

# SEANAD ÉIREANN

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

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### *Leasuithe Amendments*

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\*Government Amendments are distinguished by an asterisk.

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1. In page 6, between lines 1 and 2, to insert the following:

““the Agency” means the Environmental Protection Agency as established by the Environmental Protection Agency Act 1992;”.

— *Senators James Bannon, Brian Hayes.*

2. 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;

‘the Agency’ means the Environmental Protection Agency as established by the Environmental Protection Agency Act 1992.”.

— *Senators James Bannon, Brian Hayes.*

3. In page 6, to delete lines 37 and 38.  
— *Senators James Bannon, Brian Hayes.*
4. In page 6, lines 39 to 41, to delete “person who proposes to apply for permission for any development specified in the Seventh Schedule” and substitute “prospective applicant”.  
— *Senators James Bannon, Brian Hayes.*
5. In page 6, to delete lines 44 to 46.  
— *Senators James Bannon, Brian Hayes.*

6. In page 7, to delete lines 39 to 44 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.”.

— *Senators James Bannon, Brian Hayes.*

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[16th May, 2006]

7. In page 9, lines 23 and 24, to delete “of the proposed development”.  
— *Senators James Bannon, Brian Hayes.*
8. In page 9, lines 28 and 29, to delete “of the proposed development”.  
— *Senators James Bannon, Brian Hayes.*
9. In page 9, line 30, after “if” to insert “the proposed development were”.  
— *Senators James Bannon, Brian Hayes.*
10. In page 9, line 51, after “if” to insert “the proposed development were”.  
— *Senators James Bannon, Brian Hayes.*
11. In page 10, line 4, to delete “from the” and substitute “of”.  
— *Senators James Bannon, Brian Hayes.*
12. In page 10, lines 13 and 14, to delete “in relation to a proposed development to the Board”.  
— *Senators James Bannon, Brian Hayes.*
13. In page 10, line 39, to delete “for permission”.  
— *Senators James Bannon, Brian Hayes.*
14. In page 10, line 43, after “indicate” to insert “where applicable”.  
— *Senators James Bannon, Brian Hayes.*
15. In page 10, lines 44 and 45, to delete “applicant for permission” and substitute “applicant’s”.  
— *Senators James Bannon, Brian Hayes.*
16. In page 10, lines 49 and 50, to delete “for permission”.  
— *Senators James Bannon, Brian Hayes.*
17. In page 11, lines 10 and 11, to delete “for permission”.  
— *Senators James Bannon, Brian Hayes.*
18. In page 11, line 52, to delete “or for the purposes of an activity for which”.  
— *Senators James Bannon, Brian Hayes.*
19. In page 11, line 53, to delete “a”.  
— *Senators James Bannon, Brian Hayes.*
20. In page 12, line 1, after “licence” to insert “or, for the purposes of an activity for which one”.  
— *Senators James Bannon, Brian Hayes.*
21. In page 12, line 11, 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 Agency, or
  - (ii) received notification from the Agency that the Agency does not intend to make a submission”.
— *Senators James Bannon, Brian Hayes.*
- \*22. In page 12, line 33, after “provision,” to insert “the report (and the recommendations, if any, attached to it) submitted by a planning authority in accordance with section 37E(4),”.

23. In page 13, line 43, to delete “or is for the purposes of an activity for which”.  
— *Senators James Bannon, Brian Hayes.*
24. In page 13, line 45, after “licence” to insert “or, for the purposes of an activity for which one”.  
— *Senators James Bannon, Brian Hayes.*
- \*25. In page 15, line 7, to delete “to be specified by the Board,”.
26. In page 15, to delete lines 11 to 17.  
— *Senators James Bannon, Brian Hayes.*
27. In page 15, to delete lines 18 to 24 and substitute the following:  
  
“(9) In this section, “appropriate planning authority” has the meaning assigned to it in section 37B(7).”  
— *Senators James Bannon, Brian Hayes.*
28. In page 17, lines 3 and 4, to delete “Environmental Protection”.  
— *Senators James Bannon, Brian Hayes.*
29. In page 17, line 26, to delete “18” and substitute “12”.  
— *Senators James Bannon, Brian Hayes.*
30. In page 17, line 42, to delete “for permission”.  
— *Senators James Bannon, Brian Hayes.*
31. In page 18, line 17, after “of” to insert “a specified application or to”.  
— *Senators James Bannon, Brian Hayes.*
- \*32. In page 18, line 29, to delete “statutory undertaker” and substitute “person (hereafter referred to in this section as the ‘undertaker’)”.
33. In page 19, lines 30 and 31, to delete “of the proposed development”.  
— *Senators James Bannon, Brian Hayes.*
34. In page 19, lines 36 and 37, to delete “of the proposed development”.  
— *Senators James Bannon, Brian Hayes.*
35. In page 19, line 38, after “if” to insert “the proposed development were”.  
— *Senators James Bannon, Brian Hayes.*
36. In page 20, line 6, after “if” to insert “the proposed development were”.  
— *Senators James Bannon, Brian Hayes.*
- \*37. In page 20, line 9, to delete “a statutory undertaker” and substitute “an undertaker”.
- \*38. In page 20, line 40, to delete “a statutory undertaker” and substitute “an undertaker”.
- \*39. In page 21, line 9, to delete “statutory”.
- \*40. In page 21, line 13, to delete “statutory”.
- \*41. In page 21, line 15, to delete “a statutory undertaker” and substitute “an undertaker”.

- \*42. In page 21, line 24, to delete “statutory”.
- \*43. In page 22, lines 16 and 17, to delete “statutory”.
- \*44. In page 22, line 20, after “1999” to insert “but, for the purposes of this section, the foregoing expression, in relation to electricity, shall also be construed as meaning the transport of electricity by means of an interconnector, whether ownership of the interconnector will be vested in the undertaker concerned or not”.
- 45. In page 24, to delete lines 10 to 16.  
— *Senators James Bannon, Brian Hayes.*
- 46. In page 33, line 38, to delete “and” and substitute “or”.  
— *Senators James Bannon, Brian Hayes.*
- 47. In page 34, line 25, to delete “50” and substitute “10”.  
— *Senators James Bannon, Brian Hayes.*
- 48. In page 35, line 11, to delete “20” and substitute “10”.  
— *Senators James Bannon, Brian Hayes.*
- 49. In page 36, line 29, to delete “30” and substitute “15”.  
— *Senators James Bannon, Brian Hayes.*
- 50. In page 36, line 31, to delete “10” and substitute “5”.  
— *Senators James Bannon, Brian Hayes.*
- \*51. In page 44, to delete lines 4 to 7 and substitute “be taken to the Supreme Court.”.
- \*52. In page 44, to delete lines 27 to 31 and substitute the following:  
  
“(10) On an appeal from a determination of the Court in respect of an application referred to in subsection (9), the Supreme Court shall—  
  
    (a) have jurisdiction to determine only the point of law certified by the Court under subsection (6) (and to make only such order in the proceedings as follows from such determination), and  
  
    (b) in determining the appeal, act as expeditiously as possible consistent with the administration of justice.”.
- \*53. In page 67, line 19, to delete “Where, as a result of the transfer of functions under section” and substitute “(1) Where, as a result of the transfer of functions under section”.
- \*54. In page 78, lines 31 and 32, to delete “Environment and Local Government” and substitute “Environment, Heritage and Local Government”.
- 55. In page 78, line 33, after “as” to insert the following “references to the Minister for the Environment, Heritage and Local Government, and”.  
— *Senators James Bannon, Brian Hayes.*
- 56. In page 79, line 50, after “be,” to insert “either”.  
— *Senators James Bannon, Brian Hayes.*

- 57.** In page 79, line 51, after “Board” to insert “, 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)”.

— *Senators James Bannon, Brian Hayes.*

- \*58.** In page 81, to delete lines 40 to 43 and substitute “appeal should be taken to the Supreme Court.”.

- \*59.** In page 82, to delete lines 8 to 12 and substitute the following:

“(11) On an appeal from a determination of the Court in respect of an application referred to in subsection (10), the Supreme Court shall—

- (a) have jurisdiction to determine only the point of law certified by the Court under subsection (7) (and to make only such order in the proceedings as follows from such determination), and
- (b) in determining the appeal, act as expeditiously as possible consistent with the administration of justice.”.