

PLANNING AND DEVELOPMENT (SECTION 179A) REGULATIONS 2023 (S.I. No. 101 of 2023)

RE: Proposed Infill Development of 3 no. units at the existing Hillcrest Estate, Loughrea, Co.Galway

Date: 20.02.2024

By: CMD

Checklist 1 of 4 - Qualifying Criteria

Amendment to Planning Legislation relating to Local Authority Housing Developments - 'Part 8' exemption

Came into effect on 8th March 2023 to support accelerated delivery of housing projects **which will commence construction before end of 2024** and which meet the criteria set out.

Criteria	Description	Compliance
1	the land is owned by the local authority or another specified State Body;	✓
2	the land is zoned for residential development;	✓
3	the proposed development does not materially contravene the development plan or local area plan for the area;	✓
4	the proposed development is in accordance with the relevant local authority's housing strategy;	✓
5	the land is serviced or will be serviced with the necessary supporting infrastructure or facilities within the timeframe of the development;	✓
6	the proposed development is not required to undergo environmental impact assessment (EIA) under the EIA Directive or appropriate assessment (AA) under the Habitats Directive	✓
7	the development works in question are commenced by no later than 31 December 2024	✓

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Checklist 2 of 4 - Supporting Documentation

1	Check if the development satisfies all the criteria for Part 8 exemption		✓
2	CE to formally notify the elected members of the proposed development prior to issuing a site notice and a newspaper notice. documented proof required that elected members were formally notified in advance.	Note	✓
3	GCC/Consultants to produce planning pack		✓
4	AA and EIA Screening Out Reports		✓
5	Signed CE Order accepting AA Screening determinations (see sample CCC)		✓
6	Signed CE Order accepting EIAR Screening determinations (see sample CCC)		✓
7	Newspaper notice to Connacht Tribune to be published at least 8 weeks before commencement of housing development (see sample from CCC)		✓
8	Site notice to be erected on site same date as newspaper notice and leave in situ for at least 8 weeks (see sample from CCC)		✓
9	Put planning pack on display for the 8 week period		Documents above to be completed for inclusion
10	Enter into planning register ?		Documents above to be completed for inclusion

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Checklist 3 of 4 - Notification to Prescribed Bodies (Planning and Development Regulations 82(3))

(a) where it appears to the authority that the land or structure is situated in an area of special amenity, whether or not an order in respect of that area has been confirmed under section 203 (or deemed to be so confirmed under section 268(1)(c)) of the Act, or that the development or retention of the structure might obstruct any view or prospect of special amenity value or special interest — to An Chomhairle Ealaíon, Fáilte Ireland, and An Taisce — the National Trust for Ireland,

No

(b) where it appears to the authority that the development might obstruct or detract from the value of any tourist amenity or tourist amenity works— to Fáilte Ireland

No

(c) where it appears to the authority that the development—

(i) would involve the carrying out of works to a protected structure or proposed protected structure, or to the exterior of a structure which is located within an architectural conservation area,

(ii) might detract from the appearance of a structure referred to in sub-paragraph (i),

(iii) might affect or be unduly close to—

(I) a cave, site, feature or other object of archaeological, geological, scientific, ecological or historical interest,

(II) a monument or place recorded under section 12 of the National Monuments (Amendment) Act, 1994 (No. 17 of 1994),

(III) a historic monument or archaeological area entered in the Register of Historic Monuments under Section 5 of the National Monuments (Amendment) Act, 1987 (No. 17 of 1987),

(IV) a national monument in the ownership or guardianship of the Minister under the National Monuments Acts, 1930 to 1994, or

(V) might obstruct any scheme for improvement of the surroundings of, or any means of access to, any structure, place, feature or object referred to in sub paragraph (iii)

— to the Minister, the Heritage Council, and An Taisce — the National Trust for Ireland, and in the case of development of a type referred to in sub-paragraph (i) or

(ii), An Chomhairle Ealaíon and Fáilte Ireland,

No

(d) where it appears to the authority that the area of another local authority might be affected by the development — to that local authority

No

(e) where it appears to the authority that the development would not be consistent with or would materially contravene any regional planning guidelines (or any objective thereof) of a regional authority — to that regional authority,

No

(f) where it appears to the authority that if permission were granted, a condition should be attached under section 34(4)(m) of the Act — to any local authority (other than the planning authority) who would be affected by any such condition,

No

(g) where it appears to the authority that— (i) the development might cause the significant abstraction or addition of water either to or from surface or ground waters, whether naturally occurring or artificial, (ii) the development might give rise to significant discharges of polluting matters or other materials to such waters or be likely to cause serious water pollution or the danger of such pollution, or (iii) the development would involve the carrying out of works in, over, along or adjacent to the banks of such waters, or to any structure in, over or along the banks of such waters, which might materially affect the waters, — to the appropriate Regional Fisheries Board and, in any case where the waters concerned are listed in Part 1 of Annex 1 of the Schedule to the British-Irish Agreement Act, 1999 (No. 1 of 1999), to Waterways Ireland	No
(h) where it appears to the authority that the development might endanger or interfere with the safety of, or the safe and efficient navigation of aircraft — to the Irish Aviation Authority,	No
(i) where it appears to the authority that the development might interfere with the operation and development of a licensed airport, whose annual traffic is not less than 1 million passenger movements — to the airport operator	No
(j) where the development may have an impact on bus or rail-based transport — to Córas Iompair Éireann and the Railway Procurement Agency, as appropriate	No
(m) where the development comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence — to the Environmental Protection Agency,	No
(n) where it appears to the authority that the development might have significant effects in relation to nature conservation — to the Heritage Council, the Minister and An Taisce - the National Trust for Ireland,	No
(o) where the development is in a Gaeltacht area and it appears to the authority that it might materially affect the linguistic and cultural heritage of the Gaeltacht, including the promotion of Irish as the community language — to the Minister for Community, Rural and Gaeltacht Affairs and Údarás na Gaeltachta	No
(p) where the development is in the vicinity of an explosives factory, storage magazine or local authority explosives store — to the Minister for Justice, Equality and Law Reform,	No
(q) where it appears to the authority that the development might have significant effects on public health — to the Health Service Executive	No
(r) where the application relates to extraction of minerals within the meaning of the Minerals Development Acts, 1940 to 1995 — to the Minister for Communications, Marine and Natural Resources	No
(s) where it appears to the authority that the development might impact on the foreshore — to the Minister for Communications, Marine and Natural Resources,	No
(t) where the development might— (i) give rise to a significant increase in the volume or type of traffic (including construction traffic) passing under a height restricted railway bridge, or using a railway level crossing, or a bridge over a railway, (ii) because of its proximity to a railway, impact on the structural integrity of railway infrastructure during construction of the development, or (iii) endanger or interfere with the safe operation of a railway, during or after construction, — to the railway operator, the Railway Safety Commission, and, in the case of development which might impact on a light railway or metro, the Railway Procurement Agency,	No
(u) where the application relates to— (i) the extraction of minerals, other than minerals within the meaning of the Minerals Development Acts 1940-1999, whether by surface or underground means, (ii) the development of, or extensions to, quarries, including sand or gravel pits, for the extraction of earth materials, or (iii) a development which, for other purposes, requires the excavation of earth materials greater than a total volume of 50,000m ³ or the excavation of earth materials on a site area greater than 1 hectare— to the Minister for Communications, Marine and Natural Resources	No
(v) where it appears to the authority that the development might impact on the provision of public water services — to Irish Water.	No

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Checklist 4 of 4 - Documents to be made available for Public Inspection for a period of 8 weeks from the date of publication of the newspaper notice

In accordance with the regulations a LA shall make the following available for inspection on their website and at the offices of the LA:

1	Document describing the nature and extent of the development and the principal features thereof incl: Nature and extent of the development under the Act where development would relate to a protected structure or a proposed protected structure, an indication of that fact	✓ N/A
2	Location map at scale of not less than 1:1000 (built up areas) and 1:2500 (all other areas). Marked or coloured to identify clearly the land on which it is proposed to carry out the development	✓
3	Site Layout Plan to scale of not less than 1:500, showing the boundary of the site on which development is proposed, the buildings and other structures, roads and other features, in the vicinity of the site.	✓
4	Such other plans and drawings, drawn to scale of not less than 1:100, as are necessary to describe the proposed housing development	✓
5	The determinations of the LA under Articles 81A(5) and 81A(6) and any associated documents. (AA & EIA Screening). Note that all aspects of the development incl. operational and post-operational are to be screened and note to include demolition stage, if applicable	✓

1	Newspaper Notice	✓
2	Site Notice	✓
3	CE Orders for Determinations	✓
4	Letter & electronic copy for prescribed bodies	✓
5	pdf of full planning pack for website	✓