



STATUTORY INSTRUMENTS.

S.I. No. 609 of 2011



EUROPEAN UNION (SUBSTITUTE CONSENT) REGULATIONS 2011

(Prn. A11/2147)

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EUROPEAN UNION (SUBSTITUTE CONSENT) REGULATIONS 2011

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Council Directive 85/337/EEC¹ of 27 June 1985 and Council Directive 92/43/EEC² of 21 May 1992, hereby make the following regulations:

Citation and Commencement

1. (a) These Regulations may be cited as the European Union (Substitute Consent) Regulations 2011.

(b) These Regulations shall come into force on the date of signature.

Interpretation

2. In these Regulations—

“Act of 2000” means the Planning and Development Act 2000;

“Act of 2010” means the Planning and Development (Amendment) Act 2010.

Amendment of section 177B of the Act of 2000

3. (1) Section 177B (inserted by section 57 of the Act of 2010) of the Act of 2000 is amended—

(a) in subsection (3)—

(i) in paragraph (a) by the substitution of “confirm or amend the notice” for “confirm the notice”, and

(ii) in paragraph (b) by the substitution of “under subsection (2)(d), confirm, amend or withdraw the notice” for “under subsection (2)(d), subject to subsection (4), decide to confirm or withdraw the notice”,

(b) by the deletion of subsection (4),

(c) in subsection (5) by the substitution of “the withdrawal, amendment or confirmation of” for “the withdrawal or confirmation of”,

(d) in subsection (6)—

(i) by the substitution of the following for paragraph (a):

¹O.J. L175 5.7.1985 p 40

²O.J. No. L206, 22.7.1992

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 29th November, 2011.

“(a) Where the decision of the planning authority is to confirm or amend the notice under subsection (3)(a), the notification referred to in subsection (5) shall also contain—

(i) in a case where the notice is confirmed or amended under subsection (3)(a), a direction to apply for substitute consent not later than 12 weeks after the giving of the notification under subsection (2), or

(ii) at the discretion of the planning authority, and only in a case where the notice is amended under subsection (3)(a), a direction to apply for substitute consent not later than 12 weeks after the giving of the notification under subsection (5).”, and

(ii) in paragraph (b), by the insertion of “or amend” after “confirm”, and

(e) in subsection (8), by the substitution of “confirmation, amendment” for “confirmation”.

(2) The amendments effected by paragraph (1) shall also apply to a notice given under section 177B prior to the coming into operation of this Regulation.

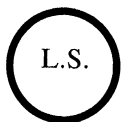
Amendment of Section 177E of the Act of 2000

4. Section 177E (inserted by section 57 of the Act of 2010) of the Act of 2000 is amended—

(a) by the insertion of the following new subsection after subsection (1):

“(1A) The Board, at its own discretion and at the request of a person who has been given a notice by a planning authority under section 177B or who has received leave to apply for substitute consent under section 177D, may enter into consultations with the person before that person makes an application for substitute consent.”, and

(b) in subsection (3) by the insertion of “unless the Board considers that the matter may be remedied by the submission of further information by the applicant and such further information sought by the Board is submitted by the applicant within the period specified by the Board” after “invalid”.



GIVEN under my Official Seal,
24 November 2011.

PHIL HOGAN, T.D.,
Minister for the Environment, Community and
Local Government.

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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