

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) (NO. 2) REGULATIONS 1997

The Minister for the Environment, in exercise of the powers conferred on him by section 10 of the Local Government (Planning and Development) Act, 1963 (No. 28 of 1963), by section 21 of that Act as amended by the Local Government (Planning and Development) Act, 1976 (No. 20 of 1976), by section 25 of that Act as amended by the Local Government (Planning and Development) Act, 1976, Article 7 of the European Communities (Environmental Impact Assessment) Regulations, 1989 (S.I. No. 349 of 1989) and Article 5 of the European Communities (Environmental Impact Assessment) Regulations, 1994 (S.I. No. 84 of 1994), by section 78 of that Act as amended by Article 10 of the European Communities (Environmental Impact Assessment) Regulations, 1989 (S.I. No. 349 of 1989) and Article 8 of the European Communities (Environmental Impact Assessment) Regulations 1994 (S.I. No. 84 of 1994), by section 3 of the Local Government (Planning and Development) Act, 1993 (No. 12 of 1993), and by section 10 of the Local Government (Planning and Development) Act, 1982 (No. 12 of 1982), and with the consent of the Minister for Finance for Article 11 of these Regulations, hereby makes the following Regulations:—

REG 1

Citation

1. (1) These Regulations may be cited as the Local Government (Planning and Development) (No. 2) Regulations, 1997.
- (2) The collective citation, "the Local Government (Planning and Development) Regulations, 1994 to 1997" shall include these Regulations.

REG 2

Commencement

2. These Regulations shall come into operation on the 1st day of April, 1997.

REG 3

Interpretation

3. In these Regulations, "the 1994 Regulations" means the Local Government (Planning and Development) Regulations, 1994 (S.I. No. 86 of 1994).

REG 4

Amendment of Part I of the 1994 Regulations

4. Article 3 of the 1994 Regulations is hereby amended by the insertion, after the definition of "the Board", of the following definition:
" 'DTI Strategy' has the meaning assigned to it by the Dublin Transportation Office (Establishment) Order, 1995 (S.I. No. 289 of 1995);".

REG 5

Amendment of Part II of the 1994 Regulations

5. Article 5 of the 1994 Regulations is hereby substituted by the following article—

"5. The pre-scribed authorities for the purposes of section 21 (1) (a) of the Act of 1963 shall be—

- (a) Bord Failte Éireann,
- (b) the Central Fisheries Board,
- (c) An Chomhairle Ealaíon,
- (d) the Commissioners of Public Works in Ireland,
- (e) in the case of a planning authority any part of whose functional area is situate within an area which is affected by the DTI Strategy, the Dublin Transportation Office,
- (f) the Electricity Supply Board,
- (g) Forfás,
- (h) the appropriate health board,
- (i) the Minister for Agriculture, Food and Forestry,
- (j) the Minister for Arts, Culture and the Gaeltacht,
- (k) the Minister for Defence,
- (l) the Minister for Education,
- (m) the Minister for the Marine,
- (n) the Minister for Transport, Energy and Communications,
- (o) the National Authority for Occupational Safety and Health,
- (p) the Heritage Council,
- (q) the appropriate Regional Fisheries Board,
- (r) 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,
- (s) An Taisce — the National Trust for Ireland,
- (t) the Minister,
- (u) the Board,
- (v) the National Roads Authority,
- (w) every planning authority whose area is contiguous to the area of the planning authority which prepared the draft,
- (x) every local authority in the area to which the draft relates, and
- (y) 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 authority."

REG 6

Amendment of Part IV of the 1994 Regulations

6. Article 32 of the 1994 Regulations is hereby amended—

(a) by the substitution in sub-article (1), paragraph (c) and in sub-article (4), paragraph (d) for "the Commissioners of Public Works in Ireland" of "the Minister for Arts, Culture and the Gaeltacht", and

(b) by the insertion, after paragraph (i) of sub-article (1), of the following paragraph:

"(ii) where it appears to the planning authority that the

development might significantly impact on the implementation of the DTI Strategy — to the Dublin Transportation Office,".

REG 7

Amendment of Part IX of the 1994 Regulations

7. Article 122 of the 1994 Regulations is hereby amended—

(a) by the substitution in sub-article (3), paragraphs (c) and (h), for "the Commissioners of Public Works in Ireland" of "the Minister for Arts, Culture and the Gaeltacht", and

(b) by the insertion, after sub-article (3) (g), of the following paragraph:

"(gg) where it appears to the local authority that the proposed development might significantly impact on the implementation of the DTI Strategy — to the Dublin Transportation Office,".

REG 8

Amendment of Part X of the 1994 Regulations

8. Article 132 of the 1994 Regulations is hereby amended—

(a) by the substitution in sub-article (3), paragraphs (c) and (h), for "the Commissioners of Public Works in Ireland" of "the Minister for Arts, Culture and the Gaeltacht", and

(b) by the insertion, after sub-article (3) (f), of the following paragraph:

"(ff) where it appears to the local authority that the proposed development might significantly impact on the implementation of the DTI Strategy — to the Dublin Transportation Office,".

REG 9

Amendment of Part XIV of the 1994 Regulations

9. Article 163 of the 1994 Regulations is hereby amended by the substitution for "the Commissioners of Public Works in Ireland" of "the Minister for Arts, Culture and the Gaeltacht".

REG 10

Amendment of Second Schedule to the 1994 Regulations

10. Class 32 specified in Column 1 of Part I of the Second Schedule to the 1994 Regulations is hereby amended by the substitution in paragraph (b) for "the Commissioners of Public Works in Ireland" of "a State authority or other public body".

REG 11

Amendment of Fourth Schedule to the 1994 Regulations

11. Class 6 specified in Column 1 of Section II of the Fourth Schedule to the 1994 Regulations is hereby amended—

(a) in paragraph (a), by the deletion of ", where the area involved would be greater than 100 hectares";

(b) in paragraph (b), by the deletion of ", where the area involved would be greater than 200 hectares";

(c) in paragraph (c), by the deletion of ", where the area involved would be greater than 10 hectares";

(d) in paragraph (d), by the deletion of "which would involve a new or extended area of 50 hectares or more".

GIVEN under the Official Seal of the Minister for the Environment,
this 13th day of March, 1997.

BRENDAN HOWLIN,

Minister for the Environment.

The Minister for Finance hereby consents to Article 11 of these Regulations.

GIVEN under the Official Seal of the Minister for Finance,
this 18th day of March, 1997.

RUAIRÍ QUINN,

Minister for Finance.

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 amendments provide that relevant planning authorities must send to the Dublin Transportation Office copies of development plans and also of planning applications and details of proposed local authority development (including environmental impact statements) where these may impact on the DTI Strategy. They also provide for the Ministers for the Marine and for Education and for the appropriate health board to receive copies of draft development plans. They amend references in the 1994 Regulations to the Commissioners of Public Works to reflect the transfer of the Commissioners' heritage functions to the Minister for Arts, Culture and the Gaeltacht.

The Regulations also provide for some minor amendments to the definitions of the classes of development for the purposes of the Fourth Schedule of the 1994 Regulations (Fees for Planning Applications).