



STATUTORY INSTRUMENTS.

S.I. No. 342 of 2017

PLANNING AND DEVELOPMENT (AMENDMENT) REGULATIONS
2017

PLANNING AND DEVELOPMENT (AMENDMENT) REGULATIONS
2017

I, EOGHAN MURPHY, Minister for Housing, Planning, Community and Local Government, in exercise of the powers conferred on me by sections 43 and 262 of the Planning and Development Act 2000 (No. 30 of 2000) (as adapted by the Environment, Community and Local Government (Alteration of Name of Department and Title of Minister) Order 2016 (S.I. No. 394 of 2016)), hereby make the following regulations:

Citation

1. (1) These Regulations may be cited as the Planning and Development (Amendment) Regulations 2017.

(2) These Regulations and the Planning and Development Regulations 2001 to 2017 shall be construed as one and may be collectively cited as the Planning and Development Regulations 2001 to 2017.

Commencement and Application

2. (1) These Regulations come into operation on the 9th day of August 2017.

(2) These Regulations apply until 31 December 2021.

Interpretation

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

Insertion of new article 40A (application of Chapter 3) into the Planning and Development Regulations 2001

4. The Regulations of 2001 are amended by inserting the following article after article 40:

“Application of Chapter 3

40A. Other than article 41, this Chapter does not apply to applications under section 42(1A) of the Act.”

Amendment of article 41 (time limits for extensions of time) of the Planning and Development Regulations 2001

5. Article 41 of the Regulations of 2001 is amended by substituting “An application under section 42 (other than an application to which subsection (1A)(a)(V)(A) of that section relates)” for “An application under section 42”.

New Chapter 3A of Part 4 of the Planning and Development Regulations 2001

6. The following Chapter is inserted after Chapter 3 of Part 4 of the 2001 Regulations:

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 28th July, 2017.*

“Chapter 3A

*Further extension of duration of planning permission under subsection 42(1A) of the Act**Interpretation (Chapter 3A)*

47A. In this Chapter—

‘Act of 2016’ means the Planning and Development (Housing) and Residential Tenancies Act 2016 (No. 17 of 2016);

‘appropriate period’ has the meaning assigned to it by section 40(3) of the Act.

Content of application to further extend appropriate period

47B. An application under section 42(1A) of the Act to extend further the appropriate period as regards a particular permission shall be made in writing and shall, in addition to the requirements of subparagraph (ii) of section 42(1A)(a) of the Act, contain the following information:

- (a) the name and address of the applicant and of the person, if any, acting on behalf of the applicant;
- (b) on a separate page, the telephone number and e-mail address, if any, of the applicant and of the person, if any, acting on behalf of the applicant;
- (c) the address to which any correspondence relating to the application should be sent;
- (d) the location, townland or postal address of the land or structure concerned, as may be appropriate;
- (e) the legal interest in the land or structure held by the applicant;
- (f) the development to which the permission relates;
- (g) the date of the permission and its reference number in the register;
- (h) a statement as to whether an environmental impact assessment or an appropriate assessment, or both of those assessments, were required before the permission to which the application refers was granted;
- (i) the date on which work commenced on the development and particulars of the substantial works carried out pursuant to the permission before the expiration of the appropriate period or the extension of that period;
- (j) in the case of a permission to which section 42(1A)(a)(V)(A) of the Act applies, the date of expiry of that extended appropriate period;

- (k) in the case of a permission to which section 42(1A)(a)(V)(B) of the Act applies, the date on which the extended appropriate period will expire;
- (l) the period by which the permission is sought to be extended further;
- (m) the date on which the development is expected to be completed.

Procedure on receipt of application to further extend appropriate period

47C. (1) On receipt of an application under section 42(1A) of the Act, a planning authority shall—

- (a) stamp with the date of their receipt the documents consisting of the application, and
 - (b) consider whether the application complies with the requirements of article 47B.
- (2) (a) Where a planning authority considers that an application referred to in sub-article (1) complies with the requirements of article 47B, the authority shall send to the applicant an acknowledgement stating the date of receipt of the application.
- (b) Where a planning authority considers that an application referred to in sub-article (1) does not comply with the requirements of article 47B, the authority shall, by notice in writing, require the applicant to furnish such further particulars as may be necessary to comply with the said requirements.

Further information

47D. (1) Where a planning authority receives an application under section 42(1A) of the Act, the authority may, by notice in writing, require the applicant—

- (a) to submit such further information as it may require to consider the application (including any information regarding any estate or interest in or right over land), or
 - (b) to produce any evidence that it may reasonably require to verify any particulars or information given in or in relation to the application.
- (2) A planning authority shall not require an applicant who has complied with a requirement under sub-article (1) to submit any further information, particulars or evidence save as may be reasonably necessary to clarify the matters dealt with in the applicant's response to the said requirement or to enable those matters to be considered or assessed.

(3) Where an applicant does not comply with any requirement under this article within 4 weeks of such requirement, the planning authority shall refuse the application.

Notification of decision on application

47E. Every notification given by a planning authority of a decision on an application under section 42(1A) of the Act shall specify—

- (a) the date of the permission and its reference number in the register,
- (b) the location of the land, townland or postal address of the land or structure to which the permission relates (as may be appropriate),
- (c) the development to which the decision relates,
- (d) whether the application was made in accordance with clause (A) or (B) of section 42(1A)(a)(V) of the Act,
- (e) the date of the decision,
- (f) the nature of the decision,
- (g) in the case of a decision to extend further the appropriate period, the additional period by which that period has been extended, and
- (h) in the case of a decision to refuse to extend further the appropriate period, the reasons for such refusal.

Weekly list

47F. (1) The list made available by the planning authority in accordance with article 27 shall, in addition to the requirements of that article, include a list of any application under section 42(1A) of the Act received by the authority during that week.

(2) A list referred to in sub-article (1) shall indicate in respect of each application referred to in that sub-article—

- (a) the name of the applicant,
- (b) the location, townland or postal address of the land or structure to which the application relates (as may be appropriate),
- (c) whether the application was made in accordance with clause (A) or (B) of section 42(1A)(a)(V) of the Act, and
- (d) the date of receipt of the application.

(3) The list made available by the planning authority in accordance with article 32 shall, in addition to the requirements of that article, include a list of any decision made by the authority during that week in respect of an application under section 42(1A) of the Act.

(4) A list referred to in sub-article (3) shall indicate in respect of each decision referred to in that sub-article—

- (a) the name of the applicant,
- (b) the location, townland or postal address of the land or structure to which the application relates (as may be appropriate),
- (c) whether the application was made in accordance with clause (A) or (B) of section 42(1A)(a)(V) of the Act,
- (d) the date of the decision on the application, and
- (e) the nature of the decision made.”.



GIVEN under my Official Seal,
26 July 2017.

EOGHAN MURPHY,
Minister for Housing, Planning, 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 insert a new Chapter 3A into Part 4 of the Planning and Development Regulations 2001, as amended, prescribing matters relating to applications to planning authorities under section 42(1A) of the Planning and Development Act 2000, as amended, for a further extension of the duration of planning permissions for certain developments of 20 houses or more. The Regulations also make consequential amendments to Chapter 3 of Part 4 of the 2001 Regulations. The Regulations come into force on 9 August 2017 and apply until 31 December 2021.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54



Wt. (B32928). 285. 7/17. Essentra. Gr 30-15.