

(iii) the removal, within a specified time, of any fair-ground equipment, temporary buildings or structures, plant, machinery or similar equipment which the authority believes is intended to be used in relation to the funfair, and

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(iv) the restoration of the land to its prior condition within a specified time.

(c) A person who is served with a notice under *paragraph (a)* and who fails to comply with the requirements of the notice shall be guilty of an offence.

(d) Where a person fails to comply with a notice served on the person under this section, the local authority concerned may, through its employees or agents—

(i) give effect to the terms of the notice, and

(ii) where necessary for that purpose, enter on the land concerned,

and may recover the expenditure reasonably incurred by it in so doing from the person as a simple contract debt in any court of competent jurisdiction.

(e) A person who obstructs or impedes the local authority in the performance of its functions under *paragraph (d)* shall be guilty of an offence.

**240.**—(1) Subject to *subsection (2)*, the holding of an event to which this Part applies and works directly or solely relating to the holding of such an event shall not be construed as “development” within the meaning of this Act.

Exclusion of events and funfairs from planning control.

(2) (a) Notwithstanding *section 230* or *239*, the provisions of this Part shall not affect the validity of any planning permission granted under Part IV of the Act of 1963 for the holding of an event or events or for a funfair.

(b) Where a planning permission referred to in *paragraph (a)* has been granted for the holding of an event or events in respect of land, a licence under this Part shall be required for the holding of any additional event on the land concerned.

**241.**—The Minister may make regulations providing that any activity or class of activity to which the public have access and which takes place wholly or mainly in the open air or in a structure with no roof or a partial, temporary or retractable roof, a tent or other similar temporary structure to be an event for the purposes of this Part.

Regulations for event.

## PART XVII

### Financial Provisions

**242.**—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Expenses of administration of Minister.

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Charging of expenses of planning authority that is council of a county.

**243.**—Expenses under this Act of a planning authority that is the council of a county shall be charged on the county (exclusive of every borough and urban district therein).

Apportionment of joint expenses of planning authorities.

**244.**—(1) Two or more planning authorities may, by resolution, make and carry out an agreement for sharing the cost of performing all or any of their functions under this Act and, where an agreement has been made under this subsection, the planning authorities concerned may, by resolution, terminate it at any time if they so agree.

(2) Where a planning authority proposes to perform in its functional area a function under this Act at the request of or wholly or partially in the interests of the area of another planning authority (being a planning authority whose area is contiguous with the area of the first-mentioned planning authority), the other planning authority shall defray the cost of the performance of the function to such extent as may be agreed upon between the authorities or, in default of agreement, as may be determined by the Minister.

Power to set-off.

**245.**—Where a sum is due under this Act to any person by a planning authority and, at the same time, another sum under this Act is due by that person to that authority, the former sum may be set-off against the latter either, as may be appropriate, in whole or in part.

Fees payable to planning authorities.

**246.**—(1) The Minister may make regulations providing for—

- (a) the payment to planning authorities of prescribed fees in relation to applications for—
  - (i) permission under *Part III*, or
  - (ii) extensions or further extensions under *section 42*,
- (b) the payment to planning authorities of prescribed fees in relation to the making of submissions or observations respecting applications for permission referred to in *paragraph (a)*,
- (c) the payment to planning authorities of prescribed fees in relation to requests for declarations under *section 5*,
- (d) the payment to local authorities of prescribed fees in relation to applications for grants of licences under *section 231* or for certificates of safety under *section 239*, and
- (e) the payment to planning authorities of prescribed fees in relation to applications for grants of licences under *section 254*,

and the regulations may provide for the payment of different fees in relation to cases of different classes or descriptions, for exemption from the payment of fees in specified circumstances, for the waiver, remission or refund (in whole or in part) of fees in specified circumstances and for the manner in which fees are to be disposed of.

(2) The Minister may prescribe that the fee payable to the authority for an application for permission under *section 34(12)* shall be an amount which shall be related to the estimated cost of the development, or the unauthorised part thereof, as the case may be.

(3) (a) Where, under regulations made under this section, a fee is payable to a planning authority or local authority by an applicant in respect of an application under *paragraph (a), (d) or (e) of subsection (1)* or by a person making a request for a declaration under *paragraph (c) of subsection (1)*, the application shall not be decided, or the declaration issued, unless the authority is in receipt of the fee.

(b) With regard to applications under *paragraph (a) of subsection (1)*, notwithstanding anything contained in *section 34(8) or 42(2)*, a decision of a planning authority shall not be regarded, pursuant to any of those sections, as having been given on a day which is earlier than that which is 8 weeks after the day on which the authority is in receipt of the fee, and *sections 34(8) and 42(2)* shall be construed subject to and in accordance with the provisions of this paragraph.

(4) Where under regulations under this section a fee is payable to a planning authority or local authority and the person by whom the fee is payable is not the applicant for a permission, approval or licence, submissions or observations made, as regards the relevant application, appeal or referral by or on behalf of the person by whom the fee is payable, shall not be considered by the planning authority or local authority unless the fee has been received by the authority.

(5) A planning authority shall specify fees for the making of copies under *sections 7, 16(1) and 38(4)*, not exceeding the reasonable cost of making such copies.

## PART XVIII

### Miscellaneous

**247.—**(1) A person who has an interest in land and who intends to make a planning application may, with the agreement of the planning authority concerned (which shall not be unreasonably withheld), enter into consultations with the planning authority in order to discuss any proposed development in relation to the land and the planning authority may give advice to that person regarding the proposed application.

Consultations in relation to proposed development.

(2) In any consultations under *subsection (1)*, the planning authority shall advise the person concerned of the procedures involved in considering a planning application, including any requirements of the permission regulations, and shall, as far as possible, indicate the relevant objectives of the development plan which may have a bearing on the decision of the planning authority.

(3) The carrying out of consultations shall not prejudice the performance by a planning authority of any other of its functions under this Act, or any regulations made under this Act and cannot be relied upon in the formal planning process or in legal proceedings.

(4) (a) In order to satisfy the requirements of this section, a planning authority may specify that consultations may be held at particular times and at particular locations and the authority shall not be obliged to enter into consultations otherwise than as specified by it.