



STATUTORY INSTRUMENTS.

S.I. No. 46 of 2020



PLANNING AND DEVELOPMENT (AMENDMENT) REGULATIONS
2020

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I, DAMIEN ENGLISH, Minister of State at the Department of Housing, Planning and Local Government, in exercise of the powers conferred on me by sections 4(2) and 262 of the Planning and Development Act 2000 (No. 30 of 2000) (as adapted by the Housing, Planning, Community and Local Government (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 358 of 2017)) and by the Housing, Planning, Community and Local Government (Delegation of Ministerial Functions) (No. 2) Order 2017 (S.I. No. 352 of 2017), hereby make the following regulations with respect to which, pursuant to section 262(4) of that Act, a draft has been laid before both Houses of the Oireachtas and a resolution approving the draft has been passed by each such House:

Citation

1. (1) These Regulations may be cited as the Planning and Development (Amendment) Regulations 2020.

(2) These Regulations and the Planning and Development Regulations 2001 to 2019 shall be construed as one and may be collectively cited as the Planning and Development Regulations 2001 to 2020.

Interpretation

2. In these Regulations “Principal Regulations” means the Planning and Development Regulations 2001 (S.I. No. 600 of 2001).

Amendment of Article 5 of the Principal Regulations

3. (1) Article 5(1) of the Principal Regulations is amended by inserting the following definition after the definition of “painting”:

““port” includes any buildings, roads and vehicle parks ancillary to the operation of the port;

“port operational building” means a building other than a hotel, required in connection with the movement or maintenance of ships, or with the embarking, disembarking, loading, discharge or transport of passengers, livestock or goods at a port including customs or passport control facilities and sanitary and phytosanitary and health checks and control facilities, associated administrative offices or other similar facilities directly related to and forming an integral part of the building;”.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 18th February, 2020.*

(2) Article 5(1) of the Principal Regulations is amended by inserting the following definition after the definition of “small cell antenna”:

““state port company” has the same meaning as “managing body of the port” as defined by Regulation 2(1) of the European Union (Port Services) Regulations 2019 (S.I. No. 128 of 2019);”.

Amendment of Part 1 of Schedule 2 to the Principal Regulations

4. Part 1 (Exempted Development – General) of Schedule 2 to the Principal Regulations is amended–

(a) subject to paragraph (b), by inserting the following after Class 58:

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<p>Column 1</p> <p>Description of Development</p>	<p>Column 2</p> <p>Conditions and Limitations</p>
<p>Class 59</p> <p>The carrying out by, or on behalf of, the Commissioners, within a port operated by a state port company, of development consisting of–</p> <p>(a) the construction or erection of an extension of a port operational building within a port,</p>	<ol style="list-style-type: none"> 1. Where the building has not been extended previously, the floor area of any such extension shall not exceed 500 square metres or 15% of the existing floor area, whichever is the lesser. 2. Where the building 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 15% of the original floor area or 500 square metres, whichever is the lesser. 3. The height of any such extension shall not exceed the

<p>(b) the construction, erection or alteration of visual navigation aids on the ground including docking guidance, signage, inset and elevated port lighting or apparatus necessary for the safe navigation of ships and vehicles within a port,</p> <p>(c) the construction or erection of an extension to loading or unloading areas, or vehicle queuing or parking areas within a port,</p>	<p>current height of the existing building which is the subject of the extension.</p> <p>4. Any such extension shall not be located within 100 metres of the nearest habitable house or residential building or school, hospital, church or building used for public assembly (other than the house or building of the person providing the structure), save with the consent in writing of the owner, and, as appropriate, the occupier or person in charge thereof.</p> <p>5. Any such extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>6. The planning authority for the area shall be notified in writing not less than 4 weeks before such development takes place.</p> <p>1. Where the areas have not been extended previously, any such extension shall not exceed 15% of the existing area.</p>
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<p>(d) the construction, erection or alteration of security fencing and gates, security cameras and signage and other measures connected with the security of a port infrastructure within a port,</p> <p>(e) the erection or alteration of directional locational or warning signs within a port, or</p> <p>(f) the construction, extension, alteration or removal of roads and related signage and ancillary safety barriers used for the movement of vehicles and equipment within a port.</p>	<p>2. Where the areas have been extended previously, the area of any such extension, taken together with the area of any previous extension or extensions, shall not exceed 15% of the original area.</p> <p>1. The height of any such fencing shall not exceed 2.5 metres and the type of such fencing shall be consistent with existing development in the vicinity.</p>
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- (b) for convenience of reference only, there is set out in paragraph (a), before the reference to Class 59, the relevant headings that apply in respect of the columns concerned.

Given under my HAND,

13 February, 2020.

DAMIEN ENGLISH,
Minister of State at the Department of Housing, Planning
and Local Government.

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