

Circular Letter PD 10/2001

19 December, 2001.

Planning and Development Act, 2000 – Fifth Commencement Order

Planning and Development Regulations, 2001

A Chara,

I am directed by the Minister for the Environment and Local Government to state that he has (on 19th December 2001) made a commencement order (S.I. 559 of 2001) which will commence almost all remaining provisions of the Planning and Development Act, 2000 on two dates, 21 January, 2002 and 11 March, 2002. The Minister has also made consolidated Planning and Development Regulations, 2001 (S.I. No. 600 of 2001) which will come into force in tandem with the dates of commencement of the Act.

These Regulations are the final part of the major reform of the planning code which was begun over 4 years ago. A fundamental review of the planning system was a commitment of the Programme for Government – *An Action Programme for the Millennium*. The review led to the changes to the planning code set out in the Planning and Development Act, 2000. The changes in the Act are designed to introduce a sustainable development ethos into the Irish planning system, increase the efficiency of the system and ensure a strategic approach to land-use planning in Ireland. The completion of the consolidated planning Regulations is necessary to implement the rest of the Act and in particular to ensure a streamlined and efficient development control process.

In making these Regulations, the Local Government (Planning and Development) Regulations, 1994 to 2001 were reviewed and revised. Changes were made to the Regulations for a number of reasons. Some of the changes are necessary to bring the Regulations into line with the new provisions of the 2000 Act. Others reflect the new circumstances and requirements arising since the 1994 Regulations were made. The Regulations were also modified following consultations with relevant State authorities, local authorities, statutory undertakers and non-government organisations, and on foot of submissions by the public.

The new Regulations are designed to make the planning control system more user-friendly for local authorities, practitioners and members of the public. They have been rewritten and restructured to ensure that they are easier to follow, for example by moving the articles on environmental impact assessment of projects into a separate part for ease of reference and the planning code is now contained in only two documents, the 2000 Act and the 2001 Regulations.

Changes have been made to the procedures for processing of planning applications to ensure that the great number of applications now being made annually can be processed as efficiently as possible. In addition to the new timelimits for consideration of planning applications set out in the Act, requirements on the content of planning applications have been tightened and incomplete applications will have to be returned as invalid.

In order to ensure the rights of the public to participate in the development control process, there is an emphasis on ensuring that the system is transparent and user-friendly with new requirements for newspaper and site notices, a set period for persons to make submissions or observations and a requirement on planning authorities to acknowledge submissions, to take them into account and to keep any person who made a submission informed of the outcome of the application. These obligations on planning authorities to keep individuals informed are critical, as the Act provides that only those who have made a submission or observation on an application will be able to appeal a decision on the application to An Bord Pleanála.

A briefing note which sets out the major changes made in the Planning and Development Regulations, 2001 is attached at Appendix 1. More comprehensive guidance on each article of the Regulations will be issued shortly.

A number of Parts of the Act have already been brought into force (See Circular Letters PD 11/2000, PD 12/2000, PD 2/2001 and PD 6/2001). The Regulations made to implement those Parts have also been consolidated into these Regulations.

Commencement

While certain provisions of the 2000 Act and of the Regulations can come into operation at relatively short notice, other provisions, particularly those relating to development control, require a longer lead-in time to allow planning authorities, An Bord Pleanála, and private sector practitioners an opportunity to familiarise themselves with the changes and revise their IT systems to ensure a smooth transition from the old to the new system.

Therefore the Commencement Order provides that the provisions in Part I of the Act concerning development and exempted development, Part IV (Architectural Heritage), Chapter II of Part VI (Organisation, staffing of An Bord Pleanála), Part VII (Disclosure of Interests) and Part XIII (Amenities), along with certain related provisions and the related Parts of the Planning Regulations, come into force on 21 January, 2001. Section 180 concerning the taking in charge of estates is also commenced. In addition, those Parts of the Planning Regulations which replace Regulations already made under the Act (Parts 3, 5, 6, 14 and 16) will come into force. The provisions in the Local Government (Planning and Development) Acts, 1963 to 1999 which these provisions replace are repealed.

On 11 March, 2002, all other Parts of the Planning and Development Act, 2000 are commenced and the remainder of the Regulations are commenced.

The Order also repeals those provisions of the Local Government (Planning and Development) Acts, 1963 to 1999 which have not previously been repealed. In addition, the Local Government (Planning and Development) Regulations, 1994 to 2001 are revoked in their entirety.

Transitional arrangements

Planning applications and appeals

It should be noted that, in accordance with legal requirements, section 265(4) of the Act (and article 207 of the Regulations) provide that any valid application received before 11 March, 2002 shall be determined in accordance with the Local Government (Planning and Development) Acts, 1963 to 1999 and the Local Government (Planning and Development) Regulations, 1994 to 2001. For a transitional period therefore, it will be necessary for planning authorities and An Bord Pleanála to make determinations in relation to applications and appeals under two parallel systems.

In order to ensure that this transitional arrangement does not continue longer than necessary, planning authorities should consider, in appropriate cases, using their powers under the Local Government (Planning and Development) Acts, 1963 to 1999 to determine applications made before 11 March 2002 for which further information has been sought but not received after a certain period. Extensions of time to consider planning applications should be sought only where necessary and for the minimum appropriate period. In addition, planning authorities should ensure, in accordance with Circular PD 4/00, that invalid applications received prior to 11 March, 2002 are rejected.

However, article 207(2) provides that the provisions of the Act and the Regulations concerning extensions of the appropriate period of a permission will come into force in respect of all permissions, regardless of when that permission was granted.

Other transitional arrangements

Separate transitional provision is made in relation to other areas in the Regulations. In particular, it should be noted that, under article 85 of the Regulations, where a notice under article 131 of the Local Government (Planning and Development) Regulations, 1994 in respect of proposed development by a local authority has been published before 11 March, 2001, the procedural requirements set out in those Regulations should be followed.

Enforcement provisions

Under the 2000 Act, the period within which offences under the Act may be enforced has been extended from 5 to 7 years. However, this provision will not have retrospective effect and will apply only to offences committed after 11 March, 2002.

Queries

A copy of the commencement order (S.I. 559 of 2001) and a copy of the Planning and Development Regulations, 2001 (S.I. 600 of 2001) (on disk in PDF format) are enclosed. Additional copies of the circular and the regulations may also be obtained from the Department's website at www.environ.ie or from Government Publications (Lo-Call: 1890 213434).

General queries in relation to this circular or in relation to the Regulations may be addressed to Planning Section (Tel: 01-888 2000 or Lo-Call:1890 20 20 21).

Specific queries in relation to Part 2 (Exempted Development) and Part 4 (Control of Development) of the Regulations can be directed to Catriona O'Neill. (Tel: 01 – 888 2557) (E-mail: Catriona_O'Neill@environ.irlgov.ie)

Specific queries in relation to Part 10 (Environmental Impact Assessment) and Part 11 (Major Accidents Directive) can be directed to Frank Gallagher (Tel: 01 - 888 2592) (E-mail: Frank_Gallagher@environ.irlgov.ie).

Specific queries in relation to other Parts of the Regulations or on the Act can be directed to the undersigned.

Is mise le meas,

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Appendix 1

Draft Planning and Development Regulations, 2001

Briefing Note

(This note is for information only and does not purport to be a legal interpretation.)

General Note

These Regulations implement the Planning and Development Act, 2000. They incorporate and update the Local Government (Planning and Development) Regulations, 1994 to 2000 (which were made under the 1963 Planning Act) and all Regulations made to date under the Planning and Development Act, 2000 itself.

The Regulations are in 17 Parts and 12 Schedules. A brief and general description of each Part with related Schedules, and of some of the major changes made to the existing Regulations, are set out below.

Part 1 – General

This Part contains the main definitions for the purposes of the Regulations and deals with repeals.

Part 2 – Exempted Development

This Part includes the provisions on exempted development. The main exemptions are set out in Schedule 2, with certain other exemptions and limitations on exemptions set out in this Part.

Major changes in this Part include-

- (a) a requirement that all advertisements within a Gaeltacht area are to be in Irish, or Irish and other languages if they are to benefit from a planning exemption.
- (b) restrictions on the classes of development which are exempt from planning permission in areas of special amenity.
- (c) childminding of up to 6 children in a private house is to be exempted development.
- (d) the exemption for the use of up to 4 bedrooms for B&B accommodation has been amended to provide that each bedroom cannot be used for the accommodation of more than 4 persons. This amendment was made to prevent houses being used as hostels, without planning permission.

Schedule 2 sets out the major exemptions from the requirement to seek planning permission (in addition to those in section 4 of the 2000 Act). The exemptions, most

of which will be subject to conditions and limitations are divided into 4 parts: General, Advertisements, Rural and Changes of Use. Some of the changes made include:

General

- (a) In 2000 the exempted level for domestic extensions to the rear of a house was increased from 23 square metres to 40 square metres. There has been some confusion in relation to some of the conditions and limitations associated with the changes and Class 1 has been amended to remove any uncertainty. (Class 1).
- (b) A new class of exempted development has been provided to deal with the erection of short-term on-site accommodation for construction workers on development projects. (Class 17).
- (c) The exemption class dealing with development carried out by anyone licensed to provide telecommunications services have been amended to bring the exemption class in line with changes in the industry, including the greater use of disguised antennae, remove loopholes and cut out the abuse of certain provisions. (Class 31)
- (d) Provision has been made to exempt certain development carried out in airports. The exemptions proposed are of a minor nature and relate to the extension of airport operational buildings and the construction and erection of certain signs, navigational aids, security fencing, aprons, taxiways and airside roads. These exemptions will apply to all airport operators licensed under the Irish Aviation Act, 1993. (Class 32).
- (e) Works incidental to the maintenance and management of a golf course or pitch and putt course, including alterations to the layout of golf courses or pitch and putt courses are exempted. (Class 34). However, persons wanting to develop a golf or pitch and putt course for the first time will continue to have to seek planning permission.
- (f) Bring-facilities for the recycling of waste i.e. bottle banks will be exempt. (Class 42).

Advertisements

No major changes are proposed to this Part.

Rural

This Part exempts certain rural development from planning permission.

- (a) On the recommendation of the Department of Agriculture, Food and Rural Development, the thresholds specified in Classes 6 to 8 of the 1994 Regulations which deal with the housing of bovines, sheep, goats, donkeys, horse, deer, rabbits, pigs, and poultry have been reduced.
- (b) Following the introduction of a new regime of statutory forest consent, initial afforestation will be exempt from planning control. In the case of

peat extraction, planning control will apply in respect of peat extraction above 10 hectares and EIA above 30 hectares. Below the 10 hectare planning threshold, the Department of Arts, Heritage, Gaeltacht and the Islands will provide a statutory basis for the possibility of EIA in respect of peat extraction in Special Areas of Conservation and Natural Heritage Areas. (Classes 14, 15 and 16).

Changes of Use

No major changes are proposed to this Part.

Part 3- Plans and Guidelines

This Part prescribes the bodies to whom draft development plans, local area plans and regional planning guidelines must be sent. It repeats without change articles 4 to 6 of the Planning and Development Regulations, 2000, made in November last year.

In addition, it will be a mandatory requirement on local authorities to include objectives for the protection of Natural Heritage Areas established under the Wildlife (Amendment) Act, 2001 in their development plans. (Article 12).

Part 4-Control of Development

This Part contains the general permission control regulations which set out the procedures for making planning applications. They have been revised to reflect the changes in the 2000 Act, including the new time limits, and to ensure that the thousands of applications now received annually can be processed efficiently by local authorities. The rights of third party objectors to be notified of decisions in relation to planning applications have also been stated more clearly.

The main changes are set out below:

(a) Presentation

The regulations are now split into three chapters, and the articles have been rearranged, for ease of reference.

(b) Approved newspaper (Article 18)

Each planning authority must now provide the applicant with a list of approved newspapers to be used for the placing of the newspaper notice.

(c) Site notices (Article 19 and Form No.1 – Schedule 3)

A form is prescribed for site notices, which should be used as a template by the planning authority when designing standard site notice forms or by the applicant when erecting the site notice. Directions on how to complete the notice accompany the form.

The site notice will be inscribed on a white background. Where a second application for permission is made on the same site within six months of making a previous application, the site notice of the subsequent application will be inscribed on a yellow background. This is to make it clear to third parties that a new application is being made.

The site notice will contain the date the site notice is erected to avoid any duplicate applications being made while the original application is on appeal.

The applicant must erect the site notice no sooner than 2 weeks before making the application for permission. This is to facilitate third parties in inspecting the application.

(d) Plans, maps and drawings (Article 23).

All required scales of maps, plans and drawings accompanying a planning application have been revised and must now be in metric scale.

(e) Invalid applications (Article 26).

In order to eliminate the practise of a planning authority acting as a “correction service” for planning applications, the planning authority, on receipt of a planning application, must now ensure that it is valid and has all the necessary maps and additional information, before it registers the application for processing.

A valid application will comply with the requirements of the newspaper notice, site notice, content of planning application and the required plans, maps and drawings to accompany an application. Where an application does not comply, the application will be declared to be invalid and must be returned to the applicant along with the fee paid. On returning the application, the planning authority must explain to the applicant why the application is not valid.

Where an application is invalid and submissions and observations have been received by the planning authority, the planning authority will notify in writing the individuals/bodies concerned that the application is invalid and return any fee paid.

(f) Prescribed bodies (Article 28)

Prescribed bodies are those notified of planning applications by the planning authority. In addition to the bodies prescribed in the 1994 regulations, the following bodies have been included, on foot of submissions received:

- **Regional Authority**- where the development would be inconsistent with or materially contravene any regional planning guidelines.
- **Waterways Ireland**- where the development would cause significant abstraction of water, discharges of water or would be carried out in, over or along the banks of such waters.
- **An airport operator**- where the development would interfere with the operation and development of a licensed airport.
- **The Minister for Arts, Heritage, Gaeltacht and the Islands, an Taisce and the Heritage Council**- where the development would affect nature conservation.
- **The Minister for Arts, Heritage, Gaeltacht and the Islands and Údarás na Gaeltachta**- where the development would materially affect the linguistic and cultural heritage of the Gaeltacht.

- **Minister for Justice, Equality and Law Reform**- where the development is in the vicinity of an explosives factory.
- **The Minister for Marine and Natural Resources**- where the development would impact on the foreshore.

(g) Submissions and observations (Articles 28 and 29).

Submissions and observations from both prescribed bodies and other persons and bodies must be received by the planning authority within the period of 5 weeks beginning on the date the application is received. The planning authority will acknowledge all submissions and observations in writing, on receipt.

In all instances where there is a change in the status of an application e.g.; the application is invalid or further information has been received, the planning authority will notify all persons or bodies who have made submissions or observations and will return any fee paid, where appropriate.

(h) Further information (Article 33)

Where further information or revised plans are received, and the planning authority consider that the information contains significant additional data-

- (a) the planning authority must notify any persons or bodies who have made submissions or observations that the additional further information or revised plans has been received and invite them to make further submissions. There will be no fee payable where a copy of the receipt of the fee paid for previous submissions is produced, and
- (b) the applicant must place a notice in an approved newspaper advising that further information or revised plans have been received, state where it can be inspected, and invite submissions or observations to be made.

(i) Time limits for dealing with planning applications

The minimum period for determination of an application is five weeks from receipt of the planning application.

A template form for a planning application will also be set out in Guidance Notes.

Part 5 – Housing Supply

This Part sets out the content of the application under section 97 of the Act for a certificate of exemption for small housing developments (less than 4 houses or 0.2 hectares of land) from the requirements of Part V of the Act on social and affordable housing. This application must, under section 97, be accompanied by a sworn statutory declaration.

In addition article 7 of the Planning and Development Regulations, 2000, which sets out the accommodation limits for eligible housing, is repeated here without change.

Part 6 – Architectural Heritage

This Part sets out the provisions relating to the record of protected structures and the compulsory acquisition of protected structures and structures within an architectural conservation area. The prescribed bodies for an Area of Special Planning Control are also included.

Part 7 – An Bord Pleanála.

The first Chapter of this Part provides for the appointment of the Chairman and members of the Board and repeats the Planning and Development (Appointment of Chairperson and Ordinary Members of An Bord Pleanála) Regulations, 2001. The Regulations allow for the setting up of a committee to appoint both the Chairman and ordinary members (reflecting a new ‘fall-back’ procedure under the Act for appointment of ordinary members), and sets out revised panels of bodies who select nominees for appointment as ordinary members of the Board.

The second Chapter of this Part contains additional procedural rules relating to appeals and referrals. Large parts of the procedural rules which are set out in the 1994 Regulations are either incorporated in the Act itself or relate to EIA and are contained in Part 10. They have therefore not been repeated here.

The most significant addition is the inclusion of a mandatory requirement on the planning authority to notify persons who made submissions or observations on a planning application that an appeal has been made. This notification is done as a courtesy at the moment, but the mandatory requirement has been sought by, among others, the Ombudsman.

Part 8 – Local Authority Own Development

This Part sets out the procedures to be followed by the local authority to consult the public and report to the elected members on development it proposes to carry out itself (currently known as the ‘Part X’ procedures). The most significant changes to the existing Regulations are -

1. an increase in the current financial limit in the cost of development above which the procedures must be carried out from £50,000 to €125,000. This reflects the ongoing rapid increases in construction costs. However, it is clarified that local authorities intending to provide bottle banks (‘bring facilities’) will not be required to follow these procedures.
2. a requirement on local authorities to erect a site notice on the land where they propose to develop, in addition to the requirement to give notice in a newspaper. This is already the practice with some authorities and of course applies to private developers.

The requirement on the manager to report to the elected members on proposed developments are set out in section 179 of the Act.

Part 9 – State Development

This Part sets out the special consultation procedures for certain types of state development (e.g. barracks, garda stations). A major change is a new requirement to follow the consent procedure where the development is to buildings which are protected structures or proposed protected structures and the development would materially affect the structure. This will ensure that Dúchas – the Heritage Service is consulted about any works of this kind.

Part 10- Environmental Impact Assessment (EIA)

This Part draws together EIA provisions which were formerly interspersed throughout the 1994 Planning Regulations. The Part is divided into 5 chapters with 3 associated Schedules 5, 6 and 7.

Schedule 5 sets out the thresholds above which EIA is mandatory. The only significant change here is that the threshold for EIA for peat extraction is reduced from 50 hectares to 30 hectares (Part 2.2(a)).

Schedule 6 sets out the information to be contained in environmental impact statements (EIS). Schedule 7 sets out the criteria for determining whether a development would or would not be likely to have significant effects on the environment. These must be considered when determining whether a development of a type set out in Schedule 5, but which is below the threshold for mandatory EIA, should be subject to EIA in any case.

Chapter 1 General

This Chapter sets out certain general definitions.

Chapter 2 Planning Applications and EIA

This Chapter sets out the procedures to be followed by development and planning authorities in relation to environmental impact assessment of planning applications, reflecting the general development control provisions contained in Part 4 of the Regulations.

Some changes have been made to procedures. In particular, in the case of mandatory EIA, an application unaccompanied by an EIS will be declared invalid (article 99), unless an exemption from preparing an EIS is granted by the Board in exceptional circumstances. A planning authority will also be required to consider whether an EIS submitted to them is adequate (article 108).

Chapter 3 Planning Appeals and EIA

This Chapter provides for EIA in the context of appeals to An Bord Pleanála, and reflects provisions in Part 7 of the Regulations.

Again some changes have been made in relation to procedures. The Board is required to consider the adequacy of an EIS (article 112). There is a new requirement in article 114 for the Board to publish notice of further information. It reflects a similar provision in the case of planning applications

(article 35) and is designed to meet the public consultation requirements of the EIA Directive (as amended). Article 115 requires the Board to make an environmental impact statement (EIS) available for inspection or purchase.

Chapter 4 Local Authority Development and EIA

This Chapter expands upon the provisions in section 175 of the Act on environmental impact assessment of certain development carried out by or on behalf of local authorities. Where a local authority proposes to carry out development which requires EIA, the development must be submitted to An Bord Pleanála for approval rather than following the procedures set out in Part 8 of the Regulations.

One significant change to the current Regulations relates to sub-threshold development (article 120). These will allow a local authority to prepare an EIS where it considers that sub-threshold development would be likely to have significant effects on the environment and submit an application for approval to the Board in accordance with section 175(3) of the Act. Article 120 mirrors similar provisions in relation to planning applications (article 103) and appeals (article 110).

The requirement in article 122 for the Board to give the main reasons for its decision on an application for approval, and the considerations on which the decision is based, reflects a similar requirement for decisions on planning applications and appeals.

Chapter 5 Transboundary EIA

This Chapter develops the provisions in the current Planning Regulations governing transboundary effects of development by both private developers and local authorities, in accordance with section 174 of the Act. This provision allows for consultation with other States which are EC Member States, or party to the Espoo Convention, where the environmental impact of a development may cross a State border.

Part 11 – Major Accidents Directive (Seveso II)

This Part, and Schedule 8, will complete the formal transposition of the Major Accidents Directive (Seveso II) on the control of major accidents involving dangerous substances (96/82/EC). It is part of a package of measures to transpose the Directive, the major part of which was transposed by the Minister for Enterprise, Trade and Employment in the Major Accident Hazard Regulations (SI 476 of 2000) in December 2000.

The Directive introduced land-use planning requirements not previously included under the earlier Seveso Directive on the major accident hazards of certain industrial activities (82/501/EEC). Article 12 of Directive 96/82 requires that:

- (i) land use policies include objectives for the prevention of major accidents and for limiting their consequences, through controls on development both within and around Seveso establishments. This requirement was met on 1 January 2001

with the coming into force of the development plan provisions of the Planning and Development Act, 2000, and

- (ii) procedures be put in place to ensure that technical advice is available to planning authorities in the context of land use decision-making. The primary purpose of this Part is to provide for the requesting of technical advice from the National Authority for Occupational Safety and Health (commonly referred to as the Health and Safety Authority (HSA)), which is the designated Central Competent Authority for overseeing implementation of the Directive. Requests for technical advice are provided for in the context of planning applications, appeals, local authority and State authority development and requests for declarations/referrals under section 5 of the 2000 Act.

There are 3 situations where the advice is to be requested-

- (i) development of a new Seveso “establishment” (including development as a result of which the quantity of dangerous substances present would reach the thresholds set in the Directive), and modifications to an existing establishment, which the consent authority considers relevant to the risks or consequences of a major accident,
- (ii) certain types of development within set distances of specified types of Seveso establishments. These development categories and distances are set out in Tables 1 and 2 of Schedule 8, and
- (iii) development which the consent authority considers would be in the vicinity of a Seveso establishment and be relevant to the risks or consequences of a major accident.

The HSA must supply technical advice within specified timeframes (generally 5 weeks). Under various provisions of the 2000 Act, the relevant authority must have regard to this advice in reaching a decision on development proposals. This Part was drafted in consultation with the National Authority for Occupational Safety and Health and Cork County Council.

Part 12 – Fees

This Part, and Schedules 9 and 10, set out the requirements to pay fees to planning authorities in respect of planning applications. The fees have been generally increased by about 10% in line with inflation since they were revised in 1998 (revised to Euro amounts in 2001).

The major changes proposed in relation to fees are-

- (a) fees for retention permission have been increased to 3 times the normal fee (from 1_ times) or, in the case of housing developments or alterations, 3 times or €2.50 per square metre of unauthorised development, whichever is greater. The maximum fee for a retention application has been increased to €125,000 (from £22,500).

- (b) the cap on fees which is currently £15,000 in respect of an ordinary application for permission, has also been doubled to £38,000 to reflect the high costs on local authorities to process large applications,
- (c) the classes of fees have been revised to reflect other wording in the Regulations and certain obsolete classes eliminated.

A new fee for the making of a submission or observation on a planning application has been set at £20.

No fees are set in respect of appeals to the Board; under the Act the Board will set their own fees in future.

Part 13 – Compensation

No major changes have been made to the provisions in the 1994 Regulations, except those required to reflect changes in the 2000 Act.

Part 14 – Strategic Development Zones

This provision sets out the prescribed bodies to be sent a draft SDZ planning scheme and restates article 8 of the 2000 Regulations, with minor changes which reflect similar changes to the prescribed bodies elsewhere in the draft Regulations.

Part 15 – Disclosure of Interests.

This Part, with Schedule 11, set out -

- (1) the classes of Board and local authority employees who, in addition to the members of the Board and authorities, must make a declaration or conform with a code of conduct. Senior officials of local authorities and any other official who is assigned duties which relate to the performance of any functions of a planning authority under the Acts will be required to make these declarations. These Regulations will be replaced in respect of the members and officials of local authorities when the relevant provisions of the Local Government Act, 2001 are commenced.
- (2) the form of the declaration to be made.

Consultants and advisers to the Board will be bound by the Board's code of conduct, but will not have to make the statutory annual declaration.

Part 16 – Licensing of Outdoor Events

This Part will replace the Regulations made in April on the licensing of outdoor events. The only substantive change proposed is to give the public the same period of time to comment, 5 weeks, as that of the prescribed authorities. The transitional provisions made for the summer of 2001 are not repeated, as they will be spent by the time the Regulations come into force.

Part 17-Miscellaneous and Transitional

Chapter 1 of this Part relates to licensing under section 254 of the Act of appliances and structures on public roads. As fees for these appliances which include scaffolding and tables and chairs outside pubs and restaurants, have not been increased for some time, new increased fees are set out in Schedule 12.

Chapter 2 of this Part sets out the transitional arrangements, in accordance with Part XIX of the Act. See the Circular Letter for transitional arrangements.

The Schedules set out certain additional information, tables and forms required for the implementation of these Regulations.