



STATUTORY INSTRUMENTS.

**S.I. No. 387 of 2015**



PLANNING AND DEVELOPMENT (AMENDMENT) (NO. 3)  
REGULATIONS 2015.

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I, PAUDIE COFFEY, Minister of State at the Department of the Environment, Community and Local Government in exercise of the powers conferred on me by sections 33, 37P, 97 and 177N of the Planning and Development Act 2000 (No. 30 of 2000), as amended, (as adapted by the Environment, Heritage and Local Government (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. 193 of 2011)), which powers are delegated to me by the Environment, Community and Local Government (Delegation of Ministerial Functions) Order 2014 (S.I. 524 of 2014), hereby make the following regulations:

*Citation*

1. (1) These Regulations may be cited as the Planning and Development (Amendment) (No. 3) Regulations 2015.

(2) These Regulations and the Planning and Development Regulations 2001 to 2015 shall be construed as one and may be collectively cited as the Planning and Development Regulations 2001 to 2015.

*Interpretation*

2. In these Regulations, unless otherwise stated,

“the Act” means the Planning and Development Act, 2000, as amended;

“the Regulations” means the Planning and Development Regulations 2001 (S.I. No. 600 of 2001), as amended.

*Amendment of Article 22*

3. Article 22 of the Regulations is amended by substituting the following for sub-article (2)(e):

“(e) in the case of an application for permission for the development of houses or of houses and other development, to which section 96 of the Act applies, details as to how the applicant proposes to comply with a condition referred to in sub-section (2) of that section to which the permission, if granted, would be subject, including-

- (i) details of such part or parts of the land which is subject to the application for permission or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority’s functional area proposed to be transferred to the planning authority, or

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 15th September, 2015.*

details of houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and

- (ii) details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions in Part V of the Act,"

*Amendment of Article 49*

4. Article 49(b) of the Regulations is amended by substituting "9 or fewer" for "4 or fewer".

*Amendment of Article 227*

5. Article 227 of the Regulations is amended by substituting the following for sub-article (2)(e):

"(e) in the case of an application for permission for the development of houses or of houses and other development, to which section 96 of the Act applies, details as to how the applicant proposes to comply with a condition referred to in sub-section (2) of that section to which the permission, if granted, would be subject, including-

- (i) details of such part or parts of the land which is subject to the application for permission or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and
- (ii) details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions in Part V of the Act,"

*Amendment of Schedule 3*

6. Schedule 3 of the Regulations is amended:

- (a) in Section 16 of Form No. 2, Planning Application Form, by substituting:

“you must provide, as part of your application, details as to how you propose to comply with section 96 of Part V of the Act including, for example,

- (i) details of such part or parts of the land which is subject to the application for permission or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority’s functional area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning authority’s functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and
- (ii) details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions in Part V of the Act.”

for

“you must specify, as part of your application, the manner in which you propose to comply with section 96 of Part V of the Act.”;

- (b) in the documentation checklist pursuant to Form No. 2, Planning Application Form, relating to documents that should accompany the form ‘Where the application is for residential development that is subject to Part V of the 2000 Act’, by substituting:

“Details of the manner in which it is proposed to comply with section 96 of Part V of the Act including, for example,

- (i) details of such part or parts of the land which is subject to the application for permission or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority’s functional area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning authority’s functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and
- (ii) details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an

appropriate share of any common development works as required to comply with the provisions in Part V of the Act”

for

“Specification of the manner in which it is proposed to comply with section 96 of Part V”;

- (c) in paragraph 6 of the ‘Directions for completing this form’ pursuant to Form No. 2, Planning Application Form, by substituting “land or structure is not in use” for “use is ‘vacant’”;
- (d) in paragraph 8 of the ‘Directions for completing this form’ pursuant to Form No. 2, Planning Application Form, by substituting “9 or fewer” for “4 or fewer”;
- (e) in paragraph 16 of the ‘Directions for completing this form’ pursuant to Form No. 2, Planning Application Form, by substituting “2011” for “2015”.

*Redesignation of Part 21*

7. Part 21 of the Regulations, as inserted by the Planning and Development (Amendment)(No. 2) Regulations 2015, is hereby designated as Part 22.



GIVEN under my Official Seal,  
10 September 2015.

PAUDIE COFFEY T.D.,  
Minister of State at the Department of the Environment,  
Community and Local Government.

## EXPLANATORY NOTE

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

These Regulations amend the Planning and Development Regulations 2001 to 2015.

These Regulations make the necessary technical amendments to planning application requirements in articles 22 and 227 of the Regulations and to Form No. 2, Planning Application Form, of Schedule 3 to the Regulations, to ensure that appropriate details of proposals under section 96 of Part V of the Act relating to Social and Affordable Housing including calculation methodologies proposed, where relevant, must be provided with a planning application, without which the application will be invalid.

These Regulations also make the necessary technical amendments to article 49(b) of the Regulations and to paragraph 8 of the ‘Directions for completing this form’ which follows Form No. 2, Article 22, Planning Application Form, contained in Schedule 3 to the Regulations to reflect the provisions of section 36 of the Urban Regeneration and Housing Act 2015 (Number 33 of 2015). In this regard, section 36 of the Urban Regeneration and Housing Act 2015 amends section 97 of the Planning and Development Act 2000, as amended. A certificate under section 97 of the Planning and Development Act 2000, as amended, may be applied for, stating that section 96 of that Act shall not apply in respect of a development consisting of 9 or fewer houses. Prior to the Urban Regeneration and Housing Act 2015, a certificate under section 97 could be applied for in respect of a development consisting of 4 or fewer houses.

These Regulations also substitute the reference to “‘vacant’ land use” with “land or structure [which] is not in use” in paragraph 6 of the ‘Directions for completing this form’ pursuant to Form No. 2, Planning Application Form, of Schedule 3. The replacement of the phrase “‘vacant’ land use” is to avoid it being mistakenly identified with the separate definition of ‘vacant site’ as introduced by section 5 of the Urban Regeneration and Housing Act 2015.

These Regulations also amend the numbering of Part 21 of the Regulations, as inserted by the Planning and Development (Amendment) (No. 2) Regulations 2015, to renumber it as Part 22. The numbering of Part 21 of the Regulations as inserted by the Planning and Development (Amendment) (No. 3) Regulations 2011 (S.I. No. 476 of 2011) shall remain unchanged.

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