

**NATIONAL UNIVERSITY OF IRELAND, GALWAY  
FACULTY OF LAW**

**WINTER EXAMINATION – 2002/2003**

**BSc. ENVIRONMENTAL SCIENCE – SECOND YEAR**

**ENVIRONMENTAL LEGISLATION (LW 217)**

**Professor B. Wood  
Dr. R. Long**

Time allowed: **Two hours**  
Answer: **Three Questions**

1. Write a note on the evolution of planning law in Ireland.
2. Máire is a resident of Galway and is interested in the future development of the city. She went to inspect the draft development plan in the offices of Galway Corporation. Recently, she has heard that after her visit the draft plan was substantially amended and adopted immediately. Furthermore, Galway Corporation is about to commence a development which is in material contravention of the plan.

Advise Máire as to the function of the development plan; the correct procedure for making and adopting the development plan; as well as the legal position regarding the proposed local authority development.

3. *The Irish Constitution protects the property rights of every citizen from unjust attack.*

In the context of Irish planning legislation, what constitutes an unjust attack on private property rights? In your answer, discuss the constitutional challenge to the social and affordable housing provisions of the Planning and Development Bill 2000.

4. Niamh is an environmental scientist and is concerned about a proposal to build a new airport in a bog of “scientific importance” in County Galway. She is concerned about the impact of the proposal on the biodiversity of the bog and on a number of wild birds species that nest in the area. She is also concerned about the preservation of amenity such as a number of public rights of way in the vicinity of the bog.

Write a note on the legislation for the preservation of amenity and nature conservation.

5. John is concerned about the development of a disused quarry near his house. The quarry was established in 1957 and was used for the storage of farm equipment for a period of ten years up to 1998. Recently, the quarry operators installed specialised rock breaking equipment and plan to intensify operations in order to provide several new products for road making.

Advise John on the planning law implications of the quarry operations.

6. Write a note on the concept of “exempted development” in the planning code.

**End**