



Number 30 of 2000

PLANNING AND DEVELOPMENT ACT, 2000

AN ACT TO REVISE AND CONSOLIDATE THE LAW RELATING TO PLANNING AND DEVELOPMENT BY REPEALING AND RE-ENACTING WITH AMENDMENTS THE LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1999; TO PROVIDE, IN THE INTERESTS OF THE COMMON GOOD, FOR PROPER PLANNING AND SUSTAINABLE DEVELOPMENT INCLUDING THE PROVISION OF HOUSING; TO PROVIDE FOR THE LICENSING OF EVENTS AND CONTROL OF FUNFAIRS; TO AMEND THE ENVIRONMENTAL PROTECTION AGENCY ACT, 1992, THE ROADS ACT, 1993, THE WASTE MANAGEMENT ACT, 1996, AND CERTAIN OTHER ENACTMENTS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH. [28th August, 2000]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

Preliminary and General

1.—This Act may be cited as the Planning and Development Act, Short title, 2000.

2.—(1) In this Act, except where the context otherwise requires— Interpretation.

“acquisition of land” shall be construed in accordance with *section 213(2)*, and cognate words shall be construed accordingly;

“the Act of 1919” means the Acquisition of Land (Assessment of Compensation) Act, 1919;

“the Act of 1934” means the Town and Regional Planning Act, 1934;

“the Act of 1963” means the Local Government (Planning and Development) Act, 1963;

“the Act of 1976” means the Local Government (Planning and Development) Act, 1976;

“the Act of 1982” means the Local Government (Planning and Development) Act, 1982;

“the Act of 1983” means the Local Government (Planning and Development) Act, 1983;

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“the Act of 1990” means the Local Government (Planning and Development) Act, 1990;

“the Act of 1992” means the Local Government (Planning and Development) Act, 1992;

“the Act of 1993” means the Local Government (Planning and Development) Act, 1993;

“the Act of 1998” means the Local Government (Planning and Development) Act, 1998;

“the Act of 1999” means the Local Government (Planning and Development) Act, 1999;

“advertisement” means any word, letter, model, balloon, inflatable structure, kite, poster, notice, device or representation employed for the purpose of advertisement, announcement or direction;

“advertisement structure” means any structure which is a hoarding, scaffold, framework, pole, standard, device or sign (whether illuminated or not) and which is used or intended for use for exhibiting advertisements or any attachment to a building or structure used for advertising purposes;

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and “agricultural” shall be construed accordingly;

“alteration” includes—

(a) plastering or painting or the removal of plaster or stucco, or

(b) the replacement of a door, window or roof,

that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;

“appeal” means an appeal to the Board;

“architectural conservation area” shall be construed in accordance with *section 81(1)*;

“area of special planning control” shall be construed in accordance with *section 85(8)*;

“attendant grounds”, in relation to a structure, includes land lying outside the curtilage of the structure;

“the Birds Directive” means Council Directive No. 79/409/EEC of 2 April 1979⁽¹⁾ on the conservation of wild birds;

“Board” means An Bord Pleanála;

“chairperson” means the chairperson of the Board;

“Commissioners” means the Commissioners of Public Works in Ireland;

“company”, except in *section 149(5)*, means a company within the meaning of section 2 of the Companies Act, 1963, or a company incorporated outside the State;

⁽¹⁾ O.J. No. L 103/1, 25.4.1979

“Council Directive” means Council Directive No. 85/337/EEC of 27 June 1985⁽¹⁾ on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive No. 97/11/EC of 3 March 1997⁽²⁾ and any directive amending or replacing those directives; Pt.I S.2

“dangerous substance” has the meaning assigned to it by the Major Accidents Directive;

“deputy chairperson” means the deputy chairperson of the Board;

“development” has the meaning assigned to it by *section 3*, and “develop” shall be construed accordingly;

“development plan” means a development plan under *section 9(1)*;

“endangered” means exposed to harm, decay or damage, whether immediately or over a period of time, through neglect or through direct or indirect means;

“enforcement notice” means an enforcement notice under *section 154*;

“environmental impact statement” means a statement of the effects, if any, which proposed development, if carried out, would have on the environment;

“European site” means—

(a) a site—

(i) notified for the purposes of Regulation 4 of the European Communities (Natural Habitats) Regulations, 1997 (S.I. No. 94 of 1997), subject to any amendments made to it by virtue of Regulation 5 of those regulations, or

(ii) transmitted to the Commission in accordance with Regulation 5(4) of the said regulations, or

(iii) added by virtue of Regulation 6 of the said regulations to the list transmitted to the Commission in accordance with Regulation 5(4) of the said Regulations,

but only until the adoption in respect of the site of a decision by the Commission under Article 21 of the Habitats Directive for the purposes of the third paragraph of Article 4(2) of that Directive,

(b) a site adopted by the Commission as a site of Community importance for the purposes of Article 4(2) of the Habitats Directive in accordance with the procedure laid down in Article 21 of that Directive,

(c) a special area of conservation within the meaning of the European Communities (Natural Habitats) Regulations, 1997,

(d) an area classified pursuant to paragraph (1) or (2) of Article 4 of the Birds Directive;

⁽¹⁾ O.J. No. L 175/40, 5.7.1985

⁽²⁾ O.J. No. L 73/5, 14.3.1997

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“exempted development” has the meaning specified in *section 4*;

“exhibit”, in relation to an advertisement, includes affix, inscribe, print, paint, illuminate and otherwise delineate;

“existing establishment” has the meaning that it has in the Major Accidents Directive;

“fence” includes a hoarding or similar structure but excludes any bank, wall or other similar structure composed wholly or mainly of earth or stone;

“functional area” means, in relation to a planning authority—

(a) in the case of the council of a county, its administrative county, excluding any borough or urban district,

(b) in the case of any other planning authority, its administrative area;

“functions” includes powers and duties;

“Gaeltacht” means the Gaeltacht within the meaning of the Ministers and Secretaries (Amendment) Act, 1956;

“habitable house” means a house which—

(a) is used as a dwelling,

(b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or

(c) was provided for use as a dwelling but has not been occupied;

“Habitats Directive” means Council Directive No. 92/43/EEC of 21 May 1992⁽¹⁾ on the conservation of natural habitats and of wild fauna and flora;

“house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

“integrated pollution control licence” means a licence under Part IV of the Environmental Protection Agency Act, 1992;

“land” includes any structure and any land covered with water (whether inland or coastal);

“local area plan” means a local area plan under *section 18*;

“local authority” means a local authority for the purposes of the Local Government Act, 1941;

“major accident” has the meaning assigned to it by the Major Accidents Directive;

“Major Accidents Directive” means Council Directive 96/82/EC of 9 December 1996⁽²⁾ on the control of major accident hazards involving dangerous substances;

⁽¹⁾ O.J. No. L 206/7, 22.7.1992

⁽²⁾ O.J. No. L 10 of 14.1.1997, p. 13

“manager” means—

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- (a) with respect to the corporation of a county borough, the manager for the purpose of the Acts relating to the management of the county borough, and
- (b) with respect to the council of a county, the corporation of a borough or an urban district council, the manager for the purposes of the County Management Acts, 1940 to 1994;

“Minister” means the Minister for the Environment and Local Government;

“new establishment” has the meaning that it has in the Major Accidents Directive;

“occupier”, in relation to a protected structure or a proposed protected structure, means—

- (a) any person in or entitled to immediate use or enjoyment of the structure,
- (b) any person entitled to occupy the structure, and
- (c) any other person having, for the time being, control of the structure;

“ordinary member” means a member of the Board other than the chairperson;

“owner”, in relation to land, means a person, other than a mortgagee not in possession, who, whether in his or her own right or as trustee or agent for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let;

“party to an appeal or referral” means the planning authority and any of the following persons, as appropriate—

- (a) the appellant,
- (b) the applicant for any permission in relation to which an appeal is made by another person (other than a person acting on behalf of the appellant),
- (c) in the case of a referral under *section 5*, the person making the referral, and any other person notified under *subsection (2)* of that section,
- (d) in the case of a referral under *section 34(5)*, the applicant for the permission which was granted,
- (e) in the case of a referral under *section 37(5)*, the person who made the application for permission which was returned by the planning authority,
- (f) any person served or issued by a planning authority with a notice or order, or copy thereof, under *sections 44, 45, 46, 88 and 207*,
- (g) in the case of a referral under *section 96(5)*, a prospective party to an agreement under *section 96(2)*,
- (h) in the case of an appeal under *section 169*, the development agency,

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- (i) in the case of a referral under *section 193*, the person by whom the application for permission for erection of the new structure was made,
- (j) the applicant for a licence under *section 254* in relation to which an appeal is made by another person (other than a person acting on behalf of the appellant),

and “party” shall be construed accordingly;

“permission regulations” means regulations under *section 33, 172(2)* or *174*;

“planning application” means an application to a planning authority in accordance with permission regulations for permission for the development of land required by those regulations;

“planning authority” means—

- (a) in the case of a county, exclusive of any borough or urban district therein, the council of the county,
- (b) in the case of a county or other borough, the corporation of the borough, and
- (c) in the case of an urban district, the council of the urban district,

and references to the area of the planning authority shall be construed accordingly and shall include the functional area of the authority;

“prescribed” means prescribed by regulations made by the Minister and “prescribe” shall be construed accordingly;

“proposed protected structure” means a structure in respect of which a notice is issued under *section 12(3)* or under *section 55* proposing to add the structure, or a specified part of it, to a record of protected structures, and, where that notice so indicates, includes any specified feature which is within the attendant grounds of the structure and which would not otherwise be included in this definition;

“protected structure” means—

- (a) a structure, or
- (b) a specified part of a structure,

which is included in a record of protected structures, and, where that record so indicates, includes any specified feature which is within the attendant grounds of the structure and which would not otherwise be included in this definition;

“protection”, in relation to a structure or part of a structure, includes conservation, preservation and improvement compatible with maintaining the character and interest of the structure or part;

“public place” means any street, road, seashore or other place to which the public have access whether as of right or by permission and whether subject to or free of charge;

“public road” has the same meaning as in the Roads Act, 1993;

“record of protected structures” means the record included under *section 51* in a development plan;

“referral” means a referral to the Board under *section 5, 34(5), 37(5), Pt.I S.2 96(5) or 193(2)*;

“regional authority” means a body established in accordance with section 43 of the Local Government Act, 1991;

“regional planning guidelines” means regional planning guidelines made under *Chapter III of Part II*;

“register” means the register kept under *section 7*;

“registering authority” means a registering authority within the meaning of the Registration of Title Act, 1964;

“reserved function” means—

- (a) with respect to the council of a county or an elective body for the purposes of the County Management Acts, 1940 to 1994, a reserved function for the purposes of those Acts, and
- (b) with respect to the corporation of a county borough, a reserved function for the purposes of the Acts relating to the management of the county borough;

“risk” has the meaning assigned to it by the Major Accidents Directive;

“road” has the same meaning as in the Roads Act, 1993;

“seashore” has the same meaning as in the Foreshore Act, 1933;

“shares” includes stock and “share capital” shall be construed accordingly;

“special amenity area order” means an order confirmed under *section 203*;

“State authority” means—

- (a) a Minister of the Government, or
- (b) the Commissioners;

“statutory undertaker” means a person, for the time being, authorised by or under any enactment or instrument under an enactment to—

- (a) construct or operate a railway, canal, inland navigation, dock, harbour or airport,
- (b) provide, or carry out works for the provision of, gas, electricity or telecommunications services, or
- (c) provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking;

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

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- (a) where the context so admits, includes the land on, in or under which the structure is situate, and
- (b) in relation to a protected structure or proposed protected structure, includes—
 - (i) the interior of the structure,
 - (ii) the land lying within the curtilage of the structure,
 - (iii) any other structures lying within that curtilage and their interiors, and
 - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in *subparagraph (i) or (iii)*;

“substratum of land” means any subsoil or anything beneath the surface of land required—

- (a) for the purposes of a tunnel or tunnelling or anything connected therewith, or
- (b) for any other purpose connected with a scheme within the meaning of the Roads Act, 1993;

“Transboundary Convention” means the United Nations Economic Commission for Europe Convention on Environmental Impact Assessment in a Transboundary Context, done at Espoo (Finland), on 25 February, 1991;

“traveller” means a traveller within the meaning of section 2 of the Housing (Traveller Accommodation) Act, 1998;

“unauthorised development” means, in relation to land, the carrying out of any unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use;

“unauthorised structure” means a structure other than—

- (a) a structure which was in existence on 1 October 1964, or
- (b) a structure, the construction, erection or making of which was the subject of a permission for development granted under Part IV of the Act of 1963 or deemed to be such under section 92 of that Act or under *section 34* of this Act, being a permission which has not been revoked, or which exists as a result of the carrying out of exempted development (within the meaning of section 4 of the Act of 1963 or *section 4* of this Act);

“unauthorised use” means, in relation to land, use commenced on or after 1 October 1964, being a use which is a material change in use of any structure or other land and being development other than—

- (a) exempted development (within the meaning of section 4 of the Act of 1963 or *section 4* of this Act), or
- (b) development which is the subject of a permission granted under Part IV of the Act of 1963 or under *section 34* of this Act, being a permission which has not been revoked,

and which is carried out in compliance with that permission or any condition to which that permission is subject; Pt.I S.2

“unauthorised works” means any works on, in, over or under land commenced on or after 1 October 1964, being development other than—

- (a) exempted development (within the meaning of section 4 of the Act of 1963 or *section 4* of this Act), or
- (b) development which is the subject of a permission granted under Part IV of the Act of 1963 or under *section 34* of this Act, being a permission which has not been revoked, and which is carried out in compliance with that permission or any condition to which that permission is subject;

“use”, in relation to land, does not include the use of the land by the carrying out of any works thereon;

“warning letter” means a notification in writing under *section 152(1)*;

“waste licence” means a waste licence under Part V of the Waste Management Act, 1996;

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

(2) In this Act—

- (a) a reference to a section, Schedule, Chapter or Part is to a section, Schedule, Chapter or Part of this Act, unless it is indicated that reference to some other enactment is intended, and
- (b) a reference to a subsection, paragraph or subparagraph is to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

(3) In this Act, a reference to the carrying out of development on behalf of a State authority shall, where that authority is a Minister of the Government, be construed as including a reference to the carrying out of development by the Commissioners on behalf of the Minister.

(4) A reference in this Act to contravention of a provision includes, where appropriate, a reference to refusal or failure to comply with that provision.

(5) A reference in this Act to performance of functions includes a reference to the exercise of powers and the performance of duties.

(6) A reference in this Act to any other enactment shall, except where the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

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(7) The doing of anything that is required under this Act to be done by resolution shall be a reserved function.

Development.

3.—(1) In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

(2) For the purposes of *subsection (1)* and without prejudice to the generality of that subsection—

- (a) where any structure or other land or any tree or other object on land becomes used for the exhibition of advertisements, or
- (b) where land becomes used for any of the following purposes—
 - (i) the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods,
 - (ii) the storage of caravans or tents, or
 - (iii) the deposit of vehicles whether or not usable for the purpose for which they were constructed or last used, old metal, mining or industrial waste, builders’ waste, rubbish or debris,

the use of the land shall be taken as having materially changed.

(3) For the avoidance of doubt, it is hereby declared that, for the purposes of this section, the use as two or more dwellings of any house previously used as a single dwelling involves a material change in the use of the structure and of each part thereof which is so used.

Exempted
development.

4.—(1) The following shall be exempted developments for the purposes of this Act—

- (a) development consisting of the use of any land for the purpose of agriculture and development consisting of the use for that purpose of any building occupied together with land so used;
- (b) development by the council of a county in its functional area, exclusive of any borough or urban district;
- (c) development by the corporation of a county or other borough in that borough;
- (d) development by the council of an urban district in that district;
- (e) development consisting of the carrying out by the corporation of a county or other borough or the council of a county or an urban district of any works required for the construction of a new road or the maintenance or improvement of a road;
- (f) development carried out on behalf of, or jointly or in partnership with, a local authority that is a planning authority,

pursuant to a contract entered into by the local authority concerned, whether in its capacity as a planning authority or in any other capacity; Pt.I S.4

- (g) development consisting of the carrying out by any local authority or statutory undertaker of any works for the purpose of inspecting, repairing, renewing, altering or removing any sewers, mains, pipes, cables, overhead wires, or other apparatus, including the excavation of any street or other land for that purpose;
 - (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;
 - (i) development consisting of the thinning, felling and replanting of trees, forests and woodlands, the construction, maintenance and improvement of non-public roads serving forests and woodlands and works ancillary to that development, not including the replacement of broadleaf high forest by conifer species;
 - (j) development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such;
 - (k) development consisting of the use of land for the purposes of a casual trading area (within the meaning of the Casual Trading Act, 1995);
 - (l) development consisting of the carrying out of any of the works referred to in the Land Reclamation Act, 1949, not being works comprised in the fencing or enclosure of land which has been open to or used by the public within the ten years preceding the date on which the works are commenced.
- (2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—
- (i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or
 - (ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

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(b) Regulations under *paragraph (a)* may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

(c) Regulations under this subsection may, in particular and without prejudice to the generality of *paragraph (a)*, provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act.

(3) A reference in this Act to exempted development shall be construed as a reference to development which is—

(a) any of the developments specified in *subsection (1)*, or

(b) development which, having regard to any regulations under *subsection (2)*, is exempted development for the purposes of this Act.

(4) The Minister may, in connection with the Council Directive, prescribe development or classes of development which, notwithstanding *subsection (1)(a)*, shall not be exempted development.

(5) Before making regulations under this section, the Minister shall consult with any other State authority where he or she or that other State authority considers that any such regulation relates to the functions of that State authority.

Declaration and referral on development and exempted development.

5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

(2) (a) Subject to *paragraph (b)*, a planning authority shall issue the declaration on the question that has arisen and the main reasons and considerations on which its decision is based to the person who made the request under *subsection (1)*, and, where appropriate, the owner and occupier of the land in question, within 4 weeks of the receipt of the request.

(b) A planning authority may require any person who made a request under *subsection (1)* to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information.

(c) A planning authority may also request persons in addition to those referred to in *paragraph (b)* to submit information in order to enable the authority to issue the declaration on the question.

(3) (a) Where a declaration is issued under this section, any person issued with a declaration under *subsection (2)(a)* may,

on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration. Pt.I S.5

- (b) Without prejudice to *subsection (2)*, in the event that no declaration is issued by the planning authority, any person who made a request under *subsection (1)* may, on payment to the Board of such fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued under *subsection (2)*.

(4) Notwithstanding *subsection (1)*, a planning authority may, on payment to the Board of such fee as may be prescribed, refer any question as to what, in any particular case, is or is not development or is or is not exempted development to be decided by the Board.

(5) The details of any declaration issued by a planning authority or of a decision by the Board on a referral under this section shall be entered in the register.

- (6) (a) The Board shall keep a record of any decision made by it on a referral under this section and the main reasons and considerations on which its decision is based and shall make it available for purchase and inspection.

(b) The Board may charge a specified fee, not exceeding the cost of making the copy, for the purchase of a copy of the record referred to in *paragraph (a)*.

(c) The Board shall, from time to time and at least once a year, forward to each planning authority a copy of the record referred to in *paragraph (a)*.

(d) A copy of the said record shall, at the request of a member of a planning authority, be given to that member by the manager of the planning authority concerned.

(7) A planning authority, before making a declaration under this section, shall consider the record forwarded to it in accordance with *subsection (6)(c)*.

6.—A planning authority and the Board shall each have all such powers of examination, investigation and survey as may be necessary for the performance of their functions in relation to this Act or to any other Act. Power of examination, investigation and survey.

7.—(1) A planning authority shall keep a register for the purposes of this Act in respect of all land within its functional area, and shall make all such entries and corrections therein as may be appropriate in accordance with *subsection (2)*, and the other provisions of this Act and the regulations made under this Act. Planning register.

(2) A planning authority shall enter in the register—

- (a) particulars of any application made to it under this Act for permission for development, for retention of development or for outline permission for development (including the name and address of the applicant, the date of receipt of the application and brief particulars of

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the development or retention forming the subject of the application),

- (b) where an environmental impact statement was submitted in respect of an application, an indication of this fact,
- (c) where a development, to which an application relates, comprises or is for the purposes of an activity in respect of which an integrated pollution control licence or a waste management licence is required, or a licence under the Local Government (Water Pollution) Act, 1977, is required in respect of discharges from the development, a statement as to that requirement,
- (d) where the development to which the application relates would materially affect a protected structure or is situated in an area declared to be an area of special amenity under *section 202*, an indication of this fact,
- (e) the complete decision of the planning authority in respect of any such application, including any conditions imposed, and the date of the decision,
- (f) the complete decision on appeal of the Board in respect of any such application, including any conditions imposed, and the date of the decision,
- (g) where the requirements of *section 34(b)* in regard to the material contravention of the development plan have been complied with, a statement of this fact,
- (h) particulars of any declaration made by a planning authority under *section 5* or any decision made by the Board on a referral under that section,
- (i) particulars of any application made under *section 42* to extend the appropriate period of a permission,
- (j) particulars of any decision to revoke or modify a permission in accordance with *section 44*,
- (k) particulars under *section 45* of any order, of any decision on appeal or of any acquisition notice for compulsory acquisition of land for open space,
- (l) particulars of any notice under *section 46* requiring removal or alteration of any structure, or requiring discontinuance of any use or the imposition of conditions on the continuance thereof, including the fact of its withdrawal, if appropriate,
- (m) particulars of any agreement made under *section 47* for the purpose of restricting or regulating the development or use of the land,
- (n) particulars of any declaration issued by the planning authority under *section 57*, including the details of any review of the declaration,
- (o) particulars of any declaration issued by the planning authority under *section 87*, including the details of any review of the declaration,
- (p) particulars of any notice under *section 88* in respect of land in an area of special planning control, including, where such notice is withdrawn, the fact of its withdrawal,

- (q) particulars of any certificate granted under *section 97*,
- (r) particulars of any warning letter issued under *section 152*, including the date of issue of the letter and the fact of its withdrawal, if appropriate,
- (s) the complete decision made under *section 153* on whether an enforcement notice should issue, including the date of the decision,
- (t) particulars of any enforcement notice issued under *section 154*, including the date of the notice and the fact of its withdrawal or that it has been complied with, if appropriate,
- (u) particulars of any statement prepared under *section 188* concerning a claim for compensation under this Act,
- (v) particulars of any order under *section 205* requiring the preservation of any tree or trees, including the fact of any amendment or revocation of the order,
- (w) particulars of any agreement under *section 206* for the creation of a public right of way over land,
- (x) particulars of any public right of way created by order under *section 207*,
- (y) particulars of any information relating to the operation of a quarry provided in accordance with *section 261*, and
- (z) any other matters as may be prescribed by the Minister.

(3) The planning authority shall make the entries and corrections as soon as may be after the receipt of any application, the making of any decision or agreement or the issue of any letter, notice or statement, as appropriate.

(4) The register shall incorporate a map for enabling a person to trace any entry in the register.

(5) The planning authority may keep the information on the register, including the map incorporated under *subsection (4)*, in a form in which it is capable of being used to make a legible copy or reproduction of any entry in the register.

(6) (a) The register shall be kept at the offices of the planning authority and shall be available for inspection during office hours.

(b) The Minister may prescribe additional requirements in relation to the availability for inspection by members of the public of the register.

(7) Every document purporting to be a copy of an entry in a register maintained by a planning authority under this section and purporting to be certified by an officer of the planning authority to be a true copy of the entry shall, without proof of the signature of the person purporting so to certify or that he or she was such an officer, be received in evidence in any legal proceedings and shall, until the contrary is proved, be deemed to be a true copy of the entry and to be evidence of the terms of the entry.

(8) Evidence of an entry in a register under this section may be given by production of a copy thereof certified pursuant to this section and it shall not be necessary to produce the register itself.

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(9) Where an application is made to a planning authority for a copy under this section, the copy shall be issued to the applicant on payment by him or her to the planning authority of the specified fee in respect of each entry.

Obligation to give information to local authority.

8.—(1) A local authority may, for any purpose arising in relation to its functions under this Act or any other enactment, by notice in writing require the occupier of any structure or other land or any person receiving, whether for himself or herself or for another, rent out of any structure or other land to state in writing to the authority, within a specified time not less than 2 weeks after being so required, particulars of the estate, interest, or right by virtue of which he or she occupies the structure or other land or receives the rent, as the case may be, and the name and address (so far as they are known to him or her) of every person who to his or her knowledge has any estate or interest in, or right over, or in respect of, the structure or other land.

(2) Every person who is required under this section to state in writing any matter or thing to a local authority and either fails so to state the matter or thing within the time appointed under this section or, when so stating any such matter or thing, makes any statement in writing which is to his or her knowledge false or misleading in a material respect, shall be guilty of an offence.

PART II

Plans and Guidelines

Chapter I

Development Plans

Obligation to make development plan.

9.—(1) Every planning authority shall every 6 years make a development plan.

(2) Subject to *subsection (3)*, a development plan shall relate to the whole functional area of the authority.

(3) (a) A planning authority which is a county borough corporation, a borough corporation or an urban district council may, with the agreement of one or more planning authorities which are adjoining county councils, or on the direction of the Minister shall, make a single development plan for the area and the environs of the county borough, borough or urban district, as the case may be.

(b) Where it is proposed to make a development plan under *paragraph (a)*, the planning authorities concerned shall make whatever arrangements they see fit to prepare the plan including the carrying out of the requirements of this Chapter as a joint function of the authorities concerned (and this Chapter shall be construed accordingly) except that where decisions are reserved to the members of the planning authorities concerned the decisions must be made by the members of each authority concerned subject to any agreement which those authorities may make for the resolution of differences between any such reserved decisions.

(4) In making a development plan in accordance with this Chapter, a planning authority shall have regard to the development plans of