

# **S.I. No. 100/2009 - Planning and Development (Regional Planning Guidelines) Regulations 2009**

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

*"Iris Oifigiúil" of 27th March, 2009.*

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by sections 21 and 23 of the Planning and Development Act 2000 (No. 30 of 2000), hereby makes the following Regulations:-

*Citation.*

1. (1) These Regulations may be cited as the Planning and Development (Regional Planning Guidelines) Regulations 2009.

(2) These Regulations and the Planning and Development Regulations 2001 to 2008 shall be construed as one and may be collectively cited together as the Planning and Development Regulations, 2001 to 2009.

*Commencement.*

2. These Regulations shall come into operation with immediate effect.

*Interpretation.*

3. In these Regulations:

"the Act" means the Planning and Development Act 2000 ;

"the Direction" means the Planning and Development (Regional Planning Guidelines) Direction 2008;

"the Director" means the Director of any Regional Authority;

"the DTA Act" means the Dublin Transport Authority Act 2008 ;

"the SEA Regulations" means the Planning and Development (Strategic Environmental Assessment) Regulations 2004, S.I. No. 436 of 2004 .

*Specification of National Spatial Strategy as being of relevance to strategic planning policies, and prescription of the relevant land use provisions in the DTA Act amendments to the Act and National and Regional Population Targets.*

4. In accordance with the provisions of section 23 (4)(a) of the Act, the "National Spatial Strategy: 2002 - 2020" published by Government on 28 November 2002, including any updates, is hereby specified to be of relevance to the determination of strategic planning policies.

5. In accordance with the provisions of 23(2)(j) of the Act, the DTA Act Part 5 Land Use Provisions Chapter 1 are hereby prescribed for the purposes of addressing the proper planning and sustainable development of the region to which the guidelines relate.

6. In accordance with the provisions of 23(2)(j) of the Act, the National and Regional Population Targets prepared by the Department of the Environment, Heritage and Local Government, from time to time, are hereby prescribed for the purposes of establishing projected population trends to inform settlement and housing strategies in addressing the proper planning and sustainable development of the region to which the guidelines relate.

*Report on results of initial public consultation*

7. (1) Not later than 16 weeks after the giving of notice under section 24(1) of the Act, the Director (or an officer or officers nominated to do so on his or her behalf) shall prepare a report on any submissions received under section 24(2)(c) of the Act.

(2) In the case of the Dublin and Mid-East Regional Authorities, as referred to at paragraph (2) of the Direction, not later than 16 weeks after the giving of notice under section 24(1) of the Act, the Directors (or officers nominated to do so on their behalf) shall jointly prepare a report on any submissions received under section 24(2)(c) of the Act.

(3) A report under sub-articles (1) or (2) shall-

(a) list the persons or bodies who made submissions under section 24 of the Act as well as any persons or bodies consulted by the regional authority,

(b) summarise the issues raised in the submissions and during the consultations, where appropriate,

(c) give the opinion of the Director, or, in the case of a report prepared under sub-article (2), the opinion of the Directors, on the issues raised, taking account of the proper planning and sustainable development of the whole of the region to which the guidelines relate, the statutory obligations of any local authority in the region and any relevant policies or objectives for the time being of the Government or of any Minister of the Government, including the National Spatial Strategy, and

(d) state the Director's recommendations on the policies to be included in the draft regional planning guidelines, in the case of a report prepared under sub-article (1), or

(e) state the Directors' joint recommendations on the policies to be included in the draft regional planning guidelines, in the case of a report prepared under sub-article (2).

(4) A report under sub-article (1) shall be submitted to the members of the regional authority, or to a committee of the regional authority, as may be decided by the members of the authority, for their consideration.

(5) A report under sub-article (2) shall be submitted to the members of the regional authorities, or to a joint committee of the regional authorities, as may be decided by the members of the regional authorities, for their consideration.

(6) Following consideration of a report under sub-article (4) or (5), the regional authority or authorities, or the committee of the regional authority or authorities, as the case may be, may issue directions to the Director or Directors (in the case of the Dublin and Mid-East Regional Authorities).

(7) Directions under sub-article (6) must take account of the proper planning and sustainable development of the whole of the region to which the guidelines relate, the statutory obligations of any local authority in the region and any relevant policies or objectives for the time being of the Government or of any Minister of the Government, including the National Spatial Strategy and the Director or Directors, as the case may be, shall comply with such directions.

(8) Directions under sub-article (6) shall be issued not later than 10 weeks after the submission of a report under sub-article (4) or (5).

(9) In issuing directions under sub-article (6), members shall be restricted to considering the proper planning and sustainable development of the region to which the regional planning guidelines relate.

*Draft Regional Planning Guidelines to take account of appropriate assessment, as necessary, and flood risk management*

8. Any draft of the regional planning guidelines prepared by the regional authority shall, at a strategic level-

(a) take account of appropriate assessment, if required, under the Habitats Directive 92/43/EEC, and

(b) be consistent with any guidelines issued by the Minister on the planning system and flood risk management in addressing the issue of flood risk.

*Draft Regional Planning Guidelines and Report on Submissions and Observations Received on Draft Regional Planning Guidelines*

9. (1) Not later than 22 weeks after the giving of notice under section 24(4) of the Act, the Director (or an officer or officers nominated to do so on his or her behalf) shall prepare a report on any submissions or observations received under section 24(5) of the Act, including submissions received on the Environmental Report under the SEA Regulations and screening where amendments to the draft plan are required to determine any significant environmental effects not previously identified or addressed in the Environmental Report, and submit the report to the members of the regional authority for their consideration.

(2) In the case of the Dublin and Mid-East Regional Authorities, not later than 22 weeks after the giving of notice under section 24(4) of the Act, the Directors (or officers nominated to do so on their behalf) shall jointly prepare a report on any submissions or observations received under section 24(5) of the Act, including submissions received on the Environmental Report under the SEA Regulations and screening where amendments to the draft plan are required to determine any significant environmental effects not previously identified or addressed in the Environmental Report, and submit the report to the members of the regional authorities for their consideration.

(3) A report under sub-articles (1) or (2) shall-

(a) list the persons or bodies who made submissions or observations under section 24(5) of the Act,

(b) summarise the issues raised by the persons or bodies in the submissions or observations, and

(c) give the response of the Director (or Directors in the case of the Dublin and Mid-East Regional Authorities) to the issues raised, taking account of any directions of the members under article 6(6), the proper planning and sustainable development of the region, the statutory obligations of any local authority in the region and any relevant policies or objectives for the time being of the Government or of any Minister of the Government, including the National Spatial Strategy.

(4) A report prepared under sub-articles (1) or (2) shall be considered by the members of the regional authority or authorities, as appropriate, as part of its consideration of submissions or observations in accordance with section 24(6) of the Act.



GIVEN under the Official Seal of the Minister for the Environment, Heritage and Local Government

25 March 2009

JOHN GORMLEY, T.D.

Minister for the Environment, Heritage and Local Government.

EXPLANATORY NOTE

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

These Regulations set out a number of procedural requirements in relation to the preparation of the review and update of the 2004 regional planning guidelines by regional

authorities. These procedural requirements supplement those already set out in the Planning and Development Act 2000. The Regulations also specify the National Spatial Strategy as being of relevance to the determination of strategic planning policies. This means that regional authorities must take account of the National Spatial Strategy, including any updates, when preparing and making regional planning guidelines.

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