



STATUTORY INSTRUMENTS.

S.I. No. 647 of 2022

PLANNING AND DEVELOPMENT (AMENDMENT)(NO. 3)
REGULATIONS 2022

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I, PETER BURKE, Minister of State at the Department of Housing, Local Government and Heritage, in exercise of the powers conferred on me by section 173(3)(c), and section 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. 559 of 2020), hereby make the following regulations:

Citation and construction

1. (1) These Regulations may be cited as the Planning and Development (Amendment) (No. 03) Regulations 2022.
- (2) These Regulations shall be included in the collective citation the Planning and Development Regulations 2001 to 2022.

Interpretation

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

Amendment of Article 95 of the Principal Regulations

3. Article 95(2)(a) of the Principal Regulations is substituted by the following article:

“95.

- (2) (a) A planning authority or the Board shall, as soon as may be after receiving a request, under section 146CA or 173 of the Act or article 117, for a written opinion –
 - (i) give notice of having received the request to:
 - (I) the Minister for Housing, Local Government and Heritage,
 - (II) the Environmental Protection Agency,
 - (III) the Minister for the Environment, Climate and Communications,
 - (IV) in the case of the Board, the relevant planning authority,
 - (V) in the case of a planning authority, the Board,

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 13th December, 2022.*

(VI) where it appears to the authority that the proposed development would be likely to have significant effects on the environment in a transboundary State, to the relevant transboundary States, as appropriate, and

(VII) any other body referred to in article 28, as appropriate,

indicating that a submission or observation in relation to the information to be contained in the EIAR may be made to the authority or the Board, as appropriate, within 4 weeks beginning on the date of the notice, and

(ii) notify the person or local authority who made the request of the bodies to whom the notice was given under subparagraph (i) and advise that a submission or observation in relation to the information to be contained in the EIAR may be made to the authority or the Board, as appropriate, within 4 weeks beginning on the date of the notice.”

Amendment of Article 211 of the Principal Regulations

4. Article 211 of the Principal Regulations is substituted by the following article:

“211.

(1) The specified bodies for the purposes of sections 37D(2)(a), 181C(3) and 182E(3) shall be—

- (i) the Minister for Housing, Local Government and Heritage
- (ii) the Environmental Protection Agency,
- (iii) the Minister for the Environment, Climate and Communications,
- (iv) the relevant planning authority, and
- (v) where it appears to the authority the proposed development would be likely to have significant effects on the environment in a transboundary State, to the relevant transboundary States, as appropriate.

(2) In addition to the provisions of sub-article (1), the Board may invite submissions or observations in relation to the information to be contained in the EIAR from the bodies referred to in Article 213, as appropriate.”

GIVEN under my Hand,
8 December 2022

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

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