

PLANNING AND DEVELOPMENT REGULATIONS, 2001

The Minister for the Environment and Local Government, in exercise of the powers conferred on him by [sections 4 , 10 , 11 , 12 , 13 , 20 , 24 , 33 , 34 , 43 , 45 , 51 , 55 , 73 , 75 , 85 , 97 , 100 , 105 , 106 , 142 , 147 , 150 , 169 , 172 , 173 , 174 , 175 , 176 , 177 , 179 , 181 , 185 , 192 , 221](#) (9) (as inserted by [section 247](#) (k) of the [Local Government Act, 2001](#) (No. 37 of 2001)), [230 , 231 , 238 , 246 , 254](#) and [262](#) of the [Planning and Development Act, 2000](#) (No. 30 of 2000) hereby makes the following Regulations:

PART 1

Preliminary and General

Citation

1. These Regulations may be cited as the Planning and Development Regulations, 2001.

Commencement

2. (1) Parts 1, 2, 3, 5, 6, 14, 15, 16 and Chapter 1 of Part 7 and Schedules 1, 2, 11 and Forms No. 1 and 2 of Schedule 4 of these Regulations shall come into operation on 21 January, 2002.
(2) Part 4, 8, 9, 10, 11, 12, 13 and 17 and Chapter 2 of Part 7 and Schedules 3, 5, 6, 7, 8, 9, 10 and 12 and Form No. 3 of Schedule 4 of these Regulations shall come into operation on 11 March, 2002.

Interpretation.

3. (1) In these Regulations, any reference to a Schedule, Part or article which is not otherwise identified is a reference to a Schedule, Part or article of these Regulations.
(2) In these Regulations, any reference to a sub-article, paragraph or sub-paragraph which is not otherwise identified is a reference to the sub-article, paragraph or sub-paragraph of the provision in which the reference occurs.

- (3) In these Regulations, except where the context otherwise requires—

“the 1994 Regulations” mean the Local Government (Planning and Development) Regulations, 1994 ([S.I. No. 86 of 1994](#)), as amended;

“the 1998 Regulations” means the Local Government (Planning and Development) (Fees) (Amendment) (No. 2) Regulations, 1998 ([S.I. No. 128 of 1998](#));

“the 2001 Regulations” means the Local Government (Planning and Development) (Fees) Regulations, 2001 ([S.I. No. 525 of 2001](#));

“the Act” means the [Planning and Development Act, 2000](#) ;

“the Act of 1963” means the [Local Government \(Planning and Development\) Act, 1963](#) (No. 28 of 1963);

“approved newspaper” means a newspaper approved by a planning authority for the purposes of these Regulations in accordance with article 18;

“bring facility” means a facility of purpose-built receptacles in which segregated domestic wastes may be deposited by the public, provided in an area to which the public have access;

“built-up area” means a city or town (where “city” and “town” have the meanings assigned to them by the [Local Government Act, 2001](#)) or an adjoining developed area;

“DTI Strategy” has the meaning assigned to it by the Dublin Transportation Office (Establishment) Order (Amendment) Order, 1999 ([S.I. No. 337 of 1999](#));

“Dublin Docklands Area” has the meaning assigned to it by [section 4](#) of the [Dublin Docklands Development Authority Act, 1997](#) (No. 7 of 1997);

“EIS” means an environmental impact statement;

“establishment” means an establishment to which the Major Accident Regulations apply;

“gross floor space” means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions), disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to the primary purpose of the building;

“hazard” means the intrinsic property of a dangerous substance or physical situation, with a potential for creating damage to human health or the environment;

“Major Accident Regulations” means the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations, 2000 ([S.I. No. 476 of 2000](#));

“minerals” means all minerals and substances in or under land of a kind ordinarily worked by underground or by surface working for the removal but does not include turf;

“motor vehicle” means a mechanically propelled vehicle for the purposes of the [Road Traffic Act, 1961](#) (No. 24 of 1961);

“outline application” means an application for outline permission;

“outline permission” has the meaning assigned to it in section 36(6) of the Act;

“peat extraction” includes any related drainage of bogland;

“provision of an establishment” means development as a result of which an area would become an establishment;

“regional assembly” means a regional authority established by the Local Government Act, 1991 (Regional Authorities) (Establishment) Order, 1999 ([S.I. No. 226 of 1999](#));

“transboundary State” means any State, other than Ireland, which is a Member State of the European Communities or a party to the Transboundary Convention.

- (4) In these Regulations, any reference to a permission under the Act shall include a reference to a permission under the Act of 1963, and any reference to conditions to which a permission is subject shall be construed accordingly.
- (5) In these Regulations, any reference to the making available for purchase of any document shall be construed as including the making available for purchase of an extract from such document.

Revocations.

4. The Regulations mentioned in Schedule 1 are hereby revoked.

PART VI

Architectural Heritage

Record of protected structures.

51. (1) A record of protected structures shall contain—
 - (a) in respect of each protected structure—
 - (i) an identifying number,
 - (ii) an address,
 - (b) one or more maps showing the location of each protected structure to a scale that enables clear identification of such structures, and
 - (c) any other information that the planning authority considers necessary.
- (2) A map referred to in sub-article (1)(b) may, in addition to the information referred to in that sub-article, contain other information.

Prescribed bodies under section 55(1) of Act.

52. The following bodies are hereby prescribed for the purposes of section 55(1) of the Act—

- (a) the Heritage Council,
- (b) An Taisce — the National Trust for Ireland,
- (c) An Chomhairle Ealaíon, and
- (d) Bord Fáilte Éireann.

Compulsory acquisition of protected structure.

53. The prescribed documents and particulars for the purposes of section 73(4)(d) of the Act shall be—
- (a) a copy of the relevant notice published in accordance with section 72(1)(a) of the Act, and
 - (b) a copy of the relevant notice served in accordance with section 72(1)(b) of the Act.

Vesting Order.

54. (1) Form No. 1 of Schedule 4, or a form substantially to the like effect, shall be the prescribed form of vesting order in respect of a protected structure for the purposes of section 75 of the Act of 2000.
- (2) Form No. 2 of Schedule 4, or a form substantially to the like effect, shall be the prescribed form of vesting order in respect of any land or structure within an architectural conservation area for the purposes of section 75 (as applied by section 83(3) of the Act.

Prescribed bodies under section 85 of Act.

55. The following bodies are hereby prescribed for the purposes of section 85(2)(a) of the Act—
- (a) the Minister for Arts, Heritage, Gaeltacht and the Islands,
 - (b) the Heritage Council,
 - (c) An Taisce — the National Trust for Ireland,
 - (d) An Chomhairle Ealaíon,
 - (e) Bord Fáilte Éireann, and
 - (f) the appropriate chamber of commerce.