

## **Legislative Arrangements for Making of Draft Toll Scheme and Holding of an Oral Hearing in to Objections Raised**

### **1. Statutory Powers and Procedures**

#### ***1.1 Statutory Powers***

Section 57 of the Roads Act, 1993, as amended by section 271 of the Planning and Development Act, 2000, provides the statutory basis for the making of a Draft Toll Scheme in respect of a road which it is proposed to toll by the National Roads Authority. The section requires the preparation of an explanatory statement, to accompany the Draft Toll Scheme, outlining the provisions of the Scheme and its purpose and effect.

#### ***1.2 Local Authorities***

In accordance with section 57, the Authority, must send a copy of the Draft Toll Scheme to the relevant local authority(s) and give notice that:

- the NRA had prepared a Draft Toll Scheme in respect of the proposed road, and
- written representations in relation to the Draft Scheme can be made by the local authority to the NRA (the making of these representations is a reserved function of the County Councils).

#### ***1.3 Public Notification and Display***

In accordance with section 58 of the same Act, the Draft Toll Scheme and its Explanatory Statement are made available for public inspection for a period of one month.

Public notification of the making of the Draft Toll Scheme, plus details of the arrangements for its inspection and for the making of representations are placed in the national newspapers.

#### ***1.4 Objections/Representations on Draft Toll Scheme***

The public notification referred to in the previous section provides that objections/representations can be made to the NRA within a specified period of not later than two weeks after the end of the period of public display.

#### ***1.5 Appointment of Inspector to Chair Oral Hearing***

The Planning & Development Act, 2000, provides that where objections are made to the draft toll scheme and not withdrawn the NRA shall appoint a person to hold an oral hearing into the matters to which the objection relates. The Board of the NRA must consider the report and any recommendation by the person appointed to hold the hearing

Having considered the report from the oral hearing the Board of the NRA can adopt the toll scheme with or without modification or refuse to adopt the toll scheme.