



STATUTORY INSTRUMENTS.

S.I. No. 565 of 2022



PLANNING AND DEVELOPMENT (AMENDMENT)(NO. 2)
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 33 of the Planning and Development Act 2000 (No. 30 of 2000), as amended, (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. 559/2020), hereby make the following regulations:

Citation and construction

1. (1) These Regulations may be cited as the Planning and Development (Amendment)(No. 2) 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);

Content of planning applications generally

3. The Principal Regulations are amended —

(a) in article 22(2) by substituting for paragraph (g) the following:

“(g) where the applicant is not the legal owner of the land or structure concerned —

- (i) the written consent of the owner to make the application, or
- (ii) in the case of a proposed development, or part of a proposed development, that is in, on, over or under a public road, written confirmation that the proposed development concerned is to be undertaken by a statutory undertaker having a right or interest to provide services in connection with the proposed development, or
- (iii) in the case of a proposed development, or part of a proposed development, where the applicant is Irish Water and it is the intention of the applicant to compulsorily acquire the land for the purpose of such development, written confirmation of the intention of such applicant to

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 11th November, 2022.*

compulsorily acquire the land in question should planning permission be granted for the proposed development, and the statutory provision or provisions under which it intends to seek the compulsorily acquisition of such lands”,

and

- (b) in Schedule 3, in the accompanying documents checklist at the end of Form No. 2, by inserting “or article 22(2)(g)(iii)” after “article 22(2)(g)(ii)”.



GIVEN under my Official Seal,
9 November, 2022.

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

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

This amendment enables Irish Water to apply for planning permission for infrastructure on land where it is not the landowner but where it would be the intention of Irish Water to compulsorily acquire the land in the event planning permission is granted.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Teil: 046 942 3100
r-phost: publications@opw.ie

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