area of such advertisement structure which is used for the exhibition of an advertisement does not exceed the area, if any, specified in column 2 of the said Part II opposite the mention of that class in the said column 1, and

(ii) the advertisement structure is not used for the exhibition of advertisements other than advertisements of the class to which the exemption relates.

(3) Subject to article 10, in areas other than county boroughs, boroughs, urban districts, towns specified in the First Schedule to the Act of 1963 and the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part III of the Second Schedule shall be exempted development for the purposes of the Acts, provided that such development complies with the conditions and limitations specified in column 2 of the said Part III opposite the mention of that class in the said column 1.

(4) ( a ) Subject to paragraph (b), the carrying out of such works as are necessary to secure compliance with the Building Regulations, 1991 (S.I. No. 306 of 1991) shall, in the case of development consisting of the construction of a dwelling or dwellings in respect of which permission under Part IV of the Act of 1963 was granted before the 1st day of June, 1992, be exempted development.

( b ) Paragraph (a) shall not apply in the case of development consisting of the construction of a building designed for use as two or more separate dwellings.

(5) Development that a county council established by section 11 of the Local Government (Dublin) Act, 1993 (No. 31 of 1993) commences within the functional area of another county council established by that section before the 31st day of December, 1995 shall be exempted development for the purposes of the Acts.

## REG 10

Restrictions on exemption.

10. (1) Development to which article 9 relates shall not be exempted development for the purposes of the Acts—

( a ) if the carrying out of such development would:—

(i) contravene a condition attached to a permission under the Acts or be inconsistent with any use specified in a permission under the Acts,

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(iv) except in the case of a porch to which class 7 specified in column 1 of Part I of the Second Schedule applies and which complies with the conditions and limitations specified in column 2 of the said Part I opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building,

or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft new development plan,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 23, 24 or 29 (a) specified in column 1 of Part I of the Second Schedule applies,

(vi) interfere with a view or prospect of special amenity value or special interest the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft new development plan,

(vii) consist of or comprise the excavation, alteration or demolition of caves, sites, features or other objects of archaeological, geological or historical interest the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft new development plan,

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of or comprise the alteration, extension or demolition of a building or other structure, other than an alteration consisting of the painting of any previously painted part of such building or structure, where such building or structure is specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft new development plan, as a building or other structure, or one of a group of buildings or other structures, of artistic, architectural or historical interest:

(I) the preservation of which it is an objective of the planning authority to secure, or

(II) the preservation of which it is the intention of the planning authority to consider in the event of an application being made for permission to alter, extend or demolish the building or structure,

(x) consist of—

(I) the use for the exhibition of advertisements, other than advertisements of class 5, 9 or 15 specified in column 1 of Part II of the Second Schedule, of a building or other structure, where such building or structure is specified in a development plan for the area, or pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft new development plan, as a building or other structure, or one of a group of buildings or other structures, of artistic, architectural or historical interest the preservation of which it is an objective of the planning authority to secure,

(II) the erection of an advertisement structure, other than a

structure for the exhibition of an advertisement of class 5, 9 or 15 as aforesaid, on, or within the curtilage of, a building or other structure as aforesaid,

(III) the erection on a building or other structure as aforesaid of a satellite television signal receiving antenna,

(xi) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft new development plan,

(xii) consist of the fencing or enclosure of any land habitually open to or used by the public during the ten years preceding such fencing or enclosure for recreational purposes or as means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xiii) obstruct any public right of way, or

( b ) in an area to which a special amenity area order relates, if such development would be development:—

(i) of class 1, 3, 15, 19, 20, 25, 26, 27 or 29 (other than paragraph (a) thereof) specified in column 1 of Part I of the Second Schedule,

(ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part II of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or

(iii) of class 3, 5, 6, 7, 8, 9, 10, 11 or 12 specified in column 1 of Part III of the said Schedule, or

( c ) if it is development:—

(i) which is of a class for the time being specified under Article 24 of the Environmental Impact Assessment Regulations, or under any provision amending or replacing the said Article 24, or

(ii) which would be of a class referred to in sub-paragraph (i) but for not exceeding a quantity, area or other limit for the time being specified in relation to that class and which comprises or is for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 (No. 7 of 1992) is required,

unless that development is required by the Environmental Impact Assessment Regulations or any other statutory provision to comply with procedures (not being procedures relating to applications for permission under Part IV of the Act of 1963 or to applications for licences under Part IV of the Environmental Protection Agency Act, 1992) for the purpose of giving effect to the Council Directive of 27 June, 1985 (No. 85/337/EEC, O.J. No. L175/40, 5 July, 1985), or

( d ) if it consists of or comprises an industrial activity or isolated storage to which Regulations 12 to 18 of the European Communities (Major Accident Hazards of Certain Industrial Activities) Regulations, 1986 (S.I. No. 292 of 1986), as amended by the European Communities (Major Accident Hazards of Certain Industrial Activities) (Amendment) Regulations, 1989 (S.I. No. 194 of 1989) and

the European Communities (Major Accident Hazards of Certain Industrial Activities) (Amendment) Regulations, 1992 (S.I. No. 21 of 1992), apply.

(2) Sub-article (1) (a) (vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding one hundred metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises.

## REG 11

Changes of use.

11. (1) Development which consists of a change of use within any one of the classes of use specified in Part IV of the Second Schedule and which does not involve the carrying out of any works, other than works which are exempted development, shall be exempted development for the purposes of the Acts, provided that the development, if carried out, would not contravene a condition attached to a permission under the Acts or be inconsistent with any use specified or included in such a permission.

(2) Development consisting of the use of not more than four bedrooms in a dwellinghouse as overnight guest accommodation shall be exempted development for the purposes of the Acts, provided that such development would not contravene a condition attached to a permission under the Acts or be inconsistent with any use specified or included in such a permission.

(3) Development consisting of the provision within a building occupied by, or under the control of, a State authority of a shop or restaurant for visiting members of the public shall be exempted development for the purposes of the Acts.

(4) ( a ) A use which is ordinarily incidental to any use specified in Part IV of the Second Schedule is not excluded from that use as an incident thereto merely by reason of its being specified in the said Part of the said Schedule as a separate use.

( b ) Nothing in any class in Part IV of the Second Schedule shall include any use—

- (i) as an amusement arcade,
- (ii) as a motor service station,
- (iii) for the sale or leasing, or display for sale or leasing, of motor vehicles,
- (iv) for a taxi business or for the hire of motor vehicles,
- (v) as a scrapyards, or a yard for the breaking of motor vehicles,
- (vi) for the storage or distribution of minerals.

## REG 12

Saver for certain development.

12. Development commenced prior to the coming into operation of this Part and which was exempted development for the purposes of the Acts by reason of a provision of regulations revoked by these Regulations shall, notwithstanding such revocation, continue to be exempted development for the purposes of the Acts.

## REG 13

Prescribed development for purposes of section 4 (4) of Act of 1963.

13. The prescribed development for the purposes of sub-section (4) (inserted by the Environmental Impact Assessment Regulations) of section 4 of the Act of 1963 shall be—

- ( a ) the use of uncultivated land or semi-natural areas for intensive agricultural purposes, where the area involved would be greater than 100 hectares,
- ( b ) initial afforestation, where the area involved would be greater than 200 hectares, or the replacement of broadleaf high forest by conifer species, where the area involved would be greater than 10 hectares,
- ( c ) peat extraction which would involve a new or extended area of 50 hectares or more.

## PART IV

### PERMISSION REGULATIONS

## REG 14

Notice of planning application.

14. (1) An applicant shall—

- ( a ) within the period of two weeks before the making of a planning application, give notice of the intention to make the application in a newspaper in accordance with article 15, and
- ( b ) not later than the making of the planning application, give notice of the application by the erection or fixing of a site notice in accordance with article 16.

(2) The requirement of sub-article (1) (b) shall not apply in relation to a planning application for development consisting of the construction or erection by an electricity undertaking of overhead transmission or distribution lines for conducting electricity, or development consisting of the construction or erection by Bord Telecom Éireann—The Irish Telecommunications Board, or by any person to whom a licence under section 111 of the Postal and Telecommunications Services Act, 1983 (No. 24 of 1983) has been granted, of overhead telecommunications lines.

## REG 15

Notice in newspaper.

15. (1) A notice published pursuant to article 14 (1) (a) shall be published in a newspaper circulating in the district in which the land or structure to which the proposed planning application relates is situate, shall contain as a heading the name of the planning authority to which the planning application will be made and shall state—

- ( a ) the name of the applicant,

- ( b ) the nature of the application (that is, whether it is for a permission, an outline permission or an approval),
  - ( c ) the location of the land or the address of the structure to which the application relates (as may be appropriate),
  - ( d ) (i) the nature and extent of the development (including, where the application relates to development consisting of or comprising the provision of dwellings, the number of dwellings to be provided), or
  - (ii) where the application relates to the retention of a structure, the nature of the proposed use of the structure and, where appropriate, the period for which it is proposed to retain the structure, or
  - (iii) where the application relates to the continuance of any use, the nature of such use and of the previous use,
  - ( e ) where the application will be accompanied by an environmental impact statement in accordance with article 24 (1):
  - (i) that such a statement will be submitted to the planning authority with the application, and
  - (ii) that the environmental impact statement, and any further information in relation to the proposed development which may be furnished to the planning authority in the course of the consideration of the application by the planning authority, will be available at the offices of the planning authority.
- (2) Where a planning application relates to development which comprises or is for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 is required, a notice published pursuant to article 14 (1) (a) shall, in addition to the requirements of sub-article (1), indicate this fact.

## REG 16

### Site notice.

16. (1) A site notice erected or fixed on any land or structure pursuant to article 14(1) (b)—
- ( a ) shall be painted or inscribed, or printed and affixed, on a durable material, and
  - ( b ) subject to sub-article (2), shall be securely erected or fixed in a conspicuous position on or near the main entrance to the land or structure concerned from a public road, or on any other part of the land or structure adjoining a public road, so as to be easily visible and legible by persons using the public road.
- (2) Where the land or structure to which a planning application relates does not adjoin a public road, a site notice shall be erected or fixed in a conspicuous position on the land or structure so as to be easily visible and legible by persons outside the land or structure.
- (3) The position of a site notice on the land or structure concerned shall be shown on a plan accompanying the planning application.
- (4) A site notice shall be headed "APPLICATION TO PLANNING AUTHORITY" and shall state—
- ( a ) the name of the applicant,
  - ( b ) the nature of the application (that is, whether it is for a permission, an outline permission or an approval),

( c ) (i) the nature and extent of the development (including, where the application relates to development consisting of or comprising the provision of dwellings, the number of dwellings to be provided), or

(ii) where the application relates to the retention of a structure, the nature of the proposed use of the structure and, where appropriate, the period for which it is proposed to retain the structure, or

(iii) where the application relates to the continuance of any use, the nature of such use and of the previous use,

( d ) that the planning application may be inspected at the offices of the planning authority.

(5) A site notice shall be maintained in position on the land or structure concerned for a period of at least one month after the making of the planning application and shall be renewed or replaced if it is removed or becomes defaced or illegible within that period.

## REG 17

Further notice.

17. (1) (a) An applicant who proposes to submit an environmental impact statement to a planning authority pursuant to a requirement under article 25 (1) or 26 (1) shall, before submitting the statement, publish in a newspaper circulating in the district in which the relevant land or other structure is situate notice of the intention to submit the statement.

( b ) A notice published in a newspaper in accordance with paragraph (a) shall contain as a heading the name of the planning authority to which the planning application was made and shall state—

(i) the name of the applicant,

(ii) the date on which the planning application was made and its reference number in the register,

(iii) the location of the land or the address of the structure to which the application relates (as may be appropriate),

(iv) (I) that an environmental impact statement will be submitted to the planning authority in connection with the planning application, and

(II) that the environmental impact statement, and any further information in relation to the proposed development which may be furnished to the planning authority in the course of the consideration of the application by the planning authority, will be available at the offices of the planning authority.

(c) Where a planning application relates to development which comprises or is for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 is required, a notice published in a newspaper in accordance with paragraph (a) shall, in addition to the requirements of paragraph (b), indicate this fact.

( d ) An environmental impact statement submitted by an applicant pursuant to a requirement under article 25 (1) or 26 (1) shall be accompanied by two copies of the relevant page of the newspaper in which a notice in accordance with the foregoing paragraphs has been published.

(2) Where—

( a ) it appears to a planning authority that any notice:—

(i) if published in a newspaper:

(I) has been published in a newspaper which does not have a sufficiently large circulation in the district in which the land or structure to which the planning application relates is situated, or

(II) does not comply with the requirements of article 15 or paragraphs (b) and (c) of sub-article (1) (as may be appropriate),

(ii) if erected or fixed on any land or structure, does not comply with the requirements of article 16,

(iii) in either case, because of its content or for any other reason, is misleading or inadequate for the information of the public, or

( b ) a period of more than two weeks has elapsed between the publication of a notice in a newspaper pursuant to article 14 (1)

(a) and the making of the planning application, or

( c ) it appears to a planning authority that a site notice erected or fixed on land or a structure has not been maintained in position in accordance with article 16 (5) or has been defaced or become illegible and has not been renewed or replaced, the planning authority shall require the applicant to give such further notice in such manner and in such terms as they may specify and to submit to them such evidence as they may specify in relation to compliance with any such requirement.

(3) Where—

( a ) plans, drawings or other particulars are submitted to a planning authority by an applicant in response to an invitation under article 35, or

( b ) further information is received from an applicant pursuant to a requirement under article 33 more than three months after the said requirement,

the planning authority may, where they consider it necessary so to do, require the applicant to give such further notice in such manner and in such terms as they may specify and to submit to them such evidence as they may specify in relation to compliance with any such requirement.

## REG 18

Content of planning applications generally.

18. (1) A planning application shall—

( a ) (i) state the name and address, and telephone number if any, of the applicant and of the person, if any, acting on behalf of the applicant,

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

( b ) state whether the application is for a permission, an outline permission or an approval,

( c ) give particulars (including the location or address, as may be appropriate) of the land or structure concerned,

( d ) give particulars of the interest in the land or structure held by the applicant and, if the applicant is not the owner, state the name and address of the owner,

( e ) be accompanied by two copies of the relevant page of the newspaper in which notice of the application has been published

pursuant to article 14 (1) (a), and of the text of the site notice erected or fixed on the land or structure pursuant to article 14 (1) (b),

( f ) be accompanied by four copies of a location map, to a scale of not less than 1 : 10,560 (which shall be indicated thereon) and marked or coloured so as to identify clearly the land or structure to which the application relates and the boundaries thereof,

( g ) state:

(i) the area of the land to which the application relates, and

(ii) where the application relates to a building or buildings—

(I) the number of dwellings (if any) to be provided, and

(II) except in the case of an application for a single dwellinghouse or a number of such houses, the gross floor space of the building or buildings,

( h ) if the development consists of or comprises an industrial activity or isolated storage to which Regulations 12 to 18 of the European Communities (Major Accident Hazards of Certain Industrial Activities) Regulations, 1986 (S.I. No. 292 of 1986), as amended by the European Communities (Major Accident Hazards of Certain Industrial Activities) (Amendment) Regulations, 1989 (S.I. No. 194 of 1989) and the European Communities (Major Accident Hazards of Certain Industrial Activities) (Amendment) Regulations, 1992 (S.I. No. 21 of 1992), apply, indicate this fact,

( i ) if the development comprises or is for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 is required, indicate this fact.

(2) In sub-article (1) (g), "gross floor space" means the area ascertained by the internal measurement of the floor space on each floor of a building or buildings (including internal walls and partitions), disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to development to which the application primarily relates.

## REG 19

Applications for permission.

19. Subject to article 20—

( a ) a planning application in respect of any development consisting of or mainly consisting of the carrying out of works on, in or under land or for the retention of a structure shall, in addition to the requirements of article 18, be accompanied by four copies of such plans (including a site or layout plan and drawings of floor plans, elevations and sections which comply with the requirements of article 23), and such other particulars, as are necessary to describe the works or structure to which the application relates,

( b ) a planning application for any development consisting of or mainly consisting of the making of any material change in the use of any structure or other land or the continuance of any use of any structure or other land (whether instituted without a permission granted under the Acts or in accordance with a permission so granted for a limited period only) shall, in addition to the

requirements of article 18, be accompanied by:

- (i) a statement of the existing use and of the use proposed or, where appropriate, of the former use and the use proposed to be continued, together with particulars of the nature and extent of any such proposed use,
- (ii) where the development to which the application relates comprises the carrying out of works on, in or under the structure or other land — four copies of such plans (including a site or layout plan and drawings of floor plans, elevations and sections which comply with the requirements of article 23), and such other particulars, as are necessary to describe the works proposed.

## REG 20

Outline applications.

20. (1) Notwithstanding article 19, an outline application may, in addition to the requirements of article 18, be accompanied only by such plans and particulars as are necessary to enable the planning authority to make a decision in relation to the siting, layout or other proposals for development in respect of which a decision is sought.

(2) Notwithstanding any other provision of this Part, an outline application may not be made in respect of—

- ( a ) the retention on land of any structure or the continuance of any use of any structure or other land,
- ( b ) (i) development which is of a class for the time being specified under Article 24 of the Environmental Impact Assessment Regulations, or under any provision amending or replacing the said Article 24, or
- (ii) development which would be of a class referred to in sub-paragraph (i) but for not exceeding a quantity, area or other limit for the time being specified in relation to that class and which comprises or is for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 is required,
- ( c ) development in relation to which notice is served by a planning authority in accordance with sub-article (3).

(3) Where an outline application is received in respect of development which would be of a class referred to in sub-article (2) (b) (i) but for not exceeding a quantity, area or other limit for the time being specified in relation to that class and which is not development referred to in sub-article (2) (b) (ii), the planning authority shall, where they consider that the development would be likely to have significant effects on the environment, by notice in writing inform the applicant that an outline application may not be made in respect of that development.

## REG 21

Effect of outline permission.

21. An outline permission shall not operate so as to authorise the carrying out of any development until—

- ( a ) an approval has been granted consequent on an application in accordance with article 22 (1), or
- ( b ) as respects a specified part of the development for which

an outline permission was granted, an approval has been granted for such specified part consequent on an application in accordance with article 22 (1), or

( c ) a further approval has been granted in any case where the terms of an approval granted consequent on an application in accordance with article 22(1), or the terms of the outline permission, require such further approval to be obtained.

## REG 22

Applications for approval.

22. (1) (a) Subject to paragraph (b), an application for an approval consequent on an outline permission shall be accompanied by such further plans and particulars as would be required under article 19 if an application for permission, other than an outline permission, were made.

( b ) An application for an approval consequent on an outline permission may be related to a specified part of the development for which an outline permission was granted and separate applications for approval may, subject to section 2 of the Act of 1982, be made in respect of other parts of the said development from time to time.

(2) An application for an approval which is required to be obtained under a condition subject to which a permission or approval was granted shall be accompanied by such plans and particulars as are necessary to enable the planning authority to make a decision in relation to the matter in respect of which the approval is sought.

## REG 23

Plans, drawings and maps accompanying planning applications.

23. (1) Plans, drawings and maps accompanying a planning application shall comply with the following requirements—

( a ) site or layout plans shall be drawn to a scale of not less than 1 : 500 (which shall be indicated thereon), the site boundary shall be clearly delineated in colour, and buildings, roads, boundaries, septic tanks and percolation areas, bored wells and other features in the vicinity of the land or structure to which the application relates shall be shown,

( b ) other plans, elevations and sections shall be drawn to a scale of not less than 1 : 100, which shall be indicated thereon,

( c ) drawings of elevations of any proposed structure shall show the main features of any buildings which would be contiguous to the proposed structure if it were erected,

( d ) plans relating to works comprising reconstruction, alteration or extension of a structure shall be so marked or coloured as to distinguish between the existing structure and the works proposed,

( e ) plans and drawings of floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height) of any proposed structure and the distances of any such structure from the boundaries of the site,

( f ) any map or plan which is based on an Ordnance Survey map shall indicate the relevant Ordnance Survey sheet number,

( g ) the north point shall be indicated on all maps and plans other than drawings of floor plans, elevations and sections,

( h ) plans and drawings shall indicate the name and address of the person by whom they were prepared.

(2) A planning authority may, by notice in writing, require an applicant to provide not more than two additional copies of any plan, drawing or map which accompanied the planning application.

#### REG 24

Certain planning applications to be accompanied by environmental impact statement.

24. (1) Subject to sub-article (2), a planning application in respect of—

( a ) development which is of a class for the time being specified under Article 24 of the Environmental Impact Assessment Regulations, or under any provision amending or replacing the said Article 24, or

( b ) development which would be of a class referred to in paragraph (a) but for not exceeding a quantity, area or other limit for the time being specified in relation to that class and which comprises or is for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 is required,

shall, in addition to the other requirements of this Part, be accompanied by an environmental impact statement.

(2) Sub-article (1) shall not apply to a planning application in respect of development as regards which an exemption is granted by the Minister in accordance with subsection (3) (inserted by the Environmental Impact Assessment Regulations and amended by the European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1994) of section 25 of the Act of 1963.

(3) ( a ) Where the Minister has, in granting an exemption in accordance with the aforesaid subsection (3) of section 25 of the Act of 1963, applied other requirements in relation to a proposed planning application, the application when made shall—

(i) where it relates to development which comprises or is for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 is required, comply with the said other requirements insofar as those requirements relate to matters other than the risk of environmental pollution from the activity, or

(ii) where it relates to development other than development referred to in sub-paragraph (i), comply with the said other requirements.

( b ) Where a planning application in relation to which the Minister has applied other requirements does not, when made, comply with paragraph (a), the planning authority shall serve a notice stating that the relevant requirements have not been complied with and requiring compliance with the said requirements.

#### REG 25

Procedure where planning application not accompanied by environmental impact statement.

25. (1) Subject to sub-article (2), where a planning authority receive a planning application to which article 24 (1) applies and the application is not accompanied by an environmental impact

statement, they shall, as soon as may be, by notice in writing—

(a) inform the applicant that the application does not comply with the said requirement, and

(b) require the applicant to comply with the said requirement.

(2) Where, before the service of a notice in accordance with sub-article (1), a planning authority receive notice of the grant of an exemption in accordance with subsection (3) (inserted by the Environmental Impact Assessment Regulations and amended by the European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1994) of section 25 of the Act of 1963 as regards the development in respect of which the planning application has been made;

(a) a notice in accordance with sub-article (1) shall not be served,

(b) the planning authority shall, where other requirements have been applied in relation to the application in accordance with the said subsection (3), as soon as may be after receipt of notice of the grant of the exemption and of the other requirements applied, by notice in writing require the applicant to comply—

(i) where the application relates to development which comprises or is for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 is required, with the said other requirements insofar as those requirements relate to matters other than the risk of environmental pollution from the activity, or

(ii) where the application relates to development other than development referred to in sub-paragraph (i), with the said other requirements.

(3) (a) A notice served in accordance with sub-article (1) shall cease to have effect where an exemption is granted in accordance with subsection (3) (inserted by the Environmental Impact Assessment Regulations and amended by the European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1994) of section 25 of the Act of 1963 as regards the development to which the planning application relates, on the date of the receipt by the planning authority of notice of the grant of the exemption.

(b) Where a notice served in accordance with sub-article (1) ceases to have effect in accordance with paragraph (a), the planning authority shall, as soon as may be, by notice in writing, inform the applicant of the cesser of the notice and of the date on which it ceased to have effect, and—

(i) where no other requirements have been applied in relation to the application in accordance with the aforesaid subsection (3) of section 25 of the Act of 1963, that the application falls to be dealt with as if the notice in accordance with sub-article (1) had been complied with on the said date, or

(ii) where other requirements have been applied in relation to the application in accordance with the aforesaid subsection (3)—

(I) if the application relates to development which comprises or is for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 is required, require the applicant to comply with the said other requirements insofar as those requirements relate to matters other than the risk of environmental pollution from the activity, or

(II) if the application relates to development other than development

referred to in sub-paragraph (ii) (I), require the applicant to comply with the said other requirements.

## REG 26

Requirement to submit environmental impact statement in case of certain other planning applications.

26. (1) Where a planning authority receive a planning application in respect of any development which would be of a class referred to in article 24 (1) (a) but for not exceeding a quantity, area or other limit for the time being specified in relation to that class and which is not development referred to in article 24 (1) (b), and where they consider that the development would be likely to have significant effects on the environment, they shall, by notice in writing, require the applicant to submit an environmental impact statement.

(2) ( a ) A notice served in accordance with sub-article (1) shall cease to have effect where an exemption is granted in accordance with subsection (3) (inserted by the Environmental Impact Assessment Regulations and amended by the European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1994) of section 25 of the Act of 1963 as regards the development to which the planning application relates, on the date of the receipt by the planning authority of notice of the grant of the exemption.

( b ) Where a notice served in accordance with sub-article (1) ceases to have effect in accordance with paragraph (a), the planning authority shall, as soon as may be, by notice in writing, inform the applicant of the cesser of the notice and of the date on which it ceased to have effect, and—

(i) where no other requirements have been applied in relation to the application in accordance with the aforesaid subsection (3) of section 25 of the Act of 1963, that the application falls to be dealt with as if the notice in accordance with sub-article (1) had been complied with on the said date, or

(ii) where other requirements have been applied in relation to the application in accordance with the aforesaid subsection (3)—

(I) if the application relates to development which comprises or is for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 is required, require the applicant to comply with the said other requirements insofar as those requirements relate to matters other than the risk of environmental pollution from the activity, or  
(II) if the application relates to development other than development referred to in sub-paragraph (ii) (I), require the applicant to comply with the said other requirements.

## REG 27

Environmental impact statement submitted where notice in accordance with article 26 (1) not served.

27. (1) Where a planning application in respect of any development which would be of a class referred to in article 24 (1) (a) but for not exceeding a quantity, area or other limit for the time being specified in relation to that class and which is not development referred to in article 24 (1) (b) is accompanied by an

environmental impact statement, the planning authority shall deal with the application as if the statement had been submitted in accordance with article 24 (1).

(2) A reference in these Regulations to an environmental impact statement submitted or received in accordance with article 24 (1) shall include an environmental impact statement to which sub-article (1) applies.

#### REG 28

Content of environmental impact statement.

28. (1) An environmental impact statement submitted to a planning authority in accordance with a requirement of or under this Part shall comply with Article 25 of the Environmental Impact Assessment Regulations, or any provision amending or replacing the said Article 25.

(2) ( a ) A planning authority shall, on receipt of an environmental impact statement—

(i) in case the planning application relates to development which comprises or is for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 is required, consider whether the statement complies with sub-article (1) with regard to matters other than the risk of environmental pollution from the activity, or

(ii) in any other case, consider whether the statement complies with sub-article (1).

( b ) (i) Where a planning authority, in the case of development referred to in paragraph (a) (i), consider that an environmental impact statement does not comply with sub-article (1) with regard to matters other than the risk of environmental pollution from the activity, they shall, by notice in writing, so inform the applicant and require the applicant to submit such further information or particulars as may be necessary to secure compliance with sub-article (1) in relation to the said matters.

(ii) Where a planning authority, in the case of development referred to in paragraph (a) (ii), consider that an environmental impact statement does not comply with subarticle (1), they shall, by notice in writing, so inform the applicant and require the applicant to submit such further information or particulars as may be necessary to secure compliance with the said sub-article.

#### REG 29

Procedure on receipt of planning application.

29. (1) On receipt of a planning application, a planning authority shall—

( a ) stamp the documents with the date of their receipt, and

( b ) consider whether the application complies with the requirements of articles 18 and 23 and, as may be appropriate, of article 19, 20 or 22.

(2) ( a ) Where a planning authority consider that a planning application complies with the requirements of articles 18 and 23 and, as may be appropriate, of article 19, 20 or 22, they shall send to the applicant an acknowledgement stating the date of receipt of the application.

( b ) Where a planning authority consider that a planning application does not comply with the requirements referred to in paragraph (a) which relate to the application, they may, as they consider appropriate having regard to the extent of the failure to comply with the said requirements, by notice in writing—

(i) inform the applicant that the application is invalid and cannot be considered by the planning authority, or

(ii) require the applicant to furnish such further particulars, plans, drawings or maps as may be necessary to comply with the said requirements.

(3) Where a planning authority serve a notice in accordance with sub-article (2) (b) (i), they shall return to the applicant all particulars, plans, drawings and maps which accompanied the application.

### REG 30

Planning authority notice.

30. (1) A planning authority shall, not later than the third working day following a particular week, make available in accordance with sub-article (2) a list of the planning applications received by the authority during that week.

(2) ( a ) A list referred to in sub-article (1) shall indicate in respect of each planning application received during the week to which the list relates—

(i) the name and address of the applicant,

(ii) the nature of the application (that is, whether it is for a permission, an outline permission or an approval),

(iii) the location of the land or the address of the structure to which the application relates (as may be appropriate),

(iv) (I) the nature and extent of the development (including, where the application relates to development consisting of or comprising the provision of dwellings, the number of dwellings to be provided), or

(II) where the application relates to the retention of a structure, the nature of the proposed use of the structure and, where appropriate, the period for which it is proposed to be retained, or

(III) where the application relates to the continuance of any use, the nature of such use and of the previous use,

(v) the date of receipt of the application.

( b ) A list referred to in sub-article (1) shall indicate those planning applications, if any—

(i) in respect of which an environmental impact statement has been submitted to the planning authority in accordance with article 24 (1), or

(ii) which relate to development which comprises or is for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 is required.

(3) A list referred to in sub-article (1) shall, in addition to the requirements of sub-article (2), indicate any planning application in respect of which—

( a ) an environmental impact statement has been received by the planning authority pursuant to a requirement under article 25 (1) or 26 (1),

( b ) the planning authority have served a notice under article 29

(2) (b) (i) or (ii),

(c) further particulars, plans, drawings, maps or other information have been furnished to the planning authority pursuant to a requirement under article 28 (2) (b), 29 (2) (b) (ii) or 33,

(d) revised plans, drawings or other particulars have been submitted to the planning authority pursuant to an invitation under article 35,

during the week to which the list relates.

(4) (a) A list referred to in sub-article (1) shall, for a period of not less than 2 months beginning on the day on which it is made available—

(i) be displayed in or at the offices of the planning authority in a position convenient for public inspection during office hours,

(ii) be displayed for public inspection in each public library situate in, and in each mobile public library operating in, the functional area of the planning authority.

(b) A list referred to in sub-article (1) may, in addition to the requirements of paragraph (a), be displayed in or at any other place which the planning authority consider appropriate, or be made available for publication, or published, in a newspaper circulating in the functional area of the planning authority, or be made available by such other means as the planning authority consider appropriate.

(c) A list referred to in sub-article (1) shall be made available to the members of the planning authority in such manner as they may by resolution direct.

(5) (a) Copies of a list referred to in sub-article (1) shall, during the period of two months referred to in sub-article (4) (a), be made available at the offices of the planning authority during office hours, free of charge or for such fee as the planning authority may fix not exceeding the reasonable cost of making the copy.

(b) A copy of a list referred to in sub-article (1) shall, during the period of two months as aforesaid, be sent, on request, to any person or body, free of charge or for such fee, not exceeding the reasonable cost of making the copy and the cost of postage, as the planning authority may fix.

## REG 31

Notice to Minister of certain planning applications.

31. (1) (a) A planning authority shall, as soon as may be after its receipt, notify the Minister of any planning application.—

(i) in respect of which an environmental impact statement has been submitted in accordance with article 24 (1), or

(ii) in respect of which they intend to require, in accordance with article 25 (1) or 26 (1), the submission of an environmental impact statement,

and which relates to development likely to have significant effects on the environment in another Member State of the European Communities.

(b) A notification to the Minister pursuant to paragraph (a) shall—

(i) state the name and address of the applicant,

(ii) indicate the location of the land or the address of the

structure to which the application relates (as may be appropriate),  
(iii) indicate the nature and extent of the development,  
(iv) state the date of receipt of the application, and  
(v) if the application relates to development which comprises or is for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 is required, include an indication of this fact.

(2) A planning authority shall furnish to the Minister a copy of any environmental impact statement received in respect of a planning application in relation to which notice is given to the Minister pursuant to sub-article (1).

(3) The Minister may, in the case of a planning application in respect of which an environmental impact statement is required by or under this Part to be submitted to the planning authority and which, in his opinion, relates to development likely to have significant effects on the environment in another Member State of the European Communities, require the planning authority to furnish to him such particulars, information or documents concerning the application as he may specify.

## REG 32

Notice to certain bodies.

32. (1) Where a planning authority receive a planning application, they shall, except in the case of an application in respect of which a notice in accordance with article 29 (2) (b) (i) has been or will be served, send notice in accordance with sub-article (2)—

( a ) where it appears to the planning authority that the land or structure is situate 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 the development or retention of the structure would obstruct any view or prospect of special amenity value or special interest — to An Chomhairle Ealaíon, Bord Fáilte Éireann and An Taisce — the National Trust for Ireland,

( b ) where it appears to the planning authority that the development would obstruct or detract from the value of any tourist amenity or tourist amenity works — to Bord Fáilte Éireann,

( c ) where it appears to the planning authority that the development would be unduly close to any cave, site, feature or other object of archaeological, geological, scientific or historical interest, or would detract from the appearance of any building of artistic, architectural or historical interest, or, in either case, would obstruct any scheme for improvement of the surroundings of or any means of access to any such place, object or structure — to An Chomhairle Ealaíon, Bord Fáilte Éireann, the Commissioners of Public Works in Ireland, the National Monuments Advisory Council and An Taisce — the National Trust for Ireland,

( d ) where it appears to the planning authority that the development would obstruct or detract from the value of any existing or proposed development by a local authority — to such local authority,

( e ) where it appears to the planning authority that if permission were granted, a condition should be attached under section 26 (2) (f) of the Act of 1963 — to any local authority (other than the planning authority) which would be affected under section

26 (7) of that Act,

( f ) where it appears to the planning authority that the development might 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,

( g ) where the development consists of or comprises an industrial activity or isolated storage to which Regulations 12 to 18 of the European Communities (Major Accident Hazards of Certain Industrial Activities) Regulations, 1986 (S.I. No. 292 of 1986), as amended by the European Communities (Major Accident Hazards of Certain Industrial Activities) (Amendment) Regulations, 1989 (S.I. No. 194 of 1989) and the European Communities (Major Accident Hazards of Certain Industrial Activities) (Amendment) Regulations, 1992 (S.I. No. 21 of 1992), apply — to the National Authority for Occupational Safety and Health,

( h ) where it appears to the planning authority that the development might endanger or interfere with the safety of aircraft or the safe and efficient navigation thereof — to the Irish Aviation Authority,

( i ) where the development consists of or comprises the formation, laying out or material widening of an access to a national road within the meaning of section 2 of the Roads Act, 1993 (No. 14 of 1993), not being a national road within a built-up area within the meaning of section 45 of the Road Traffic Act, 1961, or where it appears to the planning authority that the development might give rise to a significant increase in the volume of traffic using a national road — to the National Roads Authority,

( j ) where the development comprises or is for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 is required — to the Environmental Protection Agency.

(2) Notice given by a planning authority pursuant to sub-article (1) shall—

( a ) state the name and address of the applicant,

( b ) indicate the location of the land or the address of the structure to which the application relates (as may be appropriate),

( c ) indicate the nature and extent of the development,

( d ) state the date of receipt by the planning authority of the application, and

( e ) if the application relates to development which comprises or is for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 is required, indicate this fact.

(3) Where an environmental impact statement is received by a planning authority in respect of a planning application in accordance with any provision of this Part, the authority shall send a copy of the statement to any body to which they are required by sub-article (1) to give notice of the application.

(4) A copy of an environmental impact statement received by a planning authority in accordance with any provision of this Part and details of the planning application concerned as specified in sub-article (2) shall, in addition to the requirements of sub-article (1), be sent—

( a ) where the application relates to development for the purposes

of breeding of salmonid fish — to the Minister for the Marine,  
( b ) where the application relates to development for the purposes of initial afforestation or the replacement of broadleaf high forest by conifer species — to the Minister for Agriculture, Food and Forestry,  
( c ) where it appears to the planning authority that the development might have significant effects on public health — to the appropriate Health Board,  
( d ) where it appears to the planning authority that the development might have significant effects in relation to nature conservation — to the Commissioners of Public Works in Ireland,  
( e ) where the application relates to extraction of minerals within the meaning of the Minerals Development Acts, 1940 to 1979 — to the Minister for Transport, Energy and Communications.  
(5) A reference in sub-article (1) to Bord Fáilte Éireann shall, in the case of a planning application relating to land or a structure situate in the functional area of the Shannon Free Airport Development Company Ltd., be construed as a reference to that Company.

#### REG 33

Further information.

33. (1) Where a planning authority receive a planning application they may, by notice in writing, require the applicant—

( a ) to submit any further information (including any plans, maps or drawings, or any information as to any estate or interest in or right over land) which they consider necessary to enable them to deal with the application,

( b ) to produce any evidence which they may reasonably require to verify any particulars or information given in or in relation to the application.

(2) A planning authority shall not require an applicant who has complied with a requirement under sub-article (1) to submit any further information, particulars or evidence save as may be reasonably necessary to clarify the matters dealt with in the applicant's response to the said requirement or to enable them to be considered or assessed.

(3) Where there is a failure or refusal to comply with a requirement under any of the foregoing sub-articles within one month of such requirement, the planning authority may, if they think fit, determine the application in the absence of the information or evidence specified in the requirement.

#### REG 34

Submissions or observations in relation to planning applications.

34. (1) Subject to sub-article (2), any person or body may make submissions or observations in writing to a planning authority in relation to a planning application.

(2) A person or body shall not, in the case of a planning application which relates to development comprising or for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 is required, be entitled to make submissions or observations to a planning authority

in relation to the risk of environmental pollution from the activity.

#### REG 35

Revised plans, etc.

35. Where a planning authority, having considered a planning application, are disposed to grant a permission or an approval subject to any modification of the development to which the application relates, they may invite the applicant to submit to them revised plans or other drawings modifying, or other particulars providing for the modification of, the said development and, in case such plans, drawings or particulars are submitted, may decide to grant a permission or an approval for the relevant development as modified by all or any such plans, drawings or particulars.

#### REG 36

Availability of documents relating to planning applications.

36. (1) (a) Any document mentioned in section 6 (a) of the Act of 1992 received or obtained by a planning authority in relation to a planning application shall be made available for inspection by members of the public during office hours at the offices of the authority from as soon as may be after receipt of the document until the application is withdrawn or the decision of the authority in respect of the application is given.

(b) (i) Any submissions or observations in writing in relation to a planning application which are received by a planning authority shall be made available for inspection by members of the public during office hours at the offices of the authority from as soon as may be after receipt of the submissions or observations until the application is withdrawn or the expiration of a period of one month beginning on the day of the giving of the decision of the authority in respect of the application or, if an appeal or appeals is or are taken against the decision, until as regards the appeal or, as may be appropriate, each of the appeals—

(I) it is withdrawn, or

(II) it is determined by the Board or dismissed by it pursuant to section 11 or 14 of the Act of 1992, or

(III) in relation to it a direction is given to the authority by the Board pursuant to section 15 of the said Act.

(ii) This paragraph shall apply in relation to any planning application received by a planning authority after the coming into operation of this article.

(2) (a) Where a permission or an approval is granted (whether by the relevant planning authority or the Board), the documents concerned mentioned in section 6 of the Act of 1992 relating to the planning application shall be made available for inspection by members of the public during office hours at the offices of the planning authority from the expiration of the period mentioned in section 5(1) of that Act until—

(i) in the case of a permission for the retention on land of any structure or a permission granted either for a limited period only or subject to a condition which is of a kind described in section 26 (2) (j) or 27 (2) (f) of the Act of 1963, the expiration of

a period of five years beginning on the day of the grant of the permission, or

(ii) in the case of a permission other than a permission referred to in sub-paragraph (i) or an approval, the expiration of the appropriate period within the meaning of section 2 of the Act of 1982 or, as the case may be, of that period as extended under section 4 of the said Act, for the relevant permission.

( b ) Any submissions or observations in writing which are received by a planning authority in relation to a planning application received after the coming into operation of this article shall, where a permission or an approval (as the case may be) is granted, be made available for public inspection in accordance with paragraph (a).

(3) Article 29 of the Local Government (Planning and Development) Regulations, 1977 (S.I. No. 65 of 1977), as substituted by article 9 of the Local Government (Planning and Development) (Amendment) Regulations, 1982 (S.I. No. 342 of 1982) and as amended by the Local Government (Planning and Development) Regulations, 1990 (S.I. No. 25 of 1990), and article 19 of the Local Government (Planning and Development) Regulations, 1990 shall, notwithstanding their revocation by the Local Government (Planning and Development) (No. 2) Regulations, 1992 (S.I. No. 222 of 1992), continue to apply and have effect in relation to—

( a ) any planning application received by a planning authority before the 14th day of September, 1992, until the giving of the decision of the planning authority in respect of the application,

( b ) any planning application in respect of which a permission or approval was granted (whether by the relevant planning authority or the Board) before the 14th day of September, 1992.

## REG 37

Availability for purchase of copies of environmental impact statements and extracts.

37. Copies of an environmental impact statement submitted to a planning authority in accordance with any provision of this Part, and of extracts from such a statement, shall be made available for purchase during office hours at the offices of the planning authority, for such fee as the authority may fix not exceeding the reasonable cost of making the copy, from as soon as may be after receipt of the statement by the authority until the expiration of a period of one month beginning on the day of the giving of the decision of the authority in respect of the planning application to which the statement relates or, if an appeal or appeals is or are taken against the decision, until as regards the appeal or, as may be appropriate, each of the appeals—

( a ) it is withdrawn, or

( b ) it is determined by the Board or dismissed by it pursuant to section 11 or 14 of the Act of 1992, or

( c ) in relation to it a direction is given to the authority by the Board pursuant to section 15 of the said Act.

## REG 38

Notice in certain cases.

38. Form No. 1 set out in the Third Schedule shall be the prescribed form of the notice of the intention of a planning authority to consider deciding to grant a permission in a case where the development concerned would contravene materially the development plan or any special amenity area order.

## REG 39

Minimum period for determination of planning application.

39. A planning authority shall not decide to grant or to refuse a permission or an approval until after—

( a ) in case the applicant has submitted an environmental impact statement to the authority in accordance with article 24 (1):

(i) where the applicant has been required pursuant to article 17 to give further notice of the application, the expiration of twenty eight days beginning on the day on which that requirement has been complied with,

(ii) where the applicant has not been required to give further notice, the expiration of twenty eight days beginning on the day of receipt by the planning authority of the application;

( b ) in case the applicant has been required in accordance with article 25 (1) or 26 (1) to submit an environmental impact statement:

(i) where, on receipt by the authority of the statement, the applicant has been required pursuant to article 17 to give further notice of the application, the expiration of twenty eight days beginning on the day on which that requirement has been complied with,

(ii) where the applicant has not been required to give further notice, the expiration of twenty eight days beginning on the day of receipt by the planning authority of the statement;

( c ) in any other case:

(i) where the applicant has been required pursuant to article 17 to give further notice of the application, the expiration of fourteen days beginning on the day on which that requirement has been complied with,

(ii) where the applicant has not been required to give further notice, the expiration of fourteen days beginning on the day of receipt by the planning authority of the application.

## REG 40

Withdrawal of planning application.

40. A planning application may be withdrawn, by notice in writing, at any time before the giving of the decision of the planning authority in respect of the application.

## REG 41

Notification of decision on planning application.

41. Every notification given to an applicant by a planning authority of a decision in respect of a planning application shall specify—

- ( a ) the reference number of the application in the register,
- ( b ) the development or retention or continuance of use to which the decision relates,
- ( c ) the nature of the decision,
- ( d ) the date of the giving of the decision,
- ( e ) in the case of a decision to grant a permission or approval — any conditions attached thereto,
- ( f ) in the case of a decision to grant a permission or approval for the construction, erection or making of a structure and to specify the purposes for which the structure may or may not be used — such purposes,
- ( g ) in the case of a decision to grant a permission or approval for the development of land consisting of or comprising the carrying out of works — any approval or further approval required,
- ( h ) in the case of a decision to grant a permission — any period specified by the planning authority pursuant to section 3 of the Act of 1982 as the period during which the permission is to have effect,
- ( i ) in the case of a decision to refuse permission or approval or to grant permission or approval subject to conditions — the reasons for such refusal or for the imposition of the conditions, as may be appropriate,
- ( j ) in the case of a decision to grant a permission or approval — that the permission or approval (as may be appropriate) shall be issued as soon as may be after the expiration of the period for the making of an appeal if there is no appeal before the Board on the expiration of the said period, and
- ( k ) that an appeal against the decision may be made to the Board by any person within the period of one month beginning on the date of the giving of the decision of the planning authority.

## REG 42

Notice of decisions.

42. (1) A planning authority shall, by not later than the third working day following a particular week, make available in accordance with sub-article (2) a list of the planning applications in respect of which decisions were given by the authority during that week.

(2) A list referred to in sub-article (1) shall indicate, in addition to the matters specified in article 30 (2), the nature of the decision of the planning authority in respect of the application.

(3) ( a ) A list referred to in sub-article (1) shall, for a period of not less than two months beginning on the day on which

it is made available—

(i) be displayed in or at the offices of the planning authority in a position convenient for public inspection during office hours,

(ii) be displayed for public inspection in each public library situate in, and in each public mobile library operating in, the functional area of the planning authority.

( b ) A list referred to in sub-article (1) may, in addition to the requirements of paragraph (a), be displayed in or at any other place which the planning authority consider appropriate, or be made available for publication, or published, in a newspaper circulating in the functional area of the planning authority, or be made available by such other means as the planning authority consider appropriate.

( c ) A list referred to in sub-article (1) shall be made available to the members of the planning authority in such manner as they may by resolution direct.

(4) ( a ) Copies of a list referred to in sub-article (1) shall, during the period of two months referred to in sub-article (3) (a), be made available at the offices of the planning authority during office hours, free of charge or for such fee as the planning authority may fix not exceeding the reasonable cost of making the copy.

( b ) A copy of a list referred to in sub-article (1) shall, during the period of two months as aforesaid, be sent, on request, to any person or body, free of charge or for such fee, not exceeding the reasonable cost of making the copy and the cost of postage, as the planning authority may fix.

#### REG 43

Additional notice in certain cases.

43. (1) Where a planning authority have given notice of a planning application to a body in accordance with article 32, the authority shall send notice of the decision of the authority in respect of the application to the body within three working days of the giving of the decision.

(2) Where any person or body (not being a body to which sub-article (1) relates) has made submissions or observations in writing to a planning authority in relation to a planning application, the planning authority shall, if notice of the decision in respect of the application is not published in a newspaper by the authority in a list referred to in article 42 (1) or pursuant to sub-article (3), send notice of the decision to the person or body within three working days of the giving of the decision.

(3) ( a ) Where a planning authority do not publish a list referred to in article 42 (1) in a newspaper—

(i) the authority shall, within seven days of giving their decision in respect of a planning application in relation to which an environmental impact statement was submitted to them in accordance with any provision of this Part, publish notice of the decision in a newspaper circulating in the district in which the land or structure to which the planning application relates is situate,

(ii) the authority may, in the case of any planning application other than an application referred to in paragraph (i), publish notice of their decision in respect of the application in a

newspaper as aforesaid.

( b ) Where a planning authority publish notice of their decision in respect of a planning application in a newspaper in accordance with paragraph (a) (ii), the notice shall be published within seven days of the giving of the decision.

(4) A planning authority shall, within three working days of giving their decision in respect of a planning application in relation to which notice was given to the Minister in accordance with article 31 (1) or in relation to which particulars, information or documents were furnished to the Minister in accordance with article 31 (3), send notice of the decision to the Minister.

#### REG 44

Provision of forms and instructions.

44. (1) A planning authority may provide forms and instructions for the convenience or information of any persons intending to make a planning application.

(2) The Minister may prepare and publish model forms and instructions for the use and guidance of planning authorities in dealing with planning applications.

#### REG 45

Notice of extension of appropriate period.

45. Where, in accordance with subsection (4AA) (inserted by the Environmental Impact Assessment Regulations) of section 26 of the Act of 1963, the Minister extends the appropriate period within the meaning of subsection (4) of that section, the planning authority shall, as soon as may be after receipt of notification of the extension, publish notice of the extension in a newspaper circulating in the district in which the relevant land or structure is situate.

#### REG 46

Procedure on receipt of notice of Minister's decision on request for exemption from requirement to submit environmental impact statement.

46. A planning authority shall, on receipt of notice of the decision of the Minister on a request for an exemption under subsection (3) (inserted by the Environmental Impact Assessment Regulations and amended by the European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1994) of section 25 of the Act of 1963, stamp the notice with the date of its receipt.

#### REG 47

Transitional.

47. (1) Subject to sub-articles (2) and (3)—

( a ) this Part shall not apply or have effect in relation to a planning application that is received before the coming into operation of this Part,

( b ) the provisions of the Local Government (Planning and Development) Regulations, 1977 to 1993 replaced by this Part shall, notwithstanding article 4, continue in force and have effect in

relation to any planning application that is received before the coming into operation of this Part.

(2) Article 36 shall, subject to sub-articles (1) (b) (ii), (2) (b) and (3) thereof, apply and have effect in relation to planning applications whether received before or after the coming into operation of this Part.

(3) A list referred to in article 30 (1) or 42 (1) shall be made available in accordance with the provisions of the article concerned in respect of the week commencing on the coming into operation of this Part and of each subsequent week.

## **PART V**

### **APPEALS AND OTHER MATTERS WITH WHICH AN BORD PLEANÁLA IS CONCERNED**

#### **CHAPTER 1**

Application of certain provisions of Act of 1992

#### **REG 48**

Application of certain provisions of Act of 1992 to appeals under section 27 (4) of Act of 1963.

48. (1) (a) Sections 4, 7, 8, 9, 10 and 11 of the Act of 1992 shall apply to appeals under section 27(4) of the Act of 1963.

( b ) Where a planning authority decide under section 27 of the Act of 1963 to grant a permission and an appeal taken under subsection (4) of that section against that decision is dismissed by the Board pursuant to section 11 of the Act of 1992, the planning authority shall make the grant as soon as may be after the dismissal.

(2) Sections 6 and 16 of the Act of 1992 shall apply to appeals under section 27 (4) of the Act of 1963 in the following manner—

( a ) in the said sections, a reference to a planning application shall be construed as a reference to an application for permission under section 27 of the Act of 1963,

( b ) in subsection (3) (b) of section 16, "27" shall be substituted for "26".

(3) Section 12 of the Act of 1992 shall apply to appeals under section 27(4) of the Act of 1963 subject to the substitution of "27 (4)" for "26 (5)" in subsection (2) (c) of the said section 12.

(4) Section 13 of the Act of 1992 shall apply to appeals under section 27 (4) of the Act of 1963 subject to the substitution for subsection (1) of the said section 13 of the following subsection:  
"(1) The Board in determining an appeal may take into account matters other than those raised by the parties or by any person who has made submissions or observations to the Board in relation to the appeal if the matters either relate to the proper planning and development of the area of the relevant planning authority or are matters to which by virtue of section 24 (2) of the Act of 1976 the Board may have regard."

(5) Section 17 of the Act of 1992 shall apply to appeals under

section 27 (4) of the Act of 1963 subject to the substitution of "27 (4)" for "26 (5)" in subsections (1) (a) and (1) (b) of the said section 17.

(6) In the application of the Act of 1992 to appeals under section 27 (4) of the Act of 1963, "party to an appeal" means any of the following persons, namely—

( a ) the appellant,

( b ) the planning authority against whose decision an appeal is made,

( c ) the applicant for any permission in relation to which an appeal is made by another person (other than a person acting on behalf of the appellant),

and "party" shall be construed accordingly.

#### REG 49

Application of certain provisions of Act of 1992 to certain other appeals.

49. (1) This article shall apply to any appeal to the Board under the Act of 1963 or the Act of 1976, other than an appeal under section 26 (5), 27 (4) or 85 (4) (b) of the Act of 1963.

(2) Sections 4, 7, 9, 10, 11 and 16 of the Act of 1992 shall apply to appeals to which this article applies.

(3) Section 8 of the Act of 1992 shall, subject to the following modifications, apply to appeals to which this article applies—

( a ) the deletion from subsection (1) (b) of the words "Without prejudice to subsection (3),", and the deletion of subsection (3);

( b ) the substitution for subsection (2) of the following subsection:

"(2) The period referred to in subsection (1) (b) is the period of one month beginning on the day of receipt of the appeal by the Board or, where there is more than one appeal to the Board, on the day on which the Board last receives an appeal."

(4) Section 12 of the Act of 1992 shall, subject to the following modifications, apply to appeals to which this article applies—

( a ) in the case of an appeal under section 89 (4) of the Act of 1963, the substitution for subsection (2) (c) of the said section 12 of the following paragraph:

"( c ) A request by an appellant for an oral hearing of an appeal shall accompany the appeal and any request for an oral hearing received by the Board other than a request which accompanies the appeal shall not be considered by the Board.";

( b ) in the case of any appeal to which this article applies other than an appeal referred to in paragraph (a), the substitution for subsection (2) (c) of the said section 12 of the following paragraph:

"( c ) Where a provision of the Principal Act or of the Act of 1976 authorising an appeal to the Board enables the appeal only to be made within, or before the expiration of, a specified period or before a specified day, a request by an appellant for an oral hearing of an appeal may only be made within, or before the expiration of, the specified period or before the specified day and any request for an oral hearing not so received by the Board shall not be considered by the Board."

(5) Section 13 of the Act of 1992 shall apply to appeals to which

this article applies subject to the substitution for subsection (1) of the following subsection:

"(1) The Board in determining an appeal may take into account matters other than those raised by the parties or by any person who has made submissions or observations to the Board in relation to the appeal if the matters either relate to the proper planning and development of the area of the relevant planning authority or are matters to which by virtue of section 24 (2) of the Act of 1976 the Board may have regard."

(6) ( a ) (i) Where a provision of the Act of 1963 or of the Act of 1976 authorising an appeal to the Board to which this article applies enables the appeal only to be made within, or before the expiration of, a specified period or before a specified day, that provision shall be construed as including a provision that an appeal received by the Board outside, or after the expiration of, the specified period or on or after the specified day shall be invalid as not having been made in time.

(ii) Where the last day of the specified period within or before the expiration of which, or the day immediately preceding the specified day before which, an appeal may be made to the Board is a Saturday, a Sunday, a public holiday (within the meaning of the Holidays (Employees) Act, 1973 (No. 25 of 1973)) or any other day on which the offices of the Board are closed, an appeal shall, notwithstanding sub-paragraph (i), be valid as having been made in time if received by the Board on the next following day on which the offices of the Board are open.

( b ) Where a requirement of or under the Act of 1992 as applied by this article requires submissions, observations or a request to be made, or documents, particulars or other information to be submitted, to the Board within, or before the expiration of, a specified period or before a specified day and the last day of the specified period or the day immediately preceding the specified day is a Saturday, a Sunday, a public holiday (within the meaning of the Holidays (Employees) Act, 1973) or any other day on which the offices of the Board are closed, the submissions, observations or request, or documents, particulars or other information (as the case may be) shall be regarded as having been received in time if received by the Board on the next following day on which the offices of the Board are open.

(7) In the application of the Act of 1992 to appeals to which this article applies, "party to an appeal" means any of the following persons, namely—

( a ) the appellant,

( b ) the planning authority against whose decision an appeal is made,

( c ) the applicant for any licence in relation to which an appeal is made by another person (other than a person acting on behalf of the appellant),

( d ) any person served or issued by a planning authority with a notice or order, or copy thereof, under section 30, 33, 36, 37, 44, 45 or 48 of the Act of 1963 or section 25 of the Act of 1976, in relation to which an appeal is made by another person, and "party" shall be construed accordingly.

## REG 50

Submission of documents, etc. to Board by planning authorities.

50. Where an appeal to which article 49 applies is made to the Board, the planning authority concerned shall, within a period of fourteen days beginning on the day on which a copy of the appeal is sent to them by the Board pursuant to section 7 of the Act of 1992 as applied by article 49, submit to the Board any information or documents in their possession which is or are relevant to the appeal.

## REG 51

Availability for inspection of copies of appeals.

51. Where a copy of an appeal to which article 49 applies is given to a planning authority by the Board pursuant to section 7 of the Act of 1992 as applied by the said article, the planning authority shall, as soon as may be after receipt of the copy of the appeal, make a copy of the appeal available for inspection by members of the public during office hours at the offices of the authority until the appeal is withdrawn or is dismissed or determined by the Board.

## REG 52

Application of certain provisions of Act of 1992 to appeals provided for by orders under section 45 of Act of 1963.

52. Where provision is made by an order under section 45 of the Act of 1963 for the application of section 26(5) of that Act, with or without adaptations or modifications, in relation to any consent under the order and any applications therefor, the provisions of sections 1 and 4 to 17 of the Act of 1992 shall apply, as may be appropriate, in relation to any appeal to the Board against a decision of the relevant planning authority on an application for consent as if the appeal were an appeal under section 26 (5) of the Act of 1963 and a reference in any of the said sections of the Act of 1992 to a planning application shall be construed as a reference to an application for consent under the order.

## REG 53

Application of certain provisions of Act of 1992 to references.

53. (1) Sections 4, 7 to 13 and 16 of the Act of 1992 shall, subject to the modifications and adaptations specified in this article, apply to a reference.

(2) In the application of the sections mentioned in sub-article (1) to a reference—

( a ) "appeal" and "appellant" shall be construed, respectively, as "reference" and "person by whom the reference was made";

( b ) the reference in section 4 (1) (d) to "grounds of appeal" shall be construed as a reference to "grounds of the reference".

(3) Section 8 of the Act of 1992 shall apply to a reference subject to—

( a ) the deletion from subsection (1) (b) of the words "Without prejudice to subsection (3)", and the deletion of subsection (3);

( b ) the substitution for subsection (2) of the following subsection:

"(2) The period referred to in subsection (1) (b) is the period of one month beginning on the day of receipt by the Board of the reference."

(4) Section 12 of the Act of 1992 shall apply to a reference subject to the substitution for subsection (2) (c) of the following paragraph:

"( c ) A request by a person making a reference for an oral hearing of the reference shall accompany the reference and any request for an oral hearing received by the Board other than a request which accompanies the reference shall not be considered by the Board."

(5) Section 13 of the Act of 1992 shall apply to a reference subject to the substitution for subsection (1) of the following subsection:

"(1) The Board in determining a reference may take into account matters other than those raised by the parties or by any person who has made submissions or observations to the Board in relation to the reference."

(6) Where a reference is made to the Board the planning authority concerned shall, within a period of fourteen days beginning on the day on which a copy of the reference is sent to them by the Board, submit to the Board any information or documents in their possession which is or are relevant to the reference.

(7) In the application of the Act of 1992 to references, "party to a reference" means any of the following persons, namely—

( a ) the person making the reference,

( b ) the planning authority for the area in which the land or structure to which the reference relates is situate,

( c ) any other person with whom the question to which the reference relates has arisen,

and "party" shall be construed accordingly.

## CHAPTER II

Appeals against decisions of planning authorities on planning applications

### REG 54

Definition for Chapter II.

54. In this Chapter, "appeal" means an appeal against a decision of a planning authority on a planning application.

### REG 55

Additional requirement as to submission of documents, etc. in case of certain planning applications.

55. Where notice of, or particulars, information or documents in relation to, a planning application has or have been given to the Minister by a planning authority in accordance with article 31 and notice of the decision of the authority on the application has been given to the Minister in accordance with article 43(4), the planning

authority shall notify the Board of this in course of their compliance with the requirements of section 6 of the Act of 1992.

#### REG 56

Power of Board to require submission of environmental impact statement in connection with certain appeals.

56. (1) Where an appeal is against a decision of a planning authority on a planning application which relates to development which, in the opinion of the Board, is development—

( a ) of a class for the time being specified under Article 24 of the Environmental Impact Assessment Regulations (or under any provision amending or replacing the said Article 24), or

( b ) which would be of a class referred to in paragraph (a) but for not exceeding a quantity, area or other limit for the time being specified in relation to that class and which comprises or is for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 is required,

and an environmental impact statement was not submitted to the planning authority in respect of the planning application, the Board shall require the applicant to submit to the Board an environmental impact statement.

(2) Where an appeal is against a decision of a planning authority on a planning application which relates to development which would be of a class for the time being specified under Article 24 of the Environmental Impact Assessment Regulations (or under any provision amending or replacing the said Article 24) but for not exceeding a quantity, area or other limit specified in relation to that class and which is not development referred to in sub-article (1) (b), and where the planning authority did not require the applicant, in accordance with article 26, to submit an environmental impact statement, the Board shall, where it considers that the development would be likely to have significant effects on the environment, require the applicant to submit to the Board an environmental impact statement.

(3) Sub-article (1) or (2) shall not apply in the case of an appeal against the decision of a planning authority on a planning application which relates to development as regards which an exemption was granted by the Minister in accordance with subsection (3) (inserted by the Environmental Impact Assessment Regulations and amended by the European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1994) of section 25 of the Act of 1963.

#### REG 57

Content of environmental impact statement.

57. An environmental impact statement submitted pursuant to a requirement under article 56 shall comply with Article 25 of the Environmental Impact Assessment Regulations, or any provision amending or replacing the said Article 25.

## REG 58

Consideration of adequacy of information contained in environmental impact statement.

58. Where the Board receives an environmental impact statement in connection with an appeal in accordance with section 6 of the Act of 1992 or pursuant to a requirement under article 56, the Board shall—

( a ) in case the decision against which the appeal is brought relates to development which comprises or is for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act, 1992 is required, consider whether the environmental impact statement complies with article 57 with regard to matters other than the risk of environmental pollution from the activity, or

( b ) in case the decision against which the appeal is brought relates to development other than development referred to in paragraph (a), consider whether the environmental impact statement complies with article 57.

## REG 59

Availability for inspection and purchase of environmental impact statement.

59. (1) ( a ) An environmental impact statement received by the Board in accordance with section 6 of the Act of 1992 shall, in addition to the requirements of articles 36 and 37, be made available for inspection free of charge, and copies of any such statement and extracts therefrom shall be made available for purchase, at the offices of the Board or at such other convenient place as the Board may specify until, as regards the appeal or, as may be appropriate, each of the appeals against the decision of the planning authority on the planning application in relation to which the environmental impact statement was submitted to the planning authority—

(i) it is withdrawn, or

(ii) it is determined by the Board or dismissed by it pursuant to section 11 or 14 of the Act of 1992, or

(iii) in relation to it a direction is given to the planning authority by the Board pursuant to section 15 of the said Act.

( b ) Copies of an environmental impact statement referred to in paragraph (a) shall be made available for purchase in accordance with that paragraph for the fee fixed by the planning authority in accordance with article 37, and copies of extracts from any such statement shall be made available for purchase in accordance with that paragraph for such fee as the Board may fix not exceeding the reasonable cost of making the copy.

(2) ( a ) An environmental impact statement received by the Board pursuant to a requirement under article 56 shall be made available for inspection free of charge, and copies of any such statement and extracts therefrom shall be made available for purchase, at the offices of the planning authority and at the offices of the Board or such other convenient place as the Board may specify until, as regards the appeal in respect of which the environmental impact statement is received—

- (i) it is withdrawn, or
  - (ii) it is determined by the Board or dismissed by it pursuant to section 11 or 14 of the Act of 1992, or
  - (iii) in relation to it a direction is given to the planning authority by the Board pursuant to section 15 of the said Act.
- ( b ) Copies of an environmental impact statement referred to in paragraph (a) shall be made available for purchase in accordance with that paragraph for such fee, not exceeding the reasonable cost of making the copy, as may be fixed by the Board, and copies of extracts from any such statement shall be made available for purchase for such fee as the planning authority or the Board, as may be appropriate, may fix not exceeding the reasonable cost of making the copy.

#### REG 60

Notice to Minister of certain appeals.

60. (1) The Board shall, as soon as may be, notify the Minister of any appeal—
- ( a ) in respect of which notice in accordance with article 55 is given to the Board by the planning authority concerned, or
  - ( b ) in respect of which the Board intends to require, in accordance with article 56, the submission of an environmental impact statement and which relates to development likely to have significant effects on the environment in another Member State of the European Communities.
- (2) The Board shall furnish to the Minister a copy of any environmental impact statement received in relation to an appeal in respect of which notice is given to the Minister pursuant to sub-article (1) (b).

#### REG 61

Notice of certain appeals.

61. (1) The Board shall publish in at least one daily newspaper published in the State notice of any appeal in respect of which an environmental impact statement has been received by the Board in accordance with section 6 of the Act of 1992 or pursuant to a requirement under article 56.
- (2) A notice published in accordance with sub-article (1) shall state—
- ( a ) the locations at which, and the period during which, the environmental impact statement will be available for inspection and purchase, and
  - ( b ) that, subject to section 8 of the Act of 1992—
    - (i) in the case of an appeal against a decision of a planning authority on a planning application which relates to development other than development referred to in sub-paragraph (ii), submissions or observations may be made to the Board in relation to the appeal within a period of one month beginning on the day of publication of the notice,
    - (ii) in the case of an appeal against a decision of a planning authority on a planning application which relates to development comprising or for the purposes of an activity in relation to which a licence under Part IV of the Environmental Protection Agency Act,

1992 is required, submissions or observations may be made to the Board in relation to matters other than the risk of environmental pollution from the activity within a period of one month beginning on the day of publication of the notice.

## REG 62

Weekly list.

62. (1) The Board shall, not later than the third working day following a particular week, make available in accordance with sub-article (2) a list of—

( a ) the appeals received by the Board, and  
( b ) the appeals determined, dismissed or withdrawn or in relation to which a direction is given by the Board pursuant to section 15 of the Act of 1992, during that week.

(2) ( a ) A list referred to in sub-article (1) shall indicate in respect of each of the appeals received by the Board during the week to which the list relates—

(i) the name of the appellant,  
(ii) the date on which the appeal was received by the Board,  
(iii) the reference number of the Board in respect of the appeal,  
(iv) the nature and location of the development or retention or continuance of use to which the appeal relates,  
(v) the reference number of the planning application concerned in the register of the planning authority, and  
(vi) the name of the person by or on behalf of whom the planning application was made.

( b ) A list referred to in sub-article (1) shall indicate, in respect of each appeal determined, dismissed or withdrawn or in relation to which a direction is given by the Board pursuant to section 15 of the Act of 1992 during the week to which the list relates, the matters specified in paragraph (a) (iii) to (vi) and the following additional matters—

(i) in the case of an appeal determined by the Board, the nature of the decision of the Board and the date of the order of the Board in relation to the appeal,  
(ii) in the case of an appeal dismissed by the Board, the date of the order of the Board in relation to the appeal,  
(iii) in the case of an appeal which has been withdrawn, the date on which it was withdrawn,  
(iv) in the case of an appeal in relation to which a direction has been given by the Board pursuant to section 15 of the Act of 1992, the date of the order of the Board in relation to the appeal,

and shall identify any appeal in respect of which an environmental impact statement was received by the Board.

(3) A list referred to in sub-article (1) shall, for a period of not less than one month beginning on the day on which it is made available, be displayed in or at the offices of the Board in a position convenient for public inspection during office hours.

(4) ( a ) Copies of a list referred to in sub-article (1) shall, during the period of one month referred to in sub-article (3), be made available at the offices of the Board during office hours, free of charge or for such fee as the Board may fix not exceeding

the reasonable cost of making the copy.

( b ) A copy of a list referred to in sub-article (1) shall, during the period of one month as aforesaid, be sent, on request, to any person or body, free of charge or for such fee, not exceeding the reasonable cost of making the copy and the cost of postage, as the Board may fix.

#### REG 63

Revised plans, etc.

63. The Board may, when considering an appeal, invite the applicant for the permission or approval concerned to submit to the Board, in duplicate, revised plans or other drawings modifying, or other particulars providing for the modification of, the development to which the appeal relates and an applicant so invited may submit such plans, drawings or particulars to the Board.

#### REG 64

Availability for inspection of copies of appeals.

64. Where a copy of an appeal is given to a planning authority by the Board in accordance with section 7 of the Act of 1992, or in accordance with that section as applied by these Regulations, the planning authority shall, as soon as may be after receipt of the copy of the appeal, make a copy of the appeal available for inspection by members of the public during office hours at the offices of the authority until the appeal is withdrawn or is dismissed or determined by the Board or a direction is given to the authority in relation to it by the Board pursuant to section 15 of the Act of 1992.

#### REG 65

Notification by Board of decision on appeal.

65. A notification given by the Board of a decision on an appeal shall specify—

- ( a ) the reference number of the Board in respect of the appeal,
- ( b ) the reference number of the planning application concerned in the register of the planning authority,
- ( c ) the development or retention or continuance of use to which the decision relates,
- ( d ) the nature of the decision,
- ( e ) the date of the order of the Board in relation to the appeal,
- ( f ) in the case of a decision to grant a permission or approval — any conditions attached thereto,
- ( g ) in the case of a decision to grant a permission or approval for the construction, erection or making of a structure and to specify the purposes for which the structure may or may not be used — such purposes,
- ( h ) in the case of a decision to grant a permission or approval for the development of land consisting of or comprising the carrying out of works — any approval or further approval required,
- ( i ) in the case of a decision to grant a permission — any period specified by the Board pursuant to section 3 of the Act of

1982 as the period during which the permission is to have effect, and shall state the reasons for the decision (including, in the case of a decision to grant permission or approval subject to conditions, the reasons for the imposition of the conditions).

#### REG 66

Notification by Board of decision on appeal — additional requirement in certain cases.

66. The Board shall notify the Minister of its decision on any appeal in respect of which notice was given to the Minister in accordance with article 60.

### CHAPTER III Determinations

#### REG 67

Definitions for Chapter III.

67. In this Chapter—

- ( a ) "determination" means a determination by the Board of—
- (i) a disagreement, question or dispute to which section 26 (7) of the Act of 1963 or section 15 (2) of the Act of 1990 relates, or
  - (ii) a contribution or other matter which, pursuant to a condition attached to a permission or approval granted under section 26 of the Act of 1963, is to be agreed between the planning authority and the person to whom the permission or approval is granted and in default of agreement is to be determined by the Board;
- ( b ) "party to a determination" means—
- (i) in the case of a disagreement to which section 26(7) of the Act of 1963 relates:
    - (I) the local authority who will be responsible for maintenance of the roads, open spaces, car parks, sewers, watermains or drains concerned,
    - (II) the person carrying out the works concerned;
  - (ii) in the case of a dispute or question to which section 15(2) of the Act of 1990 relates:
    - (I) the planning authority concerned,
    - (II) the person by whom the application for permission for erection of the new structure was made;
  - (iii) in the case of a determination referred to in paragraph (a)
    - (i):
      - (I) the planning authority concerned,
      - (II) the person to whom the permission or approval was granted;
- and "party" shall be construed accordingly.

#### REG 68

Power of Board to require submission of documents, etc. in case of determinations.

68. (1) Where the Board is of opinion that any document, particulars or other information is or are necessary for the purpose of enabling it to make a determination, the Board may serve on any party a notice under this article—

( a ) requiring that party, within a period specified in the notice (being a period of not less than fourteen days beginning on the date of service of the notice) to submit to the Board such document, particulars or other information (which document, particulars or other information shall be specified in the notice), and  
( b ) stating that, in default of compliance with the requirements of the notice, the Board will, after the expiration of the period so specified and without further notice to the party, make the determination pursuant to this article.  
(2) Where a notice has been served under sub-article (1), the Board, at any time after the expiration of the period specified in the notice, may, having considered any document, particulars or other information submitted by the party on whom the notice has been served, without further notice to that party make the determination.

#### REG 69

Convening of meetings.

69. Where it appears to the Board expedient or convenient for the purposes of making a determination the Board may, in its absolute discretion, convene a meeting of the parties.

#### CHAPTER IV

Appeals generally and other matters

#### REG 70

Notice of appeal or reference.

70. The Board may require any party to an appeal or a reference to give such public notice in relation thereto as the Board may specify and, in particular, may require such notice to be given by publication in a newspaper circulating in the district in which the land or structure to which the appeal or reference relates is situate.

#### REG 71

Inspections in relation to appeals, references and determinations.

71. The Board may arrange for the carrying out of inspections in relation to appeals, references or determinations within the meaning of article 67 (a), by persons appointed for that purpose by the Board either generally or for a particular appeal, reference or determination or for appeals, references or determinations of a particular class (including appeals, references or determinations relating to land in the area of a particular planning authority).

#### REG 72

Additional requirements as to giving of notice by Board.

72. (1) Where the Board serves notice under section 2 (3) (a) of the Act of 1992 on the parties to an appeal or other matter with which the Board is concerned, the Board shall also serve such notice on each person who has made submissions or observations to the Board in relation to the appeal or other matter.

(2) Where the Board serves notice under section 12 (3) of the Act

of 1992, or that provision as applied by these Regulations, on a person who has requested an oral hearing of an appeal or reference and on each other party to the appeal or reference, the Board shall also serve such notice on each person who has made submissions or observations to the Board in relation to the appeal or reference.

## CHAPTER V Oral hearings

### REG 73

Interpretation for Chapter V.

73. (1) In this Chapter, a reference to an oral hearing means an oral hearing, within the meaning of section 12 of the Act of 1992 or that provision as applied by these Regulations, of an appeal or a reference.

(2) In this Chapter, "relevant persons" means the parties to an appeal or a reference and any persons who have made submissions or observations to the Board in relation to an appeal or reference in accordance with section 8 of the Act of 1992 or that provision as applied by these Regulations.

### REG 74

Oral hearings — general.

74. (1) A request for an oral hearing may be withdrawn at any time.

(2) Where the Board decides to hold an oral hearing, the Board shall—

( a ) inform relevant persons and give such persons not less than seven days notice of the time and place of the opening of the oral hearing or such shorter notice as may be accepted by all such persons,

( b ) give each relevant person a copy of all correspondence, documents, particulars or other information received from other relevant persons in accordance with the provisions of the Act of 1992 or those provisions as applied by these Regulations and not previously given to that relevant person.

(3) The Board may, at any time before the opening of an oral hearing, alter the time or place of the opening of the hearing and, in the event of such alteration, the Board shall give relevant persons not less than seven days notice of the new time and place or such shorter notice as may be accepted by all such persons.

(4) Where relevant persons have been informed that an oral hearing is to be held and where, following the withdrawal of a request for an oral hearing, the appeal or reference falls to be determined without an oral hearing, the Board shall give notice accordingly to such persons.

(5) An oral hearing shall be conducted by the Board or by a person appointed for that purpose by the Board either generally or for a particular appeal or reference or for appeals or references of a particular class (including appeals or references relating to land in the area of a particular planning authority).

## REG 75

Procedure at oral hearing.

75. (1) The Board or other person conducting an oral hearing shall have discretion as to the conduct of the hearing and in particular shall—

- ( a ) conduct the hearing without undue formality,
- ( b ) decide the order of appearance of relevant persons,
- ( c ) permit any relevant person to appear in person or to be represented by another person.

(2) Where the Board has given notice in accordance with section 13

(2) (a) of the Act of 1992, or that provision as applied by these Regulations, of its intention to take into account matters other than those raised by the parties to an appeal or reference or by any person who has made submissions or observations to the Board in relation to an appeal or reference, the parties and any such person shall be permitted, if present, to make submissions in relation to the said matters to the Board or other person conducting the oral hearing.

(3) The Board or other person conducting an oral hearing shall have discretion to hear a person other than a relevant person, where it is considered appropriate in the interests of justice to allow the person to be heard.

## REG 76

Adjournment or re-opening of oral hearing.

76. (1) Subject to sub-articles (2) and (3), the Board or other person conducting an oral hearing may adjourn or re-open any hearing or, notwithstanding that any relevant person has failed to attend a hearing, proceed with the hearing.

(2) Notice of the time and place of the re-opening of an oral hearing or resumption of an oral hearing that has been adjourned indefinitely shall be given by the Board to each relevant person and to any person who has been heard at the hearing in accordance with article 75 (3) not less than seven days before the said time unless all such persons accept shorter notice.

(3) Unless the Board considers it expedient to do so and so directs, an oral hearing shall not be re-opened after the report thereon has been submitted to the Board.

## REG 77

Replacement of person appointed to conduct oral hearing.

77. If, for any reason, the person appointed is unable or fails to conduct, or to complete the conduct of, an oral hearing or, for any reason, is unable or fails to furnish a report on an oral hearing to the Board, the Board may appoint another person to conduct the oral hearing or to conduct a new oral hearing.

CHAPTER VI  
General

REG 78

Transitional.

78. (1) Subject to sub-article (2)—

( a ) this Part shall not apply or have effect in relation to any appeal or other matter that is received by the Board before the coming into operation of this Part,

( b ) the provisions of the Local Government (Planning and Development) (No. 2) Regulations, 1992 shall, notwithstanding article 4, continue in force and have effect in relation to any appeal or other matter that is received by the Board before the coming into operation of this Part.

(2) A list referred to in article 62 shall be made available in accordance with that article in respect of the week commencing on the coming into operation of this Part and of each subsequent week.

**PART VI**

**EXTENSION OF DURATION OF PLANNING PERMISSION**

REG 79

Interpretation for Part VI.

79. (1) In this Part, "the appropriate period" has the meaning assigned to it by section 2 (5) of the Act of 1982.

(2) In this Part, any reference to a decision to extend or further extend the appropriate period as regards a particular permission shall include a reference to such a decision which is regarded as having been given by virtue of section 4 (2) of the Act of 1982 and cognate expressions shall be construed accordingly.

REG 80

Time at which application to extend or further extend appropriate period may be made.

80. An application under section 4 of the Act of 1982 to extend or further extend the appropriate period as regards a particular permission shall be made not earlier than one year before the expiration of the appropriate period sought to be extended or further extended.

REG 81

Content of application to extend appropriate period.

81. An application under section 4 of the Act of 1982 to extend the appropriate period as regards a particular permission shall be made in writing and shall contain the following particulars—

- ( a ) (i) the name and address, and telephone number if any, of the applicant and of the person, if any, acting on behalf of the applicant,
- (ii) the address to which any correspondence relating to the application should be sent,
- ( b ) the location of the land or the address of the structure to which the permission relates (as may be appropriate),
- ( c ) the development to which the permission relates,
- ( d ) particulars of the interest held in the relevant structure or other land by the applicant,
- ( e ) the date of the permission and its reference number in the register,
- ( f ) in the case of an outline permission, the date and reference number in the register of the subsequent approval or approvals,
- ( g ) the date on which the permission will cease, or ceased, to have effect,
- ( h ) the date of commencement of the development to which the permission relates,
- ( i ) particulars of the substantial works carried out or which will be carried out pursuant to the permission before the expiration of the appropriate period,
- ( j ) the additional period by which the permission is sought to be extended, and
- ( k ) the date on which the development is expected to be completed.

#### REG 82

Content of application to further extend appropriate period.

82. An application under section 4 of the Act of 1982 to further extend the appropriate period as regards a particular permission shall be made in writing and shall contain the particulars referred to at paragraphs (a) to (h) inclusive of article 81 and the following additional particulars—

- ( a ) particulars of the works (if any) carried out pursuant to the permission since the permission was extended or further extended,
- ( b ) the period by which the permission is sought to be further extended,
- ( c ) the date on which the development is expected to be completed, and
- ( d ) the circumstances beyond the control of the person carrying out the development due to which the development has not been completed.

#### REG 83

Procedure on receipt of application to extend or further extend appropriate period.

83. (1) On receipt of an application to extend or further extend the appropriate period as regards a particular permission, a planning authority shall—

- ( a ) stamp the documents with the date of their receipt, and
- ( b ) consider whether the application complies with the requirements of article 81 or 82, as the case may require.

(2) ( a ) Where a planning authority consider that an application to extend or further extend the appropriate period as regards a particular permission complies with the requirements of article 81 or 82, as may be appropriate, they shall send to the applicant an acknowledgement stating the date of receipt of the application.

( b ) Where a planning authority consider that an application to extend or further extend the appropriate period as regards a particular permission does not comply with the requirements of article 81 or 82, as may be appropriate, they shall, by notice in writing, require the applicant to furnish such further particulars as may be necessary to comply with the said requirements.

#### REG 84

Further information.

84. (1) Where a planning authority receive an application to extend or further extend the appropriate period as regards a particular permission, they may, by notice in writing, require the applicant—

( a ) to submit such further information as they may require to consider the application (including any information regarding any estate or interest in or right over land), or

( b ) to produce any evidence which they may reasonably require to verify any particulars or information given in or in relation to the application.

(2) A planning authority shall not require an applicant who has complied with a requirement under sub-article (1) to submit any further information, particulars or evidence save as may be reasonably necessary to clarify the matters dealt with in the applicant's response to the said requirement or to enable those matters to be considered or assessed.

(3) Where an applicant fails or refuses to comply with any requirement under this article within one month of such requirement, the planning authority may, if they think fit, refuse the application.

#### REG 85

Notification of decision on application to extend or further extend appropriate period.

85. Every notification given by a planning authority of a decision on an application to extend or further extend the appropriate period as regards a particular permission shall specify—

( a ) the date of the permission and its reference number in the register,

( b ) the location of the land or the address of the structure to which the permission relates (as may be appropriate),

( c ) the development to which the decision relates,

( d ) the date of the decision,

( e ) the nature of the decision,

( f ) in the case of a decision to extend or further extend the appropriate period, the additional period by which that period has been extended, and

( g ) in the case of a decision to refuse to extend or further extend the appropriate period, the reasons for such refusal.

## **PART VII**

### **FEES**

#### **CHAPTER I**

##### **General**

#### **REG 86**

Definitions for Part VII.

86. In this Part—

"commercial development" means development for the purposes of any professional, commercial or industrial undertaking, development in connection with the provision for reward of services to persons or undertakings, or development consisting of the provision of two or more dwellings, but does not include development for the purposes of agriculture;

"the 1984 Regulations" means the Local Government (Planning and Development) (Fees) Regulations, 1984 (S.I. No. 358 of 1984);

"the 1991 Regulations" means the Local Government (Planning and Development) (Fees) (Amendment) Regulations, 1991 (S.I. No. 187 of 1991);

"the 1993 Regulations" means the Local Government (Planning and Development) (Fees) (Amendment) Regulations, 1993 (S.I. No. 349 of 1993).

#### **REG 87**

##### **Transitional**

87. (1) Where a planning application is received by a planning authority before the coming into operation of this Part, the fee to be paid to the planning authority shall, notwithstanding this Part, be the fee payable under the 1984 Regulations as amended by the 1991 Regulations and the 1993 Regulations.

(2) Where an application under section 4 of the Act of 1982 for an extension or further extension as regards a particular permission of the appropriate period within the meaning of section 2 (5) of that Act is received by a planning authority before the coming into operation of this Part, the fee to be paid to the planning authority shall, notwithstanding this Part, be the fee payable under the 1984 Regulations as amended by the 1993 Regulations.

#### **CHAPTER II**

Fees payable to a planning authority in respect of planning applications

#### **REG 88**

Fee for planning application.

88. Subject to the following provisions of this Part, a fee shall be paid to a planning authority by an applicant in respect of a planning application.

## REG 89

### Exemptions.

89. (1) Where a planning application relates in whole or in part to development which in the opinion of the planning authority is development proposed to be carried out by or on behalf of a voluntary organisation, and which in the opinion of the planning authority—

( a ) is designed or intended to be used for social, recreational, educational or religious purposes by inhabitants of a locality generally or by people of a particular group or religious denomination and is not to be used mainly for profit or gain,

( b ) is designed or intended to be used as a hostel, workshop or other accommodation for persons with a disability and is not to be used mainly for profit or gain, or

( c ) is ancillary to development referred to in paragraph (a) or (b),

a fee shall not be payable in respect of any such development.

(2) Where a planning application relates in whole or in part to development which is proposed to be carried out by or on behalf of a body standing approved of for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act, 1992 (No. 18 of 1992) and which in the opinion of the planning authority—

( a ) is designed or intended to be used for the accommodation of poor or homeless persons or persons who would otherwise be likely to require housing accommodation provided by a housing authority, and is not to be used mainly for profit or gain, or

( b ) is ancillary to development referred to in paragraph (a), a fee shall not be payable in respect of any such development.

## REG 90

### Standard fee.

90. The amount of the fee payable in respect of a planning application shall, subject to articles 91, 92 and 93 and Section III of the Fourth Schedule, be the amount indicated in column 2 of Section II of the Fourth Schedule opposite the mention of the relevant class of development in column 1 of Section II of the said Schedule.

## REG 91

Fee for certain planning applications relating to retention of structures or continuance of use.

91. Subject to Section III of the Fourth Schedule, the amount of the fee payable in respect of an application for permission for the retention on land of any structure or for the continuance of any use of any structure or other land, other than an application to which article 93 (2) (b) or (c) applies, shall be the amount indicated in column 2 of Section II of the Fourth Schedule opposite the mention of the relevant class of development in column 1 of Section II of the said Schedule, increased by one half.

REG 92

Outline application fee.

92. Subject to Section III of the Fourth Schedule, the amount of the fee payable in respect of an outline application shall be three quarters of the amount indicated in column 2 of Section II of the Fourth Schedule opposite the mention of the relevant class of development in column 1 of Section II of the said Schedule.

REG 93

Reduced fee.

93. (1) Subject to sub-article (3) and Section III of the Fourth Schedule, the amount of the fee payable in respect of an application mentioned in sub-article (2) shall be one quarter of the amount indicated in column 2 of Section II of the Fourth Schedule opposite the mention of the relevant class of development in column 1 of Section II of the said Schedule.

(2) The applications referred to in sub-article (1) are—

( a ) an application for an approval,

( b ) an application for permission for the retention of any structure or for the continuance of any use of land without complying with a condition subject to which a previous permission was granted for the development,

( c ) an application for permission for the retention of any structure or for the continuance of any use of land in respect of which a previous permission has been granted for a limited period only or subject to a condition which is of a kind described in section 26 (2) (j) or 27 (2) (f) of the Act of 1963 and which is made not less than two months before the expiration of the previous permission,

( d ) an application which relates to development which differs from development authorised by a previous permission by reason only of—

(i) a change in the type of dwelling proposed to be constructed, erected or made, or

(ii) the modification of the design or of the external appearance of a building or other structure proposed to be constructed, erected or made.

(3) This article shall have effect only where a fee under this Part or under the 1984 Regulations as amended by the 1991 Regulations and the 1993 Regulations has been paid in relation to the relevant previous permission or approval.

REG 94

Refund of fee in case of certain repeat applications.

94. (1) Where a planning application (not being an application for an approval) is either—

( a ) withdrawn before a decision to grant or to refuse the relevant permission is made by the planning authority, or

( b ) determined by the planning authority or by the Board, and a subsequent such application is made by or on behalf of the

same applicant, the planning authority shall, subject to sub-article (3) and article 96 and to paragraph 5 of Section III of the Fourth Schedule, refund three quarters of the fee paid to them in respect of the subsequent application if, and only if, each of the conditions mentioned in sub-article (2) is complied with.

(2) The conditions referred to in sub-article (1) are—

( a ) the authority are satisfied that the subsequent application relates to development of the same character or description as the development to which the earlier application related, and

( b ) a fee under this Part (or under the 1984 Regulations as amended by the 1991 Regulations and the 1993 Regulations) in respect of the class or classes of development to which the subsequent application relates has been paid in respect of the earlier application, and

( c ) the period between the withdrawal or determination of the first application and the making of the subsequent application does not exceed twelve months, and

( d ) the authority are satisfied that the subsequent application relates to land substantially consisting of the site or part of the site to which the earlier application related, and

( e ) no previous refund under sub-article (1) or under article 10 of the 1984 Regulations has at any time been made to the same applicant in respect of an application which related substantially to the same land and to development of the same character or description as that to which the subsequent application relates, and

( f ) the case is not a case where a reduced fee has been paid under article 93 or under article 9 of the 1984 Regulations.

(3) A refund under this article shall be made on a claim in that behalf made in writing to the planning authority and received by them within (but not after) the period of two months beginning on the day of the giving of the decision of the planning authority in respect of the subsequent application.

#### REG 95

Refund of fee in certain other cases.

95. Where a planning authority serve a notice in accordance with article 20 (3) or 29 (2) (b) (i), they shall refund the fee paid to them in respect of the planning application.

#### REG 96

Discretionary power to refund fee in certain limited circumstances.

96. (1) Notwithstanding any other provision of this Part, but subject to paragraph 5 of Section III of the Fourth Schedule, a planning authority shall have an absolute discretion to refund a part of the fee payable in respect of a particular planning application where they are satisfied that the payment in full of the fee would not be just and reasonable having regard to any of the following—

(a) the limited extent of the development,

(b) the limited cost of the development,

(c) the fee payable in respect of an application for any other development of a similar character, extent or description.

(2) A decision under sub-article (1) shall contain a statement specifying the reasons for the decision.

#### REG 97

Applications involving mixed development.

97. (1) Subject to sub-article (2), where a planning application relates to development which is within more than one of the classes mentioned in column 1 of Section II of the Fourth Schedule—

(a) an amount shall be calculated in accordance with this Part in respect of the development which is within each such class, and  
(b) the aggregate of the amounts so calculated shall, subject to Section III of the Fourth Schedule, be taken as the amount of the fee payable in respect of the development to which the application relates.

(2) Sub-article (1) shall not have effect in relation to development comprising the provision of roads, car parks, services, open spaces or any structures or other works which are included in the planning application and are incidental to development of the class or classes to which the application primarily relates.

(3) Where a planning application referred to in sub-article (1) relates to a building which is to contain floor space which it is proposed to use (or which is designed for use or is capable of use) for the purposes of providing common access or common services or facilities for persons occupying or using the building, the amount of such common floor space appropriate to each class of development mentioned in column 1 of Section II of the Fourth Schedule shall be taken, for the purposes of the calculation referred to in sub-article (1) (a), to be such proportion of the common floor space as the amount of floor space coming directly within the class bears to the total amount of gross floor space in the building.

#### REG 98

Applications involving multi-purpose development.

98. Where a planning application relates to development which is designed for, or capable of, or intended for, use for one of several purposes, the amount of the fee payable in respect of each of the relevant classes of development mentioned in column 1 of Section II of the Fourth Schedule shall be calculated and the fee payable shall, subject to Section III of the Fourth Schedule, be the highest of those amounts.

#### REG 99

Applications involving alternative plans.

99. Where a planning application includes proposals for materially different layouts or designs relating to the proposed development, the fee payable in respect of the application shall be calculated as if each proposal constituted a separate planning application.

## REG 100

Calculation of site area and gross floor space.

100. (1) Where, in respect of any class of development mentioned in column 1 of Section II of the Fourth Schedule, the amount of the fee is to be calculated by reference to the site area, that area shall be taken as consisting of the area of land to which the application relates.

(2) Where, in respect of any class of development mentioned in column 1 of Section II of the Fourth Schedule, the amount of the fee is to be calculated by reference to the area of gross floor space to be provided, that area shall be ascertained by the internal measurement of the floor space on each floor of a building or buildings (including internal walls and partitions), disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to development to which the application primarily relates.

(3) Where the area referred to in sub-article (1) or (2) is less than the unit of measurement specified in respect of the relevant class of development or is not an exact multiple of that unit, the fraction of a unit remaining after division of the total area by the unit of measurement shall be treated, for the purposes of calculating the fee payable in respect of the application, as a complete unit.

## CHAPTER III

Fees payable to the Board

### REG 101

Fee for appeals.

101. (1) A person making an appeal shall pay a fee to the Board.

(2) Subject to article 104, the amount of the fee payable to the Board shall be the amount indicated in column 2 of the Fifth Schedule opposite the appropriate mention of an appeal in column 1 of the said Schedule.

### REG 102

Fee for references.

102. (1) A person making a reference to the Board shall pay a fee to the Board.

(2) Subject to article 104, the amount of the fee payable to the Board shall be the amount indicated in column 2 of the Fifth Schedule opposite the mention of a reference in column 1 of the said Schedule.

## REG 103

Fee for requests for determinations.

103. (1) A person making a request to the Board for a determination referred to in article 67 (a) shall pay a fee to the Board.

(2) Subject to article 104, the amount of the fee payable to the Board shall be the amount indicated in column 2 of the Fifth Schedule opposite the mention of a request for a determination in column 1 of the said Schedule.

## REG 104

Reduced fee payable in certain circumstances.

104. Where an appeal, a reference or a request for a determination to which article 103 applies is made to the Board by—

- (a) a planning authority,
- (b) An Chomhairle Ealaíon,
- (c) Bord Fáilte Éireann,
- (d) An Taisce — the National Trust for Ireland,
- (e) the National Monuments Advisory Council,
- (f) the Royal Irish Academy,
- (g) the Central Fisheries Board,
- (h) a Regional Fisheries Board,

the fee to be paid to the Board in respect of the appeal, reference or request shall be the amount indicated in column 2 of the Fifth Schedule opposite the mention of a reduced fee in column 1 of the said Schedule.

## REG 105

Fee for submissions or observations to the Board.

105. (1) (a) Subject to sub-articles (2) and (3), a fee shall be paid to the Board by a person or body of persons making submissions or observations to the Board as regards an appeal, a reference or a determination to which article 103 applies, and by a person who is heard at an oral hearing in accordance with article 75 (3).

(b) The amount of the fee payable to the Board shall be the amount indicated in column 2 of the Fifth Schedule opposite the mention of submissions or observations in column 1 of the said Schedule.

(2) Sub-article (1) shall not apply where the person by or on whose behalf submissions or observations are made is—

- (a) the appellant or person making the reference to, or request for a determination by, the Board,
- (b) the applicant for the permission, approval or licence in relation to which the appeal is made,
- (c) any person served or issued by a planning authority with a notice or order, or copy thereof, under section 30, 33, 36, 37, 44, 45 or 48 of the Act of 1963 or section 25 of the Act of 1976, in relation to which an appeal is made by another person,

(d) a body referred to in article 104 or a State authority, or  
(e) a Member State of the European Communities.

(3) Where a fee has been paid under this article or under article 23 of the 1984 Regulations by or on behalf of a person or body of persons making submissions or observations as regards a particular appeal, reference or determination, a fee shall not be payable in respect of any further submissions or observations made by or on behalf of the same person or body of persons in accordance with the Act of 1992, or that Act as applied by Part V, as regards that appeal, reference or determination.

#### REG 106

Fee for requests for oral hearings.

106. (1) A person making a request to the Board for an oral hearing of an appeal or reference shall, in addition to the fee prescribed by article 101 or 102, as may be appropriate, pay a fee to the Board in respect of the request.

(2) The amount of the fee payable to the Board shall be the amount indicated in column 2 of the Fifth Schedule opposite the mention of a request for an oral hearing in column 1 of the said Schedule.

#### CHAPTER IV

Fee payable to planning authority in respect of application to extend or further extend appropriate period

#### REG 107

Fee for application to extend or further extend appropriate period.

107. (1) A fee shall be paid to a planning authority by an applicant in respect of an application under section 4 of the Act of 1982 for an extension or further extension, as regards a particular permission, of the appropriate period within the meaning of section 2(5) of that Act.

(2) The amount of the fee payable in respect of an application mentioned in sub-article (1) shall be the amount indicated in column 2 of the Sixth Schedule opposite the mention of such an application in column 1 of the said Schedule.

#### **PART VIII**

#### **COMPENSATION**

#### REG 108

Definition for Part VIII.

108. In this Part, "compensation claim" means a claim for compensation under the Act of 1990.

## REG 109

### Compensation claim.

109. (1) A compensation claim shall be made to the planning authority in writing and shall include—

- (a) the name and address of the claimant and a statement of his interest in the land to which the claim relates,
- (b) a statement of the matter in respect of which the claim is made, the provision of the Act of 1990 under which it is made, the amount of compensation claimed and the basis on which that amount has been calculated, and
- (c) the names and addresses of all other persons (so far as they are known to the claimant) having an interest in the land to which the claim relates, or, where the claimant does not know of any such persons, a statement to that effect.

(2) Where a planning authority receive a compensation claim which fails to comply with a requirement of sub-article (1), the authority shall, by notice in writing, require the claimant to comply with such requirement and may defer consideration of the claim until the claimant has complied with such requirement.

## REG 110

### Notice of claim.

110. (1) Within one month of the receipt by a planning authority of a compensation claim, or within one month of compliance with a requirement under article 109 (2), the planning authority shall, unless the claim is withdrawn, give notice in writing to every person, other than the claimant, appearing to them to have an interest in the land to which the claim relates.

(2) A notice under sub-article (1) shall state the name and address of the claimant, the land to which the claim relates, the matter in respect of which the claim is made and, where the relevant period under section 4 of the Act of 1990 for the making of a compensation claim has not expired, the date having regard to the said section 4 after which a further claim for compensation in respect of that matter cannot be made.

(3) Where more than one compensation claim in respect of the same matter has been received by a planning authority, the provisions of sub-article (1) shall not apply in respect of such persons as are claimants or have already been given notice of a claim in respect of that matter under that sub-article.

## REG 111

### Provision of certain evidence and information.

111. Where a compensation claim is made, the planning authority may, by notice in writing, require the claimant to provide evidence in support of the claim and evidence as to the claimant's interest in the land to which the claim relates and may defer consideration of

the claim until the claimant has complied with such requirement.

#### REG 112

Application under section 14 of Act of 1990.

112. (1) Where an application is made to the Minister under section 14 of the Act of 1990 for an order declaring that he is satisfied that it would not be just and reasonable in the particular circumstances that payment of compensation should be prevented by the provisions of section 12 or 13 of that Act, the applicant shall submit to the Minister—

(a) his name and address and a statement of his interest in the land to which the application relates,

(b) a statement of the date of notification of the decision refusing, or granting subject to conditions relating to any of the matters set out in paragraphs 8 and 9 of the Fourth Schedule of the Act of 1990, permission to develop the land to which the application relates, and

(c) a statement of the reasons why, in the opinion of the applicant, such an order should be made.

(2) (a) An applicant for an order under section 14 of the Act of 1990 shall send to the Minister such documents and information relevant to the application and in the applicant's possession or procurement as the Minister may require.

(b) The planning authority concerned shall send to the Minister such documents and information relevant to an application for an order under section 14 of the Act of 1990 and in their possession or procurement as the Minister may require.

#### REG 113

Notice under section 13 of Act of 1990.

113. A notice under section 13 of the Act of 1990 served on a person by whom or on behalf of whom a compensation claim under section 11 of that Act has been made shall contain—

(a) a statement of the land to which the notice relates,

(b) a statement that, notwithstanding the refusal of permission to develop the land or the grant of such permission subject to conditions (as the case may be), the land in question is, in the opinion of the planning authority, capable of other development for which permission under Part IV of the Act of 1963 ought to be granted,

(c) a statement in outline of the nature and extent of the other development (being other development within the meaning of section 13 of the Act of 1990) of which, in the opinion of the planning authority, the land is capable,

(d) a statement that the notice shall continue in force for a period of five years commencing on the day of service of the notice unless before the expiration of that period:

(i) the notice is withdrawn by the planning authority, or

(ii) a permission is granted under Part IV of the Act of 1963 to develop the land to which the notice relates in a manner consistent with the other development specified in the notice, subject to no conditions or to conditions of a class or description set out in the Fourth Schedule of the Act of 1990, or

- (iii) the notice is annulled by virtue of section 13 (5) of the Act of 1990, and
- (e) a statement that compensation shall not be payable on the claim in respect of the land in question where:
  - (i) the notice is in force, or
  - (ii) an application for permission under Part IV of the Act of 1963 to develop the land to which the notice relates in a manner consistent with the other development specified in the notice has not been made before the expiration of the notice, or
  - (iii) permission is granted under Part IV of the Act of 1963 to develop the land to which the notice relates in a manner consistent with the other development specified in the notice, subject to no conditions or to conditions of a class or description set out in the Fourth Schedule of the Act of 1990.

## **PART IX**

### **ENVIRONMENTAL IMPACT ASSESSMENT OF CERTAIN DEVELOPMENT BY OR ON BEHALF OF LOCAL AUTHORITIES**

#### REG 114

Definition for Part IX.

114. In this Part, "local authority" means a local authority for the purposes of section 78 of the Act of 1963.

#### REG 115

Restriction of application of Part IX.

115. (1) This Part shall not apply to development proposed to be carried out by or on behalf of a local authority outside the functional area of the local authority, other than development consisting of any works required for the construction of a new road or the improvement of a road and which is not proposed road development within the meaning of the Roads Act, 1993.

(2) In this article, "functional area" means, in the case of a county council, the county exclusive of any borough or urban district therein.

#### REG 116

Environmental impact statement to be prepared in respect of certain proposed development.

116. Where development proposed to be carried out by or on behalf of a local authority is of a class for the time being specified under Article 24 of the Environmental Impact Assessment Regulations, or under any provision amending or replacing the said Article 24, the local authority shall cause an environmental impact statement to be prepared in respect of that development.

#### REG 117

Requirement to prepare environmental impact statement in respect of certain other proposed development.

117. Where development proposed to be carried out by or on behalf of a local authority would be of a class referred to in article 116 but for not exceeding a quantity, area or other limit for the time being specified in relation to that class, the Minister shall, where he considers that the said development would be likely to have significant effects on the environment, require the local authority to cause an environmental impact statement to be prepared in respect of that development.

#### REG 118

Content of environmental impact statement.

118. An environmental impact statement prepared in accordance with article 116 or pursuant to a requirement under article 117 shall comply with Article 25 of the Environmental Impact Assessment Regulations, or any provision amending or replacing the said Article 25.

#### REG 119

Certain development not to be carried out without certification of Minister.

119. Proposed development in respect of which an environmental impact statement has been prepared in accordance with article 116 or pursuant to a requirement under article 117 shall not be carried out unless the Minister has certified, following an application to him in accordance with article 123, that the proposed development (or the proposed development as varied or modified by him in accordance with article 127), in his opinion, will not have significant adverse effects on the environment, or will embody the best practicable means to prevent or limit such effects.

#### REG 120

Notice of application for certification.

120. Before making an application in accordance with article 123 for the certification of the Minister, a local authority shall publish in a newspaper circulating in the area in which the proposed development would be situate a notice—

- (a) indicating the nature and location of the proposed development,
- (b) stating that:
  - (i) they propose to make the application for certification,
  - (ii) an environmental impact statement has been prepared in respect of the proposed development,
  - (iii) the environmental impact statement will be available, for inspection free of charge and for purchase, at the offices of the local authority at specified times during a specified period (which shall be not less than one month beginning on the day of publication of the notice),
  - (iv) submissions or observations in relation to the effects on the environment of the proposed development may be made in writing to the Minister before a specified date (which shall be not less than two weeks after the end of the period for inspection and purchase specified pursuant to sub-paragraph (iii)).

## REG 121

Availability for purchase of copies of environmental impact statements and extracts.

121. Copies of an environmental impact statement prepared in respect of proposed development in accordance with article 116 or pursuant to a requirement under article 117, and of extracts from any such statement, shall be made available for purchase during the period specified pursuant to article 120 (b) (iii) for such fee as the local authority may fix not exceeding the reasonable cost of making the copy.

## REG 122

Notice of application for certification to certain bodies.

122. (1) Before making an application in accordance with article 123 for the certification of the Minister, a local authority shall send notice of the proposed application and a copy of the environmental impact statement prepared in respect of the proposed development to the relevant body or bodies specified in sub-article (3).

(2) A notice in accordance with sub-article (1) shall state that submissions or observations in relation to the effects on the environment of the proposed development may be made in writing to the Minister before a specified date (which shall be not less than two weeks after the end of the period for inspection and purchase specified pursuant to article 120 (b) (iii)).

(3) A notice in accordance with sub-article (1) shall be sent—  
( a ) where it appears to the local authority that the proposed development would be 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 — to An Chomhairle Ealaíon, Bord Fáilte Éireann and An Taisce — the National Trust for Ireland,  
( b ) where it appears to the local authority that the proposed development would affect the value of any tourist amenity or tourist amenity works — to Bord Fáilte Éireann,  
( c ) where it appears to the local authority that the proposed development would affect any cave, site, feature or other object of archaeological, geological, scientific or historical interest or any building of artistic, architectural or historical interest — to An Chomhairle Ealaíon, Bord Fáilte Éireann, the Commissioners of Public Works in Ireland, the National Monuments Advisory Council and An Taisce — the National Trust for Ireland,

( d ) where it appears to the local authority that the area of another local authority would be affected by the proposed development — to the local authority concerned,

( e ) where it appears to the local authority that the development might endanger or interfere with the safety of aircraft or the safe and efficient navigation thereof — to the Irish Aviation Authority,

( a ) where it appears to the local authority that the proposed development might give rise to appreciable discharges of polluting matters to waters — to the appropriate Regional Fisheries Board,

( g ) where it appears to the local authority that the proposed development might have significant effects on public health — to the appropriate Health Board,

( h ) where it appears to the local authority that the proposed

development might have significant effects in relation to nature conservation — to the Commissioners of Public Works in Ireland.

(4) A reference in sub-article (3) to Bord Fáilte Éireann shall, in the case of proposed development which would be situated in the functional area of the Shannon Free Airport Development Company Ltd., be construed as a reference to that Company.

#### REG 123

Application for certification of Minister.

123. Where an environmental impact statement has been prepared in respect of proposed development in accordance with article 116 or pursuant to a requirement under article 117, the local authority shall, as soon as may be after compliance with the requirements of articles 120 and 122, apply to the Minister for the certification mentioned in article 119, and send to the Minister—

- ( a ) three copies of the environmental impact statement prepared in respect of the proposed development,
- ( b ) a copy of the notice published pursuant to article 120, and
- ( c ) details of any body to which notice was given pursuant to article 122, the date on which such notice was given and the period specified in the notice for the making of submissions or observations to the Minister.

#### REG 124

Further information.

124. (1) The Minister may, where he considers it necessary so to do, require a local authority who have applied in accordance with article 123 for certification for proposed development to furnish to him such further information in relation to the effects on the environment of the proposed development as the Minister may specify.

(2) ( a ) The Minister shall, where he considers that further information received pursuant to a requirement under sub-article (1) contains significant additional data in relation to the effects on the environment of the proposed development, require the local authority—

- (i) to publish in a newspaper circulating in the area in which the proposed development would be situated a notice stating that further information in relation to the effects of the proposed development has been furnished to the Minister, that the further information will be available, for inspection free of charge and for purchase, at the offices of the local authority at specified times during a period of three weeks beginning on the day of publication of the notice and that submissions or observations in relation to the further information may be made to the Minister before the expiration of the said period,
- (ii) to send notice of the furnishing of the further information to the Minister, and a copy of the further information, to any body to which notice was given pursuant to article 122, and to indicate to the body concerned that submissions or observations in relation to the further information may be made to the Minister before the expiration of a period of three weeks beginning on the day on which the notice is sent to the body concerned by the local authority.

( b ) Copies of further information in respect of which notice is published pursuant to a requirement under sub-article (2) (a) (i) shall be made available for purchase during the period referred to in sub-article (2) (a) (i) for such fee as the local authority may fix not exceeding the reasonable cost of making the copy.

#### REG 125

Consultation with other Member States of European Communities.

125. Where the Minister considers that proposed development in respect of which an application for certification has been made in accordance with article 123 would have significant effects on the environment in another Member State of the European Communities, or where another Member State likely to be significantly affected so requests, the Minister shall consult that Member State in relation to the effects on the environment of the proposed development.

#### REG 126

Minister to have regard to certain matters in considering application for certification

126. The Minister shall, when considering an application for certification made in accordance with article 123, have regard to the environmental impact statement prepared in respect of the proposed development in accordance with article 116 or pursuant to a requirement under article 117 (including any additional information furnished by the local authority pursuant to a requirement under article 124 (1)), to any submissions or observations made to him in accordance with this Part, and to the views of other Member States of the European Communities arising from consultation, if any, in accordance with article 125.

#### REG 127

Power of Minister to vary or modify proposed development.

127. (1) The Minister may, in certifying proposed development in accordance with article 119, direct that the proposed development shall be varied or modified in such manner as he considers necessary or appropriate to ensure that the proposed development, in his opinion, will not have significant adverse effects on the environment, or will embody the best practicable means to prevent or limit such effects.

(2) Where the Minister in certifying proposed development directs that the proposed development shall be varied or modified, the development shall not be carried out save in conformity with that direction.

#### REG 128

Notice of Minister's decision in relation to application for certification.

128. (1) The Minister shall cause notice of his decision in relation to an application for certification in accordance with article 123 to be published in a newspaper circulating in the area in which the proposed development would be situate.

(2) Where there has been consultation with another Member State of the European Communities in accordance with article 125 in relation to the effects on the environment of a proposed development, notice of the Minister's decision in relation to the application for certification shall be given to that Member State.

REG 129

Transitional.

129. Part IV of the Local Government (Planning and Development) Regulations, 1990, as amended by article 2 (b) of the Local Government (Planning and Development) Regulations, 1992 (S.I. No. 209 of 1992), shall, notwithstanding article 4, continue in force and have effect in relation to any application for the certification of the Minister made in accordance with the said Part before the coming into operation of this Part.

## **PART X**

### **REQUIREMENTS IN RESPECT OF SPECIFIED DEVELOPMENT BY OR ON BEHALF OF LOCAL AUTHORITIES**

REG 130

Development to which Part X applies.

130. (1) This Part shall, subject to sub-articles (2) and (3) and article 136, apply to the following classes of cases of development, being development specified pursuant to section 78 (1) of the Act of 1963 and hereafter in this Part referred to as "proposed development"—

- ( a ) the construction or erection of a house or other dwelling,
- ( b ) the construction of a new road or the widening or realignment of an existing road, where the length of the new road or of the widened or realigned portion of the existing road, as the case may be, would be—
  - (i) in the case of a road in an urban area, 100 metres or more,
  - or
  - (ii) in the case of a road in any other area, 1 kilometre or more,
- ( c ) the construction of a bridge or tunnel,
- ( d ) the construction or erection of pumping stations, treatment works, holding tanks or outfall facilities for waste water or storm water,
- ( e ) the construction or erection of water intake or treatment works, overground aqueducts, or dams or other installations designed to hold water or to store it on a long-term basis,
- ( f ) drilling for water supplies,
- ( g ) the construction of a swimming pool,
- ( h ) the use of land, or the construction or erection of any installation or facility, for the disposal of waste,
- ( i ) the use of land as a burial ground,
- ( j ) the construction or erection of a fire station, a library or a public toilet, and
- ( k ) any other development, not being development consisting of the provision of sites pursuant to section 13 of the Housing Act,

1988 (No. 28 of 1988), the estimated cost of which exceeds £50,000.

(2) ( a ) Subject to paragraph (b), this Part shall not apply to proposed development that a local authority proposes to carry out outside the functional area of the local authority.

( b ) This Part shall, subject to sub-article (3) and article 136, apply to proposed development that a county council established by section 11 of the Local Government (Dublin) Act, 1993 proposes to carry out within the functional area of another county council established by that section during the period commencing on the coming into operation of this Part and terminating on the 31st day of December, 1995.

( c ) In this sub-article, "functional area" means, in the case of a county council, the county exclusive of any borough or urban district therein.

(3) This Part shall not apply to proposed development if—

( a ) the development consists of works of maintenance or repair, or

( b ) the development is necessary for dealing forthwith with any situation which the manager considers is an emergency situation calling for immediate action without regard to the provisions of this Part, or

( c ) the development is required by Part IX or any other statutory provision to comply with procedures for the purpose of giving effect to the Council Directive of 27 June, 1985 (No. 85/337/EEC, O.J. No. L175/40, 5 July, 1985), or

( d ) the development consists of works which the local authority are required by or under statute or by order of a Court to undertake, or

( e ) the development consists of the construction of a reservoir to which the requirements of section 63 of the Public Health (Ireland) Act, 1878 (41 & 42 Vict., c. 52) apply.

(4) In this article, "manager" means—

( a ) as respects the corporation of a county borough, the manager for the purposes of the Acts relating to the management of the county borough, and

( b ) as respects the council of a county or an elective body for the purposes of the County Management Acts, 1940 to 1993, the manager for the purposes of the said Acts.

## REG 131

### Notice of proposed development

131. (1) A local authority shall publish notice of proposed development in a newspaper circulating in the area in which the proposed development would be situated.

(2) A notice published in accordance with sub-article (1) shall—

( a ) indicate the location, nature and extent of the proposed development, and

( b ) state that:

(i) plans and particulars of the proposed development will be available for inspection at the offices of the local authority at specified times during a specified period (which shall be not less than one month beginning on the day of publication of the notice),

(ii) submissions or observations with respect to the proposed development, dealing with the proper planning and development of the

area in which the development would be situate, may be made in writing to the local authority before a specified date (which shall be not less than two weeks after the end of the period for inspection of plans and particulars specified pursuant to sub-paragraph (i)).

REG 132

Notice of proposed development to certain bodies.

132. (1) A local authority shall send notice of proposed development to any relevant body or bodies specified in sub-article (3).

(2) A notice in accordance with sub-article (1) shall—

( a ) indicate the location, nature and extent of the proposed development,

( b ) be accompanied by a copy of the plans and particulars of the proposed development made available for inspection by members of the public in accordance with article 133,

( c ) state that submissions or observations with respect to the proposed development, dealing with the proper planning and development of the area in which the development would be situate, may be made in writing to the local authority before a specified date (which shall be not less than two weeks after the end of the period for inspection of plans and particulars specified pursuant to article 131

(2) (b) (i)).

(3) A notice in accordance with sub-article (1) shall be sent—

( a ) where it appears to the local authority that the proposed development would be situate 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 — to An Chomhairle Ealaíon, Bord Fáilte Éireann and An Taisce — the National Trust for Ireland,

( b ) where it appears to the local authority that the proposed development would affect the value of any tourist amenity or tourist amenity works — to Bord Fáilte Éireann,

( c ) where it appears to the local authority that the proposed development would affect any cave, site, feature or other object of archaeological, geological, scientific or historical interest or any building of artistic, architectural or historical interest — to An Chomhairle Ealaíon, Bord Fáilte Éireann, the Commissioners of Public Works in Ireland, the National Monuments Advisory Council and An Taisce — the National Trust for Ireland,

( d ) where it appears to the local authority that the area of another local authority would be affected by the proposed development — to the local authority concerned,

( e ) where it appears to the local authority that the proposed development might endanger or interfere with the safety of aircraft or the safe and efficient navigation thereof — to the Irish Aviation Authority,

( f ) where it appears to the local authority that the proposed development might give rise to appreciable discharges of polluting matters to waters — to the appropriate Regional Fisheries Board,

( g ) where it appears to the local authority that the proposed development might have significant effects on public health — to the appropriate Health Board,

( h ) where it appears to the local authority that the proposed development might have significant effects in relation to nature

conservation — to the Commissioners of Public Works in Ireland.

(4) A reference in sub-article (3) to Bord Fáilte Éireann shall, in the case of proposed development which would be situated in the functional area of the Shannon Free Airport Development Company Ltd., be construed as a reference to that Company.

#### REG 133

Availability for inspection of plans and particulars.

133. A local authority shall make available for inspection by members of the public, at the times and during the period specified pursuant to article 131 (2) (b) (i)—

- ( a ) a document describing the nature and extent of the proposed development and the principal features thereof,
- ( b ) a location map, drawn to a scale of not less than 1:10,560 and marked or coloured so as to identify clearly the land on which it is proposed to carry out the proposed development,
- ( c ) a site layout plan, drawn to a scale of not less than 1:500, showing the boundary of the site on which it is proposed to carry out the proposed development and buildings or other structures, and roads or other features, in the vicinity of the site, and
- ( d ) such other plans and drawings, drawn to a scale of not less than 1:100, as are necessary to describe the proposed development.

#### REG 134

Report with respect to proposed development.

134. (1) A local authority shall, after the expiration of the period or periods (as the case may be) during which submissions or observations with respect to proposed development may be made to the local authority in accordance with this Part, prepare a report in relation to proposed development.

(2) A report prepared in accordance with sub-article (1) shall—

- ( a ) describe the nature and extent of the proposed development and the principal features thereof,
  - ( b ) evaluate the likely implications, if any, of the proposed development with respect to the proper planning and development of the area in which the development would be situated,
  - ( c ) list the persons or bodies who made submissions or observations with respect to the proposed development in accordance with this Part,
  - ( d ) summarise the issues with respect to the proper planning and development of the area in which the proposed development would be situated raised by persons or bodies who made submissions or observations in accordance with this Part, and give the response of the local authority thereto, and
  - ( e ) indicate whether it is proposed to proceed with the proposed development, to proceed with the proposed development as varied or modified in a manner indicated in the report, or not to proceed with the proposed development.
- (3) A report prepared by a local authority in accordance with sub-article (1) shall be submitted to the members of the local authority and may, subject to any resolution adopted by the members of the local authority pursuant to section 2 (8) of the City and

County Management (Amendment) Act, 1955 (No. 12 of 1955), be so submitted in the course of compliance with section 2 (7) of the said Act.

REG 135

Notice following compliance with requirements of Part X.

135. (1) Where the preceding requirements of this Part have been complied with with respect to proposed development, a local authority shall—

( a ) send notice in accordance with sub-article (2) to any body to which notice of the proposed development was sent pursuant to article 132, and

( b ) send notice in accordance with the said sub-article to any other persons or bodies who made submissions or observations with respect to the proposed development in accordance with this Part, or publish a notice in accordance with the said sub-article in a newspaper circulating in the area in which the proposed development would be situate.

(2) A notice referred to in sub-article (1) shall indicate that the local authority will proceed with the proposed development, or proceed with the proposed development subject to variations or modifications, or not proceed with the proposed development, as the case may be.

REG 136

Transitional.

136. This Part shall not apply to proposed development where—

( a ) the members of the local authority have been informed of the works comprising the proposed development pursuant to section 2 (7) of the City and County Management (Amendment) Act, 1955 before the coming into operation of this Part, and

( b ) (i) in the case of proposed development which will be carried out by the local authority, the development has commenced before the 31st day of December, 1994, or

(ii) in the case of proposed development which will be carried out on behalf of the local authority, a contract for the carrying out of the development has been signed before the 31st day of December, 1994.

## **PART XI**

### **APPOINTMENT OF CHAIRMAN AND ORDINARY MEMBERS OF AN BORD PLEANÁLA**

REG 137

Definitions for Part XI.

137. In this Part—

"chairman" means the chairman of the Board;

"the committee" means the committee referred to in section 5 of the Act of 1983.

## REG 138

Procedure where request under section 5(7) of Act of 1983 made to committee.

138. (1) Whenever a request under section 5 (7) of the Act of 1983 is made to the committee for the selection of candidates for appointment to be the chairman—

( a ) the committee shall meet on a day and at a time and place determined by the President of the High Court, who shall cause to be communicated to the other members of the committee the day, time and place of the meeting, and

( b ) the committee shall, before selecting candidates for appointment to be the chairman pursuant to the request, cause an advertisement to be published inviting applications for appointment to such office.

(2) An advertisement published pursuant to sub-article (1) (b) shall specify a period of not less than twenty-one days for the making of applications and any application which is not received by the committee within the period so specified shall be invalid.

## REG 139

Content of application.

139. An application for selection by the committee shall include a curriculum vitae and particulars of the special knowledge and experience and other qualifications and personal qualities which the applicant considers relevant to the application.

## REG 140

Requirement to submit further particulars.

140. Where the committee receive an application for selection by the committee they may require the applicant to submit, within a period of not more than twenty-one days, such further particulars as they may require (including any evidence which the committee may reasonably require to verify any particulars given by the applicant in or in relation to the application).

## REG 141

Interviewing of applicants.

141. (1) Where the committee consider it necessary for the purposes of selecting candidates they may, subject to sub-article (2), invite applicants to attend for interview on a day and at a time and place specified by the committee.

(2) Where the committee decide to invite applicants to attend for interview pursuant to sub-article (1), the committee may, in their absolute discretion, having examined the information contained in the applications in the context of the matters referred to in section 5 (7) (b) of the Act of 1983, invite to attend for interview only those applicants who appear to them to be likely to be suitable to be considered for selection as candidates for appointment to be the chairman.

REG 142

Cesser of entitlement to further consideration by committee.

142. An applicant who does not attend for interview on the day and at the time and place specified by the committee or who does not furnish such particulars or evidence as may be required by the committee pursuant to article 140 within the period specified pursuant to that article shall not be entitled to further consideration by the committee for selection as a candidate for appointment to be the chairman.

REG 143

Procedure of committee.

143. (1) The committee shall hold such meetings as may be necessary for the performance of their functions.

(2) The quorum for a meeting of the committee shall be four.

(3) The President of the High Court shall preside at meetings of the committee at which he is present.

(4) If the President of the High Court is not present at a meeting of the committee, a member of the committee selected by the committee shall preside at the meeting.

(5) Every question at a meeting of the committee shall be determined by a majority of votes of the members present.

(6) Subject to the foregoing provisions of this article, the committee shall regulate their own procedure.

REG 144

Secretary of committee.

144. An officer of the Minister designated by the Secretary of the Department of the Environment shall act as secretary of the committee.

REG 145

Prescribed organisations for purposes of section 7 (2) (a) of Act of 1983.

145. The prescribed organisations for the purposes of section 7 (2)

(a) of the Act of 1983 shall be—

( a ) the Irish Planning Institute,

( b ) the Royal Town Planning Institute, Irish Branch — Southern Section,

( c ) the Institution of Engineers of Ireland,

( d ) the Society of Chartered Surveyors in the Republic of Ireland, and

( e ) the Royal Institute of the Architects of Ireland.

REG 146

Prescribed organisations for the purposes of section 7 (2) (b) of Act of 1983.

146. The prescribed organisations for the purposes of section 7 (2) (b) of the Act of 1983 shall be—

- ( a ) An Taisce — the National Trust for Ireland,
- ( b ) Bord Fáilte Éireann,
- ( c ) the Irish Architectural Archive,
- ( d ) the Irish Resource Development Trust,
- ( e ) the Royal Irish Academy, and
- ( f ) the County and City Managers' Association.

REG 147

Prescribed organisations for purposes of section 7 (2) (c) of Act of 1983.

147. The prescribed organisations for the purposes of section 7 (2)

(c) of the Act of 1983 shall be—

- ( a ) the Construction Industry Federation,
- ( b ) the Irish Congress of Trade Unions,
- ( c ) Forfás,
- ( d ) the Irish Business and Employers' Confederation, and
- ( e ) the Chambers of Commerce of Ireland.

REG 148

Prescribed organisation for purposes of section 7 (2) (d) of Act of 1983.

148. The prescribed organisations for the purposes of section 7 (2)

(d) of the Act of 1983 shall be —

- ( a ) Aontacht Cumann Riartha Aitreabhthóirí (The Association of Combined Residents' Associations),
- ( b ) the National Association of Tenants' Organisations,
- ( c ) the National Youth Council of Ireland,
- ( d ) the Irish Farmers' Association,
- ( e ) the Irish Creamery Milk Suppliers' Association,
- ( f ) the Irish Countrywomen's Association, and
- ( g ) the Council for the Status of Women.

REG 149

Duty of prescribed organisation on receipt of request pursuant to section 7 (3) of Act of 1983.

149. Where a request is made to a prescribed organisation pursuant to section 7(3) of the Act of 1983 the organisation shall, before the expiration of two months commencing on the day on which the request is made—

- ( a ) select two candidates for appointment as ordinary members of the Board;
- ( b ) inform the Minister:
  - (i) of the names of the candidates selected, and
  - (ii) of the reasons why, in the opinion of the organisation, each candidate is suitable for appointment as an ordinary member of the Board;
- ( c ) send to the Minister:
  - (i) a curriculum vitae in relation to each candidate, and
  - (ii) the written consent of each candidate to his selection in accordance with the request.

**PART XII**  
**LICENSING UNDER SECTION 89 OF ACT OF 1963**

REG 150

Definition for Part XII.

150. In this Part, "specified appliance or structure" means an appliance or structure referred to in section 89(1) of the Act of 1963 or any additional appliance or structure specified in article 151.

REG 151

Appliances and structures suitable for being licensed.

151. The following appliances and structures are hereby specified as suitable for being licensed under section 89 of the Act of 1963—

- ( a ) a petrol, oil or other storage tank (together with any associated manhole, inlet, outlet, or pipe for connection with a pump),
- ( b ) a delivery pipe or hose attached to a petrol pump or oil pump, which is erected in a permanent position and which is not on a public road,
- ( c ) a movable pump or other appliance for dispensing any oil or oil derivative or mixture thereof,
- ( d ) a case, rack, shelf or other appliance or structure for displaying articles for the purposes of advertisement or of sale in or in connection with any adjacent business premises,
- ( e ) tables and chairs outside a hotel, restaurant or public house,
- ( f ) a cabinet used as part of a wired broadcast relay service by a person licensed under the Wireless Telegraphy (Wired Broadcast Relay Licence) Regulations, 1974 (S.I. No. 67 of 1974),
- ( g ) a lamp-post,
- ( h ) a bridge, arch, tunnel, passage or other similar structure which is used or intended for use other than by the public and was constructed on or after the 1st day of October, 1964,
- ( i ) a cellar or other underground structure constructed on or after the 1st day of October, 1964,
- ( j ) a coin-operated machine other than a vending machine, and
- ( k ) an advertisement consisting of any symbol, emblem, model, device or logo.

REG 152

Fees for licences under section 89 of Act of 1963.

152. (1) Where a licence under section 89 of the Act of 1963 is granted by a planning authority—

- ( a ) to erect, construct, place and maintain, or
- ( b ) to maintain

a specified appliance or structure referred to in Part I or II of the Seventh Schedule, the amount of the fee to be paid to the planning authority shall, subject to the provisions of article 153, be—

- (i) where the licence is for a period of one year, the appropriate

amount indicated in the second column of that Schedule opposite the reference in the first column of that Schedule to the specified appliance or structure,

(ii) where the licence is for a period of more than one year, an amount equal to the fee for one year for each year or part of a year for which the licence is granted, and

(iii) where the licence is for a period of less than a year, an amount equal to one tenth of the fee for one year for each month or part of a month for which the licence is granted, or £5, whichever is the greater.

(2) Where a licence under section 89 of the Act of 1963 is granted by a planning authority to erect, construct, place and maintain a specified appliance or structure referred to in Part III of the Seventh Schedule, the amount of the fee to be paid to the planning authority shall be the amount indicated in the second column of that Schedule opposite the reference in the first column of that Schedule to the specified appliance or structure and no fee shall be payable in respect of any renewal of a licence for such an appliance or structure.

#### REG 153

Additional fee for advertising use.

153. In the case of—

( a ) any pump, machine or similar appliance or structure, more than one quarter of the surface area of which is used for advertising purposes,

( b ) any town or landscape map more than one third of the surface area of which is used for advertising purposes, and

( c ) any other appliance or structure any part of the area of which is used for advertising purposes,

the amount of the fee under article 152 shall be increased by the amount of the fee payable under that article in respect of an advertisement structure which is on a public road.

#### REG 154

Disposal of licence fees.

154. Licence fees received by planning authorities in respect of specified appliances and structures referred to in the Seventh Schedule shall be paid into the county fund in the case of a council of a county and into the municipal fund in the case of a corporation of a county or other borough or the council of an urban district.

#### REG 155

Transitional.

155. Where an application for a licence is received by a planning authority before the coming into operation of this Part, the fee to be paid to the planning authority shall, notwithstanding article 4, be the fee payable under Part VII of the Local Government (Planning and Development) Regulations, 1977 and the Fourth Schedule to those Regulations.

## PART XIII

### PROVISIONS WITH RESPECT TO CERTAIN DEVELOPMENT BY OR ON BEHALF OF STATE AUTHORITIES

REG 156

Specified development for purposes of section 2 (1) (a) (i) of Act of 1993.

156. (1) The specified classes of development for the purposes of section 2 (1) (a) (i) of the Act of 1993 shall be —

( a ) development consisting of the provision of:

(i) Garda stations or other buildings, or other premises or installations, or other structures or facilities, used for the purposes of or in connection with the operations of An Garda Síochána,

(ii) prisons or other places of detention,

(iii) courthouses,

(iv) barracks or other buildings, or other premises or installations (including airfields and naval yards), or other structures or facilities, used for the purposes of or in connection with the operations of the Defence Forces,

(v) office buildings or other premises used for the purposes of or in connection with the business of Uachtarán na h-Éireann, Dáil Éireann, Seanad Éireann, the Department of the Taoiseach, the Office of the Tánaiste, the Department of Defence, the Department of Foreign Affairs, the Department of Justice, the Office of the Attorney General, the Chief State Solicitor's Office and the Office of the Director of Public Prosecutions;

( b ) (i) development consisting of the provision of an extension of any building referred to in paragraph (a), where such extension will be situate, in whole or in part, outside the curtilage of the existing building or, where the building is situate within a premises or other installation referred to in the said paragraph, outside the curtilage of the premises or other installation,

(ii) development consisting of the provision of an extension of a premises or other installation, other than a building, referred to in paragraph (a) which will extend the premises or other installation beyond the curtilage of the existing premises or other installation;

( c ) (i) development consisting of the carrying out of any works, for reasons of national security, within, or bounding, the curtilage of any building, premises or other installation occupied by, or under the control of, a State authority, other than a building, premises or other installation referred to in paragraph (a),

(ii) development consisting of the carrying out, by or on behalf of a State authority, for reasons of national security, of any works within, or bounding, the curtilage of the residence of a holder, or former holder, of a public office or any other public servant or former public servant.

(2) For the purposes of this article, a building, premises, installation, structure or facility may be provided by the carrying out of works or by the making of a material change in the use of a building, premises, installation, structure or facility.

#### REG 157

Specified development for purposes of section 2 (1) (a) (ii) of Act of 1993.

157. The specified class of development for the purposes specified of section 2 (1) (a) (ii) of the Act of 1993 shall be the carrying out by the Commissioners of Public Works in Ireland, with such additions, omissions, variations and deviations as may be found necessary in the course of the works, of works specified in a drainage scheme confirmed by the Minister for Finance under Part II of the Arterial Drainage Act, 1945 (No. 3 of 1945).

#### REG 158

Notice of proposed development.

158. (1) This article shall apply to the classes of development specified in article 156 (1) (a) or (b), other than development consisting of the construction or erection of such temporary structures for the purposes of or in connection with the operations of the Defence Forces as are urgently required for reasons of national security, and the development to which this article applies is hereafter in this Part referred to as "proposed development".

(2) A State authority shall—

( a ) publish notice of proposed development in a newspaper circulating in the area in which the development would be situate, and

( b ) erect or fix a site notice of proposed development on the land or structure where the development would be situate.

(3) A notice published pursuant to sub-article (2) ( a ) shall contain as a heading the name of the State authority by which the development is proposed to be carried out and shall state—

( a ) the location, nature and extent of the proposed development,

( b ) that plans and particulars of the proposed development will be available for inspection, at the offices of the State authority in Dublin and at a specified location in the area in which the development would be situate, at specified times during a period of one month beginning on the day of publication of the notice,

( c ) that submissions or observations with respect to the proposed development, dealing with the proper planning and development of the area in which the development would be situate, may be made in writing to the State authority within a period of six weeks beginning on the day of publication of the notice.

(4) ( a ) A site notice erected or fixed pursuant to sub-article

(2) ( b ) shall contain as a heading the name of the State authority by which the development is proposed to be carried out and shall state—

(i) the nature and extent of the proposed development,

(ii) the locations and the times at which, and the period during which, plans and particulars of the proposed development will be available for inspection, and

(iii) the period during which submissions or observations with respect to the proposed development, dealing with the proper planning and development of the area in which the development would be situate, may be made in writing to the State authority.

( b ) A site notice erected or fixed pursuant to sub-article (2)

( b )—

(i) shall be painted or inscribed, or printed and affixed, on a durable material, and

(ii) subject to paragraph ( c ), shall be securely erected or fixed in a conspicuous position on or near the main entrance to the land or structure concerned from a public road, or on any other part of the land or structure adjoining a public road, so as to be easily visible and legible by persons using the public road.

( c ) Where the land or structure concerned does not adjoin a public road, a site notice shall be erected or fixed in a conspicuous position on the land or structure so as to be easily visible and legible by persons outside the land or structure.

( d ) A site notice shall be erected or fixed on the land or structure concerned not later than the day of publication of notice of the proposed development in a newspaper pursuant to sub-article (2) ( a ), shall be maintained in position for a period of at least one month after publication of the said notice and shall be renewed or replaced if it is removed or becomes defaced or illegible within that period.

#### REG 159

Notice of proposed development to planning authority.

159. (1) A State authority shall send notice of proposed development to the planning authority for the area in which the proposed development would be situate.

(2) A notice in accordance with sub-article (1) shall—

( a ) indicate the location, nature and extent of the proposed development,

( b ) be accompanied by a copy of the plans and particulars of the proposed development made available for inspection by members of the public in accordance with article 160, and

( c ) state that submissions or observations with respect to the proposed development, dealing with the proper planning and development of the area in which the development would be situate, may be made in writing to the State authority within a period of six weeks beginning on the day on which the notice is sent to the planning authority.

#### REG 160

Availability for inspection of plans and particulars.

160. A State authority shall make available for inspection by members of the public, at the locations and times and during the period of one month beginning on the day of publication of notice of proposed development pursuant to article 158 (2) ( a )—

( a ) a document describing, in general terms, the nature and extent of the proposed development,

( b ) a location map, drawn to a scale of not less than 1:10,560 and marked or coloured so as to identify clearly the land on which

it is proposed to carry out the development, and  
( c ) plans or drawings describing, in outline, the external appearance of the building, or other premises or installation, or other structure or facility, to be provided or extended (as the case may be).

#### REG 161

State authority to have regard to certain matters.

161. (1) A State authority shall, in deciding whether proposed development is to be carried out, have regard to any submissions or observations made by a planning authority or by any other person or body in accordance with this Part.

(2) A State authority may, following compliance with sub-article (1), decide, as it considers appropriate, that the proposed development will be carried out, with or without variations or modifications, or will not be carried out.

#### REG 162

Notice of decision with respect to proposed development.

162. (1) A State authority shall, within three working days of making its decision with respect to proposed development, send notice of the decision to the planning authority for the area in which the proposed development would be situate.

(2) Where any person or body, other than the planning authority for the area in which proposed development would be situate, has made submissions or observations to a State authority with respect to the proposed development in accordance with this Part, the State authority shall, where notice of its decision with respect to the proposed development is not published in a newspaper pursuant to sub-article (3), send notice of the decision to the person or body within three working days of the making of its decision.

(3) ( a ) A State authority may publish notice of its decision with respect to proposed development in a newspaper circulating in the area in which the proposed development would be situate.

( b ) A notice published pursuant to paragraph ( a ) shall be published within seven days of the making of the decision of the State authority with respect to the proposed development.

### **PART XIV**

#### **MISCELLANEOUS**

#### REG 163

Prescribed authorities for purposes of section 46 of Act of 1963.

163. The prescribed authorities for the purposes of section 46 of the Act of 1963 (being the authorities which must be consulted by a planning authority before they make an order under that section) shall be—

( a ) the Commissioners of Public Works in Ireland,

( b ) the Royal Irish Academy,

( c ) Bord Fáilte Éireann, and

( d ) An Taisce — the National Trust for Ireland.

#### REG 164

Public authorities for purposes of sections 5 of Act of 1976.

164. Each of the following bodies is hereby declared to be a public authority for the purposes of section 5 of the Act of 1976—

- ( a ) Bord Fáilte Éireann,
- ( b ) Bord Telecom Éireann — The Irish Telecommunications Board,
- ( c ) An Chomhairle Ealaíon,
- ( d ) Córas Iompair Éireann,
- ( e ) the Electricity Supply Board,
- ( f ) Forfás,
- ( g ) the National Monuments Advisory Council,
- ( h ) the National Roads Authority,
- ( i ) An Post — the Post Office,
- ( j ) the Shannon Free Airport Development Company Limited, and
- ( k ) Údarás na Gaeltachta.

#### REG 165

Vesting order.

165. Form No. 2 set out in the Third Schedule, or a form substantially to the like effect, shall be the prescribed form of vesting order to be made by a planning authority in exercise of the powers conferred on them by section 25 (5) of the Act of 1976.

#### REG 166

Persons to whom section 32 of Act of 1976 applies.

166. (1) The following classes, descriptions and grades of employees of the Board and other persons are hereby prescribed for the purposes of section 32 of the Act of 1976—

( a ) every employee of the Board, other than an employee the qualifications for whose employment are not wholly or in part professional or technical and the maximum remuneration for whose employment is less than the maximum remuneration for the office of Executive Officer in the Civil Service;

( b ) (i) every officer of the Minister who, pursuant to arrangements made under section 21(3) of the Act of 1976, and  
(ii) every other person employed in a part-time capacity by the Board in accordance with section 10 (2) of the Act of 1976 who, is engaged in duties relating to appeals, contributions, questions or disputes which fall to be determined by the Board or in duties relating to the functions of the Board under section 29 of the Act of 1963.

(2) The following classes, descriptions and grades of offices under a planning authority are hereby prescribed for the purposes of section 32 of the Act of 1976—

( a ) the offices of County Manager, City Manager and Town Clerk, Assistant County Manager, Assistant City Manager, County Secretary, Town Clerk and Assistant Town Clerk;

( b ) any other office under a planning authority the holder of which is assigned duties which relate to the performance of any

functions of a planning authority under the Acts.

#### REG 167

Form of declaration under section 32 of Act of 1976.

167. (1) Form No. 3 set out in the Third Schedule shall be the prescribed form of a declaration to be given to the Board under section 32 of the Act of 1976.

(2) Form No. 4 set out in the Third Schedule shall be the prescribed form of a declaration to be given to a planning authority under section 32 of the Act of 1976.

#### REG 168

Register fee.

168. The prescribed fee for a copy of an entry in the register shall be the amount indicated in column 2 of the Sixth Schedule opposite the mention of such a copy in column 1 of the said Schedule.

Article 4

## FIRST SCHEDULE

### REGULATIONS REVOKED

Number and Year Title  
65 of 1977 Local Government (Planning and Development) Regulations, 1977.231 of 1980 Local Government (Planning and Development) (Amendment) Regulations, 1980.154 of 1981 Local Government (Planning and Development) (Amendment) Regulations, 1981.342 of 1982 Local Government (Planning and Development) (Amendment) Regulations, 1982.285 of 1983 Local Government (Planning and Development) (An Bord Pleanála) Regulations, 1983.403 of 1983 Local Government (Planning and Development) (Postal and Telecommunications) (Exempted Development) Regulations, 1983.348 of 1984 Local Government (Planning and Development) (Exempted Development and Amendment) Regulations, 1984.358 of 1984 Local Government (Planning and Development) (Fees) Regulations, 1984.130 of 1985 Local Government (Planning and Development) (Exempted Development) Regulations, 1985.287 of 1987 Local Government (Planning and Development) (Exempted Development) Regulations, 1987.338 of 1989 Local Government (Planning and Development) (Fees) (Amendment) Regulations, 1989.25 of 1990 Local Government (Planning and Development) Regulations, 1990.144 of 1990 Local Government (Planning and Development) (Compensation) Regulations, 1990.187 of 1991 Local Government (Planning and Development) (Fees) (Amendment) Regulations, 1991.3 of 1992 Local Government (Planning and Development) (Fees) (Amendment) Regulations, 1992.209 of 1992 Local Government (Planning and Development) Regulations, 1992.222 of 1992 Local Government (Planning and Development) (No. 2) Regulations, 1992.349 of 1993 Local Government (Planning and Development) (Fees) (Amendment) Regulations, 1993.402 of 1993 Local Government (Planning and Development) Regulations, 1993.

## SECOND SCHEDULE

### PART I

#### Exempted Development — General

##### Column 1

##### Description of Development

Conditions and Limitations

Development within the curtilage of a dwellinghouse.

**CLASS 1** The extension of a dwellinghouse, by the construction or erection of an extension (including a conservatory) to the rear of the dwellinghouse or by the conversion for use as part of the dwellinghouse of any garage, store, shed or other similar structure attached to the rear or to the side of the dwellinghouse.

1. ( a ) Where the dwellinghouse has not been extended previously, the floor area of any such extension shall not exceed 23 square metres. ( b ) Where the dwellinghouse has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions, shall not exceed 23 square metres.

2. The height of any such extension shall not exceed the height of the eaves or parapet, as may be appropriate, of the dwellinghouse.

3. The construction or erection of any such extension to the rear of the dwellinghouse shall not reduce the area of private open space of the dwellinghouse to the rear of the dwellinghouse to less than 25 square metres.

**CLASS 2** The provision, as part of a central heating system of a dwellinghouse, of a chimney, boiler house or oil storage tank. The capacity of any such oil storage tank shall not exceed 3,500 litres.

**CLASS 3** The construction, erection or placing within the curtilage of a dwellinghouse of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

1. No such structure shall be constructed, erected or placed forward of the front wall of the dwellinghouse.

2. The total area of such structures constructed, erected or placed within the curtilage of a dwellinghouse shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.

3. The construction, erection or placing within the curtilage of a dwellinghouse of any such structure shall not reduce the amount of private open space of the dwellinghouse to the rear or to the side of the dwellinghouse to less than 25 square metres.

4. The external finishes of any garage or other structure constructed, erected or placed to the side of a dwellinghouse, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the dwellinghouse.

5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, horses, ponies or pigeons or for any other purpose other than a purpose incidental to the enjoyment of the dwellinghouse as such.

**CLASS 4** ( a ) The erection of a wireless or television antenna, other than a satellite television signal receiving antenna, on the roof of a dwellinghouse. The height of the antenna above the roof of the dwellinghouse shall not exceed 6 metres. ( b ) The

erection on, or within the curtilage of, a dwellinghouse of a satellite television signal receiving antenna.1. Not more than one such antenna shall be erected on, or within the curtilage of, a dwellinghouse.2. The diameter of any such antenna shall not exceed 1 metre.3. No such antenna shall be erected on, or forward of, the front wall of the dwellinghouse.4. No such antenna shall be erected on the front roof slope of the dwellinghouse or higher than the highest part of the roof of the dwellinghouse.

**CLASS 5**The construction, erection or alteration, within or bounding the curtilage of a dwellinghouse, of a gate, gateway, railing or wooden fence or a wall constructed of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a dwellinghouse, 1.2 metres.2. Every wall other than a dry stone wall shall be capped and the external surface of every wall of mass concrete or of concrete blocks, other than blocks with decorative finish, bounding any garden or other space between a dwellinghouse and a road shall be plastered.

**CLASS 6 ( a )** The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a dwellinghouse. The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground. ( b ) Any works within the curtilage of a dwellinghouse for— (i) the provision to the rear of the dwellinghouse of a hard surface for use for any purpose incidental to the enjoyment of the dwellinghouse as such, (ii) the provision to the front or side of the dwellinghouse of a hard surface for the parking of not more than two motor vehicles used for a purpose incidental to the enjoyment of the dwellinghouse as such.

**CLASS 7**The construction or erection of a porch outside any external door of a dwellinghouse.1. Any such structure shall be situate not less than 2 metres from any road.2. The floor area of any such structure shall not exceed 2 square metres.3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

**Sundry minor works**

**CLASS 8**The construction, erection, renewal or replacement, other than within or bounding the curtilage of a dwellinghouse, of any gate or gateway. The height of any such structure shall not exceed 2 metres.

**CLASS 9**The plastering or capping of any wall of concrete blocks or mass concrete.

**CLASS 10**The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a dwellinghouse, of—1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.(i) any fence (not being a hoarding or sheet metal fence), or2. Every wall, other than a dry stone wall, constructed or erected bounding a road shall be capped and the external surface of every wall of mass concrete or of concrete blocks, other than blocks with decorative finish, bounding a road shall be plastered.(ii) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

**CLASS 11**Any alteration consisting of the painting of any external part of any building or other structure. Such painting may not, except in the case of a hoarding or other temporary structure bounding land on which development consisting of works is being or

will be carried out in pursuance of a permission granted under Part IV of the Act of 1963 or as exempted development, be for the purposes of creating a mural.

**CLASS 12** The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving. The width of any such private footpath or paving shall not exceed 3 metres.

**Change of use**

**CLASS 13** Development consisting of a change of use— (a) from use for the sale of hot food for consumption off the premises, or for the sale or leasing or display for sale or leasing of motor vehicles, to use as a shop, (b) from use as a public house to use as a shop, (c) from use for the direction of funerals, as a funeral home, as an amusement arcade or a restaurant, to use as a shop, (d) from use to which class 2 of Part IV of this Schedule applies to use as a shop, ( e ) from use as two or more dwellings to use as a single dwelling of any structure previously used as a single dwelling, ( f ) from use as a dwellinghouse to use as a residence for persons with an intellectual or physical disability and persons providing care for such persons. The number of persons with an intellectual or physical disability living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

**Temporary structures and uses**

**CLASS 14** Occasional use for social or recreational purposes of any school, hall, club, art gallery, museum, library, reading room, gymnasium or any structure normally used for public worship or religious instruction.

**CLASS 15** The erection, construction or placing on land on, in, or under which or on land adjoining which development consisting of works (other than mining) is being or is about to be carried out in pursuance of a permission granted under Part IV of the Act of 1963 or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out. Such structures, works, plant or machinery shall be removed at the expiration of the period and the land shall be forthwith reinstated save to such extent as may be authorised or required by a permission under Part IV of the Act of 1963.

**CLASS 16** The placing or maintenance on a public road of any movable appliance licensed under section 89 of the Act of 1963.

**CLASS 17** The use of premises in connection with an election to the office of President of Ireland, an election of members of Dáil Éireann, the Parliament of the European Communities, a local authority or Údarás na Gaeltachta, or a referendum within the meaning of the Referendum Act, 1942. The use shall be discontinued after a period not exceeding 30 days.

**CLASS 18** The keeping or storing of a caravan or boat within the curtilage of a dwellinghouse.

1. Not more than one caravan or boat shall be so kept or stored.
2. The caravan or boat shall not be used for the storage, display, advertisement or sale of goods or for the purposes of any business.
3. No caravan or boat shall be so kept or stored for more than nine months in any year or occupied as a dwelling while so kept or stored.

**Development for industrial purposes**

**CLASS 19 (a)** Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on and for the purposes of any industrial process, or on land used as a dock, harbour or quay for the purposes of any industrial undertaking—

1. Any such development shall not materially alter the external

appearance of the premises of the undertaking.<sup>2</sup> The height of any plant or machinery, or any structure in the nature of plant or machinery, shall not exceed 15 metres or the height of the plant, machinery or structure replaced, whichever is the greater. (i) the provision, rearrangement, replacement or maintenance of private ways or private railways, sidings or conveyors, (ii) the provision, rearrangement, replacement or maintenance of sewers, mains, pipes, cables or other apparatus, (iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery. (b) Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building.

**CLASS 20** Storage within the curtilage of an industrial building, in connection with the industrial process carried on in the building, of raw materials, products, packing materials or fuel, or the deposit of waste arising from the industrial process. The raw materials, products, packing materials, fuel or waste stored shall not be visible from any public road contiguous or adjacent to the curtilage of the industrial building.

**CLASS 21** The carrying out by any railway undertaking of development required in connection with the movement of traffic by rail in, on, over or under the operational land of the undertaking except—(i) the construction or erection of any railway station or bridge, or of any residential structure, office, or structure to be used for manufacturing or repairing work, which is not situate wholly within the interior of a railway station, or (ii) the reconstruction or alteration of any of the aforementioned structures so as materially to affect the design or external appearance thereof.

**CLASS 22** The carrying out by any harbour authority of development being—(i) works authorised by a harbour works order in pursuance of section 134 of the Harbours Act, 1946 (No. 9 of 1946), which consist of the construction, reconstruction, extension or removal of docks, graving docks, quays, wharves, jetties, piers, embankments, breakwaters, roads, viaducts, tramways, railways or aerodromes, (but not the construction or erection of sheds, transit sheds, transshipment sheds, silos, stores and other structures or the reconstruction or alteration of such excepted structures so as materially to affect the design or external appearance thereof), or (ii) the cleaning, scouring, deepening, improving or dredging of their harbour or the approaches thereto or the removal of any obstruction within the limits of their harbour, and the use of land for the disposal of dredged material in accordance with an objective in a development plan for the area in which the land is situate.

**CLASS 23** The carrying out— (a) pursuant to and in accordance with a consent given by the Minister for Transport, Energy and Communications under section 8 of the Gas Act, 1976 (No. 30 of 1976), by the Irish Gas Board of development consisting of the construction of underground pipelines for the transmission of gas (but not the construction or erection of any apparatus, equipment or other thing ancillary to such a pipeline save cathodic protection equipment and marker posts), or (b) pursuant to and in accordance with an order made by the Minister for Transport, Energy and Communications under section 2 of the Gas (Amendment) Act, 1987 (No. 9 of 1987), by the Irish Gas Board of development consisting of the laying underground of mains, pipes,

cables or other apparatus, or (c) in accordance with requirements of the Minister for Transport, Energy and Communications under section 40 of the Gas Act, 1976, of development consisting of the construction of an underground pipeline for the transmission of gas (but not the construction or erection of any apparatus, equipment or other thing ancillary to such a pipeline save cathodic protection equipment and marker posts), or (d) by any gas undertaking (other than the Irish Gas Board) of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking. CLASS 24 The carrying out by any electricity undertaking of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking. CLASS 25 The carrying out by any electricity undertaking of development consisting of the construction of over head transmission or distribution lines for conducting electricity at a voltage not exceeding a nominal value of 20kV. CLASS 26 The carrying out by any electricity undertaking of development for the purposes of the undertaking consisting of the construction or erection of an overhead transmission line not more than 40 metres from a position in respect of which permission for such line was granted and which otherwise complies with such permission, but not a line in respect of which a condition attached to the relevant permission imposed a contrary requirement. CLASS 27 The carrying out by any electricity undertaking of development consisting of the construction or erection of a unit substation for the distribution of electricity at a voltage not exceeding a nominal value of 20kV. The volume above ground level of any such unit substation shall not exceed 11 cubic metres, measured externally. CLASS 28 The carrying out by An Post — The Post Office of development consisting of the provision of— (a) pillarboxes or other forms of letter box, (b) roadside boxes for the delivery of mail, (c) deposit boxes for the temporary storage of mail for local delivery, (d) machines for the supply of stamps or printed postage labels. CLASS 29 The carrying out, by Bord Telecom Éireann — The Irish Telecommunications Board, or by any person to whom a licence under section 111 of the Postal and Telecommunications Services Act, 1983 has been granted, of development consisting of the provision of— (a) underground telecommunications structures or other underground telecommunications works (including the laying of mains and cables and the installation underground of any apparatus or equipment), (b) overhead telecommunications lines, Where such lines are attached to poles the height of the poles shall not exceed 10 metres. (c) telephone kiosks or other public telephone facilities in a public place, No such kiosk or facility shall be situated within 10 metres of the curtilage of any dwellinghouse, save with the consent in writing of the owner and occupier thereof. (d) equipment for transmitting or receiving telecommunications messages from satellites in space, 1. No such equipment shall exceed 10 metres in height. 2. The width of any antenna shall not exceed 5 metres. 3. No such equipment shall be situated within 10 metres of the curtilage of any dwellinghouse save with the consent in writing of the owner and occupier thereof, or within 10 metres of the window of a workroom of any other structure. (e) permanent telecommunications exchange and radio station containers, 1. No such container shall exceed 10 metres in length, 3 metres in width or 3 metres in height. 2. No such container shall

be situated within 10 metres of the curtilage of any dwellinghouse save with the consent in writing of the owner and occupier thereof, or within 10 metres of the window of a workroom of any other structure. (f) antenna support structures, The height of any such structure shall not— (a) if constructed or erected on the ground, exceed 15 metres, (b) if constructed or erected on the roof of a building, exceed 7 metres above the roof. (g) cabinets forming part of a telecommunications system, The volume above ground level of any such cabinet shall not exceed 1.5 cubic metres, measured externally. (h) transportable radio links. 1. The link shall be removed from the land on which it is provided not later than twelve months from the date on which it was provided. 2. No such link shall exceed 30 metres in height above ground level or, where it is erected on a roof, 7 metres above the roof. 3. No such link shall be situated within 10 metres of the curtilage of any dwellinghouse or of the window of a workroom of any other structure.

Development for amenity or recreational purposes

CLASS 30 Development consisting of the laying out and use of land— (a) as a park, private open space or ornamental garden, (b) as a roadside shrine, The area of any such shrine shall not exceed two square metres, the height shall not exceed two metres above the centre of the road opposite the structure and it shall not be illuminated. (c) for athletics or sports (other than golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), where no charge is made for admission of the public to the land.

CLASS 31 Development consisting of— (a) the carrying out by or on behalf of a statutory undertaker of any works for the maintenance, improvement, reconstruction or restoration of any watercourse, canal, river, lake or other inland waterway, or any lock, quay, mooring, harbour, pier, dry-dock or other structure forming part of the inland waterway or associated therewith, and any development incidental thereto, (b) the erection or construction by or on behalf of a statutory undertaker of facilities required in connection with the operation, use or management of a watercourse, canal, river, lake or other inland waterway. 1. The floor area of any building constructed or erected shall not exceed 40 square metres. 2. The height of any building constructed or erected shall not exceed, in the case of a building with a pitched roof, 6 metres or, in any other case, 3 metres. 3. Any car park provided or constructed shall incorporate parking space for not more than 24 cars.

CLASS 32 (a) Development consisting of the carrying out by or on behalf of a State authority or other public body, on land used by the authority or body as a public park, of works incidental to that use, including the provision, construction or erection of any structure which is in connection with or for the purposes of the enjoyment of the park as such or which is required in connection with or for the purposes of the management or operation of the park. 1. The floor area of any building constructed or erected shall not exceed 40 square metres. 2. The height of any building or other structure constructed or erected shall not exceed 10 metres. 3. Any car park provided or constructed shall incorporate parking space for not more than 40 cars. (b) Development consisting of the carrying out by or on behalf of the Commissioners of Public Works in Ireland, on a nature reserve established in accordance with section 15 of the Wildlife Act, 1976 (No. 39 of 1976), of works

(including the provision, construction or erection of structures) which are in connection with or for the purposes of the enjoyment of the reserve as such or which are required in connection with the management or operation of the reserve.

**Miscellaneous CLASS 33** Development consisting of the use of land for any fair, funfair, bazaar or circus or any local event of a religious, cultural, educational, political, social, recreational or sporting character and the placing or maintenance of tents, vans or other temporary or movable structures or objects on the land in connection therewith. 1. The land shall not be used for any such purposes either continuously for a period exceeding 15 days or occasionally for periods exceeding in aggregate 30 days in any year. 2. On the discontinuance of such use the land shall be forthwith reinstated save to such extent as may be authorised or required by a permission granted under Part IV of the Act of 1963.

**CLASS 34** Development consisting of the placing or erection on, or within the curtilage of, a building, or on any other land, occupied by, or under the control of, a State authority, of flags, banners or national emblems and any structures for the display of flags, banners or national emblems.

**CLASS 35** Development consisting of the provision, construction or erection by or on behalf of a State authority of temporary structures or other temporary facilities required in connection with a visit of a foreign dignitary or delegation. The temporary structures and facilities shall be removed after the conclusion of the visit and the land concerned shall be forthwith reinstated.

**CLASS 36** The erection, placing or keeping on land of any lighthouse, beacon, buoy or other aid to navigation on water or in the air. Any such lighthouse, beacon, buoy or other navigational aid shall not exceed 40 metres in height.

**CLASS 37** Works incidental to the use or maintenance of any burial ground, churchyard, monument, fairgreen, market, schoolyard or showground except— (a) the erection or construction of any wall, fence or gate bounding or abutting on a public road, (b) the erection or construction of any building other than a stall or store which is wholly enclosed within a market building, or (c) the reconstruction or alteration of any building other than a stall or store which is wholly enclosed within a market building.

**CLASS 38** Works consisting of or incidental to— (a) the carrying out of any works on land which are in accordance with and necessary for compliance with the terms of any licence granted under section 34 of the Local Government (Sanitary Services) Act, 1948, but not including the erection of any building, hut or chalet or the construction of any road or hard-standing, (b) the removal of any structure or object or the carrying out of any works required by a planning authority under the provisions of any enactment, (c) the carrying out of development in compliance with a notice under section 12 of the Local Government (Water Pollution) Act, 1977 (No. 1 of 1977), (d) the carrying out of development in compliance with a notice under section 26 of the Air Pollution Act, 1987 (No. 6 of 1987), (e) the carrying out of development in compliance with a condition or conditions attached to a fire safety certificate granted in accordance with Part III of the Building Control Regulations, 1991 (S.I. No. 305 of 1991), other than the construction or erection of an external fire escape or water tank.

**CLASS 39** The excavation for the purposes of research or discovery— (a) pursuant to and in accordance

with a licence under section 26 of the National Monuments Act, 1930 (No. 2 of 1930), of a site, feature or other object of archaeological or historical interest, (b) of a site, feature or other object of geological interest.

**CLASS 40**The sinking of a well, drilling of a borehole, erection of a pump, or construction of a pumphouse, or other works necessary for the purpose of providing a domestic water supply, or a group water supply scheme in accordance with a plan or proposal approved by the Minister or a local authority for the purpose of making a grant towards the cost of such works.

**CLASS 41**Any drilling or excavation for the purpose of surveying land or examining the depth and nature of the subsoil, other than drilling or excavation for the purposes of minerals prospecting.

**CLASS 42**Development consisting of the provision, construction or erection by the Commissioners of Public Works in Ireland or the Environmental Protection Agency, or by a local authority outside the functional area of the authority, of any equipment or structure for or in connection with the collection of information on the levels, volumes and flows of water in rivers or other watercourses, lakes or groundwaters, and any development incidental thereto. The floor area of any building or other structure provided, constructed or erected shall not exceed 8 square metres and the height of any such building or other structure shall not exceed 4 metres.

**CLASS 43**The connection of any premises to a wired broadcast relay service, sewer, watermain, gas main or electricity supply line or cable, including the breaking open of any street or other land for that purpose.

**CLASS 44**The construction or erection by a person licensed under the Wireless Telegraphy (Wired Broadcast Relay Licence) Regulations, 1974 of a cabinet as part of a wired broadcast relay service. The volume above ground level of any such cabinet shall not exceed 1 cubic metre, measured externally.

**CLASS 45**

(a) The demolition of a building or other structure, other than: (i) a habitable house, or (ii) a building which forms part of a terrace of buildings, or (iii) a building which abuts on another building in separate ownership. (b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch granted under Part IV of the Act of 1963.

**CLASS 46**The carrying out by the Commissioners of Public Works in Ireland of any works for the maintenance of works and structures for which, by virtue of the Arterial Drainage Act, 1945 or any order made thereunder, the Commissioners are responsible, and any development incidental thereto.

**CLASS 47**Development consisting of the carrying out of any works within, or bounding, the curtilage of a building, premises or installation specified in article 156 (1) (a).

**CLASS 48**Development consisting of the carrying out by or on behalf of An Garda Síochána, for security reasons, of any works within, or bounding, the curtilage of the residence of a person in receipt of protection from An Garda Síochána, other than a person referred to in article 156 (1) (c) (ii).

**CLASS 49**Development consisting of the construction or erection by a Regional Fisheries Board of— (a) a footbridge, Any such footbridge shall not exceed 1.2 metres in width or 8 metres in length. (b) a fish pass, (c) a fish screen or barrier, (d) a walkway or fishing stand. Any such walkway shall not exceed 1.2 metres in width, and any such fishing stand shall not

exceed 10 square metres in area.

## PART II

### Exempted Development — Advertisements

#### Column 1

#### Description of Development

Column 2  
Conditions and Limitations

CLASS 1 Advertisements (other than those specified in classes 2, 3 or 5 of this Part of this Schedule) exhibited on business premises, wholly with reference to all or any of the following matters: the business or other activity carried on or the goods or services provided on those premises.

1. The total area of such advertisements exhibited on or attached or affixed to the front of any building on the premises shall not exceed an area equal to 0.3 square metres for every metre length of such front, less the total area of any such advertisements exhibited on the premises but not exhibited on or attached or affixed to a building, and in any event shall not exceed 5 square metres.

2. The total area of such advertisements exhibited on or attached or affixed to any face of a building on the premises other than the front thereof shall not exceed 1.2 square metres and the total area of any such advertisements on such face which are illuminated shall not exceed 0.3 square metres.

3. The total area of such advertisements which are not exhibited on or attached or affixed to a building on the premises shall not exceed 3 square metres, of which not more than 1.5 square metres shall consist of advertisements which are illuminated.

4. (a) No part of any such advertisement which is not exhibited on or attached or affixed to a building on the premises, or of an advertisement structure on which it is exhibited, shall be more than 2.5 metres in height. (b) No part of any such advertisement which is exhibited on or attached or affixed to a building on the premises shall be more than 4 metres in height above ground level.

5. Where any such advertisement projects more than 5 centimetres over any public road, the sign or other advertisement structure on which it is exhibited shall not be less than 2 metres above the level of such road and shall not project more than 1 metre over such road.

6. Where any such advertisement consists of a circular sign and projects more than 5 centimetres over any public road, the diameter of such sign shall not exceed 1 metre and no other such advertisement shall be exhibited on a sign or other advertisement structure projecting more than 5 centimetres over such road.

7. Where any one or more such advertisements are exhibited on a swinging or fixed sign or other advertisement structure (other than a circular sign) projecting more than 5 centimetres from any external face of a building, the total area of such advertisements shall not exceed 1.2 square metres and the area of any face of any such advertisement shall not exceed 0.4 square metres.

8. No such advertisement shall contain or consist of any symbol, emblem, model, logo or device exceeding 0.6 metres in height or any letter exceeding 0.3 metres in height.

9. No such advertisement shall cover any part of any window or door of any building on which the advertisement is exhibited or to which it is attached or affixed.

CLASS 2 Illuminated advertisements exhibited as part of any shop or other window display on business premises and other advertisements affixed to the inside of the glass surface of a

window of a business premises or otherwise exhibited through a window of such premises. The total area of any advertisements so exhibited shall not exceed one quarter of the area of the window through which the advertisements are exhibited.

**CLASS 3** Advertisements displayed within a business premises and which are not visible from outside the premises.

**CLASS 4** An advertisement in the form of a flag which is attached to a single flagstaff fixed in an upright position on the roof of a business premises and which bears no inscription or emblem other than the name, device or logo of a person or business occupying the business premises. Not more than one such advertisement shall be exhibited on a business premises.

**CLASS 5** Advertisements, exhibited at the entrance to any premises, relating to any person, partnership or company carrying on a public service or a profession, business or trade at the premises.

1. No such advertisement shall exceed 0.3 square metres in area.
2. Not more than one such advertisement, or, in the case of premises with entrances on different road frontages, one such advertisement for each such frontage, shall be exhibited in respect of each such person, partnership or company on the premises.

**CLASS 6** Advertisements relating to any institution of a religious, educational, cultural, recreational or medical or similar character, any guesthouse or other premises (other than a hotel) providing overnight guest accommodation or public house, block of flats, club, boarding house or hostel, situate on the land on which any such advertisement is exhibited.

1. Any such advertisement shall not exceed 0.6 square metres in area.
2. No part of any such advertisement or an advertisement structure on which it is exhibited shall be more than 2.5 metres in height above ground level.
3. Not more than one such advertisement or, in the case of premises with entrances on different road frontages, one such advertisement for each such frontage, shall be exhibited in respect of any such premises.

**CLASS 7** Advertisements exhibited on land wholly or for the most part enclosed within a hedge, fence, wall or similar screen or structure (not being land which is a public park, public garden or other land held for the use and enjoyment of the public, or a part of a railway undertaking's enclosed land normally used for the carriage of passengers or goods by rail) and not readily visible from land outside the enclosure wherein it is exhibited.

**CLASS 8** Advertisements exhibited within a railway station, bus station, airport terminal or ferry terminal and which are not readily visible from outside the premises.

**CLASS 9** Advertisements relating to the sale or letting of any structure or other land (not being an advertisement structure) on which they are exhibited.

1. The area of any such advertisement shall not exceed— (a) in the case of an advertisement relating to the sale or letting of a dwelling, 0.6 square metres, (b) in the case of an advertisement relating to the sale or letting of any other structure or land, 1.2 square metres.
2. Not more than one such advertisement shall be exhibited on the structure or other land.
3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall remain on the structure or land, for more than seven days after the sale or letting to which the advertisement relates.

**CLASS 10** Advertisements relating to the sale on or before a date specified therein of goods or livestock, and exhibited on land where such goods or livestock are situate or where such sale is held, not being land

which is normally used, whether at regular intervals or otherwise, for the purpose of holding sales of goods or livestock.

1. No such advertisement shall exceed 0.6 square metres in area.

2. Not more than one such advertisement shall be exhibited on the land concerned.

3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall remain on the land, for more than seven days after the date specified.

**CLASS 11** Advertisements relating to the carrying out of building or similar works on the land on which they are exhibited, not being land which is normally used, whether at regular intervals or otherwise, for the purpose of carrying out such works.

1. Where only one advertisement is exhibited, such advertisement shall not exceed 3.5 square metres in area and shall not be exhibited more than 6 metres above ground level.

2. Where more than one advertisement is exhibited, no such advertisement shall exceed 0.6 square metres in area, the total area of such advertisements shall not exceed 3.5 square metres and no such advertisement shall be exhibited more than 4 metres above ground level.

3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall remain on the land, for more than seven days after the completion of the works.

**CLASS 12** Advertisements for the purposes of announcement or direction or warning exhibited by a statutory undertaker in relation to the operation of the statutory undertaking.

**CLASS 13** Advertisements for the purposes of identification, direction or warning with respect to the land or structures on which they are exhibited. No such advertisement shall exceed 0.3 square metres in area.

**CLASS 14** Advertisements relating to an election to the office of President of Ireland, an election of members of Dáil Éireann, the Parliament of the European Communities, a local authority or Údarás na Gaeltachta, or a referendum within the meaning of the Referendum Act, 1942. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall be left in place, for more than seven days after the date of the election or referendum to which the advertisement relates.

**CLASS 15** Advertisements required to be exhibited by or under any enactment, including (but without prejudice to the generality hereof) advertisements the exhibition of which is so required as a condition of the valid exercise of any power, or proper performance of any function, given or imposed by such enactment, or for compliance with any procedure prescribed by or under any enactment.

**CLASS 16** Advertisements other than advertisements specified in class 17 of this Part of this Schedule, announcing any local event of a religious, cultural, educational, political, social, recreational or sporting character, and advertisements relating to any temporary matter in connection with any local event of such a character, not in either case being an event promoted or carried on for commercial purposes.

1. No such advertisement shall exceed 1.2 square metres in area.

2. No such advertisement shall be exhibited more than 2.5 metres above ground level or be glued, pasted or otherwise affixed to any structure other than an advertisement structure.

3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall be left in place, for more than seven days after the conclusion of the event or matter to which it

relates. CLASS 17 Advertisements consisting of placards, posters or bills relating to the visit of any travelling circus, funfair, carnival, show, musicians, players or other travelling entertainment. 1. No such advertisement shall exceed 1.2 square metres in area. 2. No such advertisement shall be exhibited more than 2.5 metres above ground level or be glued, pasted or otherwise affixed to any structure other than an advertisement structure. 3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall be left in place, for more than seven days after the last performance or closing of the entertainment. CLASS 18 An advertisement relating to any demonstration of agricultural methods or processes on the land on which the advertisement is exhibited. 1. No such advertisement shall exceed 0.6 square metres in area. 2. Not more than one such advertisement shall be exhibited on the land concerned. 3. No such advertisement shall be exhibited, and no advertisement structure erected for the purpose of exhibiting such advertisement shall remain on the land, for more than seven days after the date of the demonstration to which it relates.

### PART III

#### Exempted Development — Rural

##### Column 1

##### Description of Development Column 2

Conditions and Limitations Limited use for camping CLASS 1 Temporary use of any land for the placing of any tent or caravan or for the mooring of any boat, barge or other vessel used for the purpose of camping. 1. Not more than one tent or caravan shall be placed within 100 metres of another tent or caravan at any time. 2. No tent, caravan or vessel shall remain on the land for a period greater than 10 days. 3. No tent, caravan or vessel shall be used for the storage, display, advertisement or sale of goods or for the purposes of any business. 4. No tent or caravan shall be placed on land within 50 metres of any public road unless the land is enclosed by a wall, bank or hedge, or any combination thereof, having an average height of not less than 1.5 metres. CLASS 2 Temporary use of land by a scouting organisation for a camp. The land shall not be used for such purposes for any period or periods exceeding 30 days in any year. Minor works and structures CLASS 3 Works relating to the construction or maintenance of any gully, drain, pond, trough, pit or culvert, the widening or deepening of watercourses, the removal of obstructions from watercourses and the making or repairing of embankments in connection with any of the foregoing works. CLASS 4 The construction or erection of any wall or fence, other than a fence of sheet metal or a wall or fence within or bounding the curtilage of a dwellinghouse. 1. The height of the wall or fence, other than a fence referred to in paragraph 2, shall not exceed 2 metres. 2. The height of any fence for the purposes of deer farming or conservation shall not exceed 3 metres. Minerals and petroleum prospecting CLASS 5 (a) The carrying out of works on any land for the purpose of minerals prospecting and the erection or placing on land of any structures required for that purpose, where the prospecting is carried out pursuant to and in accordance with the

terms and conditions of a licence granted by the Minister for Transport, Energy and Communications under the Minerals Development Acts, 1940 to 1979. (b) The carrying out of works on any land for the purpose of searching for petroleum and the erection or placing on land of any structures required for that purpose, where the searching is carried out pursuant to and in accordance with the terms and conditions of an exploration licence, a petroleum prospecting licence or a reserved area licence granted by the Minister for Transport, Energy and Communications under the Petroleum and Other Minerals Development Act, 1960 (No. 7 of 1960).

**Agricultural Structures**

**CLASS 6** Works consisting of the provision of a roofed structure for the housing of pigs, cattle, sheep, goats, poultry, donkeys, horses, deer or rabbits, having a floor area not exceeding 300 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The total area of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 450 square metres floor area in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use, location and the need to avoid water pollution shall be provided.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
5. No such structure within 100 metres of any public road shall exceed 8 metres in height.
6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any dwellinghouse (other than the dwellinghouse of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

**CLASS 7** Works consisting of the provision of roofless cubicles, open loose yards, self-feed silo or silage areas, feeding aprons, assembly yards, milking parlours, sheep dipping units, effluent storage facilities or structures for the making or storage of silage, or any other structures of a similar character or description, having an aggregate floor area not exceeding 300 square metres, and any ancillary provision for effluent storage.

1. No such structure shall be used for any purpose other than the purpose of agriculture.
2. The total area of such structure together with any other such structures situated within the same farmyard complex or within 100 metres of that complex shall not exceed 450 square metres floor area in aggregate.
3. Effluent storage facilities adequate to serve the structure having regard to its size, use, location and the need to avoid water pollution shall be provided.
4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.
5. No such structure within 100 metres of any public road shall exceed 8 metres in height.
6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any dwellinghouse (other than the dwellinghouse of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

**CLASS 8** Works

consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class 6 or 7 of this Part of this Schedule, and having a floor area not exceeding 300 square metres.1. No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent.2. The total area of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres floor area in aggregate.3. No such structure shall be situate within 10 metres of any public road.4. No such structure within 100 metres of any public road shall exceed 8 metres in height.5. No such structure shall be situated within 100 metres of any dwellinghouse (other than the dwellinghouse of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

**Land Reclamation** CLASS 9 Development consisting of the carrying out, on land which is used only for the purpose of agriculture or forestry, of any of the following works— (a) field drainage, (b) land reclamation, (c) the removal of fences, (d) the improvement of existing fences, (e) the improvement of hill grazing, or (f) the reclamation of estuarine marsh land or of callows, where the preservation of such land or callow is not an objective of a development plan for the area.

**Miscellaneous** CLASS 10 Works consisting of the provision of a roofed structure for the housing of horses, other than horses kept for use in the farming of land, or ponies, having a floor area not exceeding 100 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.1. No such structure shall be used for any purpose other than the housing of horses or ponies.2. The total area of such structure together with any other such structures situated within a premises or within 100 metres of that premises shall not exceed 150 square metres floor area in aggregate.3. Effluent storage facilities adequate to serve the structure having regard to its size, use, location and the need to avoid water pollution shall be provided.4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.5. No such structure within 100 metres of any public road shall exceed 8 metres in height.6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any dwellinghouse (other than the dwellinghouse of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

CLASS 11 Works consisting of the provision of a roofed structure for housing greyhounds, having a floor area not exceeding 50 square metres (whether or not by extension of an existing structure), and any ancillary provision for effluent storage.1. No such structure shall be used for any purpose other than the keeping of greyhounds.2. The total area of such structure together with any other such structures situated within a premises or within 100 metres of that premises shall not exceed 75 square metres floor

area in aggregate.3. Effluent storage facilities adequate to serve the structure having regard to its size, use, location and the need to avoid water pollution shall be provided.4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.5. No such structure within 100 metres of any public road shall exceed 8 metres in height.6. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any dwellinghouse (other than the dwellinghouse of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

CLASS 12 Works consisting of the provision of a roofless hard-surfaced yard, or of a roofless hard-surfaced enclosed area, having an area not exceeding 100 square metres (whether or not by extension of an existing yard or area), and any ancillary provision for effluent storage.1. No such structure shall be used for any purpose other than in connection with the keeping of horses, ponies or greyhounds.2. Effluent storage facilities adequate to serve the structure having regard to its size, use, location and the need to avoid water pollution shall be provided.3. The total area of such structure or structures together with any other such structures situated within the same complex or within 100 metres of that complex shall not exceed 150 square metres floor area in aggregate.4. No such structure shall be situated, and no effluent from such structure shall be stored, within 10 metres of any public road.5. No such structure shall be situated, and no effluent from such structure shall be stored, within 100 metres of any dwellinghouse (other than the dwellinghouse of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

#### PART IV

##### Classes of Use

###### CLASS 1

Use as a shop.

###### CLASS 2

Use for the provision of—

- ( a ) financial services;
  - ( b ) professional services (other than health or medical services);
  - ( c ) any other services (including use as a betting office);
- where the services are provided principally to visiting members of the public.

###### CLASS 3

Use as an office, other than a use to which class 2 of this Part of this Schedule applies.

###### CLASS 4

Use as a light industrial building.

###### CLASS 5

Use as a wholesale warehouse or as a repository.

###### CLASS 6

Use as a residential club, a guest house or a hostel (other than

a hostel where care is provided).

#### CLASS 7

Use—

- ( a ) for public worship or religious instruction;
- ( b ) for the social or recreational activities of a religious body;
- ( c ) as a monastery or convent.

#### CLASS 8

Use—

- ( a ) as a health centre or clinic or for the provision of any medical or health services (but not the use of the dwellinghouse of a consultant or practitioner, or any building attached to the dwellinghouse or within the curtilage thereof, for that purpose);
- ( b ) as a creche;
- ( c ) as a day nursery;
- ( d ) as a day centre.

#### CLASS 9

Use—

- ( a ) for the provision of residential accommodation and care to people in need of care (but not the use of a dwellinghouse for that purpose);
- ( b ) as a hospital or nursing home;
- ( c ) as a residential school, residential college or residential training centre.

#### CLASS 10

Use as—

- ( a ) an art gallery (but not for the sale or hire of works of art);
- ( b ) a museum;
- ( c ) a public library or public reading room;
- ( d ) a public hall;
- ( e ) an exhibition hall;
- ( f ) a social centre, community centre or non-residential club; but not as a dance hall or concert hall.

#### CLASS 11

Use as—

- ( a ) a theatre;
- ( b ) a cinema;
- ( c ) a concert hall;
- ( d ) a bingo hall;
- ( e ) a skating rink or gymnasium or for other indoor sports or recreation not involving the use of motorised vehicles or firearms.

### **THIRD SCHEDULE**

#### PRESCRIBED FORMS

##### FORM NO. I

##### Article 38

Notice of proposed material contravention of development plan or special amenity area order.

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1993  
MATERIAL CONTRAVENTION

1 OF DEVELOPMENT PLAN

FOR.....  
2OF  
2SPECIAL AMENITY AREA ORDER MADE  
ON.....

Ref.  
No. in register.....  
Notice is hereby given pursuant to section 26 (3) of the Local  
Government (Planning and Development) Act, 1963, as amended by  
section 39 (d) of the Local Government (Planning and Development)  
Act, 1976 and section 45 of the Local Government Act, 1991,  
that..... 3 intend to consider deciding  
to grant a permission for

.....  
4  
at

.....  
5  
Such development/retention1 would contravene materially the development  
plan/special amenity area order 1 referred to above. Particulars of  
the development/retention1 may be inspected at ..... 6  
during office hours. Any objections or representations received not  
later than 21 days after the ..... day of  
..... 7 will be duly considered by the  
planning authority.

Signed .....  
County Secretary/Town Clerk1Date

- Directions for completing this form
1. Omit words which do not apply.
  2. Insert title of development plan or special amenity area order (as appropriate).
  3. Insert name of planning authority.
  4. Indicate nature of development.
  5. Indicate location of land or structure concerned.
  6. Insert address of office of planning authority.
  7. Insert date of first publication of notice.

FORM NO. 2  
Article 165  
Form of Vesting Order  
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT, 1976  
SECTION 25 (as amended)  
..... (insert name of planning  
authority).

VESTING ORDER  
WHEREAS development is being/has been1 carried out pursuant to a  
permission granted on ..... under section  
26 (as amended) of the Local Government (Planning and Development)  
Act, 1963 (Reference No. in Register  
..... );

2AND WHEREAS a condition requiring the provision or maintenance of  
land as open space, being open space to which section 25 (as  
amended) of the Local Government (Planning and Development) Act, 1976  
(hereinafter called "the Act") applies, was attached to the

permission;AND WHEREAS it was implicit/explicit1 in the application for the permission that land would be provided or maintained as open space, being open space to which section 25 (as amended) of the Local Government (Planning and Development) Act, 1976 (hereinafter called "the Act") applies;

AND WHEREAS on the ..... day of ..... 19....., the ..... 3 (hereinafter referred to as "the planning authority") served on the owner of the land a written request that within a period of..... commencing on that day he would provide, level, plant or otherwise adapt or maintain the said land in a manner specified in the request, being a manner which in the opinion of the planning authority would make it suitable for the purpose for which the open space was to be provided; AND WHEREAS the owner has failed to comply or to secure compliance with such request within such period; AND WHEREAS the planning authority have, in accordance with section 25 (1) of the Act, published an acquisition notice in relation to the said land and have, in accordance with section 25(2) of the Act, served a copy of the notice on the owner of the land within ten days of the date of publication of the said notice;

2AND WHEREAS no appeal has been taken under section 25 (3) of the Act;AND WHEREAS an appeal has been taken under section 25 (3) of the Act and the appeal has been withdrawn;AND WHEREAS an appeal has been taken under section 25 (3) of the Act and the said acquisition notice has been confirmed in relation to the land described in the Schedule hereto;

NOW THEREFORE, the planning authority, in exercise of the powers conferred on them by section 25 (5) of the Act, hereby order that the land described in the Schedule hereto, being the land to which the said acquisition notice (as confirmed)1 relates, and which is shown on the map attached hereto which said map has been marked ..... 4 and sealed with the seal of the planning authority, shall, on the ..... day of ..... 19....., 5 vest in the planning authority for all the estate, term or interest for which immediately before the date of this order the said land was held by the owner together with all rights and liabilities which, immediately before the said date, were enjoyed or incurred in connection therewith by the owner together with an obligation to comply with the request made under section 25 (1) (c) of the Act.

SCHEDULE

Description of land6

The official seal of the planning authority was affixed hereto this ..... day of ..... 19....., in the presence of:

..... 7.....  
7..... 7

Directions for completing this form.

- 1. Delete words which do not apply.
2. Delete recitals which do not apply.
3. Insert full description of planning authority.
4. The map should be sealed and marked by a heading containing a

reference to the order e.g. "Map referred to in order made under section 25 (as amended) of the Local Government (Planning and Development) Act, 1976, on the ..... day of ....., 19 ....., by ....."

5. The vesting date can be the date of the order or any subsequent date.

6. The quantity, description and situation of the land should be set out, with an appropriate reference to the manner in which the land is shown on the map.

7. The description of the persons in whose presence the seal is affixed should be stated e.g. "Lord Mayor", "Mayor", "Chairman", "Nominated Member", "City Manager and Town Clerk", "Manager", etc.

FORM NO. 3  
Article 167

Declaration to the Board of estate or interest  
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT, 1976  
SECTION 32

I, ....., hereby give to An Bord Pleanála the following declaration of interests in compliance with the requirements of section 32 of the Local Government (Planning and Development) Act, 1976:

(a) Particulars\* of any estate or interest which I have in any land:—

.....

(b) Particulars of any business of dealing in or developing land in which I am engaged or employed and of any such business carried on by a company or other body of which I am, any nominee of mine is, a member:—

.....

(c) Particulars of any profession, business or occupation in which I am engaged, whether on my own behalf or otherwise, and which relates to dealing in or developing land:—

.....

I hereby declare that the foregoing is a true and complete declaration of every interest of mine which is an interest to which section 32 of the Local Government (Planning and Development) Act, 1976 applies.

Signature  
.....Date

\* Including the area of the planning authority in which the land is situate.

FORM NO. 4  
Article 167

Declaration to a planning authority of estate or interest  
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT, 1976  
SECTION 32

I, ....., hereby

give to the planning authority,

\*of which I am a member,under which I hold the office of

.....,  
the following declaration of interests in compliance with the requirements of section 32 of the Local Government (Planning and Development) Act, 1976:

(a) Particulars of any estate or interest which I have in land situated in the area of the planning authority:—

.....

(b) Particulars of any business of dealing in or developing land in which I am engaged or employed and of any such business carried on by a company or other body of which I am, or any nominee of mine is, a member:—

.....

(c) Particulars of any profession, business or occupation in which I am engaged, whether on my own behalf or otherwise, and which relates to dealing in or developing land:—

.....

I hereby declare that the following is a true and complete declaration of every interest of mine which is an interest to which section 32 of the Local Government (Planning and Development) Act, 1976 applies.

Signature

.....Date

.....

\*Delete words which do not apply.

**FOURTH SCHEDULE**

**FEEES FOR PLANNING APPLICATIONS**

**SECTION I**

**Interpretation**

1. For the purposes of this Schedule, a dwelling, building or other structure or thing may be provided by—

- ( a ) the carrying out of works,
  - ( b ) the making of a material change in the use of a structure,
  - ( c ) the retention on land of a structure already constructed, erected or made, or
  - ( d ) the continuance of a use of any structure,
- and "provision" shall be construed accordingly.

2. ( a ) Subject to paragraph (b), at references 7, 8, 13 and 14 of column 1 of Section II of this Schedule "use of land" shall include the continuance of a use of land, and the carrying out of works, or the retention of structures, on, in or under the land which are incidental to the use.

( b ) At reference 13 of column 1 of Section II of this Schedule

"use of land" shall not include the carrying out of works for the provision of a club house or related facilities for persons using the golf course or pitch and putt course, or the retention of any such structures.

## SECTION II

### Scale of Fees for Planning Applications

#### Column 1

#### Class of Development

Amount of Fee

1. The provision of dwellings. £42 for each dwelling.
2. (a) Any works for the carrying out of maintenance, improvement or other alteration of an existing dwelling (including any works for the provision of an extension or the conversion for use as part of the dwelling of any garage, store, shed or other structure). £21 (b) Any other works, including the erection of structures, within the curtilage of an existing dwelling, for purposes ancillary to the enjoyment of the dwelling as such. £21 (c) The erection, construction or alteration within or bounding the curtilage of an existing dwelling of gates, railings, fences, walls, or other means of enclosure. £213. The provision of buildings or other structures for the purposes of agriculture. (i) In the case of buildings, £52, or £0.65 for each square metre of gross floor space to be provided in excess of 300 square metres, whichever is the greater, (ii) in the case of any other structures, £52, and subject to a maximum of £195.4. The provision of buildings or other structures for the purposes of the keeping of horses (other than horses kept for use in the farming of land), ponies or greyhounds. (i) In the case of buildings, £52, or £0.65 for each square metre of gross floor space to be provided in excess of 100 square metres, whichever is the greater, (ii) in the case of any other structures, £52, and subject to a maximum of £195.5. The provision of buildings other than buildings coming within class 1, 2, 3 or 4. £52, or £2.30 for each square metre of gross floor space to be provided, whichever is the greater.
6. (a) The use of uncultivated land or semi-natural areas for intensive agricultural purposes, where the area involved would be greater than 100 hectares. £195 (b) Initial afforestation, where the area involved would be greater than 200 hectares. £3.25 for each hectare of site area. (c) The replacement of broadleaf high forest by conifer species, where the area involved would be greater than 10 hectares. £52, or £3.25 for each hectare of site area, whichever is the greater. (d) Peat extraction which would involve a new or extended area of 50 hectares or more. £3.25 for each hectare of site area.
7. The use of land for—£325, or £32.50 for each 0.1 hectare of site area, whichever is the greater. (a) the winning and working of minerals, (b) the deposit of refuse or waste.
8. The use of land for—£52, or £32.50 for each 0.1 hectare of site area, whichever is the greater. (a) the keeping or placing of any tents, caravans or other structures (whether or not movable or collapsible) for the purpose of caravanning or camping or the sale of goods, (b) the parking of vehicles, (c) the open storage of vehicles or other objects or substances.
9. The provision on, in or under land of plant or machinery, or of tanks or other structures (other than buildings) for storage purposes. £130, or £32.50 for each 0.1 hectare of site area, whichever is the greater.
10. The provision of a petrol filling station. £130.
11. The provision of an advertisement

structure or the use of an existing structure or other land for the exhibition of advertisements.£52, or £13 for each square metre, or part thereof, of advertising space to be provided, whichever is the greater.12. The provision of overhead transmission or distribution lines for conducting electricity, or overhead telecommunications lines.£52, or £32.50 per 1,000 metres length, or part thereof, whichever is the greater.13. The use of land as a golf course or a pitch and putt course.£32.50 for each hectare of site area.14. The use of land as a burial ground.£130, or £32.50 for each hectare of site area, whichever is the greater.15. Development not coming within any of the foregoing classes.£52, or £6.50 for each 0.1 hectare of site area, whichever is the greater.

### SECTION III

Maximum and minimum fees for planning applications

1. The maximum fee payable to a planning authority by an applicant in respect of an outline application shall be £7,500.
2. The maximum fee payable to a planning authority by an applicant in respect of an application to which article 93 applies shall be £2,500.
3. The maximum fee payable to a planning authority by an applicant in respect of an application to which article 91 applies shall be £15,000.
4. The maximum fee payable to a planning authority by an applicant in respect of any planning application other than an application mentioned in paragraph 1, 2 or 3 shall be £10,000.
5. The minimum fee payable to a planning authority by an applicant in respect of a planning application shall be £21 and in any case where the planning authority make a refund in respect of a planning application the refund shall not be such as to reduce the balance of the fee to less than £21.

## FIFTH SCHEDULE

### FEES PAYABLE TO THE BOARD

Column 1Column 2

Amount of Fee (a) Appeal against a decision of a planning authority on a planning application relating to commercial development, made by the person by whom the planning application was made£200 (b) Appeal other than an appeal mentioned at (a)£100 (c) Reference£100 (d) Request for a determination£100 (e) Reduced fee£50 (f) Submissions or observations£30 (g) Request for an oral hearing£50

## SIXTH SCHEDULE

### MISCELLANEOUS FEES

Column 1Column 2

Amount of FeeApplication under section 4 of Act of 1982£40Copy of an entry in the register£6.50

## SEVENTH SCHEDULE

### LICENCE FEES UNDER SECTION 89 OF ACT OF 1963 IN RESPECT OF SPECIFIED APPLIANCES AND STRUCTURES

Column 1

Appliance or Structure Column 2

Licence Fee Part I Appliances and structures for servicing vehicles: (a) A petrol or oil pump (including any delivery hose, air pipe, waterpipe or other attachment).£40 (b) A movable pump or other appliance for dispensing any oil or oil derivative or mixture thereof.£20 (c) A delivery pipe or hose attached to a petrol or oil pump which is not on a public road.£20 (d) A petrol, oil or other storage tank (whether sub-divided or not) together with any associated manhole, inlet, outlet or pipe for connection with a pump.£4 for each 5,000 litres capacity or part thereof (e) A pipe or an appliance with a pipe attachment for dispensing air or water not being a pipe or appliance attached to a petrol or oil pump for which a fee is prescribed under paragraph (a) above.£5 Part II Other appliances and structures: (a) A vending machine or other coin operated machine (not being a weighing machine) which is on a public road.£40 (b) An appliance of any type referred to in Part I of this Schedule which is not used for servicing vehicles.£20 (c) A case, rack, shelf or other appliance or structure for displaying articles for the purpose of advertisement or sale in or in connection with any adjacent business premises.£20 (d) An advertisement consisting of any symbol, emblem, model, device or logo which is on a public road.£20 (e) An advertisement structure which is on a public road.£20 (f) A hoarding, fence or scaffold (not being a hoarding, fence or scaffold bounding a public road).£20 (g) A town or landscape map on a public road.£5 (h) A weighing machine on a public road.£5 (i) A cable, wire or pipeline (not being a cable for conducting electricity for domestic or agricultural purposes or a drain or waterpipe).£10 per 800 metres length or part thereof. (j) Tables and chairs outside a hotel, restaurant or public house.£40 Part III (a) A bridge, arch, tunnel, passage or other similar structure used or intended for use other than by the public and constructed on or after the 1st day of October, 1964.£20 (b) A cellar or other underground structure constructed on or after the 1st day of October, 1964.£20 (c) A lamp-post.£10 (d) A cable for conducting electricity for domestic or agricultural purposes.£10 (e) A cabinet used as part of a wired broadcast relay system by a person licensed under the Wireless Telegraphy (Wired Broadcast Relay Licence) Regulations, 1974.£10

GIVEN under the Official Seal of the Minister for the Environment this 14th day of April, 1994.

MICHAEL SMITH,  
Minister for the Environment.

The Minister for Finance hereby consents to Part VII of these Regulations.

GIVEN under the Official Seal of the Minister for Finance this 14th day of April, 1994.

BERTIE AHERN,  
Minister for Finance.

#### EXPLANATORY NOTE.

These Regulations replace all existing Regulations under the Local Government (Planning and Development) Acts, 1963 to 1993. The Regulations revoked by these Regulations are listed in the First Schedule.

All Parts of these Regulations, other than Parts X and XIII, correspond, subject to additions, omissions and amendments, to provisions of the Regulations revoked. Part X establishes a new procedure of public notice and consultation for specified classes of local authority development. Part XIII specifies certain classes of development by State authorities for the purposes of section 2 (1) (a) of the Local Government (Planning and Development) Act, 1993, and the provisions of the Local Government (Planning and Development) Acts will not apply to development so specified. Part XIII also establishes a procedure of public notice and consultation for certain of the classes of development specified for the purposes of section 2 (1) (a) of the 1993 Act.

Parts X and XIII, and article 9 (1) (a) in respect of certain classes of exempted development, will come into operation on 15 June, 1994. All of the other provisions of the Regulations come into operation with effect from 16 May, 1994.