

(6) *Subsection (2)* shall not apply in relation to the functions under the Public Health (Ireland) Act, 1878, the Local Government Act, 1925, or the Water Supplies Act, 1942, which are transferred to the Board under *section 214*. Pt.XIV S.221

(7) For the purposes of meeting its duty under this section, the chairperson may, or shall when so directed by the Minister, assign the functions transferred to the Board under *sections 214* and *215* to a particular division of the Board in accordance with *section 112*.

(8) The Board shall include in each report made under *section 118* a statement of the number of matters which the Board has determined within a period referred to in *paragraph (a)* or *(b)* of *subsection (2)* and such other information as to the time taken to determine such matters as the Minister may direct.

222.—Section 10 (inserted by section 86 of the Housing Act, 1966) of the Local Government (No. 2) Act, 1960, is hereby amended— Amendment of section 10 of Local Government (No. 2) Act, 1960.

(a) by the deletion of subsection (2), and

(b) in subsection (4), by the substitution for paragraph (d) of the following paragraph:

“(d) Where—

(i) an order is made by virtue of this section, and

(ii) there is a public right of way over the land to which the order relates or any part thereof or over land adjacent to or associated with the land or any part thereof,

the order may authorise the local authority, by order made by them after they have acquired such land or part, to extinguish the right of way.”.

223.—(1) A reference in any regulations, prescribed forms or other instruments made under the enactments referred to in *section 214* or *215* to the Minister, and which relate to the functions transferred under those sections, shall be deemed to be references to the Board. References to transferred functions in regulations, etc.

(2) A reference in any regulations, prescribed forms or other instruments made under the enactments referred to in *section 214* or *215* to local inquiries or public local inquiries, and which relate to functions transferred to the Board under those sections, shall be deemed to be references to oral hearings by the Board.

PART XV

Development on the Foreshore

224.—In this Part—

Definition.

“development” includes development consisting of the reclamation of any land on the foreshore;

“foreshore” has the meaning assigned to it by the Foreshore Act, 1933, but includes land between the line of high water of ordinary or

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medium tides and land within the functional area of the planning authority concerned that adjoins the first-mentioned land.

Obligation to obtain permission in respect of development on foreshore.

225.—(1) Subject to the provisions of this Act, permission shall be required under *Part III* in respect of development on the foreshore not being exempted development, in circumstances where, were such development carried out, it would adjoin—

- (a) the functional area of a planning authority, or
- (b) any reclaimed land adjoining such functional area,

and accordingly, that part of the foreshore on which it is proposed to carry out the development shall for the purposes of making an application for permission in respect of such development be deemed to be within the functional area of that planning authority.

(2) That part of the foreshore on which a development has been commenced or completed pursuant to permission granted under *Part III* shall, for the purposes of this Act or any other enactment, whether passed before or after the passing of this Act, be deemed to be within the functional area of the planning authority that granted such permission.

(3) This section shall not apply to—

- (a) development to which *section 226* applies, or
- (b) development consisting of underwater cables, wires, pipelines or other similar apparatus used for the purpose of—
 - (i) transmitting electricity or telecommunications signals, or
 - (ii) carrying gas, petroleum, oil or water,

or development connected to land within the functional area of a planning authority solely by means of any such cable, wire, pipeline or apparatus.

(4) This section is in addition to and not in substitution for the Foreshore Acts, 1933 to 1998.

Local authority development on foreshore.

226.—(1) Where development is proposed to be carried out wholly or partly on the foreshore—

- (a) by a local authority that is a planning authority, whether in its capacity as a planning authority or otherwise, or
- (b) by some other person on behalf of, or jointly or in partnership with, a local authority that is a planning authority, pursuant to an agreement entered into by that local authority whether in its capacity as a planning authority or otherwise,

(hereafter in this section referred to as “proposed development”), the local authority concerned shall apply to the Board for approval of the proposed development.

(2) The Board may approve, approve subject to conditions, or refuse to approve a proposed development.

(3) *Section 175* shall apply to proposed development belonging to a class of development, identified for the purposes of *section 176*, subject to— Pt.XV S.226

- (a) the modification that the local authority concerned shall not be required to apply for approval under *subsection (3)* of the said *section 175* in respect of the proposed development,
- (b) the modification that the reference in *subsection (4)* to approval under *subsection (3)* shall be construed as a reference to approval under *subsection (1)* of this section,
- (c) any modifications consequential upon *paragraph (a)*, and
- (d) any other necessary modifications.

(4) *Subsections (4), (5), (6), (7), (9), (10), (11)(a), (11)(b)(ii), (11)(b)(iii), (12), (13) and (14)* of *section 175* shall apply to a proposed development other than one referred to in *subsection (3)*, subject to—

- (a) the modification that the reference in *subsection (4)* of the said *section 175* to approval under *subsection (3)* shall be construed as a reference to approval under *subsection (1)* of this section,
- (b) the modification that—
 - (i) references in *subsections (4) and (5)* of the said *section 175* to environmental impact statement shall be construed as references to such documents, particulars, plans or other information relating to the proposed development as may be prescribed,
 - (ii) references to likely effects on the environment shall be disregarded, and
 - (iii) the reference in *subsection (11)(a)* of the said *section 175* to applications for approval under this section shall be construed as references to applications for approval under *subsection (1)* of this section, and
- (c) any other necessary modifications.

(5) *Sections 32 and 179* shall not apply to a proposed development.

(6) This section shall apply to proposed development that—

- (a) if carried out wholly within the functional area of a local authority that is a planning authority, would be subject to the provisions of *section 175*, or
- (b) is prescribed for the purposes of this section.

227.—(1) The powers of a local authority to compulsorily acquire land under the enactments specified in *section 214(1)* shall, where the local authority concerned is a planning authority and for the purposes specified in those enactments, extend to that part of the foreshore that adjoins the functional area of the local authority concerned. Acquisition of land etc. on foreshore.

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(2) The functions of a road authority under sections 49, 50 and 51 of the Roads Act, 1993, shall extend to the foreshore adjoining the functional area of the road authority concerned.

(3) The functions transferred to the Board under *section 214* shall be performable by the Board in relation to any compulsory acquisition of land to which *subsection (1)* applies.

(4) The functions transferred to the Board under *section 215* shall be performable in relation to any scheme approved under section 49 of the Roads Act, 1993, relating to the foreshore.

(5) Where a local authority—

(a) applies for approval under *section 226*,

(b) in relation to land on the foreshore, submits any matter (howsoever described under the enactment concerned) to the Board in relation to which it falls to the Board to perform functions in respect thereof under an enactment specified in *section 214*, or

(c) submits a scheme under section 49 of the Roads Act, 1993,

it shall send copies of all maps, documents (including any environmental impact statement) and other materials sent to the Board in connection with the application or scheme concerned to the Minister for the Marine and Natural Resources.

(6) The Board shall, before performing any function conferred on it by *section 226* or (in respect of land on the foreshore) under an enactment specified in *section 214(1)* or referred to in *subsection (5)*, by notice in writing, invite observations in relation to the application or scheme concerned from the Minister for the Marine and Natural Resources within such period as may be specified in the notice being a period of not less than 8 weeks from the date of receipt of the notice.

(7) The Board shall in the performance of the functions referred to in *subsection (6)* have regard to any observations made pursuant to a notice under that subsection.

(8) The Foreshore Acts, 1933 to 1998, shall not apply in relation to any application to the Board under *section 226*, or matters to which *subsection (5)(b)* applies or a scheme submitted under section 49 of the Roads Act, 1993.

(9) The Board may, notwithstanding any other enactment, attach such conditions relating to the protection of the marine environment, as it considers appropriate, to—

(a) the confirmation of any compulsory purchase order, or

(b) the approval of any scheme under section 49 of the Roads Act, 1993,

relating to the foreshore, and the local authority concerned shall comply with any such conditions.

(10) Nothing in the State Property Act, 1954, shall operate to prevent a local authority compulsorily acquiring land on the foreshore.

(11) This section shall not apply to any application to the Minister for the Marine and Natural Resources for a lease under section 2 of the Foreshore Act, 1933, or for a licence under section 3 of that Act made before the coming into operation of this section. Pt.XV S.227

228.—(1) Where a local authority proposes to enter onto the foreshore for the purposes of carrying out site investigations, it shall not later than 4 weeks before the carrying out of such investigations— Entering on foreshore for certain purposes.

(a) publish in at least one newspaper circulating in the area of the proposed site investigations, and

(b) serve on the Minister for the Marine and Natural Resources and to the prescribed bodies,

a notice of its intention to so do, and where any such site investigations would involve excavations, borings or other tests that would be capable of causing disturbance to the marine environment, it shall inform that Minister and those bodies of the details of the proposed investigations.

(2) The Minister for the Marine and Natural Resources may make recommendations to the local authority concerned in relation to investigations referred to in *subsection (1)* and the local authority shall have regard to any such recommendations when carrying out such investigations.

(3) Where there has been compliance with this section, *section 252* shall not apply in relation to entry onto the foreshore for the purposes specified in *subsection (1)*.

(4) Compliance with this section shall, in relation to entry onto the foreshore for the said purposes, constitute compliance with any other enactment requiring the giving of notice of entry on land by a local authority.

PART XVI

Events and Funfairs

229.—In this Part—

Interpretation.

“event” means—

(a) a public performance 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 similar temporary structure and which is comprised of music, dancing, displays of public entertainment or any activity of a like kind, and

(b) any other event as prescribed by the Minister under *section 241*;

“funfair” has the meaning assigned to it by *section 239*;

“licence” means a licence granted by a local authority under *section 231*;

“local authority” means—