



DÁIL ÉIREANN

AN BILLE UM PLEANÁIL AGUS FORBAIRT (BONNEAGAR STRAITÉISEACH) 2006 PLANNING AND DEVELOPMENT (STRATEGIC INFRASTRUCTURE) BILL 2006

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM PLEANÁIL AGUS FORBAIRT (BONNEAGAR STRAITÉISEACH) 2006 —AN TUARASCÁIL

PLANNING AND DEVELOPMENT (STRATEGIC INFRASTRUCTURE) BILL 2006 —REPORT

Leasuithe Amendments

1. In page 5, lines 10 to 12, to delete all words from and including “CERTAIN” in line 10 down to and including “STATE” in line 12 and substitute the following:

“DEVELOPMENTS SO DETERMINED BY AN BORD PLEANÁLA TO BE DEFINED AS DEVELOPMENTS CONTRIBUTING TO THE STRATEGIC ECONOMIC, SOCIAL AND ENVIRONMENTAL IMPORTANCE TO THE STATE, AS SO LISTED IN SECTION SEVEN OF THE ACT”.

—Ciarán Cuffe.

2. In page 5, lines 14 to 16, to delete all words from and including “FOR” in line 14 down to and including “GENERALLY” in line 16 and substitute the following:

“OF OTHER DEFINED DEVELOPMENTS UNDER THE DEVELOPMENT CATEGORIES LISTED IN SCHEDULE SEVEN OF THE ACT”.

—Ciarán Cuffe.

3. In page 6, between lines 4 and 5, to insert the following:

“ “Developments contributing to the strategic economic, social and environmental importance of the State” means those types of developments listed in Schedule Seven of the Act, or certain projects so determined by An Bord Pleanála to fall within the categories of projects listed in Schedule Seven of the Act;”.

—Ciarán Cuffe.

4. In page 6, between lines 4 and 5, to insert the following:

“ “Strategic Infrastructure Division” means the Division within An Bord Pleanála with responsibility for the assessment and decision making on development projects as defined and determined under Schedule Seven of the Act;”.

—Ciarán Cuffe.

5. In page 6, between lines 7 and 8, to insert the following:

“Definitions.

3.—The Principal Act is amended by inserting the following section before section 3 but in Part III:

“32.—In this Part—

“prospective applicant” is any person who proposes to apply for any development specified in the Seventh Schedule;”.

—Fergus O'Dowd.

6. In page 6, lines 13 and 14, to delete “if the following condition is satisfied” and substitute the following:

“if following determination by the Board, with reference to the projects listed in Schedule Seven”.

—Ciarán Cuffe.

7. In page 6, lines 13 and 14, to delete “if the following condition is satisfied” and substitute “subject to subsection (2) of this section”.

—Fergus O'Dowd.

8. In page 6, lines 16 and 17, to delete “consultations” and substitute “determination”.

—Ciarán Cuffe.

9. In page 6, line 17, to delete “the Board” and substitute “by the Board”.

—Ciarán Cuffe.

10. In page 6, line 21, to delete “one or more” and substitute “all”.

—Arthur Morgan.

11. In page 6, line 23, to delete “be of” and substitute “contribute to the”.

—Ciarán Cuffe.

12. In page 6, lines 24 and 25, to delete “importance to the State or the region” and substitute the following:

“or specific strategic economic, social or environmental objective of the National Development Plan or National Spatial Strategy, Regional Planning Guidelines in force and applicable to the region, areas or area in which the development would be situate, for projects listed in the Seventh Schedule or those so determined by the Board as falling into those certain categories of projects having regard to Schedule Seven”.

—Ciarán Cuffe.

13. In page 6, to delete lines 27 and 28 and substitute the following:

“(b) the development would contribute substantially to the fulfilment of any of”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

14. In page 6, to delete lines 27 to 36.

—Eamon Gilmore.

15. In page 6, to delete lines 27 to 33 and substitute the following:

“(b) the development would constitute an infrastructural project of national or regional significance, the location and nature of which is identified in the National Development Plan, the National Spatial Strategy or in any regional planning guidelines in force in respect of the area or areas in which it would be situated,”.

—Fergus O'Dowd.

16. In page 6, to delete lines 27 to 33.

—Ciarán Cuffe.

17. In page 6, lines 27 and 28, to delete “significantly” and substitute “substantially”.

—Fergus O'Dowd.

18. In page 6, to delete lines 34 to 36.

—Fergus O'Dowd.

19. In page 6, lines 34 and 35, to delete “significant” and substitute “demonstrable”.

—Ciarán Cuffe.

20. In page 6, line 35, after “effect” to insert the following:

“on strategic economic, social or environmental objectives, of Development Plans in force”.

—Ciarán Cuffe.

21. In page 6, line 35, after “area” to insert “or areas”.

—Ciarán Cuffe.

22. In page 6, line 36, after “authority” to insert the following:

“including ecological (including the effects on the components, structures and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social or health whether direct, indirect or cumulative effect”.

—Arthur Morgan.

23. In page 6, to delete lines 37 and 38.

—Fergus O'Dowd.

24. In page 6, to delete lines 39 to 43 and substitute the following:

“37B.—(1) A person applying for permission for any development specified in Schedule Seven of the Act, shall submit its application to the Board for determination of the applicability or otherwise of the *Planning and Development (Strategic Infrastructure) Act 2006*.”.

—Ciarán Cuffe.

25. In page 6, lines 39 to 41, to delete all words from and including “person” in line 39 down to and including “Schedule” in line 41 and substitute “prospective applicant”.

—Fergus O'Dowd.

26. In page 6, to delete lines 44 to 46 and substitute the following:

“(2) Where, following determination by the Board under section 37(A) the Board shall issue a notice to the applicant and planning authority in which it is situate and other planning authorities so affected, and at the same time publish the notice in local and national newspapers, stating that in the opinion of the Board—”.

—Ciarán Cuffe.

27. In page 6, to delete lines 44 to 46.

—Fergus O'Dowd.

28. In page 7, to delete lines 1 to 17 and substitute the following:

“(a) the proposed development, if carried out, would fall within the categories of development, listed in Schedule Seven and thus be subject to the provisions of the *Planning and Development (Strategic Infrastructure) Act 2006* and thereby the application will be determined by An Bord Pleanála, or,

(b) the proposed development would, if carried out, fall within the categories of development, listed in Schedule Seven, not be subject to the provisions of the *Planning and Development (Strategic Infrastructure) Act 2006* and thereby the application will be determined by the planning authority [name of Authority] in which the development is to be situate.”
—Ciarán Cuffe.

29. In page 7, line 3, after “application” to insert the following:

“and public notice must be given of any meeting regarding such advice and that members of the public can attend”.

—Arthur Morgan.

30. In page 7, to delete lines 12 to 17.

—Arthur Morgan.

31. In page 7, between lines 17 and 18, to insert the following:

“(d) if following the issuing of a notice under section 37(B)(2)(b) by the Board, the Board will return the application particulars to the applicant and the applicant will submit them to the planning authority in which it is situate for planning purposes.”.

—Ciarán Cuffe.

32. In page 7, to delete lines 18 to 45 and substitute the following:

“(4) The Board shall, within two weeks of receipt of applications for determination under section 37(A), make its determination and issue a notice under section 37(B)(1)(a) or (b) to both the applicant and planning authority in which the development is to be situate.”.

—Ciarán Cuffe.

33. In page 7, line 39, after “authority” to insert the following:

“, and in the case of paragraph (c) of section 37A(2), on all planning authorities the areas of which would be significantly affected by the proposed development”.

—Fergus O’Dowd.

34. In page 7, to delete line 40 and substitute the following:

“(7) No application for permission in respect of a development referred to in subsection (1) shall be made to a planning authority unless or until a notice is served under subsection (4)(b) in relation to the development.

(8) In this section ‘appropriate planning auth-’.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

35. In page 7, to delete lines 40 to 45 and substitute the following:

“(7) In this section ‘appropriate planning authority’ means the appropriate planning authority that would have ordinarily dealt with the application referred to in that subsection, prior to the enactment of *section 3* of the *Planning and Development (Strategic Infrastructure) Act 2006*.”.

—Fergus O'Dowd.

36. In page 7, line 45, to delete “that subsection” and substitute “subsection (1)”.

—An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

37. In page 7, between lines 45 and 46, to insert the following:

“(5) Applicants shall, following receipt of a notice under section 37(B)(1)(a), erect this notice on red paper, alongside the planning application site notice, in accordance with the relevant provisions of Planning and Development Regulations, as amended by section of the *Planning and Development (Strategic Infrastructure) Act 2006*.”.

—Ciarán Cuffe.

38. In page 7, to delete lines 46 to 52 and in page 8, to delete lines 1 to 16 and substitute the following:

“(6) The Board shall prepare a report and keep it on public record, of its considerations and deliberations that determined the outcome of its decision under section 37(A).”.

—Ciarán Cuffe.

39. In page 7, line 50, after “development” to insert the following:

“, and this information shall be provided, in writing, not less than 3 weeks prior to the date of any such consultation, in such manner as may be prescribed in regulations”.

—Fergus O'Dowd.

40. In page 8, to delete lines 5 to 11 and substitute the following:

“(3) The Board shall keep a record, in writing—

(a) of any such request by the prospective applicant under section 37C,

(b) of the Board’s opinion in response to such a request,

and a copy of such request and opinion shall be placed and kept with the documents to which any planning application in respect of the proposed development relates.”.

—Fergus O'Dowd.

41. In page 8, to delete lines 17 to 43 and substitute the following:

“(7) The Minister will issue EIA Guidelines under section 177(1) and prescribe the information that is to be contained in an environmental impact statement for both section 37 projects and 37A Strategic Infrastructure Projects.”.

—Ciarán Cuffe.

42. In page 8, lines 19 and 20, to delete all words from and including “a” in line 19 down to and including “her” in line 20 and substitute the following:

“the Board shall provide a prospective applicant, or cause such applicant to be provided with,”.

—Fergus O'Dowd.

43. In page 8, line 23, after “statement” to insert “or an economic and social analysis”.

—Fergus O'Dowd.

44. In page 8, line 48, after “statement” to insert “and an economic and social analysis”.

—Fergus O'Dowd.

45. In page 8, to delete lines 50 to 53 and in page 9 to delete lines 1 to 4 and substitute the following:

“(2) The Board may deem invalid any application made to it under this section where it considers that the application for permission, by reference to the inadequacy of environmental impact statement, is incomplete, having regard to the Ministerial Guidelines made under section 177.”.

—Ciarán Cuffe.

46. In page 8, line 52, to delete “permission or” and substitute “permission,”.

—Fergus O'Dowd.

47. In page 8, line 53, after “statement” to insert “or the economic and social analysis”.

—Fergus O'Dowd.

48. In page 9, to delete lines 7 to 12 and substitute the following:

“(a) place a red application notice on the application site specifying the times and places at which, and the period (not being less than 6 weeks) during which the application, and corresponding EIS, may be inspected at the planning authority in which the proposed development is to be situate, free of charge, or copied at a reasonable cost—”.

—Ciarán Cuffe.

49. In page 9, line 19, to delete “has” and substitute “and an economic and social analysis have”.
—Fergus O'Dowd.
50. In page 9, line 31, to delete “6” and substitute “10”.
—Ciarán Cuffe.
51. In page 9, line 32, to delete “application and” and substitute “application,”.
—Fergus O'Dowd.
52. In page 9, line 33, after “statement” to insert “and the economic and social analysis”.
—Fergus O'Dowd.
53. In page 9, between lines 48 and 49, to insert the following:
“(III) the likely effects on the strategic economic, social or environmental conditions of the area or area(s) in which the proposed development is to be situate,”.
—Ciarán Cuffe.
54. In page 10, line 9, after “situated” to insert the following:
“together with a letter stating that the Manager’s report must be submitted within the period of 6 weeks from the date of letter of referral of the application to the planning authority by the Board”.
—Ciarán Cuffe.
55. In page 10, line 11, to delete “application and” and substitute “application,”.
—Fergus O'Dowd.
56. In page 10, line 12, after “statement” to insert “and the economic and social analysis”.
—Fergus O'Dowd.
57. In page 10, between lines 23 and 24, to insert the following:
“(iii) the likely effects on the strategic economic, social or environmental objectives of the Development Plan in the area or area(s) in which the proposed development is to be situate,”.
—Ciarán Cuffe.

58. In page 10, line 31, to delete “application and” and substitute “application.”
—Fergus O’Dowd.

59. In page 10, line 32, after “statement” to insert “and the economic and social analysis”.
—Fergus O’Dowd.

60. In page 10, line 48, to delete “or” and substitute “and”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

61. In page 11, line 3, after “development” to insert the following:
“and the Manager in submitting his report must bear in mind and include the views of the members of the Local Authority”.
—Arthur Morgan.

62. In page 11, to delete lines 4 to 10 and substitute the following:
“(6) Where there are recommendations proposed by not less than one third of the membership of the planning authority, such recommendations shall be submitted to the Board, in addition to any recommendations, adopted by resolution, of the majority members contained in the Manager’s report.”.
—Ciarán Cuffe.

63. In page 11, to delete lines 4 to 10 and substitute the following:
“(6) (a) The members of the planning authority may decide to submit, together with the manager’s report under subsection (4), recommendations in relation to the proposed development, and the Manager shall submit these recommendations in addition to those in his report.
(b) Where recommendations are proposed by not less than one third of the membership of the planning authority, such recommendations shall be submitted, in addition to the recommendations of the majority of the members of the planning authority.”.
—Fergus O’Dowd.

64. In page 11, line 8, after “recommendations” to insert the following:
“(together with the meetings administrator’s record”).
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

65. In page 11, between lines 10 and 11, to insert the following:

“(7) In subsection (6) ‘the meetings administrator’s record’ means a record prepared by the meetings administrator (within the meaning of section 46 of the Local Government Act 2001) of the views expressed by the members on the proposed development.”

—An tAire Comhshaoil, Oidhreachtá agus Rialtais Áitiúil.

66. In page 11, to delete line 11 and substitute the following:

“(8) In addition to the report referred to in sub-”

—An tAire Comhshaoil, Oidhreachtá agus Rialtais Áitiúil.

67. In page 11, lines 12 and 13, to delete “may, where it considers it necessary to do so” and substitute “must”.

—Arthur Morgan.

68. In page 11, between lines 21 and 22, to insert the following:

“(8) Where a reasonable request that the Board consult with an independent health expert on the health implications of any proposed infrastructural development is received by the Board from local residents or other interested local parties, such a request shall be complied with.”

—Fergus O'Dowd.

69. In page 11, lines 23 and 24, to delete “may, at its absolute discretion” and substitute “will be required to”.

—Arthur Morgan.

70. In page 11, line 24, to delete “at its absolute discretion and”.

—Eamon Gilmore.

71. In page 11, line 25, to delete “applicant for permission” and substitute “applicant”.

—Fergus O'Dowd.

72. In page 11, line 28, after “statement” to insert “or a revised economic and social analysis”.

—Fergus O'Dowd.

73. In page 11, to delete lines 29 to 33.

—Arthur Morgan.

74. In page 11, line 35, before “from” to insert the following:

“, including submission relevant to the health and safety of communities proximate to the location of the proposed development.”

—Fergus O'Dowd.

75. In page 11, line 39, after “information” to insert the following:

“including most recent scientific reports or research on health matters”.

—Arthur Morgan.

76. In page 11, to delete lines 42 to 50 and substitute the following:

“(d) without prejudice to subsections (2) and (3) the Board publish a notice in the national and local newspaper notifying the public that further information is received and shall, at the same time, copy any information received under section 37F(1) and dispatch it to both the relevant planning authorities and prescribed authorities, and invite further submissions or observations within 8 weeks of receipt such information or notification under this section.”

—Ciarán Cuffe.

77. In page 11, line 47, to delete “if it considers appropriate” and substitute “be required to”.

—Arthur Morgan.

78. In page 11, to delete lines 51 and 52 and in page 12, to delete lines 1 to 12.

—Fergus O'Dowd.

79. In page 11, line 51, after “meetings” to insert “in public”.

—Ciarán Cuffe.

80. In page 12, between lines 12 and 13, to insert the following:

“(iii) Any meetings held under paragraph (e)(i) and (ii) must be held in public, with adequate notice served on all parties concerned.”

—Arthur Morgan.

81. In page 12, line 14, after “statement” to insert “or a revised economic and social analysis”.

—Fergus O'Dowd.

82. In page 12, lines 29 and 30, to delete “such period as it may specify” and substitute the following:

“the period of 8 weeks of the date receipt of further information”.

—Ciarán Cuffe.

83. In page 12, between lines 30 and 31, to insert the following:

“(3) Submissions made under subsection (2) shall be made within a period of not less than 8 weeks.”.

—Fergus O'Dowd.

84. In page 12, line 34, after “available” to insert the following:

“within the planning file on the application for public”.

—Ciarán Cuffe.

85. In page 12, to delete lines 39 to 48 and substitute the following:

“(5) Before making a decision under section 37G in respect of any development proposal applicable under the *Planning and Development (Strategic Infrastructure) Act 2006*, the Board shall provide the Environmental Protection Agency with a copy of project EIS and request the Environmental Protection Agency to make a written observation on it within 3 weeks from the date of request by Board.”.

—Ciarán Cuffe.

86. In page 12, line 41, to delete “or for the purposes of an activity for which”.

—Fergus O'Dowd.

87. In page 12, line 48, after “development” to insert the following:

“, and the Board shall not make a decision under section 37G without considering in equal measure the application for such a licence”.

—Fergus O'Dowd.

88. In page 12, line 53, after “subsection (5)” to insert the following:

“, and it shall not make such a decision within that period without having either—

(i) considered the observations of the Environmental Protection Agency,
or

(ii) received notification from the Environmental Protection Agency that it does not intend to make a submission”.

—Fergus O'Dowd.

89. In page 13, line 17, after “statement” to insert “and the economic and social analysis”.

—Fergus O’Dowd.

90. In page 13, line 23, after “recommendations” to insert “and record”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

91. In page 13, line 26, to delete “any”.

—Ciarán Cuffe.

92. In page 13, line 27, before “and”, to insert the following:

“, submission of the Environmental Protection Agency under section 37”.

—Ciarán Cuffe.

93. In page 14, to delete line 5.

—Fergus O’Dowd.

94. In page 14, between lines 8 and 9, to insert the following:

“(3) When making a decision in respect of a proposed development for which an application is made under section 37E, the Board shall, without prejudice to the generality of subsection (1), consult with any relevant planning, local or regional authority, so that it shall be apprised of the opinions of local people and their representatives, and the Board shall—

(a) take account of such concerns and

(b) not overrule existing planning provisions

save where there is good, justifiable and stated reason not to so do.”.

—Fergus O’Dowd.

95. In page 15, to delete lines 8 to 13 and substitute the following:

“(6) The Board may decide to grant a development, or any part of a development under this section subject to the proposed development complying with the requirements of any development plan relating to any area in which it is proposed to situate the development.”.

—Arthur Morgan.

96. In page 15, to delete lines 8 to 13.

—Eamon Gilmore.

97. In page 15, line 8, after “Board” to insert the following:

“, having considered the views (if any) of the members of the relevant local authority and/or its chief executive,”.

—Fergus O'Dowd.

98. In page 15, to delete lines 40 to 46 and substitute the following:

“(ii) the provision or the financing, in whole or in part, of the provision of a service,

in the area in which the proposed development would be situated, being a facility or service that, in the opinion of the Board, would constitute a substantial gain to the community.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

99. In page 15, between lines 42 and 43, to insert the following:

“(iii) or a combination of both,”.

—Fergus O'Dowd.

100. In page 15, between lines 42 and 43, to insert the following:

“(e) a condition requiring the Board to place notices in local and national newspapers—

(i) stating the nature of the planning permission, and

(ii) requesting submissions on what a facility or service under paragraph (d) should comprise,”.

—Fergus O'Dowd.

101. In page 15, between lines 46 and 47, to insert the following:

“(8) It shall be open to a developer to appeal any condition attached to any permission by the Board under subsection (7) by lodging such appeal with the Board not later than 28 days after the attachment to the permission was made.”.

—Fergus O'Dowd.

102. In page 15, to delete lines 47 to 53.

—Fergus O'Dowd.

103. In page 16, to delete lines 1 to 7 and substitute the following:

“(9) In this section, “appropriate planning authority” has the meaning assigned to it in section 37B(7).”.

—Fergus O'Dowd.

- 104.** In page 16, line 16, after “Board” to insert “, by the applicant,”.
—Fergus O’Dowd.
- 105.** In page 17, lines 30 and 31, after “section 37D” to insert the following:
“, but not any amendment to the Seventh Schedule of this Act,”.
—Fergus O’Dowd.
- 106.** In page 18, line 17, to delete “18” and substitute “12,”.
—Fergus O’Dowd.
- 107.** In page 18, line 33, to delete “for permission”.
—Fergus O’Dowd.
- 108.** In page 19, to delete lines 1 to 10.
—Arthur Morgan.
- 109.** In page 19, line 10, to delete “Board shall comply with such a direction” and substitute the following:
“Board shall take this into account in conjunction with the Local Authority”.
—Arthur Morgan.
- 110.** In page 19, lines 16 and 17, to delete all words from and including “time” in line 16 down to and including “direct.”.” in line 17 and substitute the following:
“time taken to determine such matters as the Minister may direct.”
37K.—Nothing in this Act shall be construed as enabling the authorisation of development consisting of an installation for the generation of electricity by nuclear fission.”.”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
- 111.** In page 19, line 24, after “section” to insert “and section 182B”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
- 112.** In page 19, line 33, after “statement” to insert “and an economic and social analysis”.
—Fergus O’Dowd.

Nuclear installations: no development in respect of them authorised.

113. In page 20, line 1, to delete “has” and substitute “and an economic and social analysis have”.
—Fergus O'Dowd.
114. In page 20, line 14, to delete “application and” and substitute “application,”.
—Fergus O'Dowd.
115. In page 20, line 15, after “statement” to insert “, and any economic and social analysis”.
—Fergus O'Dowd.
116. In page 20, line 37, to delete “application and” and substitute “application,”.
—Fergus O'Dowd.
117. In page 20, line 38, after “statement” to insert “, and any economic and social analysis”.
—Fergus O'Dowd.
118. In page 21, line 49, after “statement” to insert “and revised economic and social analysis”.
—Fergus O'Dowd.
119. In page 22, line 40, to delete “altered or” and substitute “altered,”.
—Fergus O'Dowd.
120. In page 22, line 42, before “in” to insert “, or a revised economic and social analysis”.
—Fergus O'Dowd.
121. In page 22, line 47, to delete “information or” and substitute “information,”.
—Fergus O'Dowd.
122. In page 22, line 48, after “statement” to insert “, or the economic and social analysis”.
—Fergus O'Dowd.
123. In page 23, line 43, after “statement” to insert “or the economic and social analysis”.
—Fergus O'Dowd.

- 124.** In page 24, line 13, after “statement” to insert “or an economic and social analysis”.
- Fergus O'Dowd.
- 125.** In page 25, between lines 19 and 20, to insert the following:
- “(c) or a combination of both,”.
- Fergus O'Dowd.
- 126.** In page 25, line 22, after “a” to insert “substantial”.
- An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
- 127.** In page 25, to delete lines 24 to 30.
- Fergus O'Dowd.
- 128.** In page 26, line 40, to delete “and”.
- Fergus O'Dowd.
- 129.** In page 26, line 42, after “development,” to insert “and”.
- Fergus O'Dowd.
- 130.** In page 26, between lines 42 and 43, to insert the following:
- “(c) an economic and social analysis of the effects of the development,”.
- Fergus O'Dowd.
- 131.** In page 27, line 22, to delete “has” and substitute “and an economic and social analysis have”.
- Fergus O'Dowd.
- 132.** In page 27, line 35, to delete “application and” and substitute “application,”.
- Fergus O'Dowd.
- 133.** In page 27, line 36, after “statement” to insert “, and the economic and social analysis”.
- Fergus O'Dowd.
- 134.** In page 28, line 9, to delete “application and” and substitute “application,”.
- Fergus O'Dowd.

135. In page 28, line 10, after “statement” to insert “, and the economic and social analysis”.
- Fergus O'Dowd.
136. In page 29, line 22, after “statement” to insert “or revised economic and social analysis”.
- Fergus O'Dowd.
137. In page 30, line 15, to delete “altered or” and substitute “altered,”.
- Fergus O'Dowd.
138. In page 30, line 17, before “in” to insert “or the economic and social analysis”.
- Fergus O'Dowd.
139. In page 30, line 22, to delete “information or” and substitute “altered,”.
- Fergus O'Dowd.
140. In page 30, line 23, after “statement” to insert “or the economic and social analysis”.
- Fergus O'Dowd.
141. In page 31, line 34, to delete “and” and substitute the following:
- “(b) the economic and social analysis,
and”.
- Fergus O'Dowd.
142. In page 31, line 42, after “statement” to insert “or an economic and social analysis”.
- Fergus O'Dowd.
143. In page 32, between lines 46 and 47, to insert the following:
- “(c) or a combination of both,”.
- Fergus O'Dowd.
144. In page 33, line 1, after “a” to insert “substantial”.
- An tAire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

145. In page 34, line 33, after “statement” to insert “or an economic and social analysis”.

—Fergus O'Dowd.

146. In page 35, between lines 17 and 18, to insert the following:

“Amendment of
Sixth Schedule to
Principal Act.

5.—The Sixth Schedule to the Principal Act is amended by the insertion of the following paragraph after paragraph 8:

“9. Any development that concerns or comprises a nuclear power station or installation or any structure whose function it is to use, treat, store or otherwise handle nuclear material.””.

—Fergus O'Dowd.

147. In page 35, line 24, before “comprising” to insert the following:

“(other than development that concerns or comprises a nuclear power station or installation or any structure whose function it is to use, treat, store or otherwise handle nuclear material)”.

—Fergus O'Dowd.

148. In page 35, to delete lines 33 to 35.

—Arthur Morgan.

149. In page 35, between lines 35 and 36, to insert the following:

“—Nuclear power energy generation projects shall not be eligible to be considered as falling within the energy projects registered under the schedule for which the provisions of this act are applicable”.

—Arthur Morgan.

150. In page 35, between lines 35 and 36, to insert the following:

“—Nuclear power energy generation projects shall not be considered, or so determined by the Board, as falling within the category of energy projects listed under this schedule for which the provisions of the Act will apply.”.

—Ciarán Cuffe.

151. In page 35, to delete lines 36 to 38.

—Arthur Morgan.

152. In page 35, to delete lines 46 and 47 and in page 36, to delete lines 1 and 2.

—Arthur Morgan.

- 153.** In page 36, line 3, to delete “surface”.
—Arthur Morgan.
- 154.** In page 36, line 21, to delete “50” and substitute “10”.
—Fergus O'Dowd.
- 155.** In page 37, line 3, after “park” to insert “(consisting of not more than 500 spaces)”.
—Fergus O'Dowd.
- 156.** In page 37, line 6, after “installation” to insert the following:
“(other than such an installation used solely or primarily for the purpose of mooring leisure craft)”.
—Fergus O'Dowd.
- 157.** In page 37, line 8, to delete “20” and substitute “10”.
—Fergus O'Dowd.
- 158.** In page 37, lines 11 and 12, to delete all words from and including “quays” in line 11 down to and including “length” in line 12 and substitute the following:
“one or more quays which or each of which would exceed 100 metres in length”.
—An tAire Comhshaoil, Oidhreachtá agus Rialtais Áitiúil.
- 159.** In page 37, to delete line 19.
—Arthur Morgan.
- 160.** In page 37, to delete line 29.
—Arthur Morgan.
- 161.** In page 38, line 26, to delete “30” and substitute “15”.
—Fergus O'Dowd.
- 162.** In page 38, line 28, to delete “10” and substitute “5”.
—Fergus O'Dowd.
- 163.** In page 38, between lines 42 and 43, to insert the following:
“Healthcare Infrastructure

- 4.— Development comprising an Urgent Care Centre (UCC) or any other 24-hour healthcare facility which is designed to cater for accidents and emergencies and which includes basic diagnostic facilities.”
—Fergus O'Dowd.

164. In page 39, line 28, to delete “state”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

165. In page 40, between lines 14 and 15, to insert the following:

“Amendment of section 4 of Principal Act.

- 7.—Section 4 of the Principal Act is amended by the addition of the following after subsection (5) –

“(6) The erection or maintenance of such types of mobile telephone masts or antennae as may be prescribed shall not be exempted development.”.”
—Eamon Gilmore.

166. In page 40, lines 33 to 36, to delete all words from and including “(and” in line 33 down to and including “operates)” in line 36 and substitute the following:

“(and the effect of the imposition of conditions for that purpose would not require such an amount of financial resources to be committed as would substantially deprive the person in whose favour the permission operates of the benefits likely to accrue from the grant of permission)”.

—Fergus O'Dowd.

167. In page 42, to delete lines 6 to 14.

—Fergus O'Dowd.

168. In page 42, line 11, to delete “was” and substitute “and an economic and social analysis were”.

—Fergus O'Dowd.

169. In page 42, to delete lines 23 and 24.

—Fergus O'Dowd.

170. In page 43, to delete lines 21 to 25.

—Fergus O'Dowd.

171. In page 44, line 33, after “Court” to insert the following:

“(but this definition shall not be construed as meaning that subsections (2) to (6) and (9) do not extend to and govern the exercise by the Supreme Court of jurisdiction on any appeal that may be made)”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

172. In page 47, to delete lines 25 to 46 and in page 48, to delete lines 1 to 26 and substitute the following:

- “(a) one member shall be appointed from among persons selected by prescribed organisations which in the Minister's opinion are representative of persons whose professions or occupations relate to physical planning, engineering and architecture;
- (b) 2 members shall be appointed from among persons selected by prescribed organisations which in the Minister's opinion are representative of persons concerned with the protection and preservation of the environment and of amenities;
- (c) one member shall be appointed from among persons selected by prescribed organisations which in the Minister's opinion are concerned with economic development, the promotion of and carrying out of development, the provision of infrastructure or the development of land or otherwise connected with the construction industry;
- (d) one member shall be appointed from among persons selected by prescribed organisations which in the Minister's opinion are representative of the interests of local government;
- (e) one member shall be appointed from among persons nominated by such trade unions or organisation of trade unions as may be prescribed;
- (f) one member shall be appointed from among persons nominated by such bodies representing farmers and bodies that, in the opinion of the Minister, have a special interest or expertise in matters relating to rural and local community development, the promotion of the Irish language or the promotion of heritage, the arts and culture, as may be prescribed;
- (g) one member shall be appointed from among persons nominated by such voluntary bodies, bodies having charitable objects and bodies that, in the opinion of the Minister, have a special interest or expertise in matters relating to the promotion of the Irish language, the promotion of the arts and culture or that are representative of people with disability, and representative of young people, as may be prescribed;
- (h) one member shall be appointed from among the officers of the Minister who are established civil servants for the purposes of the Civil Service Regulation Act, 1956.

(2) The Minister shall prescribe at least 2 organisations for the purposes of each of paragraphs (a) to (g) of subsection (1).”.”.

—Eamon Gilmore.

173. In page 47, to delete lines 31 to 38 and substitute the following:

“(b) 2 members shall be appointed from—

(i) amongst persons nominated for such appointment by such organisations that, in the Minister’s opinion, are concerned with—

(I) economic development,

(II) the promotion of and carrying out of development,

(III) the provision of infrastructure or the development of land, or

(IV) otherwise connected with the construction industry as may be prescribed,

or

(ii) bodies that, in the Minister’s opinion, have a special interest or expertise in matters relating to rural and local community development, the promotion of the Irish language or the promotion of heritage, the arts and culture;”.

—Fergus O’Dowd.

174. In page 47, to delete lines 39 to 46 and substitute the following:

“(c) 2 members shall be appointed from among persons nominated for such appointment by such organisations that, in the Minister’s opinion, are representative of the interests of local government as may be prescribed;”.

—Fergus O’Dowd.

175. In page 48, between lines 2 and 3, to insert the following:

“(i) organisations that, in the Minister’s opinion, are representative of persons concerned with farming,

(ii) organisations that, in the Minister’s opinion, are representative of trade unions;”.

—Fergus O’Dowd.

176. In page 48, line 8, after “objects,” to insert the following:

“the aims or objectives of which relate to the promotion of environmental protection and the natural and built heritage;”.

—Fergus O’Dowd.

177. In page 48, to delete lines 9 to 14.

—Fergus O’Dowd.

178. In page 50, line 44, after “statement” to insert “, economic and social analysis”.

—Fergus O’Dowd.

179. In page 51, line 27, after “section 37E” to insert the following:

“but shall hold such an oral hearing where any person making submissions or observations under section 37E, or the planning authority in whose functional area the proposed development would take place, or the applicant under this section, requests such an oral hearing”.

—Ciarán Cuffe.

180. In page 51, line 27, after “section 37E” to insert the following:

“, and shall hold such an oral hearing where—

(a) any person making submissions or observations under section 37E,

(b) the planning authority in whose functional area the proposed development would take place, or

(c) the applicant under this section,

requests such an oral hearing”.

—Fergus O’Dowd.

181. In page 54, to delete lines 4 to 10.

—Fergus O’Dowd.

182. In page 54, to delete lines 24 to 28.

—Ciarán Cuffe, Fergus O’Dowd.

183. In page 56, to delete lines 6 to 9.

—Fergus O’Dowd.

184. In page 56, line 21, after “statement” to insert “and economic and social analysis”.

—Fergus O’Dowd.

185. In page 58, line 41, after “concerned” to insert the following:

“or otherwise result in significant change to the permission”.

—Eamon Gilmore.

186. In page 58, line 46, after “the” to insert “planning authority or the”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

187. In page 59, to delete line 9 and substitute the following:

“(2) (a) As soon as practicable after the making of”
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

188. In page 59, lines 12 and 13, to delete “a material” and substitute “any”.
—Arthur Morgan.

189. In page 59, between lines 14 and 15, to insert the following:

“(b) Before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if, in the particular case, the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation.”
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

190. In page 63, line 31, to delete “effect” and substitute “effects”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

191. In page 64, line 16, to delete “adverse”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

192. In page 65, between lines 30 and 31, to insert the following:

“Preparation of economic and social analysis. 146CC.—When an economic and social analysis is prepared, the requester shall as soon as may be—

- (a) submit a copy of the analysis to the Board, together with either—
 - (i) a copy of the published notice referred to in paragraph (c), or
 - (ii) a copy of the notice proposed to be published in accordance with paragraph (c) together with details of its proposed publication and date,
- (b) publish a notice, in the prescribed form, in one or more newspapers circulating in the area in which the development concerned is proposed to be, or is being, carried out—
 - (i) stating that an economic and social analysis has been submitted to the Board in relation to the proposed alteration of the terms of the development concerned,
 - (ii) indicating the times at which, the period (which shall not be less than 4 weeks) during which and the place or places where a copy of the analysis may be inspected,

- (iii) stating that a copy of the analysis may be purchased on payment of a specified fee (which fee shall not exceed the reasonable cost of making such copy), and
 - (iv) stating that submissions or observations may be made in writing to the Board before a specified date (which date shall not be less than 4 weeks after the notice was first published) in relation to the likely effects on the economic and social fabric of the proposed alteration of the foregoing terms,
- (c) send a copy of the economic and social analysis together with a notice in the prescribed form to the local authority or each local authority in whose functional area the proposed development would be situated and to any prescribed body or person stating that—
- (i) the analysis has been submitted to the Board in relation to the proposed alteration of the terms of the development concerned,
 - (ii) before a specified date (which date shall be the same as provided or proposed to be provided for by the notice under paragraph (b)) submissions or observations may be made in writing to the Board in relation to the likely effects on the economic and social environment of the proposed alteration of the foregoing terms,
- (d) send a copy of the environmental impact statement, together with a notice in the prescribed form, to a Member State of the European Communities or a state which is a party to the Transboundary Convention where, in the Board’s opinion, the proposed alteration of the terms of the development concerned is likely to have significant effect on the environment in that state, together with a notice (in the prescribed form, if any) stating that—
- (i) the statement has been submitted to the Board in relation to the likely effects on the economic and social environment of the proposed alteration of the foregoing terms,
 - (ii) before a specified date (which date shall be the same as provided or proposed to be provided for by the notice under paragraph (b)) submissions or observations may be made in writing to the Board in relation to the likely effects on the economic and social environment in that state of the proposed alteration of those terms, and the Board may, at its discretion and from time to time, extend any time limits provided for by this subsection.”.

—Fergus O’Dowd.

193. In page 65, line 48, to delete “those sections” and substitute “section 146A”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

194. In page 65, lines 50 and 51, to delete “appeal, application, referral or decision” and substitute “permission or other matter”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

195. In page 66, line 26, after “statement” to insert “or economic and social analysis”.

—Fergus O’Dowd.

- 196.** In page 67, line 6, to delete “181C(1)” and substitute “181B(1)”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
- 197.** In page 67, line 40, before “in” to insert “or economic and social analysis”.
—Fergus O’Dowd.
- 198.** In page 68, line 42, to delete “information or” and substitute “information,”.
—Fergus O’Dowd.
- 199.** In page 68, line 43, after “statement” to insert “or economic and social analysis”.
—Fergus O’Dowd.
- 200.** In page 69, between lines 46 and 47, to insert the following:
“(iii) or a combination of both,”.
—Fergus O’Dowd.
- 201.** In page 70, line 1, after “a” to insert “substantial”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
- 202.** In page 71, line 5, to delete “section 181B” and substitute “section 181B,”.
—Fergus O’Dowd.
- 203.** In page 71, line 5, after “statement” to insert “and an economic and social analysis”.
—Fergus O’Dowd.
- 204.** In page 71, line 23, to delete “has” and substitute “and an economic and social analysis have”.
—Fergus O’Dowd.
- 205.** In page 71, line 36, to delete “application and” and substitute “application,”.
—Fergus O’Dowd.
- 206.** In page 71, line 37, after “statement” to insert “and the economic and social analysis”.
—Fergus O’Dowd.

- 207.** In page 72, line 8, to delete “application and” and substitute “application,”.
—Fergus O'Dowd.
- 208.** In page 72, line 9, after “statement” to insert “and the economic and social analysis”.
—Fergus O'Dowd.
- 209.** In page 72, line 31, to delete “application and” and substitute “application,”.
—Fergus O'Dowd.
- 210.** In page 72, line 32, after “statement” to insert “and the economic and social analysis”.
—Fergus O'Dowd.
- 211.** In page 74, line 3, to delete “altered or” and substitute “altered,”.
—Fergus O'Dowd.
- 212.** In page 74, line 5, after “statement” to insert “or a revised economic and social analysis”.
—Fergus O'Dowd.
- 213.** In page 74, line 11, to delete “information or” and substitute “information,”.
—Fergus O'Dowd.
- 214.** In page 74, line 12, after “statement” to insert “or the economic and social analysis”.
—Fergus O'Dowd.
- 215.** In page 75, line 17, after “statement” to insert “or an economic and social analysis”.
—Fergus O'Dowd.
- 216.** In page 75, line 41, after “statement” to insert “or an economic and social analysis”.
—Fergus O'Dowd.
- 217.** In page 76, line 33, after “a” to insert “substantial”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

- 218.** In page 78, line 21, after “statement” to insert “or an economic and social analysis”.
—Fergus O’Dowd.
- 219.** In page 80, line 47, to delete “section 215(3)—” and substitute “section 215 —”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
- 220.** In page 83, lines 6 and 7, to delete “altered or” and substitute “altered.”
—Fergus O’Dowd.
- 221.** In page 83, line 8, after “statement” to insert “or a revised economic and social analysis”.
—Fergus O’Dowd.
- 222.** In page 83, line 14, to delete “information or” and substitute “information.”
—Fergus O’Dowd.
- 223.** In page 83, line 15, after “statement” to insert “or the revised economic and social analysis”.
—Fergus O’Dowd.
- 224.** In page 83, line 50, after “statement” to insert “or any revised economic and social analysis.”
—Fergus O’Dowd.
- 225.** In page 84, line 27, after “a” to insert “substantial”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
- 226.** In page 85, line 38, to delete “absolute”.
—Eamon Gilmore.
- 227.** In page 86, line 29, to delete “subsection” where it firstly occurs and substitute “subsections”.
—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.
- 228.** In page 89, between lines 7 and 8, to insert the following:

“Amendment of Part 47.—Part XIX of the Principal Act is amended by inserting the following section XIX of Principal Act after section 270:
Act.

“Exempted
developments
not affected.

270A.—For the avoidance of doubt, any category of exempted development by virtue of section 4 or regulations thereunder is not affected by the amendments of this Act made by the *Planning and Development (Strategic Infrastructure) Act 2006*.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

229. In page 89, between lines 17 and 18, to insert the following:

“(2) Where the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 fall to be applied in the assessment of any compensation that a person, other than a planning authority or other local authority, may be liable to pay, a like provision to the Rule inserted by *subsection (1)* shall be regarded as having effect in relation to the assessment of that compensation.”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

230. In page 97, to delete lines 3 to 5 and substitute the following:

“Oral Hearings.

42.—(1) The Board may, at its absolute discretion, hold an oral hearing into an application for a railway order, and shall hold such an oral hearing where—

(a) the order involves or includes the compulsory acquisition of land, and

(b) the owner of such land requests that an oral hearing be held.”.

—Fergus O'Dowd.

231. In page 102, between lines 6 and 7, to insert the following:

“(2) The Agency or CIE shall not acquire land compulsorily under this section without first engaging in bona fide reasonable efforts to acquire the land by agreement.”.

—Eamon Gilmore.

232. In page 103, line 27, after “Board” to insert the following:

“, or the date on which a copy of relevant extracts from the railway order and the plan referred to therein was served on every (if any) occupier and every (if any) owner of land referred to in the railway order, pursuant to section 46(b)”.

—Fergus O'Dowd.

233. In page 103, line 47, after “Court” to insert the following:

“(but this definition shall not be construed as meaning that subsections (2) to (6) and (9) do not extend to and govern the exercise by the Supreme Court of jurisdiction on any appeal that may be made)”.

—An tAire Comhshaoil, Oidhreachta agus Rialtais Áitiúil.

234. In page 104, to delete lines 29 to 33.

—Arthur Morgan.

235. In page 105, to delete lines 17 to 20.

—Arthur Morgan.

236. In page 108, line 14, after “statement” to insert “or economic and social analysis”.

—Fergus O'Dowd.

237. In page 108, line 38, after “statement” to insert “or economic and social analysis”.

—Fergus O'Dowd.

238. In page 108, line 44, to delete “information or” and substitute “information,”.

—Fergus O'Dowd.

239. In page 108, line 45, after “statement” to insert “or economic and social analysis”.

—Fergus O'Dowd.

240. In page 109, line 22, after “statement” to insert “or economic and social analysis,”.

—Fergus O'Dowd.