



Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government

21 July 2015

Circular Letter PL 3/15

To: Directors of Planning Services City and County Councils, An Bord Pleanála

CC: Chief Executives City and County Councils

**European Union (Environmental Impact Assessment and Habitats) Regulations 2015, S.I. No 301 of 2015
Planning and Development (Amendment) No. 2 Regulations 2015, S.I. No. 310 of 2015,**

I wish to inform you that amendments have recently been made to the Planning and Development Act 2000 and the Planning and Development Regulations 2001 in relation to quarries and the substitute consent process.

The European Union (Environmental Impact Assessment and Habitats) Regulations 2015, S.I. No 301 of 2015 were signed by the Minister on 14 July 2015 and became operative on that date.

The purpose of these Regulations is to permit quarry operators who are required to submit applications to An Bord Pleanála for substitute consent in respect of their quarries pursuant to S.261A, to at same time submit applications to the Board for Part III permission for prospective development. The Board will consider the applications together, which will allow both past development and proposed future development in the quarry to be considered in a holistic manner.

These Regulations amend the Planning and Development Act 2000, by inserting new **sections 37L, 37M, 37N, 37O, 37P and 37Q.**

S.37L provides for the making of such applications to the Board, within 6 weeks of the making of a substitute consent application. However, where an application for substitute consent pursuant to S.261A was received by the Board prior to 14 July 2015, and the substitute consent applicant wishes to submit an application under S.37L, he/she should inform the Board in writing of this (S.37L(7)) as soon as possible. In that case the Board will not make a decision on the substitute consent application before -

- 6 months from 14th July
 - the date the application under S.37L is received
 - the date the substitute consent applicant informs the Board he/she no longer intends to submit an application under S.37L
- whichever is the earlier.

Where an application for permission under S.37L is submitted within the time limit provided, it will be considered by the Board in conjunction with the substitute consent application (S.37L(8)).

When the Board receives an application under S.37L it will send a copy of the application and all accompanying documentation to the relevant planning authority (S.37L(10)).

Where the Board request the planning authority to supply a report setting out its view on the S.37L application, this must be furnished to the Board within 6 weeks; however the Board may agree on request to an extension of this period, not exceeding 6 weeks. (S.37L(12)).

The Board may also request the relevant planning authority to supply further information (S.37L(13)).

S.37M contains supplemental provisions to S.37L.

S.37N relates to the decision of the Board on the application, including the matters to which the Board must have regard. **S.37O** contains supplemental provisions to the Board's decision, including the forwarding of the decision to the relevant planning authority and the entering of the decision on the planning register. The Board is also required to publish a notice of its decision on its website, which includes information on judicial review. Where the decision is to grant permission the Board will make the grant of permission as soon as possible after the decision.

S.37P provides for the making of Regulations, **S.37Q** provides for a statutory objective of 18 weeks for the Board to make decisions on applications under S.37L.

The Planning and Development Regulations 2001 have also been amended, by the **Planning and Development (Amendment) No. 2 Regulations 2015, S.I. No. 310 of 2015**, by the insertion of a new **Part 21** (Articles 263 to 282) to deal with the procedural aspects of S.37L quarry applications, which to a large extent mirrors Part 4 of the Regulations. S.I. 310 of 2015 was signed on 16 July 2015 and became effective on that date.

The new **Articles 263 and 264** provide for the newspaper notice in relation to the application. The newspaper notice must be headed "Application to An Bord Pleanála for permission in relation to a quarry; S.37L of the Planning and Development Act, 2000".

Articles 265 and 266 provide for the site notice, and a new site notice has been prescribed for this purpose, Form No. 10 of Schedule 3 (Article 5 of these Regulations, i.e. S.I. 310 of 2015). As stated on the site notice, submissions may be made to the Board free of charge on these applications.

Article 267 refers to the planning application form: the same form should be used as in a S.34 planning application i.e. Form No. 2 of Schedule 3.

Article 268 provides for the validation of the application by the Board, **Article 269** provides for the making of the application available for public inspection by the Board and by the relevant planning authority (when it receives a copy pursuant to S.37L(10)).

Articles 270 and 271 provide for submissions from prescribed bodies and from the public, respectively.

Article 273 relates to further information: where the Board requests and obtains further information in relation to an application under S.37L, it will make it available for inspection, and

also forward a copy to the relevant planning authority, who will also make it available for inspection. **Article 277** provides for the publication of a notice by the Board where it considers that further information contains significant additional data, and the making of submissions in that case.

Articles 274 to 276 provide for EIA/AA screening, and the seeking of an EIS/Natura Impact Statement where appropriate.

Article 278 and 279 provide that where the Board seek an EIS or Natura Impact Statement, it will make it available for inspection with the planning application as soon as possible, and will forward a copy to the relevant planning authority, which will do likewise.

Article 280 provides for inclusion on the Board's weekly list, **Article 28** provides for a minimum time period for making a decision.

Article 282 provides for notification of the Board's decision on the application: this is also provided for in S.370 of the Act, including the requirement for the planning authority to record the decision on the planning register.

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