

GX 1682

**Ollscoil na hÉireann, Gallimh**  
**National University of Ireland, Galway**

**SEMESTER 1 Examinations, 2003/2004**

<b>Exam Code(s)</b>	2BL1, 2CW1, 3BA6, 3BL1, 3CL1, 3CW1, 4BL2, 4CL2, 1EM1, 1OA1
<b>Exams(s)</b>	2 <sup>nd</sup> 3 <sup>rd</sup> & 4 <sup>th</sup> LL.B. 2 <sup>nd</sup> & 3 <sup>rd</sup> Bachelor of Civil Law 3 <sup>rd</sup> & 4 <sup>th</sup> Bachelor of Corporate Law 3 <sup>rd</sup> Bachelor of Arts (Public & Social Policy) Erasmus & Occasional Students
<b>Module Codes(s)</b>	LW357
<b>Module(s)</b>	Environmental Law I
<b>Paper No.</b>	1
<b>External Examiner(s)</b>	Professor Yvonne Scannell
<b>Internal Examiner(s)</b>	Mr. Cian Carroll
<b>Instructions</b>	Answer <b>THREE</b> questions
<b>Duration</b>	<b>TWO</b> Hours
<b>No. of AnswerBooks</b>	
<b>Requirements:</b>	
<b>Handout</b>	
<b>MCQ</b>	
<b>Statistical Tables</b>	
<b>Graph Paper</b>	
<b>Log Graph Paper</b>	
<b>Other Material</b>	Planning and Development Act 2000 The Irish Constitution 1937 The Habitats Directive
<b>Department(s)</b>	LAW

PTO

1. Discuss the approach of the Courts to the constitutional protection of property rights in the context of planning law.

2. Answer all parts.

Dolores lives just outside Dingle. Her house has a wonderful view of the countryside. The planning authority for the area proposes constructing a halting site for travellers along the hills surrounding Dolores's house. There are no zoning objectives for the hills in the relevant development plan but the area is classified as an area of outstanding natural beauty and all development other (than tourist related development) in such areas is prohibited in principle.

a) Explain briefly the legal significance of the development plan for the proposed development.

b) Advise Dolores on the planning authority's powers to proceed with this development and explain with reference to relevant case law the competence of the Courts to overturn the decision of the planning authority to develop in these circumstances.

3. Discuss the development by the Courts of the doctrine of intensification and assess its importance in light of the registration regime for quarries introduced by section 261 of the Planning and Development Act 2000.

4. Ciara is chief executive of an Irish oil company which is considering the development of a crude oil refinery nearby Bantry. Ciara is hoping that the Government will provide some funding for the project. The project will involve deep dredging Bantry harbour. Local environmentalists accept the project in principle but are concerned about the measures that will be taken to ensure against explosions or emissions into the environment.

Explain to Ciara how in this case the legal requirements for environmental impact assessment may impact on the application for planning permission and on the decision whether to grant or refuse permission.

5. Discuss the main features of a) or b):

(a) Exempted development.

(b) The legal requirements in an application for planning permission.

6. Shane has been refused planning permission by the local planning authority for building a health & fitness centre in Moycullen. He is considering an appeal and seeks your advice as to what the appeal process involves.

Advise Shane.

END