



STATUTORY INSTRUMENTS.

S.I. No. 588 of 2021

PLANNING AND DEVELOPMENT (AMENDMENT) (NO.3)
REGULATIONS 2021

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I, PETER BURKE, Minister of State at the Department of the Housing, Local Government and Heritage in exercise of the powers conferred on me by sections 33, 37I, 97, 177N and 262 of the Planning and Development Act, 2000 (No. 30 of 2000) (as adapted by the Housing, Planning and Local Government (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 408 of 2020)) and by the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2020 (S.I. No. 559 of 2020), hereby make the following regulations:

Citation

1. (1) These Regulations may be cited as the Planning and Development (Amendment) (No.3) Regulations 2021.
- (2) The collective citation “Planning and Development Regulations 2001 to 2021” includes these Regulations.

Interpretation

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

Amendment of article 18 of the Principal Regulations

3. Article 18(1)(d)(iv) of the Principal Regulations is amended by substituting “an integrated pollution control licence, an industrial emissions licence” for “an integrated pollution prevention and control licence”.

Amendment of article 27(2) of the Principal Regulations

4. Article 27(2) of the Principal Regulations is amended by substituting “the Data Protection Acts 1998 to 2018” for “the Data Protection Acts 1998 and 2003”.

Amendment of article 49 of the Principal Regulations

5. Article 49 of the Principal Regulations is amended:
 - (a) in paragraph (a) by inserting “in respect of the land on which it is proposed to carry out the development or land in its immediate vicinity” after “Act”;
 - (b) in paragraph (b) by substituting “4 or fewer” for “9 or fewer”.

Amendment of article 224 of the Principal Regulations

6. Article 224(c)(iii) of the Principal Regulations is amended by substituting “an integrated pollution control licence, an industrial emissions licence” for “an integrated pollution prevention and control licence”.

Amendment of Schedule 3 of the Principal Regulations

7. Schedule 3 of the Principal Regulations is amended:

- (a) in Section 16 of Form No. 2, Planning Application Form, by inserting “If the answer to the above question is “yes” but you consider that paragraph (j) of section 96(3) would be applicable, evidence of when the site was purchased should be submitted.” after “provisions in Part V of the Act”;
- (b) in Section 17 of Form No. 2, Planning Application Form, by substituting “Does the application relate to a development which comprises or is for the purposes of an activity requiring a licence from the Environmental Protection Agency other than a waste licence?” for “Does the application relate to a development which comprises or is for the purposes of an activity requiring an integrated pollution prevention and control licence?”;
- (c) in Section 23 of Form No.2, Planning Application Form, by inserting “Where an application is made in electronic form with the consent of the Planning Authority under article 22(3) of the Principal Regulations valid login credentials will replace the need for a signature and satisfy the declaration.” after “and the Regulations made thereunder.”;
- (d) in paragraph 7 of the ‘Directions for completing this form’ pursuant to Form No. 2, Planning Application Form, by substituting “there is an application for the development of houses on land” for “the land is zoned for residential use or for a mixture of residential and other uses, • there is an objective in the Development Plan for the area for a percentage of the land to be made available for social and/or affordable housing”;
- (e) in paragraph 8 of the ‘Directions for completing this form’ pursuant to Form No. 2, Planning Application Form, by substituting “4 or fewer” for “9 or fewer”;
- (f) in paragraph 14 of the ‘Directions for completing this form’ pursuant to Form No. 2, Planning Application Form,, by inserting “In the case where a mandatory section 247 consultation is prescribed in the Planning and Development Act 2000, this consultation must be completed prior to lodging a planning application.” after “in advance of the planning application being submitted.”;
- (g) in paragraph 13 of the ‘Directions for completing this form’ pursuant to Form No. 11, Form of request to An Bord Pleanála to enter into consultations in relation to a proposed strategic

- housing development, by substituting “there is an application for the development of houses on land” for “the land is zoned for residential use or for a mixture of residential and other uses, • there is an objective in the Development Plan for the area for a percentage of the land to be made available for social and/or affordable housing”;
- (h) in paragraph 14 of the ‘Directions for completing application form’ pursuant to Form No. 14, Form of Application to An Bord Pleanála in respect of proposed strategic housing development, by substituting “there is an application for the development of houses on land” for “the land is zoned for residential use or for a mixture of residential and other uses, • there is an objective in the Development Plan for the area for a percentage of the land to be made available for social and/or affordable housing”;
- (i) in Section 13 of Form No. 7, Application to An Bord Pleanála for substitute consent, by substituting “Does the application relate to a development which comprises or is for the purposes of an activity requiring a licence from the Environmental Protection Agency other than a waste licence?” for “Does the application relate to a development which comprises or is for the purposes of an activity requiring an integrated pollution prevention and control licence?”.

GIVEN under my hand,
4 November 2021

PETER BURKE,
Minister of State at the Department of Housing, Local Government
and Heritage.

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, as amended (the Principal Regulations).

The purpose of these Regulations is to facilitate amendments to Part V of the Planning and Development Act, 2000, as amended, that were made by the Affordable Housing Act 2021 in relation to the number of units specified and by qualifying that the certificate that remains in force is one in respect of land for which the new certificate is being sought or land in its immediate vicinity.

The Part V requirement is no longer linked to development plan objectives and it applies regardless of whether the development is on zoned land or is being permitted on unzoned land as a material contravention.

The regulations update the references to data protection legislation to bring them up to date, the citation now reads as the “Data Protection Acts 1998 to 2018”.

The regulations update the reference to “integrated pollution prevention and control licence” (IPPC) in articles 224 and 18(1)(d)(iv) of the Principal Regulations. This licence regime falls under the EPA Act, 1992 as amended and its associated regulations. The IPPC licence was replaced with the Industrial Emissions (IED) Licence and the Integrated Pollution Control (IPC) Licence.

The regulations make one amendment to the declaration on the application form to provide for a valid declaration where the application is made in electronic form. In circumstances where a hand written signature is not possible such as where an application is made online via the ePlanning portal then valid login credentials will meet the requirement of the declaration.

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