

STATUTORY INSTRUMENTS.

S.I. No. 364 of 2005.

**PLANNING AND DEVELOPMENT REGULATIONS
2005.**

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PLANNING AND DEVELOPMENT REGULATIONS 2005

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by sections 4, 176 and 262 of the Planning and Development Act 2000 (No. 30 of 2000), hereby makes the following Regulations:

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| Citation. | 1. | (1) These Regulations may be cited as the Planning and Development Regulations 2005. |
| | | (2) These Regulations and the Planning and Development Regulations 2001 to 2004 shall be construed as one and may be collectively cited as the Planning and Development Regulations 2001 to 2005. |
| Interpretation. | 2. | In these Regulations, except where the context otherwise requires, "the Regulations" means the Planning and Development Regulations 2001 (S.I. No. 600 of 2001). |
| Amendment of Article 5(1) of Regulations. | 3. | Article 5(1) of the Regulations is hereby amended by the substitution of the following definition for the definition of 'shop': " 'shop' means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public - (a) for the retail sale of goods, (b) as a post office, (c) for the sale of tickets or as a travel agency, |

- (d) for the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and “wine” is defined as any intoxicating liquor which may be sold under a wine retailer’s off-licence (within the meaning of the Finance (1909-1910) Act, 1910), 10 Edw. 7. & 1 Geo. 5, c.8,
- (e) for hairdressing,
- (f) for the display of goods for sale,
- (g) for the hiring out of domestic or personal goods or articles,
- (h) as a launderette or dry cleaners,
- (i) for the reception of goods to be washed, cleaned or repaired,

but does not include any use associated with the provision of funeral services or as a funeral home, or as a hotel, a restaurant or a public house, or for the sale of hot food or intoxicating liquor for consumption off the premises except under paragraph (d), or any use to which class 2 or 3 of Part 4 of Schedule 2 applies;”.

Amendment of Schedule 2 of Regulations.

4.

Part 3 of Schedule 2 of the Regulations is hereby amended by the substitution for Class 17 of the following –

“

| Column 1 Description of Development | Column 2 Conditions and Limitations |
|--|--|
| <p><i>Peat extraction</i></p> <p>CLASS 17</p> <p>(a) Peat extraction in a new or extended area of less than 10 hectares, or</p> <p>(b) Peat extraction in a new or extended area of 10 hectares or more, where the drainage of the bogland commenced prior to the coming into force of these Regulations.</p> | <p>1. No such peat extraction shall be likely to have significant effects on the environment by reference to the criteria set out in <i>Schedule 7</i>.</p> <p>2. Paragraph 1 shall not apply to peat extraction -</p> |

| | |
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| | <p>(i) on a European site where such development is regulated by the European Communities (Natural Habitats) Regulations 1997, or any Regulations or enactment amending or replacing those Regulations, or</p> <p>(ii) on a site prescribed under article 12 where such development is regulated by the Wildlife (Amendment) Acts 1976 and 2000, or any enactment amending or replacing those Acts.</p> |
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”

Amendment of
Schedule 5 of
Regulations

5.

Schedule 5 of the Regulations is amended –

(a) by the addition in Part 1 of the following paragraph:

“22. Any change to or extension of projects listed in this Annex where such a change or extension in itself meets the thresholds, if any, set out in this Annex.”

and

(b) in Paragraph 13(a), by substituting, “Any change or extension of development (not

being a change or extension referred to in Part 1)", for, "Any change or extension of development".

GIVEN under the Official Seal of the Minister for the Environment, Heritage and Local Government this 14th day of July 2005.

L.S. Dick Roche
Minister for the Environment, Heritage
and Local Government.

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 to provide that a shop changing its use to an off-licence would require planning permission.

These Regulations amend the provisions in relation to peat extraction in the Planning and Development Regulations 2001 to facilitate consideration of the need for the Environmental Impact Assessment (EIA) of projects which are likely to have significant effects on the environment by reference to the criteria set out in Schedule 7 of the Regulations.

The Regulations also amend Parts I and II of Schedule 5 of the Planning and Development Regulations 2001 to the effect that any change to, or extension of, a project listed therein will in itself require EIA where such change or extension meets any relevant threshold set out in the Schedule.