

## LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) REGULATIONS 1995

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

(i) by section 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 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), 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 section 32 of the Local Government (Planning and Development) Act, 1976,

hereby makes the following Regulations:—

### REG 1

Citation.

1. (1) These Regulations may be cited as the Local Government (Planning and Development) Regulations, 1995.
- (2) These Regulations and the Local Government (Planning and Development) Regulations, 1994 (S.I. No. 86 of 1994) may be cited together as the Local Government (Planning and Development) Regulations, 1994 and 1995.

### REG 2

Interpretation.

2. In these Regulations, "the 1994 Regulations" means the Local Government (Planning and Development) Regulations, 1994.

### REG 3

Amendment of Part III of 1994 Regulations.

3. Part III of the 1994 Regulations is hereby amended by the insertion after article 9 of the following article:  
"9A. Works consisting of or incidental to the carrying out of development referred to in section 84 (4) (a) of the Environmental Protection Agency Act, 1992 (No. 7 of 1992) for the purpose of giving effect to a condition attached to a licence or revised licence granted by the Environmental Protection Agency under Part IV of the said Act shall be exempted development."

#### REG 4

Amendment of article 17 of 1994 Regulations.

4. Article 17 of the 1994 Regulations is hereby amended by the substitution for paragraph (c) of sub-article (2) of the following paragraph:

"(c) it appears to a planning authority that a site notice has not been erected or fixed on land or a structure in accordance with article 16, or that any notice erected or fixed has not been maintained in position in accordance with sub-article (5) of the said article or has been defaced or become illegible and has not been renewed or replaced,".

#### REG 5

Amendment of Part IV of 1994 Regulations.

5. Part IV of the 1994 Regulations is hereby amended by the insertion after article 19 of the following article:

"19A. (1) Article 19 (a) shall not apply 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.

(2) A planning application referred to in sub-article (1) shall, in addition to the requirements of article 18, be accompanied by four copies of such plans and drawings drawn to a scale of not less than 1:100, as are necessary to describe any form of structure or apparatus which will support, or form part of, the lines referred to in the said sub-article.

(3) ( a ) A reference to article 19 in any other provision of these Regulations shall, in the case of a planning application referred to in sub-article (1), be construed as a reference to this article.

( b ) Article 23 (1), other than paragraphs (f), (g), and (h) thereof, shall not apply to a planning application referred to in sub article (1)."

#### REG 6

Amendment of article 33 of 1994 Regulations.

6. Article 33 of the 1994 Regulations is hereby amended by:

( a ) the insertion after sub-article (2) of the following sub-article:

"(2A) Where further information is received by a planning authority pursuant to a requirement under sub-article (1) or (2) and the planning authority consider that such information contains significant additional data in relation to the effects on the environment of the development to which the planning application relates, the planning authority shall send a copy of such information to any body to which notice of the planning application was given in accordance with article 32.";

( b ) the substitution of "sub-article (1) or (2)" for "any of the foregoing sub-articles" in sub-article (3).

## REG 7

Amendment of article 130 of 1994 Regulations.

7. Article 130 of the 1994 Regulations is hereby amended by:

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

"(k) any other development, the estimated cost of which exceeds £50,000, not being—

(i) development of a class specified in any of the foregoing paragraphs, or

(ii) development consisting of the provision of sites pursuant to section 13 of the Housing Act, 1988 (No. 28 of 1988), or

(iii) development consisting of the laying underground of sewers, mains, pipes or other apparatus.";

( b ) the substitution for sub-article (2) (a) of the following paragraph:

"(2) ( a ) (i) Subject to sub-paragraph (ii) and paragraph (b), this Part shall not apply to proposed development that a local authority propose to carry out outside the functional area of the local authority.

(ii) Notwithstanding sub-paragraph (i), this Part shall apply to development of a class specified in paragraph (b) or (c) of sub-article (1) that a local authority propose to carry out outside the functional area of the local authority.";

( c ) the deletion of sub-article (3) (e).

## REG 8

Amendment of article 133 of 1994 Regulations.

8. Article 133 of the 1994 Regulations is hereby amended by the substitution for paragraphs (c) and (d) of the following paragraphs:

"(c) except in the case of development of a class specified in article 130 (1) (b) or (c)—

(i) 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 the buildings or other structures, and roads or other features, in the vicinity of the site, and

(ii) such other plans and drawings, drawn to a scale of not less than 1:100, as are necessary to describe the proposed development,

( d ) (i) in the case of development of a class specified in article 130 (1) (b), such plans and drawings, drawn to a scale of not less than 1:2500, as are necessary to describe the proposed development, and

(ii) in the case of development of a class specified in article 130 (1) (c), such plans and drawings, drawn to a scale of not less than 1:200, as are necessary to describe the proposed development.".

## REG 9

Amendment of Second Schedule to 1994 Regulations.

9. (1) The conditions and limitations specified in column 2 of Part I of the Second Schedule to the 1994 Regulations opposite the mention of class 1 in column 1 of the said Part of the said

Schedule are hereby amended by the substitution for paragraph 2 thereof of the following paragraph:

Column 1 Column 2 Description of Development Conditions and Limitations"2. (a) Subject to subparagraph (b), the height of the walls of any such extension, exclusive of any gable, shall not exceed the height of the rear wall of the dwellinghouse. (b) Where the rear wall of the dwellinghouse includes a gable, the height of the walls of any such extension, exclusive of any gable, shall not exceed the height of the side walls of the dwellinghouse. (c) The height of the highest part of the roof of any such extension shall not exceed the height of the highest part of the roof of the dwellinghouse."

(2) Class 13 specified in column 1 of Part I of the Second Schedule to the 1994 Regulations is hereby amended by the substitution for paragraph (f) thereof of the following paragraph, and by the substitution for the conditions and limitations specified in column 2 of the said Part of the said Schedule opposite the mention of the said paragraph of the following conditions and limitations:

Column 1 Column 2 Description of Development Conditions and Limitations"(f) from use as a dwellinghouse to use as a residence for persons with an intellectual or physical disability or a mental illness and persons providing care for such persons. The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2."

(3) Part I of the Second Schedule to the 1994 Regulations is hereby amended by the insertion after class 15 specified in column 1 of the said Part of the said Schedule of the following class:

Column 1 Column 2 Description of Development Conditions and Limitations"Class 15A

The erection, construction or placing on land, on, in, or under which or on land adjoining which development consisting of mining is to be carried out in pursuance of a permission granted under Part IV of Act of 1963, of structures, works, plant or machinery needed temporarily in connection with preparation for the aforesaid mining. Such structures, works, plant or machinery shall be removed prior to commencement of the mining."

REG 10

Amendment of Third Schedule to 1994 Regulations.

10. Form No. 4 set out in the Third Schedule to the 1994 Regulations is hereby amended by the substitution of "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." for "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."

GIVEN under the Official Seal of the Minister for the Environment,  
this 24th day of March, 1995.  
BRENDAN HOWLIN,  
Minister for the Environment.

EXPLANATORY NOTE.

These Regulations make a number of amendments to the Local Government (Planning and Development) Regulations, 1994 (S.I. No. 86 of 1994). The changes made relate to exempted development, the requirements and procedures in respect of planning applications, Part X of the 1994 Regulations and prescribed forms.