

# Amendments to the Planning and Development Regulations 2001

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# Purpose of the Presentation

- To provide background information in relation to the implementation of the revised regulations
- To outline the main points in the document relating to the submission of planning applications
- Detail the procedures the planning authority are carrying out to allow for ease of implementation

# Statutory Background and Purpose of the Amendments

- Guidelines intended
  - to update and amend the Planning and Development Regulations 2001 and make changes and updates to the Development Management System
  - to underpin the new strategic consent procedure established under the Planning and Development (Strategic Infrastructure) Act 2006
- Articles relating to the strategic consent procedure – came into force 31st January 2007. The remaining articles, which deal with the development management process come into force on the 31st March 2007.
- Schedule of amendments issued by Department and signed by Minister Dick Roche on the 21<sup>st</sup> December 2006

# Transitional Arrangements relating to Planning Application Process

Transitional arrangements to remain in force until 1<sup>st</sup> June 2007

- All valid applications received prior to the 31<sup>st</sup> March shall remain valid
- Where a site visit in relation to an application received before the 31<sup>st</sup> March shows that the previous requirements have been met, the application shall not be invalidated
- no application received after the 31<sup>st</sup> March but before 1<sup>st</sup> June shall be deemed invalid if the requirements in place prior to the 31<sup>st</sup> March are met.

# Site/Newspaper Notice Changes

- **Alteration to include a “brief description of” the nature and extent of development**
- **Change in the name of the integrated pollution control licenses to an integrated pollution prevention and control licenses**
- **Insert in notices that the planning application may be inspected, or purchased “at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authorities during its opening hours”**
- **A yellow repeat notice need not be used unless an earlier valid application has been made**
- **Requirement to remove site notice after notification of planning authority decision**
- **Permitted to allow a copy of the page of the newspaper (including date and title) to be submitted**

# Changes in relation to initial submission of planning application

- Allow location maps to be of such a scale as may be agreed with the planning authority prior to submission of planning application
- Allow location of the site notice to be indicated on the location plan, removing previous requirement to supply separate plan

## Accompaniment to the Planning Application

- Requirement to submit details of suitability of site for on site waste water treatment system
- Remove requirement to supply schedule of the required maps and drawings
- Requirement for a letter of consent from the owner of the site where the applicant is not the legal owner

# Changes in relation to initial submission of planning application (continued)

- LPA may consent to the receipt of the application in electronic form
- Floor plans do not need to be provided for a building to be demolished (except protected structures or proposed structure)
- The Planning Authority may, in addition to the prescribed information, request additional information to be submitted with the application – failure to provide this information will not be reason for invalidation
- Regulations amended to allow site or layout plans to be of a scale other than 1:500, to be agreed with LPA
- Requirement for all elevations to show contiguous buildings

# Changes in relation to initial submission of planning application (continued)

- North point still required to be indicated on all maps/plans apart Ordnance survey
- Under article 23 (2) the previous requirement for applications in Architectural Conservation areas and proposed Architectural Conservation areas have been removed
- Where the LPA considers appropriate a Transport Assessment may be required
- LPA may request other types of material necessary to assess the application – also allows a scale model to be requested not only of the proposed development but also of lands and buildings in the vicinity



# Internal Local Authority Procedures - Changes

- If site visit shows that information shown in the application is untrue/incomplete the application may be invalidated at that stage - also may be invalidated on the grounds that the maintenance of site notice in place has not been complied with
- Requirement for LPA to enter an indication that an invalid application was made on the register, not the details
- LPA required to send copies of location plans as well as applications to prescribed bodies; must give all documents to prescribed body on request; if a submission made by a prescribed is received before the LPA makes its decision it must be taken into account by the LPA
- From persons other than prescribed bodies, where submissions are received after the 5 week deadline they shall be returned

# Internal Local Authority Procedures

## – Changes (continued)

- LPA can receive/accept third party submissions/documents on the day after the expiration of the prescribed period where the last day of the prescribed period is a public holiday/day on which LPA offices are closed
- Alteration to the procedures allowing that the LPA may, with the consent of the persons concerned send notice in electronic form and may consent to the submission of observations in electronic form
- Requirement for the LPA to inform persons who made a submission when that application has been withdrawn
- Planning decisions made in a particular week be published within 5 working days of the end of that week, rather than 3 working days

# Further Information Procedures

- Deleted the section in the existing regulations preventing LPA from seeking further information on matters relating to newspaper notice, site notice and matters covered on application form
- Amendment to allow withdrawal of application where clarification of further information is not supplied within 6 months
- **Permitted to allow LPA to agree a longer period for receipt of further information, up to an additional 3 months (intended to cover EIS applications)**
- Provision for the LPA – when invited to the Planning Authority to submit revised plans within 8 weeks may indicate, still within 8 weeks, whether they intend to avail of that opportunity and consent to an extension of time for the making of the decision

# Further Information Procedures (continued)

- On receipt of further information if the LPA considers the information contains “significant additional data” the LPA shall specify a deadline for the public notice in the newspaper and its submission to the planning authority; that the notice to make reference to the fact that further information/revised plans may be inspected or purchased at the office of the LPA “during its public working hours” – also a two week deadline (five week in relation to an application accompanied by an EIS) for the making of submissions on further information is being introduced – a person may make submissions from the time they become aware of the significant further information until two weeks after the receipt of the notices by the planning authority

# Further Information Procedures - continued

- New requirement for a site notice regarding Further Information/Revised Plans and its submission to the LPA (similar requirements made to site notice) – allowance made to allow the LPA to require further site notices where they consider the original notice did not adequately inform the public
- Additional period given in considering applications where there is further information (4 weeks normally but 8 weeks in the case of applications where accompanied by EIS) does not commence in cases where there is significant additional data until the applicant has submitted to the LPA copies of the newspaper and site notice as required above
- Requirement for the LPA to acknowledge receipt of submissions received on further information using standard form – allow right of persons to allow decision to ABP

# Local Authority Developments - changes

- Amended to provide that documentation in relation to proposed local authority development will be available for purchase as well as inspection
- The period for inspection of plans and particulars relating to developments by state authorities has been extended from 4 weeks to 6 weeks

# Environmental Impact Assessment - Changes

- Under the scoping procedure there is a requirement to provide a site location map, with boundary outlined in red
- Where LPA considers that a sub threshold application requires an EIS the LPA shall place, and keep, with the planning application the main reasons and consideration for the decision
- Where the Local Authority is carrying out development in certain sensitive locations the LPA shall place, and make available for purchase as well as inspection, the main reasons and consideration for that decision

# Additional Elements - changes

- Transboundary procedures
- Strategic infrastructure development – sets out in detail the procedures involved in the Planning and Development (Strategic Infrastructure) Act 2006
- Read the full document and guidance notes
  - Available on [www.environ.ie](http://www.environ.ie)



# Local Authority - Implementation

- Planning Section have prepared
  - Revised site notices
  - Revised application forms
  - Revised site notice of further information/ revised plans

## Additional Information Forms available

- For agricultural development
- For proposals for residential dwellings in areas of strong urban influence - a rural needs form is required