



STATUTORY INSTRUMENTS.

S.I. No. 296 of 2018

EUROPEAN UNION (PLANNING AND DEVELOPMENT)
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2018

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S.I. No. 296 of 2018

EUROPEAN UNION (PLANNING AND DEVELOPMENT)
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2018

I, EOGHAN MURPHY, Minister for Housing, Planning and Local Government, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving further effect to Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011¹ on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014² amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, hereby make the following regulations:

Part 1

PRELIMINARY MATTERS

Citation, collective citations and construction

1. (1) These Regulations may be cited as the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

(2) Parts 2, 3 and 4 and Schedules 1 and 2 shall be included in the collective citation “Planning and Development Acts 2000 to 2018” and shall be construed together as one.

(3) The Planning and Development Regulations 2001 to 2017, the Planning and Development (Amendment) Regulations 2018 (S.I. No. 29 of 2018), the Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018), the Planning and Development (Amendment) (No. 3) Regulations 2018 (S.I. No. 31 of 2018), Part 5 and Schedules 3 to 12 may be collectively cited as the Planning and Development Regulations 2001 to 2018.

Commencement

2. (1) Subject to paragraph (2), these Regulations shall come into operation on 1 September 2018.

(2) Regulations 21, 67(d) and 69(e) shall come into operation on 1 January 2019.

Transitional arrangements

3. (1) Subject to paragraph (3), the Act of 2000 and the Regulations of 2001, as in force immediately before 1 September 2018, shall continue to apply to

¹OJ L26, 28.1.2012, p.1

²OJ L124, 25.4.2014, p.1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 31st July, 2018.*

development or proposed development, as the case may be, in the following cases:

- (a) in respect of a determination under section 172(1)(b) of the Act of 2000, as so in force, as to whether such development has or would be likely to have significant effects on the environment, the planning authority or the Board, as the case may be, has, before 16 May 2017, initiated making such determination;
- (b) a request has been made, before 16 May 2017—
 - (i) under section 37D (1), 173(2)(a) or (3)(a), 181C(3)(b) or 182E(3) of the Act of 2000, as so in force, for an opinion to be given or provided by the planning authority or the Board, as the case may be, on the information required to be contained in an environmental impact statement relating to such development, or
 - (ii) under article 117 of the Regulations of 2001, as so in force, for the Board to provide an opinion on the information to be contained in an environmental impact statement relating to such development;
- (c) a request has been made, before 16 May 2017, under section 177F(2) of the Act of 2000, as so in force, for an opinion prepared by the Board on the information required to be contained in a remedial environmental impact statement relating to such development;
- (d) an application for consent for proposed development referred to in section 172 of the Act of 2000, as so in force, accompanied by an environmental impact statement, has been made, before 16 May 2017, relating to such development.

(2) Section 2 of the Act of 2000, as in force immediately before 1 September 2018, shall apply to the interpretation of this Regulation as that section applies to the interpretation of that Act.

(3) The Act of 2000 and the Regulations of 2001, as in force on or after 1 September 2018, shall not apply to a case referred to in paragraph (1) unless otherwise specified in a provision of that Act or those Regulations, as the case may be.

(4) In this Regulation—

“Act of 2000” means the Planning and Development Act 2000 (No. 30 of 2000);

“Regulations of 2001” means the Planning and Development Regulations 2001 (S.I. No. 600 of 2001).

Repeals

4. (1) Section 26 of the Planning and Development (Housing) and Residential Tenancies Act 2006 (No. 17 of 2016) is repealed.

(2) Section 34 of the Planning and Development (Amendment) Act 2018 (No. 16 of 2018) is repealed.

PART 2

AMENDMENT OF PLANNING AND DEVELOPMENT ACT 2000

Definition

5. In this Part and Schedule 1, “Act of 2000” means the Planning and Development Act 2000 (No. 30 of 2000).

Amendment of section 2 of Act of 2000

6. Section 2 of the Act of 2000 is amended—

(a) in subsection (1)—

(i) by the substitution of the following definition for the definition of “Environmental Impact Assessment Directive”:

“ ‘Environmental Impact Assessment Directive’ means Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011³ on the assessment of the effects of certain public and private projects on the environment as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014⁴ amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment;”,

(ii) by the substitution of the following definition for the definition of “environmental impact statement”:

“ ‘environmental impact assessment report’ means a report of the effects, if any, which proposed development, if carried out, would have on the environment and shall include the information specified in Annex IV of the Environmental Impact Assessment Directive;”, and

(iii) by the insertion of the following definitions:

“ ‘confirmation notice’ means the confirmation notice sent pursuant to article 97B(2) of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) following the entering onto the EIA portal of the information referred to in article 97A of those Regulations to which that notice relates;

‘EIA portal’ means the website referred to in section 172A;

‘European Union’ means European Union within the meaning of the European Communities Act 1972 (No. 27 of 1972);

³OJ L26, 28.1.2012, p.1

⁴OJ L24, 25.4.2014, p.1

‘this Act’ includes a statutory instrument made thereunder;”,
and

(b) by the insertion of the following subsection after subsection (7):

“(8) Subject to this Act, a word or expression that is used in this Act and that is also used in the Environmental Impact Assessment Directive has, unless the context otherwise requires, the same meaning in this Act as it has in that Directive.”.

Amendment of section 5 of Act of 2000

7. Section 5 of the Act of 2000 is amended—

(a) in subsection (2)—

(i) in paragraph (a), by the substitution of “paragraphs (b) and (ba)” for “paragraph (b)”, and

(ii) by the insertion of the following paragraph after paragraph (b):

“(ba) (i) Subject to subparagraph (ii), a planning authority shall not be required to comply with paragraph (a) within the period referred to in that paragraph where it appears to the planning authority that it would not be possible or appropriate, because of the exceptional circumstances of the development or proposed development (including in relation to the nature, complexity, location or size of such development) identified in the request under subsection (1) to do so.

(ii) Where subparagraph (i) applies, the planning authority shall, by notice in writing served on—

(I) the person who made the request under subsection (1), and

(II) each person to whom a request has been made under paragraph (c),

before the expiration of the period referred to in paragraph (a), inform him or her of the reasons why it would not be possible or appropriate to comply with that paragraph within that period and shall specify the date before which the authority intends that the declaration concerned shall be made.”, and

(b) by the insertion of the following subsections after subsection (7):

“(7A) A planning authority or the Board, as the case may be, shall, in respect of a development or proposed development specified in Part 2 of Schedule 5 to the Planning and Development Regulations 2001,

specify in its declaration or decision, as the case may be, whether the development or proposed development identified in the request under subsection (1) or in the referral under subsection (3) or (4), as the case may be, would be likely to have significant effects on the environment by virtue, at the least, of the nature, size or location of such development and require an environmental impact assessment.

(7B) (a) Where the planning authority issues its declaration on a request under subsection (1) or the Board makes its decision on a referral under subsection (3) or (4), as the case may be, the following documents shall, within 3 working days, be placed on the planning authority's or Board's, as the case may be, website for inspection and be made available for inspection and purchase by members of the public during office hours at the offices of the authority or Board, as the case may be, for at least the minimum period referred to in paragraph (b):

- (i) a copy of the question arising as to what is or is not development or is or is not exempted development within the meaning of this Act and any information, particulars, evidence, written study or further information received or obtained from any of the following:
 - (I) the person making the request or referral, as the case may be;
 - (II) the owner or occupier of the land in question;
 - (III) any other person;
 - (ii) a copy of any submissions or observations in relation to the question arising as to what is or is not development or is or is not exempted development within the meaning of this Act;
 - (iii) a copy of any report prepared by or for the authority or the Board, as the case may be, in relation to the request or referral;
 - (iv) a copy of the declaration of the authority or the decision of the Board, as the case may be, in respect of the question identified in the request under subsection (1) or in the referral under subsection (3) or (4), as the case may be.
- (b) The minimum period for the purposes of paragraph (a) is 8 weeks from the date of the issue of the declaration by the planning authority or the date of the decision of the Board, as the case may be.

(7C) For the purposes of subsection (7A), the Minister may, by regulations, provide for additional, consequential or supplementary matters as regards procedures in respect of a request under subsection (1) or a referral under subsection (3) or (4), as the case may be, in relation to—

- (a) the submission of information to the planning authority or the Board for those purposes,
- (b) time limits within which such information shall be so submitted,
- (c) notifications to persons concerned with the declaration or decision, as the case may be, referred to in that subsection,
- (d) steps to be taken (including matters which must be regarded) in the course of the making of such declaration or decision, or
- (e) the publication of such declaration or decision.”.

Amendment of section 34 of Act of 2000

8. Section 34 of the Act of 2000 is amended—

(a) in subsection (8)(ca)(ii)—

- (i) in clause (I), by the substitution of “within 8 weeks, in the case of further information in relation to the environmental impact assessment report, and within 4 weeks, in the case of further information in relation to the Natura impact statement,” for “within 4 weeks”, and
- (ii) in clause (II), by the substitution of “within 8 weeks, in the case of such further information given in relation to the environmental impact assessment report, and within 4 weeks, in the case of such further information given in relation to the Natura impact statement,” for “within 4 weeks”, and

(b) in subsection (10)—

- (i) in paragraph (a), by the substitution of “Subject to paragraph (c) and without prejudice to section 172(1I), a decision” for “A decision”, and
- (ii) by the insertion of the following paragraph after paragraph (b):

“(c) Where, in the case of an application for planning permission accompanied by an environmental impact assessment report, a decision by a planning authority under this section or by the Board under section 37, as the case may be—

(i) to impose a condition (being an environmental condition which arises from the consideration of the environmental impact assessment report) in relation to the grant of permission is materially different, in relation to the terms of such condition, from the recommendation in—

(I) the reports on a planning application to the chief executive (or such other person delegated to make the decision) in the case of a planning authority, or

(II) a report of a person assigned to report on an appeal on behalf of the Board,

as the case may be, a statement under paragraph (a) shall indicate the main reasons for not accepting, or for varying, as the case may be, the recommendation in the reports or report in relation to such condition referred to in clause (I) or (II), as the case may be,

(ii) to grant, subject to or without conditions, permission, such permission shall include or refer to a statement that the planning authority or the Board, as the case may be, is satisfied that the reasoned conclusion on the significant effects on the environment of the development was up to date at the time of the taking of the decision, and

(iii) shall include a summary of the results of the consultations that have taken place and information gathered in the course of the environmental impact assessment and, where appropriate, the comments received from an affected Member State of the European Union or other party to the Transboundary Convention, and specify how those results have been incorporated into the decision or otherwise addressed.”.

Amendment of section 37D of Act of 2000

9. Section 37D of the Act of 2000 is amended—

(a) in subsection (1), by the substitution of “the scope and level of detail of the information to be included” for “what information will be required to be contained”,

(b) in subsection (2)(b), by the insertion of “after taking into account the information provided by the prospective applicant, in particular on the specific characteristics of the proposed development, including its

location and technical capacity, and its likely impact on the environment,” before “comply”, and

(c) by the insertion of the following subsection after subsection (3):

“(3A) Where an opinion referred to in subsection (2) has been provided, the environmental impact assessment report shall be based on that opinion, and include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects on the environment of the proposed development, taking into account current knowledge and methods of assessment.”.

Amendment of section 37H of Act of 2000

10. Section 37H of the Act of 2000 is amended—

(a) in subsection (1A)(a), by the insertion of “as soon as may be” after “published”,

(b) in subsection (2)—

(i) in paragraph (a), by the insertion of “subject to paragraph (ba),” before “the main”,

(ii) in paragraph (b)—

(I) by the insertion of “subject to paragraph (bb),” before “where conditions”, and

(II) by the deletion of “and”, and

(iii) by the insertion of the following paragraphs after paragraph (b):

“(ba) in relation to the granting or refusal of any permission, where a decision (being a decision which arises from the consideration of the environmental impact assessment report concerned) by the Board to grant or refuse permission is different from the recommendation in a report of a person assigned to report on the application on behalf of the Board, the main reasons for not accepting the recommendation in the last-mentioned report to grant or refuse permission,

(bb) where a decision to impose a condition (being an environmental condition which arises from the consideration of the environmental impact assessment report concerned) in relation to the grant of any permission is materially different, in relation to the terms of such condition, from the recommendation in a report of a person assigned to report on the application for permission on behalf of

the Board, the main reasons for not accepting, or for varying, as the case may be, the recommendation in the last-mentioned report in relation to such condition,

(bc) in relation to the granting or refusal of any permission, subject to or without conditions, that the Board is satisfied that the reasoned conclusion on the significant effects on the environment of the development was up to date at the time of the taking of the decision, and”, and

(c) by the insertion of the following subsection after subsection (2):

“(2A) A decision given under section 37G and the notification of the decision shall include a summary of the results of the consultations that have taken place and information gathered in the course of the environmental impact assessment and, where appropriate, the comments received from an affected Member State of the European Union or other party to the Transboundary Convention, and specify how those results have been incorporated into the decision or otherwise addressed.”.

Amendment of section 38 of Act of 2000

11. Section 38 of the Act of 2000 is amended—

(a) in subsection (1), by the insertion of “, subject to subsection (3),” after “the authority and”, and

(b) by the substitution of the following subsections for subsection (3):

“(3) (a) Where a planning application is not accompanied by an environmental impact assessment report, any other document referred to in subsection (1)(a) or (b) which is received or obtained by a planning authority shall be made available for inspection and purchase by members of the public during office hours of the authority from as soon as may be after receipt of the document until a decision is made on the application and may also be made available by the authority by placing the document on the authority’s website for inspection or in other electronic form.

(b) Where a planning application is accompanied by an environmental impact assessment report—

(i) a document referred to in subsection (1)(a) which is received or obtained by a planning authority shall be placed on its website for inspection and be made available for inspection and purchase by members of the public during office hours of the authority from as soon as may be after receipt of the document and may also be

made available for inspection by the authority in other electronic form,

- (ii) a document referred to in subsection (1)(b) which is received or obtained by a planning authority shall be made available for inspection and purchase by members of the public during office hours of the authority from as soon as may be after receipt of the document until a decision is made on the application and may also be made available by the authority for inspection by placing the document on the authority's website or in other electronic form, and
- (iii) a document referred to in subsection (1)(c), (d) or (e) which is received or obtained by a planning authority shall be placed on its website for inspection within 3 working days of the giving of the decision in respect of the application.

(3A) Without prejudice to the Freedom of Information Act 2014, and the European Communities (Access to Information on the Environment) Regulations 2007 to 2014, and any regulations amending those regulations, and the Data Protection Acts 1988 to 2018, the documents placed on the planning authority's website pursuant to subsection (3)(b) shall be maintained and available for inspection thereon in perpetuity.”.

Amendment of section 146 of Act of 2000

12. Section 146 of the Act of 2000 is amended—

(a) by the substitution of the following subsection for subsection (4):

“(4) It shall be sufficient compliance with the requirement referred to in subsection (3) for the Board—

- (a) where an environmental impact assessment report or a remedial environmental impact assessment report (as construed in accordance with section 177F), or both such reports, is or are, as the case may be, submitted with an application or request, or any such report is received by the Board in the course of considering an application, request or appeal, to place on its website for inspection and make available for inspection and purchase by members of the public at the offices of the Board from as soon as may be after receipt of such report—
 - (i) the application, request or appeal, as the case may be,
 - (ii) the environmental impact assessment report or remedial environmental impact assessment report, or both such reports, as the case may be,

- (iii) the notice or notices, as the case may be, published in one or more newspapers circulating in the area in which it is proposed to carry out the development, or in which the development is located, indicating the nature and location of the proposed development or development, as the case may be,
 - (iv) any further information furnished by, or alterations to the terms of the development made by, or a revised environmental impact assessment report or a revised remedial environmental impact assessment report (as construed in accordance with section 177F), or both such reports, as the case may be, furnished by, the person who is proposing to carry out or who has carried out the development, as the case may be, and
 - (v) any other relevant material or information, or
- (b) in any other case, to do both of the following (or, as appropriate, the Board, in the exercise of the discretion referred to in subsection (3), may do both of the following):
- (i) make the relevant material or information available for inspection—
 - (I) at the offices of the Board or any other place, or
 - (II) by electronic means; and
 - (ii) notify the person concerned that the relevant material or information is so available for inspection.”, and
- (b) by the substitution of the following subsection for subsection (7):
- “(7) The documents referred to in subsection (5) shall—
- (a) where an environmental impact assessment was carried out, be made available for inspection on the Board’s website in perpetuity beginning on the third day following the making by the Board of the decision on the matter concerned, or
 - (b) where no environmental impact assessment was carried out, be made available by the means referred to in subsection (5)(b) for a period of at least 5 years beginning on the third day following the making by the Board of the decision on the matter concerned.”.

Amendment of section 146B of Act of 2000

13. Section 146B of the Act of 2000 is amended—

- (a) by the substitution of the following subsection for subsection (3):

“(3) (a) If the Board decides that the making of the alteration would not constitute the making of a material alteration of the terms of the development concerned, it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority or each planning authority for the area or areas concerned, of the alteration.

(b) If the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall—

(i) by notice in writing served on the requester, require the requester to submit to the Board the information specified in Schedule 7A to the Planning and Development Regulations 2001 in respect of that alteration, or in respect of the alternative alteration being considered by it under subparagraph (ii)(II), unless the requester has already provided such information, or an environmental impact assessment report on such alteration or alternative alteration, as the case may be, to the Board, and

(ii) following the receipt of such information or report, as the case may be, determine whether to—

(I) make the alteration,

(II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or

(III) refuse to make the alteration.”,

(b) by the insertion of the following subsections after subsection (3):

“(3A) Where the requester is submitting to the Board the information referred to in subsection (3)(b)(i), that information shall be accompanied by any further relevant information on the characteristics of the alteration under consideration and its likely significant effects on the environment including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.

(3B) Where the requester is submitting to the Board the information referred to in subsection (3)(b)(i), that information may

be accompanied by a description of the features, if any, of the alteration under consideration and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the alteration.”,

(c) in subsection (4)—

- (i) by the substitution of “determination under subsection (3)(b)(ii)” for “determination under subsection (3)(b)”, and
- (ii) by the substitution of “subsection (3)(b)(ii)(II)” for “subsection (3)(b)(ii)”,

(d) by the insertion of the following subsection after subsection (4):

“(4A) (a) Subject to paragraph (b), within 8 weeks of receipt of the information referred to in subsection (3)(b)(i), the Board shall make its determination under subsection (4).

(b) Subject to paragraph (c), the Board shall not be required to comply with paragraph (a) within the period referred to in paragraph (a) where it appears to the Board that it would not be possible or appropriate, because of the exceptional circumstances of the alteration under consideration (including in relation to the nature, complexity, location or size of such alteration) to do so.

(c) Where paragraph (b) applies, the Board shall, by notice in writing served on the requester before the expiration of the period referred to in paragraph (a), inform him or her of the reasons why it would not be possible or appropriate to comply with paragraph (a) within that period and shall specify the date before which the Board intends that the determination concerned shall be made.”,

(e) in subsection (5)—

- (i) by the substitution of “in subsection (3)(b)(ii)” for “in subsection (3)(b)”, and
- (ii) in paragraph (a), by the substitution of “subsection (3)(b)(ii)” for “subsection (3)(b)”,

(f) in subsection (6), by the substitution of “subsection (3)(b)(ii)” for “subsection (3)(b)”,

(g) by the substitution of the following subsections for subsection (7):

“(7) (a) In making a determination under subsection (4), the Board shall have regard to—

- (i) the criteria for the purposes of determining which classes of development are likely to have significant effects on the environment set out in any regulations made under section 176,
- (ii) the criteria set out in Schedule 7 to the Planning and Development Regulations 2001,
- (iii) the information submitted pursuant to Schedule 7A to the Planning and Development Regulations 2001,
- (iv) the further relevant information, if any, referred to in subsection (3A) and the description, if any, referred to in subsection (3B),
- (v) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and
- (vi) in respect of an alteration under consideration which would be located on, or in, or have the potential to impact on—
 - (I) a European site,
 - (II) an area the subject of a notice under section 16(2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),
 - (III) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,
 - (IV) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976),
 - (V) land designated as a refuge for flora or a refuge for fauna under section 17 of the Wildlife Act 1976,
 - (VI) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed, or
 - (VII) a place or site which has been included by the Minister for Culture, Heritage and the Gaeltacht in

a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website,

the likely significant effects of such alteration on such site, area, land, place or feature, as appropriate.

- (b) The Board shall include, or refer to, in its determination under subsection (4) the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7 to the Planning and Development Regulations 2001, on which the determination is based.

(7A) Where the determination of the Board under subsection (4) is that the alteration under consideration would not be likely to have significant effects on the environment and the applicant has, under subsection (3B), provided a description of the features, if any, of the alteration concerned and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the alteration concerned, the Board shall specify such features, if any, and such measures, if any, in the determination,” and

(h) in subsection (8)—

- (i) by the substitution of “a determination under subsection (3)(b)(ii)” for “a determination under subsection (3)(b)”, and
- (ii) in paragraph (c), by the substitution of “subsection (3)(b)(ii)” for “subsection (3)(b)”.

Amendment of section 146C of Act of 2000

14. Section 146C of the Act of 2000 is amended—

- (a) in subsection (1), by the substitution of “section 146B(3)(b)(ii)” for “section 146B(3)(b)”,
- (b) in subsection (2)—
- (i) in paragraph (a), by the substitution of “subsection (3)(b)(ii)(I) of that section” for “subsection (3)(b)(ii)”, and
- (ii) in paragraph (b), by the substitution of “subsection (3)(b)(ii)(II) of that section” for “subsection (3)(b)(ii)”,
- (c) in subsection (3)(b)—
- (i) in subparagraph (i), by the deletion of “and” where it last occurs, and
- (ii) by the deletion of subparagraph (ii),
- (d) in subsection (4)—

- (i) in paragraph (a), by the insertion of “and one electronic copy of the report (which shall be searchable by electronic means as far as practicable)” before “to the Board”,
- (ii) by the insertion of the following paragraph after paragraph (a):
 - “(aa) submit a copy of the confirmation notice to the Board,”, and
- (iii) in paragraph (b)(iv), by the substitution of “30 days” for “4 weeks”,
- (e) in subsection (5), by the substitution of “section 146B(3)(b)(ii)” for “section 146B(3)(b)”,
- (f) in subsection (7), by the substitution of “section 146B(3)(b)(ii)” for “section 146B(3)(b)”,
- (g) in subsection (8)—
 - (i) by the substitution of “section 146B(3)(b)(ii)” for “section 146B(3)(b)”, and
 - (ii) by the substitution of the following paragraph for paragraph (a):
 - “(a) it shall—
 - (i) give public notice of the determination (including notice in the area in which the development concerned is proposed to be, or is being, carried out),
 - (ii) inform the prescribed bodies or persons sent a copy of the environmental impact assessment report in accordance with subsection (4)(c), and
 - (iii) inform any state to which an environmental impact assessment report has been sent under subsection (4)(d) of the determination, including, if the determination is of the kind referred to in paragraph (b), particulars of the determination, and”, and
 - (iii) in paragraph (b) by the substitution of “section 146B(3)(b)(ii)” for “section 146B(3)(b)”, and
- (h) by the insertion of the following subsections after subsection (8):
 - “(8A) Where the Board makes a determination under section 146B(3)(b)(ii) in a case to which this section applies, the determination shall—

- (a) state the reasoned conclusion, in relation to the significant effects on the environment of the proposed alteration, on which the determination is based,
- (b) where the determination (being a determination which arises from the consideration of the environmental impact assessment report concerned) by the Board to make an alteration of either kind referred to in section 146B(3)(b)(ii), or to refuse to make an alteration, is different from the recommendation in a report of a person assigned to report on the request on behalf of the Board, state the main reasons for not accepting the recommendation in the last-mentioned report, and
- (c) include a summary of the results of the consultations that have taken place and information gathered in the course of the environmental impact assessment and, where appropriate, the comments received from an affected Member State of the European Union or other party to the Transboundary Convention, and specify how those results have been incorporated into the determination or otherwise addressed.

(8B) Where the Board makes a determination under section 146B(3)(b)(ii), in a case to which this section applies, to make an alteration of either kind referred to in that section and imposes a condition (being an environmental condition which arises from the consideration of the environmental impact assessment report concerned) in relation to the determination which is materially different, in relation to the terms of such condition, from the recommendation in a report of a person assigned to report on the request on behalf of the Board, the determination shall indicate the main reasons for not accepting, or for varying, as the case may be, the recommendation in the last-mentioned report in relation to such condition.

(8C) Where the Board makes a determination under section 146B(3)(b)(ii), in a case to which this section applies, to make an alteration of either kind referred to in that section, the determination shall be accompanied by a statement that the Board is satisfied that the reasoned conclusion on the significant effects on the environment of the alteration was up to date at the time of the making of the determination.”.

Provisions supplementary to sections 146B and 146C

15. The Act of 2000 is amended by the insertion of the following section after section 146C:

“146CA. (1) (a) Paragraph (b) applies where a person—

- (i) is carrying out or intending to carry out strategic infrastructure development and intends to make a request under section 146B(1), accompanied by an environmental impact assessment report, to the Board to alter the terms of the development, or
 - (ii) is required by the Board pursuant to section 146C to submit an environmental impact assessment report to the Board.
- (b) (i) Subparagraph (ii) applies where, before a person submits an environmental impact assessment report to the Board, he or she requests the Board to give him or her an opinion in writing on the scope and level of detail of the information required to be included in the report.
- (ii) Subject to subparagraph (iii), the Board shall, taking into account the information provided by the person referred to in subparagraph (i), in particular on the specific characteristics of the proposed alteration, including its location and technical capacity, and its likely impact on the environment, give an opinion in writing on the scope and level of detail of the information to be included in an environmental impact assessment report, subject to any prescribed consultations to be carried out by the Board in relation to such opinion.
 - (iii) The Board shall give the opinion before the submission by the person referred to in subparagraph (i) of the environmental impact assessment report.

(2) Where an opinion referred to in subsection (1) has been provided, the environmental impact assessment report shall be based on that opinion, and include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects on the environment of the proposed alteration of the terms of the development, taking into account current knowledge and methods of assessment.”.

Definitions

16. The Act of 2000 is amended by the substitution of the following section for section 171A:

“171A. In this Part—

‘environmental impact assessment’ means a process—

(a) consisting of—

- (i) the preparation of an environmental impact assessment report by the applicant in accordance with this Act and regulations made thereunder,

- (ii) the carrying out of consultations in accordance with this Act and regulations made thereunder,
 - (iii) the examination by the planning authority or the Board, as the case may be, of—
 - (I) the information contained in the environmental impact assessment report,
 - (II) any supplementary information provided, where necessary, by the applicant in accordance with section 172(1D) and (1E), and
 - (III) any relevant information received through the consultations carried out pursuant to subparagraph (ii),
 - (iv) the reasoned conclusion by the planning authority or the Board, as the case may be, on the significant effects on the environment of the proposed development, taking into account the results of the examination carried out pursuant to subparagraph (iii) and, where appropriate, its own supplementary examination, and
 - (v) the integration of the reasoned conclusion of the planning authority or the Board, as the case may be, into the decision on the proposed development, and
- (b) which includes—
- (i) an examination, analysis and evaluation, carried out by the planning authority or the Board, as the case may be, in accordance with this Part and regulations made thereunder, that identifies, describes and assesses, in an appropriate manner, in the light of each individual case, the direct and indirect significant effects of the proposed development on the following:
 - (I) population and human health;
 - (II) biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive;
 - (III) land, soil, water, air and climate;
 - (IV) material assets, cultural heritage and the landscape;
 - (V) the interaction between the factors mentioned in clauses (I) to (IV), and

- (ii) as regards the factors mentioned in subparagraph (i)(I) to (V), such examination, analysis and evaluation of the expected direct and indirect significant effects on the environment derived from the vulnerability of the proposed development to risks of major accidents or disasters, or both major accidents and disasters, that are relevant to that development;

‘proposed development’ means proposed development within the meaning of section 172(1A)(a).”.

Amendment of section 172 of Act of 2000

17. Section 172 of the Act of 2000 is amended—

(a) in subsection (1)—

(i) in paragraph (a)—

(I) in subparagraph (i)(I), by the substitution of “would equal or exceed, as the case may be,” for “would exceed”, and

(II) in subparagraph (ii)(I), by the substitution of “would equal or exceed, as the case may be,” for “would exceed”, and

(ii) in paragraph (b)(i), by the substitution of “does not equal or exceed, as the case may be,” for “does not exceed”,

(b) by the substitution of the following subsection for subsection (1B):

“(1B) An applicant for consent to carry out a proposed development referred to in subsection (1)(a) shall furnish an environmental impact assessment report, which shall be prepared by experts with the competence to ensure its completeness and quality, to the planning authority or the Board, as the case may be, in accordance with the permission regulations.”,

(c) by the substitution of the following subsection for subsection (1D):

“(1D) (a) The planning authority or the Board, as the case may be, shall consider whether an environmental impact assessment report submitted under this section identifies and describes adequately the direct and indirect significant effects on the environment of the proposed development.

(b) Where the planning authority or the Board, as the case may be, considers that the environmental impact assessment report does not identify or adequately describe such effects, it shall require the applicant for consent to furnish, within a specified period, such further information, prescribed under section 177, which is necessary to ensure the completeness and quality of the environmental impact assessment report

and which is directly relevant to reaching the reasoned conclusion on the significant effects on the environment of the proposed development, as the planning authority or the Board, as the case may be, considers necessary to remedy such defect.”,

(d) by the insertion of the following subsection after subsection (1G):

“(1GA) (a) Paragraph (b) applies where an environmental impact assessment under this section and an appropriate assessment following a determination under section 177U(4) are required to be carried out simultaneously in respect of the same development.

(b) The planning authority or the Board, as the case may be, shall coordinate the 2 assessments.”,

(e) in subsection (1H), by the insertion of “shall ensure it has, or has access as necessary to, sufficient expertise to examine the environmental impact assessment report to ensure its completeness and quality and” after “may be,”,

(f) by the substitution of the following subsection for subsection (1I):

“(1I) (a) Where the planning authority or the Board, as the case may be, decides to grant consent for the proposed development, it shall—

(i) attach such conditions, if any, to the grant as it considers necessary, to avoid, prevent or reduce and, if possible, offset the significant adverse effects on the environment of the proposed development,

(ii) in the decision, specify the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset the significant adverse effects on the environment of the proposed development, and

(iii) subject to paragraph (b), where appropriate, specify in the decision measures to monitor the significant adverse effects on the environment of the proposed development, being measures which, as regards the types of parameters to be monitored and the duration of the monitoring, are proportionate to the nature, location and size of the proposed development and the significance of the effects on the environment of the proposed development.

(b) Where the planning authority or the Board, as the case may be, decides to grant consent for the proposed development,

it may, if appropriate to avoid duplication of monitoring, and without prejudice to existing monitoring arrangements pursuant to national or European Union legislation (other than the Environmental Impact Assessment Directive), identify those arrangements (or such of those arrangements as it thinks appropriate in the particular case) to be used for the purpose of paragraph (a)(iii).”,

(g) in subsection (1J)—

(i) in paragraph (b), by the substitution of “significant effects of the proposed development on the matters set out in paragraph (b) of the definition of ‘environmental impact assessment’ in section 171A” for “effects of the proposed development on the matters set out in section 171A”, and

(ii) by the deletion of paragraph (d), and

(h) in subsection (3), by the substitution of the following paragraph for paragraph (a):

“(a) (i) At the request of an applicant or of a person intending to apply for permission, the Board may take the action specified in subparagraph (ii) after having afforded the planning authority concerned an opportunity to furnish observations on the request and where the Board is satisfied that—

(I) exceptional circumstances so warrant,

(II) the application of the requirement to prepare an environmental impact assessment report would adversely affect the purpose of the proposed development, and

(III) the objectives of the Environmental Impact Assessment Directive are otherwise met.

(ii) Subject to subparagraph (iii), the Board may grant in respect of the proposed development an exemption from a requirement of or under regulations under this section to prepare an environmental impact assessment report.

(iii) No exemption may be granted under subparagraph (ii) in respect of the proposed development if another Member State of the European Union or other state party to the Transboundary Convention, having been informed about the proposed development and its likely significant effects on the environment in that State or

state, as the case may be, has indicated that it intends to furnish views on those effects.”.

Amendment of Act of 2000 — insertion of sections 172A to 172C

18. The Act of 2000 is amended by the insertion of the following sections after section 172:

“EIA portal

172A. The Minister shall provide, operate and maintain a website—

- (a) to which the public has access,
- (b) which contains summary information on applications and notifications of the intention to lodge applications for development consent subject to assessment under the Environmental Impact Assessment Directive or this Act, or both that Directive and this Act, as appropriate, and
- (c) for the purpose of providing a point of access to the applications referred to in paragraph (b) and associated information, assessments and decisions held by the authorities to which the applications have been or are to be made.

Provision of information by applicants to EIA portal

172B. (1) Subject to subsection (2), an applicant for consent for proposed development shall, within the period of 2 weeks before—

- (a) the making of an application for such consent which is to be accompanied by an environmental impact assessment report, or
- (b) the submission of an environmental impact assessment report when required by the planning authority or the Board, as the case may be, to do so,

provide the prescribed information in electronic form to the EIA portal in the manner set out on the portal.

(2) Where it is provided for in national legislation that a person other than the applicant for consent for proposed development shall provide information to the EIA portal, that person shall, not later than public notification of a proposed development which is to be accompanied by an environmental impact assessment report, provide the prescribed information in electronic form to the EIA portal in the manner set out on the portal.

Response of Minister on submission of information to EIA portal

172C. On receipt of information pursuant to section 172B, or in respect of any other proposed application or application for development consent for projects likely to have significant effects on the environment, the Minister shall, within 3 working days, respond to the applicant in the prescribed manner.”.

Amendment of section 173 of Act of 2000

19. Section 173 of the Act of 2000 is amended—

(a) in subsection (2), by the substitution of the following paragraphs for paragraph (a):

“(a) (i) Subparagraph (ii) applies where an applicant or a person intending to apply for permission requests the planning authority concerned to give him or her a written opinion on the scope and level of detail of the information required to be included in an environmental impact assessment report.

(ii) Subject to subparagraph (iii), the planning authority shall, taking into account the information provided by the applicant or person referred to in subparagraph (i), as the case may be, in particular on the specific characteristics of the proposed development, including its location and technical capacity, and its likely impact on the environment, give a written opinion on the scope and level of detail of the information to be included in an environmental impact assessment report, subject to—

(I) consultation with the Board to be carried out by the planning authority in relation to such opinion, and

(II) any prescribed consultations to be carried out by the planning authority in relation to such opinion.

(iii) The planning authority shall, in the case of the person referred to in subparagraph (i), give the written opinion before the submission by that person of an application for the grant of planning permission.

(aa) Where an opinion referred to in paragraph (a) has been provided, the environmental impact assessment report shall be based on that opinion, and include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects on the environment of the proposed development, taking into account current knowledge and methods of assessment.”, and

(b) in subsection (3), by the substitution of the following paragraphs for paragraph (a):

“(a) (i) Subparagraph (ii) applies where a person required by or under this Act to submit an environmental impact assessment report to the Board requests the Board to give him or her a written opinion on the scope and level of detail of the information required to be included in the report.

- (ii) Subject to subparagraph (iii), the Board shall, taking into account the information provided by the person referred to in subparagraph (i), in particular on the specific characteristics of the proposed development, including its location and technical capacity, and its likely impact on the environment, give a written opinion on the scope and level of detail of the information to be included in the environmental impact assessment report, subject to any prescribed consultations to be carried out by the Board in relation to such opinion.
- (iii) The Board shall give the written opinion before the submission by the person referred to in subparagraph (i) of the environmental impact assessment report.
- (aa) Where an opinion referred to in paragraph (a) has been provided, the environmental impact assessment report shall be based on that opinion, and include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects on the environment of the proposed development, taking into account current knowledge and methods of assessment.”.

Amendment of section 175 of Act of 2000

20. Section 175 of the Act of 2000 is amended—

(a) in subsection (5)(d)—

- (i) in subparagraph (i), by the substitution of “5 weeks” for “3 weeks”, and
- (ii) in subparagraph (ii), by the substitution of “5 weeks” for “3 weeks”,

(b) in subsection (8), by the substitution of the following paragraph for paragraph (a):

“(a) (i) The Board may take the action specified in subparagraph (ii) where it is satisfied that—

- (I) exceptional circumstances so warrant,
- (II) the application of the requirement to prepare an environmental impact assessment report would adversely affect the purpose of the proposed development, and
- (III) the objectives of the Environmental Impact Assessment Directive are otherwise met.

- (ii) Subject to subparagraph (iii), the Board may grant in respect of the proposed development an exemption from a requirement under subsection (1) to prepare an environmental impact assessment report.
 - (iii) No exemption may be granted under subparagraph (ii) in respect of the proposed development if another Member State of the European Union or a state party to the Transboundary Convention, having been informed about the proposed development and its likely significant effects on the environment in that State or state, as the case may be, has indicated that it wishes to furnish views on those effects.”, and
- (c) in subsection (9)(a), by the substitution of “The Board shall, in respect of an application for approval under this section of proposed development, make its decision within a reasonable period of time and may, in respect of such application” for “The Board may, in respect of an application for approval under this section of proposed development”.

Amendment of Act of 2000 — insertion of sections 176A to 176C

21. The Act of 2000 is amended by the insertion of the following sections after section 176:

“Application for screening for environmental impact assessment

176A. (1) In this section and sections 176B and 176C—

‘screening determination for environmental impact assessment’ means a determination made as part of a screening for environmental impact assessment;

‘screening for environmental impact assessment’ means a determination—

- (a) as to whether a proposed development would be likely to have significant effects on the environment, and
 - (b) if the development would be likely to have such effects, that an environmental impact assessment is required.
- (2) (a) Subject to section 176B, where a proposed development is of a class standing specified in Part 2 of Schedule 5 to the Planning and Development Regulations 2001 and does not equal or exceed, as the case may be, the relevant quantity, area or other limit standing specified in that Part, an application for a screening for environmental impact assessment in respect of that development may be submitted to the planning authority in whose area the development would be situated.

(b) Subject to section 176B, where a proposed development is of a class standing prescribed under section 176 for the purposes of this paragraph, an application for a screening for environmental impact assessment in respect of that development shall be submitted to the planning authority in whose area the development would be situated.

(3) An application under subsection (2) shall contain—

- (a) the name and address of the applicant,
- (b) where the applicant is not the owner or occupier of the land the subject of the proposed development, the name and address of the owner and, where the owner is not the occupier of the land, the occupier,
- (c) a location map for the proposed development,
- (d) a description of the nature and extent of the proposed development, its characteristics, its likely significant effects on the environment (including the information specified in Schedule 7A to the Planning and Development Regulations 2001) including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, and
- (e) any such other information as may be prescribed by the Minister,

and be accompanied by such fee as may be prescribed under section 246(1)(ca).

(3A) An application under subsection (2) may be accompanied by a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

(4) For the purposes of enabling a planning authority to carry out a screening for environmental impact assessment on foot of an application under subsection (2), the authority may do either or both—

- (a) seek further information that it considers necessary from the applicant or any other person that the authority considers appropriate, and
- (b) consult any body prescribed by the Minister for the purposes of this subsection and consider any views of that body,

and, where paragraph (a) or (b) applies, the authority shall specify the period within which the information or views concerned are required to be received by the authority.

(5) Subject to subsection (5A), where the applicant is not the owner or occupier of the land the subject of the proposed development, the planning authority concerned shall invite in writing—

- (a) the owner to make a submission on an application made under subsection (2), and
- (b) where the owner is not the occupier of the land, the occupier of that land to make such a submission,

and, where paragraph (a) or (b) applies, the authority shall specify the period within which the submission or submissions is or are required to be received by the authority.

(5A) The invitation under subsection (5) shall state that the owner or occupier may provide a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.

(6) A planning authority may reject an application under subsection (2) if in the opinion of the authority the application is incomplete in any material detail.

(7) Where a planning authority rejects an application in accordance with subsection (6), it shall—

- (a) subject to subsection (8), return the documents to which subsection (3) relates to the applicant, together with any fee received from the applicant, and
- (b) give reasons for its decision to the applicant,

and, where the applicant is not the owner or occupier of the land the subject of the proposed development, the planning authority shall also notify the owner and, where the owner is not the occupier of the land, the occupier of its decision under subsection (6).

(8) Subsection (7) is without prejudice to the planning authority—

- (a) making a copy of a document,
- (b) retaining an electronic copy of a document, or
- (c) by agreement with the applicant concerned, retaining a document,

to which that subsection relates.

Screening for environmental impact assessment

176B. (1) A planning authority shall, where appropriate, carry out screening for appropriate assessment in respect of a proposed development as provided for by section 177U(10) at the same time as carrying out a screening for environmental impact assessment in respect of the development under subsection (2).

(2) Subject to subsections (1) and (2A), a planning authority shall, on foot of an application under subsection (2) of section 176A and to which subsections (6) and (7) of that section do not relate, carry out a screening for environmental impact assessment in respect of the proposed development—

(a) where further information, views or submissions—

(i) are duly sought by the planning authority under subsection (4) or (5) of section 176A, and

(ii) are duly received by the authority within the period specified under the said subsection (4) or (5),

within the period of 3 weeks from the date that such information, views or submissions are so received, or

(b) where further information, views or submissions are not sought by the planning authority under subsection (4) or (5) of section 176A, as the case may be, within the period of 4 weeks from the receipt of the application under section 176A(2).

(2A) (a) Subject to paragraph (b), the planning authority shall not be required to comply with subsection (2)(a) or (b) within the period of 3 weeks or 4 weeks, as the case may be, referred to in that subsection where it appears to the planning authority that it would not be possible or appropriate, because of the exceptional circumstances of the proposed development (including in relation to the nature, complexity, location or size of such development) to do so.

(b) Where paragraph (a) applies, the planning authority shall, by notice in writing served on—

(i) the applicant,

(ii) the owner of the land the subject of the proposed development, if he or she is not the applicant,

(iii) the occupier of the land the subject of the proposed development, if he or she is not the applicant or owner of such land, and

- (iv) any other person from whom further information was sought or any body which was consulted pursuant to section 176A(4),

before the expiration of the period of 3 weeks or 4 weeks, referred to in subsection (2)(a) or (b), as the case may be, inform him or her of the reasons why it would not be possible or appropriate to comply with that subsection within that period and shall specify the date before which the authority intends that the screening determination for environmental impact assessment concerned shall be made.

- (3) (a) Before making a decision on an application under section 176A(2), the planning authority shall—

- (i) consider the criteria for determining whether a development would or would not be likely to have significant effects on the environment, as set out in Schedule 7 to the Planning and Development Regulations 2001,

- (ia) take into account—

- (I) the information provided pursuant to section 176A(3)(d), and

- (II) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and

- (ii) have regard to any description, information, views or submissions received in accordance with section 176A(3A) or (4) and, where relevant, section 176A(5) or (5A).

- (b) A planning authority shall include, or refer to, in its screening determination for environmental impact assessment made under this section the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7 to the Planning and Development Regulations 2001, on which such determination is based.

- (3A) (a) Paragraph (b) applies where the screening determination for environmental impact assessment made under this section is that the proposed development would not be likely to have significant effects on the environment and there has been provided, under section 176A(3A) or (5A), as the case may be, a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or

prevent what might otherwise have been significant adverse effects on the environment of the proposed development.

- (b) A planning authority shall specify such features, if any, and such measures, if any, in its screening determination for environmental impact assessment made under this section.

(4) A planning authority shall give notice in writing of its screening determination for environmental impact assessment made under this section to—

- (a) the applicant,
- (b) any person or body consulted under section 176A(4), and
- (c) where section 176A(5) applies, the owner, the occupier, or both the owner and the occupier, as appropriate in the circumstances,

and the notice shall include—

- (i) the planning authority's reasons for that determination, and
- (ii) information concerning referral of the determination to the Board for review under section 176C.

(4A) The notice under subsection (4) shall be placed with any application for consent for proposed development subsequently made in respect of which an application for a screening for environmental impact assessment was made under section 176A(2).

(5) A planning authority shall publish the screening determination for environmental impact assessment, either or both—

- (a) on its website, and
- (b) in a newspaper circulating in the area where the proposed development would be situated,

together with a notice—

- (i) stating that the determination may be referred to the Board for review by—
 - (I) the applicant,
 - (II) the owner of the land, where he or she is not the applicant,
 - (III) the occupier of the land, where he or she is not the applicant or the owner of the land, and

- (IV) any person or body consulted by the planning authority about the application,
 - (ii) stating that a person may question the validity of either or both—
 - (I) the screening determination for environmental impact assessment by the planning authority, and
 - (II) any determination by the Board of the said screening determination,

by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with sections 50 and 50A, and
 - (iii) identifying where practical information on the mechanism for questioning the validity of the determination can be found.
- (6) (a) Where a planning authority makes a screening determination for environmental impact assessment under this section, the following documents shall, within 3 working days, be placed on its website for inspection and be made available for inspection and purchase by members of the public during office hours for at least the minimum period referred to in paragraph (b):
- (i) a copy of the application made under section 176A(2) and any description, information, views, submissions, particulars, evidence, written study or further information received or obtained from—
 - (I) the applicant,
 - (II) the owner of the land the subject of the proposed development, if he or she is not the applicant,
 - (III) the occupier of the land the subject of the proposed development, if he or she is not the applicant or owner of such land, and
 - (IV) any other person from whom further information was sought or any body which was consulted pursuant to section 176A(4),
 - (ii) a copy of any report prepared by or for the authority in relation to the application, and

- (iii) a copy of the screening determination for environmental impact assessment made under this section by the authority.
- (b) The minimum period for the purposes of paragraph (a) is 8 weeks from the date of the screening determination for environmental impact assessment made under this section by the planning authority.

Review of screening determination for environmental impact assessment and referral of application for screening for environmental impact assessment

176C. (1) Where a screening determination for environmental impact assessment is made by a planning authority under section 176B, any person to whom subsection (4) or (5) of that section relates may, within 3 weeks of the issuing of the determination and on payment to the Board of the appropriate fee, refer the determination for review (in this section referred to as a ‘determination review’) by the Board.

(2) Without prejudice to section 176B, where an application was made under section 176A and no screening determination for environmental impact assessment has been issued by a planning authority within the appropriate period of time provided for by section 176B(2), then—

- (a) the person who made the application may—
 - (i) within the period of 3 weeks after the latest date by which that determination was due to be issued under section 176B(2), and
 - (ii) on payment to the Board of the appropriate fee, refer the application in question to the Board (which act is in this section referred to as an ‘application referral’) for determination, and
- (b) the authority concerned shall repay to the applicant the fee paid to the authority in accordance with section 176A(3).

(3) Where a determination to which subsection (1) relates or an application to which subsection (2) relates is referred to the Board under either of those subsections, the person so referring shall give notice to that effect to the planning authority concerned, and accordingly that authority shall forthwith forward to the Board—

- (a) a copy of the application submitted to the authority under paragraph (a) or (b) of section 176A(2) and any determination made, and
- (b) any description, information, views or submissions received in accordance with section 176A(3A) or (4) and, where

relevant, section 176A(5) or (5A), in respect of the application to the planning authority.

(4) The Board shall, where appropriate, carry out screening for appropriate assessment in respect of the proposed development as provided for by section 177U(10) at the same time as making a determination under this section in respect of the development.

(5) Before making a determination under this section, the Board shall—

(a) consider the criteria for determining whether a development would or would not be likely to have significant effects on the environment, as set out in Schedule 7 to the Planning and Development Regulations 2001,

(b) take into account—

(i) the information provided pursuant to section 176A(3)(d), and

(ii) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and

(c) have regard to any description, information, views or submissions received in accordance with section 176A(3A) or (4) and, where relevant, section 176A(5) or (5A) and any screening determination for environmental impact assessment made by the planning authority under section 176B.

(5A) The Board shall include, or refer to, in its determination under this section the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7 to the Planning and Development Regulations 2001, on which the determination is based.

(6) Subject to subsection (6A), the Board shall make a determination on the determination review or the application referral—

(a) within 5 weeks of receiving from the planning authority the documents to which subsection (3) relates, or

(b) where the Board requests from the applicant, or any other person that it considers appropriate, further information with regard to the determination review or application referral in order to enable the Board to make a determination and specifies the period within which the

information or views concerned are required to be received by the Board, within 4 weeks of the due receipt of the further information.

(6A) (a) Subject to paragraph (b), the Board shall not be required to comply with subsection (6)(a) or (b) within the 5 week period or 4 week period, as the case may be, referred to in that subsection where it appears to the Board that it would not be possible or appropriate, because of the exceptional circumstances of the proposed development (including in relation to the nature, complexity, location or size of such development) to do so.

(b) Where paragraph (a) applies, the Board shall, by notice in writing served on—

(i) the applicant,

(ii) the planning authority,

(iii) the owner of the land the subject of the proposed development, if he or she is not the applicant,

(iv) the occupier of the land the subject of the proposed development, if he or she is not the applicant or owner of such land, and

(v) any other person from whom further information was sought or any body which was consulted pursuant to section 176A(4),

before the expiration of the period of 5 weeks or 4 weeks referred to in subsection (6)(a) or (b), as the case may be, inform him or her of the reasons why it would not be possible or appropriate to comply with that subsection within that period and shall specify the date before which the Board intends that the determination concerned shall be made.

(7) A determination review or a determination on foot of an application referral under this section shall consist of a determination by the Board—

(a) as to whether a proposed development would be likely to have significant effects on the environment, and

(b) if the development would be likely to have such effects, that an environmental impact assessment is required.

(7A) (a) Paragraph (b) applies where the determination under this section is that the proposed development would not be likely

to have significant effects on the environment and there has been provided, in accordance with section 176A(3A) or (5A), as the case may be, a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

(b) The Board shall specify such features, if any, and such measures, if any, in its determination under this section.

(8) The Board shall give notice in writing of its determination under this section to—

(a) the planning authority,

(b) the applicant,

(c) any person or body consulted under section 176A(4),

(d) where section 176A(5) applies, the owner, occupier or both the owner and the occupier, as appropriate in the circumstances, and

(e) any other person, requested by the Board under subsection (6)(b) to provide further information with regard to the determination review or application referral,

by issuing in writing to each of them a notice to that effect and the notice shall include the Board's reasons for that decision.

(8A) The notice issued under subsection (8) shall be placed with any application for consent for proposed development subsequently made to the planning authority or the Board, as the case may be, or any appeal or referral made to the Board in respect of which an application for a screening for an environmental impact assessment was made under section 176A(2).

(9) On notification by the Board of a determination under this section, the planning authority shall publish the determination either or both—

(a) on its website, and

(b) in a newspaper circulating in the area where the proposed development would be situated,

together with a notice—

(i) indicating the place or places at which the documents relating to the making of the determination are available for inspection and purchase by members of the public and,

where applicable, the availability of the said documents for inspection by electronic means,

- (ii) stating that a person may question the validity of the determination by the Board by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with sections 50 and 50A, and
- (iii) identifying where practical information on the mechanism for questioning the validity of the determination can be found.

(10) The Board shall—

- (a) keep a record of any determination made by it under this section and the main reasons and considerations on which its determination was based,
- (b) from time to time, but at least once in every year, forward to each planning authority a copy of the record referred in paragraph (a), and
- (c) make the record available for purchase and inspection during office hours or available on its website, or both,

and, where the record specified in paragraph (a) is made available for purchase and inspection, the Board may charge a specified fee as determined pursuant to section 144(1A)(*ha*) but such fee shall not exceed the cost of making the copy.

(11) (a) Where the Board makes a screening determination for environmental impact assessment under this section, the following documents shall, within 3 working days, be placed on its website for inspection and be made available for inspection and purchase by members of the public during office hours at the offices of the Board for at least the minimum period referred to in paragraph (b):

- (i) a copy of the application made under section 176A(2), the referral for determination review or the application referral, as the case may be, and any description, information, views, submissions, particulars, evidence, written study or further information received or obtained from—
 - (I) the applicant,
 - (II) the owner of the land the subject of the proposed development, if he or she is not the applicant,

- (III) the occupier of the land the subject of the proposed development, if he or she is not the applicant or owner of such land,
 - (IV) any other person from whom further information was sought or any body which was consulted pursuant to section 176A(4), and
 - (V) any other person requested by the Board under subsection (6)(b) to provide further information with regard to the determination review or application referral,
- (ii) a copy of any report prepared by or for the Board in relation to the determination review or application referral, and
 - (iii) a copy of the screening determination for environmental impact assessment made under this section by the Board.
- (b) The minimum period for the purposes of paragraph (a) is 8 weeks from the date of the screening determination for environmental impact assessment made by the Board.”.

Amendment of section 177C of Act of 2000

22. Section 177C of the Act of 2000 is amended—

- (a) in subsection (3), by the insertion of the following paragraph after paragraph (a):

“(aa) in the case where a determination as to whether an environmental impact assessment was or is required, the information specified in Schedule 7A to the Planning and Development Regulations 2001, which shall be accompanied by any further relevant information on the characteristics of the development and its significant and likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account;”, and

- (b) by the insertion of the following subsection after subsection (3):

“(3A) The information furnished under subsection (3)(aa) may be accompanied by a description of the features, if any, of the development and the measures, if any, incorporated or envisaged to avoid, prevent or reduce what might otherwise be or have been significant adverse effects on the environment of the development.”.

Amendment of section 177D of Act of 2000

23. Section 177D of the Act of 2000 is amended—

(a) by the insertion of the following subsections after subsection (1):

“(1A) Where the Board makes a determination for the purposes of this section as to whether an environmental impact assessment is required, it shall, in making that determination, have regard to—

- (a) the criteria set out in Schedule 7 to the Planning and Development Regulations 2001,
- (b) the information submitted pursuant to Schedule 7A to the Planning and Development Regulations 2001,
- (c) the further relevant information, if any, referred to in section 177C(3)(aa) and the description, if any, referred to in section 177C(3A),
- (d) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and
- (e) in respect of a development which would be located on, or in, or have the potential to impact on—
 - (i) a European site,
 - (ii) an area the subject of a notice under section 16(2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),
 - (iii) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,
 - (iv) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976),
 - (v) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976,
 - (vi) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed, or

- (vii) a place or site which has been included by the Minister for Culture, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website,

the likely significant effects of the development on such site, area, land, place or feature, as appropriate.

(1B) The Board shall include, or refer to, in its decision under subsection (4) the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7 to the Planning and Development Regulations 2001, on which the decision is based.”,

- (b) in subsection (3), by the insertion of “, information, if any, furnished under section 177C(3A)” after “section 177C(3)”,

- (c) by the substitution of the following subsection for subsection (5):

“(5) (a) Subject to paragraph (b), the decision of the Board under subsection (4) shall be made—

- (i) 12 weeks after receipt of an application under section 177C(1),
- (ii) 12 weeks after receipt of additional information from the applicant under section 177C(3)(b), or
- (iii) 12 weeks after receipt of information from the planning authority under section 177C(5),

whichever is the later.

- (b) (i) Subject to subparagraph (ii), the Board shall not be required to comply with paragraph (a)(i) or (ii) within the period concerned referred to in that paragraph where it appears to the Board that it would not be possible or appropriate, because of the exceptional circumstances of the development (including in relation to the nature, complexity, location or size of such development) to do so.

- (ii) The Board shall, by notice in writing served on the applicant before the expiration of the period concerned referred to in paragraph (a)(i) or (ii), inform him or her of the reasons why it would not be possible or appropriate to comply with that paragraph within that period and shall specify the date before which the Board intends that the decision concerned shall be made.”, and

- (d) by the insertion of the following subsection after subsection (5):

“(5A) (a) Paragraph (b) applies where the determination under subsection (1A) is that the development did not or would not be likely to have significant effects on the environment (and, accordingly, an environmental impact assessment is or was not required) and the applicant has provided under section 177C(3A) a description of the features, if any, of the development and the measures, if any, incorporated or envisaged to avoid, prevent or reduce what might otherwise be or have been significant adverse effects on the environment of the development.

(b) The Board shall specify such features, if any, and such measures, if any, in its decision under subsection (4).”.

Amendment of section 177E of Act of 2000

24. Section 177E of the Act of 2000 is amended by the insertion of the following subsection after subsection (4):

“(4A) (a) The Board shall consider whether a remedial environmental impact assessment report submitted under this section identifies and describes adequately the direct and indirect significant effects on the environment of the development.

(b) Paragraph (c) applies where the Board considers that the remedial environmental impact assessment report does not identify or adequately describe such effects.

(c) The Board shall require the applicant for substitute consent to furnish, within a specified period, such further information which is necessary to ensure the completeness and quality of the remedial environmental impact assessment report and which is directly relevant to reaching the reasoned conclusion on the significant effects on the environment of the development as the Board considers necessary to remedy such defect.”.

Amendment of section 177F of Act of 2000

25. Section 177F of the Act of 2000 is amended—

(a) by the insertion of the following subsection after subsection (1):

“(1A) The remedial environmental impact assessment report shall be prepared by experts with the competence to ensure its completeness and quality.”, and

(b) in subsection (2), by the substitution of the following paragraphs for paragraph (a):

“(a) (i) Subparagraph (ii) applies where, before an applicant makes an application for substitute consent, he or she requests the Board to give to him or her an opinion in writing prepared by the Board on the scope and level of

detail of the information required to be contained in the remedial environmental impact assessment report in relation to the development the subject of the application.

- (ii) Subject to subparagraph (iii), the Board shall, taking into account the information provided by the applicant, in particular on the specific characteristics of the development, including its location and technical capacity, and its impact and likely impact on the environment, as soon as may be give an opinion in writing on the scope and level of detail of the information to be included in the remedial environmental impact assessment report.
- (iii) The Board shall give the opinion in writing before the submission by the applicant of the remedial environmental impact assessment report.
- (aa) Where an opinion referred to in paragraph (a) has been provided, the remedial environmental impact assessment report shall be based on that opinion, and include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects on the environment of the development, taking into account current knowledge and methods of assessment.”.

Amendment of section 177K of Act of 2000

26. Section 177K of the Act of 2000 is amended—

- (a) in subsection (1), by the insertion of “shall ensure it has, or has access as necessary to, sufficient expertise to examine the remedial environmental impact assessment report to ensure its completeness and quality and” after “thereunder the Board”,
- (b) by the insertion of the following subsections after subsection (2):
 - “(2A) (a) Subject to paragraph (b), the Board shall make a determination for the purposes of this section as to whether an environmental impact assessment was or is required within 8 weeks of receipt of the information specified in Schedule 7A to the Planning and Development Regulations 2001.
 - (b) Subject to paragraph (c), the Board shall not be required to comply with paragraph (a) within the period specified in paragraph (a) where it appears to the Board that it would not be possible or appropriate, because of the exceptional circumstances of the development (including in relation to the nature, complexity, location or size of such development) to do so.

- (c) Where paragraph (b) applies, the Board shall, by notice in writing served on the applicant before the expiration of the period specified in paragraph (a), inform him or her of the reasons why it would not be possible or appropriate to comply with paragraph (a) within that period and shall specify the date before which the Board intends that the determination concerned shall be made.

(2B) Where the Board makes a determination for the purposes of this section as to whether an environmental impact assessment was or is required, it shall, in making that determination, have regard to—

- (a) the criteria set out in Schedule 7 to the Planning and Development Regulations 2001,
- (b) the information submitted pursuant to Schedule 7A to the Planning and Development Regulations 2001,
- (c) the further relevant information, if any, referred to in article 227(2)(cb) of the Planning and Development Regulations 2001 and the description, if any, referred to in article 227(2A) of those Regulations,
- (d) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and
- (e) in respect of a development which would be located on, or in, or have the potential to impact on—
 - (i) a European site,
 - (ii) an area the subject of a notice under section 16 (2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),
 - (iii) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,
 - (iv) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976),
 - (v) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976,
 - (vi) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed

variation of a development plan, for the area in which the development is proposed, or

- (vii) a place or site which has been included by the Minister for Culture, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website,

the likely significant effects of the development on such site, area, land, place or feature, as appropriate.

(2C) The Board shall include, or refer to, in its decision under subsection (1) the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7 to the Planning and Development Regulations 2001, on which the determination under subsection (2A) is based.

(2D) (a) Paragraph (b) applies where the determination under subsection (2A) is that the development did not or would not be likely to have significant effects on the environment (and, accordingly, an environmental impact assessment is or was not required) and the applicant has provided, under article 227(2A) of the Planning and Development Regulations 2001, a description of the features, if any, of the development and the measures, if any, incorporated or envisaged, to avoid, prevent or reduce what might otherwise be or have been significant adverse effects on the environment of the development.

(b) The Board shall specify such features, if any, and such measures, if any, in its decision under subsection (1).

(2E) (a) Where the Board decides under subsection (1) to grant substitute consent for the development, it shall—

- (i) attach such conditions, if any, to the grant as it considers necessary to avoid, prevent or reduce and, if possible, offset the significant adverse effects on the environment of the development,

- (ii) where the applicant has provided, under article 227(2A) of the Planning and Development Regulations 2001, a description of the features, if any, of the development and the measures, if any, incorporated or envisaged to avoid, prevent or reduce and, if possible, offset what might otherwise have been the significant adverse effects on the environment of the development, specify such features, if any, and such measures, if any, in the decision, and

(iii) subject to paragraph (b), where appropriate, specify in the decision measures to monitor the significant adverse effects on the environment of the development (being measures, as regards the types of parameters to be monitored and the duration of the monitoring, that are proportionate to the nature, location and size of the development and the significance of the effects on the environment of the development).

(b) Where the Board decides under subsection (1) to grant substitute consent for the development, it may, if appropriate to avoid duplication of monitoring, and without prejudice to existing monitoring arrangements pursuant to national or European Union legislation (other than the Environmental Impact Assessment Directive) identify such arrangements (or parts thereof as it thinks appropriate in the particular case) to be used for the purpose of paragraph (a)(iii).”,

(c) in subsection (4)—

(i) in paragraph (a), by the substitution of “made,” for “made, and”, and

(ii) by the insertion of the following paragraph after paragraph (a):

“(aa) the reasoned conclusion by the Board on the significant effects on the environment of the development, taking into account the results of the examination of the information contained in the remedial environmental impact assessment report or the environmental impact assessment report, or both such reports, as the case may be, and any supplementary information provided, where necessary, by the applicant in accordance with regulations under this Part and any relevant information received through consultations with prescribed authorities in accordance with regulations under this Part and, where appropriate, its own supplementary examination, and”, and

(d) by the insertion of the following subsection after subsection (4):

“(4A) (a) Where the decision under subsection (1) by the Board to impose a condition (being an environmental condition which arises from the consideration of the remedial environmental impact assessment report or the environmental impact assessment report concerned, or both such reports, as the case may be) in relation to the grant of substitute consent is materially different, in relation to the terms of such

condition, from the recommendation in a report of a person assigned to report on the application on behalf of the Board, the Board shall, in its statement under subsection (4)(b), indicate the main reasons for not accepting, or for varying, as the case may be, the recommendation in the last-mentioned report in relation to such condition.

- (b) Where the decision under subsection (1) by the Board is to grant, subject to or without conditions, substitute consent, the Board shall cause the decision to be accompanied by a statement that the Board is satisfied that the reasoned conclusion on the significant effects on the environment of the development was up to date at the time of the taking of the decision.
- (c) The Board shall include in its decision under subsection (1) a summary of the results of the consultations that have taken place and information gathered in the course of the environmental impact assessment concerned and, where appropriate, the comments received from an affected Member State of the European Union or other party to the Transboundary Convention, and specify how those results have been incorporated into the decision or otherwise addressed.”.

Amendment of section 179 of Act of 2000

27. Section 179 of the Act of 2000 is amended, in subsection (3)—

(a) by the substitution of the following paragraph for paragraph (a):

- “(a) (i) The chief executive of a local authority shall, where an application is not made to the Board for a screening determination referred to in article 120(3)(b) of the Planning and Development Regulations 2001, within 8 weeks after the expiration of the period during which submissions or observations with respect to the proposed development may be made, in accordance with regulations under subsection (2), prepare a report in writing in relation to the proposed development and submit the report to the members of the authority.
- (ii) The chief executive of a local authority shall, where an application is made to the Board for a screening determination referred to in article 120(3)(b) of the Planning and Development Regulations 2001, within 8 weeks after the making by the Board of a screening determination that an environmental impact assessment is not required in respect of the proposed development, prepare a report in writing in relation to the proposed

development and submit the report to the members of the authority.”, and

- (b) in paragraph (b), by the insertion of the following subparagraph after subparagraph (ii):

“(iia) include the screening determination on why an environmental impact assessment is not required and specify the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might have otherwise been significant adverse effects on the environment of the development.”.

Amendment of section 181A of Act of 2000

28. Section 181A of the Act of 2000 is amended—

- (a) in subsection (7)—

(i) in paragraph (a), by the substitution of “(which shall not be less than 3 weeks in a case other than a case relating to a revised environmental impact assessment report)” for “(which shall be not less than 3 weeks)”, and

(ii) in paragraph (b), by the substitution of “(which shall not be less than 3 weeks in a case other than a case relating to a revised environmental impact assessment report)” for “(which shall not be less than 3 weeks)”, and

- (b) by the insertion of the following subsection after subsection (7):

“(8) The period referred to in subsection (7)(a) or (b) shall, in a case relating to a revised environmental impact assessment report, not be less than—

(a) 30 days where the report has been furnished to the Board, and

(b) 3 weeks where the report has not been furnished to the Board.”.

Amendment of section 181B of Act of 2000

29. Section 181B of Act of 2000 is amended—

- (a) by the substitution of the following subsection for subsection (2):

“(2) (a) The Board may take the action specified in paragraph (b) where it is satisfied that—

(i) exceptional circumstances so warrant,

(ii) the application of the requirement to prepare an environmental impact assessment report would

adversely affect the purpose of the proposed development, and

- (iii) the objectives of the Environmental Impact Assessment Directive are otherwise met.
- (b) Subject to paragraph (c), the Board may grant in respect of the proposed development an exemption from a requirement under section 181A(1) to prepare an environmental impact assessment report.
- (c) No exemption may be granted under paragraph (b) in respect of the proposed development where another Member State of the European Union or a state which is a party to the Transboundary Convention, having been informed about the proposed development and its likely significant effects on the environment in that State or state, as the case may be, has indicated that it wishes to furnish views on those effects.
- (d) The Board may, where it is satisfied that exceptional circumstances so warrant, grant an exemption in respect of proposed development from a requirement under section 181A(1) to prepare a Natura impact statement except that no exemption may be granted in respect of proposed development where another Member State of the European Union or a state which is a party to the Transboundary Convention has indicated that it wishes to furnish views on the effects on the environment in that Member State or state, as the case may be, of the proposed development.”,

(b) by the substitution of the following subsection for subsection (4):

“(4) (a) The Minister for Defence may, in the case of a proposed development or part of a proposed development, the sole purpose of which is national defence, grant an exemption in respect of the development or the relevant part of the development from a requirement under section 181A(1) to apply for approval and prepare an environmental impact assessment report if he or she is satisfied that the application of section 181A or 181C would have adverse effects on such purpose.

(b) The Minister for Defence may, in the case of proposed development in connection with, or for the purposes of, national defence, grant an exemption in respect of the development from a requirement under section 181A(1) to apply for approval and prepare a Natura impact statement if he or she is satisfied that the application of section 181A or 181C would have adverse effects on those purposes.”,

(c) in subsection (6), by the substitution of “The Board shall, in respect of an application under section 181A for approval of proposed development, make its decision within a reasonable period of time and may, in respect of such application” for “The Board may, in respect of an application under section 181A for approval of proposed development”, and

(d) by the insertion of the following subsections after subsection (6):

“(6A) A decision of the Board under subsection (6) shall state—

(a) the reasoned conclusion, in relation to the significant effects on the environment of the proposed development, on which the decision is based,

(b) in relation to the approval of, or refusal to approve, the development, where a decision (being a decision which arises from the consideration of the environmental impact assessment report concerned) by the Board to approve or to refuse to approve such development is different from the recommendation in a report of a person assigned to report on the application on behalf of the Board, the main reasons for not accepting the recommendation in the last-mentioned report to approve or refuse to approve the development,

(c) where a decision to impose a condition (being an environmental condition which arises from the consideration of the environmental impact assessment report concerned) in relation to any approval is materially different, in relation to the terms of such condition, from the recommendation in a report of a person assigned to report on the application for approval on behalf of the Board, the main reasons for not accepting, or for varying, as the case may be, the recommendation in the last-mentioned report in relation to such condition, and

(d) in relation to the approval of, or refusal to approve, the development, subject to or without conditions, that the Board is satisfied that the reasoned conclusion on the significant effects on the environment of the development was up to date at the time of the taking of the decision.

(6B) A decision given under subsection (6) and the notification of the decision shall include a summary of the results of consultations that have taken place and information gathered in the course of the environmental impact assessment and, where appropriate, the comments received from an affected Member State of the European Union or other party to the Transboundary Convention, and specify how those results have been incorporated into the decision or otherwise addressed.”.

Amendment of section 181C of Act of 2000

30. Section 181C of the Act of 2000 is amended by the insertion of the following subsections after subsection (5):

“(5A) (a) Without prejudice to subsection (5) and subject to paragraph (b), where a prospective applicant has made a request under subsection (3)(b) in relation to what information will be required to be contained in an environmental impact assessment report, the Board shall, after taking into account the information provided by the prospective applicant, in particular on the specific characteristics of the proposed development, including its location and technical capacity, and its likely impact on the environment, give an opinion in writing on the scope and level of detail of the information to be included in such report, subject to any consultations carried out by the Board in relation to such opinion.

(b) The Board shall give the opinion before the submission by the prospective applicant of the environmental impact assessment report.

(5B) Where an opinion referred to in subsection (5A) has been provided, the environmental impact assessment report shall be based on that opinion, and include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects on the environment of the proposed development, taking into account current knowledge and methods of assessment.”.

Amendment of section 182A of Act of 2000

31. Section 182A of the Act of 2000 is amended—

(a) in subsection (4), by the insertion of the following paragraph after paragraph (a):

“(aa) comply with section 172B,”

(b) in subsection (8)—

(i) in paragraph (a), by the substitution of “(which shall not be less than 3 weeks in a case other than a case relating to a revised environmental impact assessment report)” for “(which shall not be less than 3 weeks)”, and

(ii) in paragraph (b), by the substitution of “(which shall not be less than 3 weeks in a case other than a case relating to a revised environmental impact assessment report)” for “(which shall be not less than 3 weeks)”, and

(c) by the insertion of the following subsection after subsection (8):

“(8A) The period provided for in subsection (8)(a) or (b) shall, in a case relating to an environmental impact assessment report, not be less than—

- (a) 30 days where the report has been furnished to the Board, and
- (b) 3 weeks where the report has not been furnished to the Board.”.

Amendment of section 182B of Act of 2000

32. Section 182B of the Act of 2000 is amended—

(a) by the substitution of the following subsection for subsection (2):

“(2) (a) The Board may take the action specified in paragraph (b) where it is satisfied that—

- (i) exceptional circumstances so warrant,
- (ii) the application of the requirement to prepare an environmental impact assessment report would adversely affect the purpose of the proposed development, and
- (iii) the objectives of the Environmental Impact Assessment Directive are otherwise met.

(b) Subject to paragraph (c), the Board may grant in respect of the proposed development an exemption from a requirement under section 182A(2) to prepare an environmental impact assessment report.

(c) No exemption may be granted under paragraph (b) in respect of the proposed development where another Member State of the European Union or a state which is a party to the Transboundary Convention, having been informed about the proposed development and its likely significant effects on the environment in that State or state, as the case may be, has indicated that it wishes to furnish views on those effects.”,

(b) in subsection (5), by the substitution of “The Board shall, in respect of an application under section 182A for approval of the proposed development, make its decision within a reasonable period of time and may, in respect of such application” for “The Board may, in respect of an application under section 182A for approval of proposed development”,

(c) in subsection (5A)—

(i) by the insertion of the following paragraphs after paragraph (a):

“(aa) the reasoned conclusion, in relation to the significant effects on the environment of the proposed development, on which the decision is based,

(ab) in relation to the approval of, or refusal to approve, the development, where a decision (being a decision which arises from the consideration of the environmental impact assessment report concerned) by the Board to approve or to refuse to approve such development is different from the recommendation in a report of a person assigned to report on the application on behalf of the Board, the main reasons for not accepting the recommendation in the last-mentioned report to approve or refuse to approve the development,”

(ii) by the insertion of the following paragraphs after paragraph (b):

“(ba) where a decision to impose a condition (being an environmental condition which arises from the consideration of the environmental impact assessment report concerned) in relation to any approval is materially different, in relation to the terms of such condition, from the recommendation in a report of a person assigned to report on the application for approval on behalf of the Board, the main reasons for not accepting, or for varying, as the case may be, the recommendation in the last-mentioned report in relation to such condition,

(bb) in relation to the approval of, or refusal to approve, the development, subject to or without conditions, that the Board is satisfied that the reasoned conclusion on the significant effects on the environment of the development was up to date at the time of the taking of the decision,” and

(d) by the insertion of the following subsection after subsection (5A):

“(5AA) A decision of the Board under subsection (5) and the notification of the decision shall include a summary of the results of consultations that have taken place and information gathered in the course of the environmental impact assessment and, where appropriate, the comments received from an affected Member State of the European Union or other party to the Transboundary Convention, and specify how those results have been incorporated into the decision or otherwise addressed.”.

Amendment of section 182C of Act of 2000

33. Section 182C of the Act of 2000 is amended—

(a) in subsection (4)—

- (i) in paragraph (a), by the deletion of “and” where it last occurs, and
- (ii) by the insertion of the following paragraph after paragraph (a):

“(aa) comply with section 172B,”,

(b) in subsection (8)—

- (i) in paragraph (a), by the substitution of “(which shall not be less than 3 weeks in a case other than a case relating to a revised environmental impact assessment report)” for “(which shall not be less than 3 weeks)”, and
- (ii) in paragraph (b), by the substitution of “(which shall not be less than 3 weeks in a case other than a case relating to a revised environmental impact assessment report)” for “(which shall be not less than 3 weeks)”, and

(c) by the insertion of the following subsection after subsection (8):

“(8A) The period provided for in subsection (8)(a) or (b) shall, in a case relating to a revised environmental impact assessment report, not be less than—

- (a) 30 days where the report has been furnished to the Board, and
- (b) 3 weeks where the report has not been furnished to the Board.”.

Amendment of section 182D of Act of 2000

34. Section 182D of the Act of 2000 is amended—

(a) by the substitution of the following subsection for subsection (2):

“(2) (a) The Board may take the action specified in paragraph (b) where it is satisfied that—

- (i) exceptional circumstances so warrant,
- (ii) the application of the requirement to prepare an environmental impact assessment report would adversely affect the purpose of the proposed development, and
- (iii) the objectives of the Environmental Impact Assessment Directive are otherwise met.

(b) Subject to paragraph (c), the Board may grant in respect of the proposed development an exemption from a requirement under section 182C(1) to prepare an environmental impact assessment report.

(c) No exemption may be granted in respect of proposed development under paragraph (b) where another Member State of the European Union or a state which is a party to the Transboundary Convention, having been informed about the proposed development and its likely significant effects on the environment in that State or state, as the case may be, has indicated that it wishes to furnish views on those effects.”,

(b) in subsection (5), by the substitution of “The Board shall, in respect of an application under section 182C for approval of the proposed development, make its decision within a reasonable period of time and may, in respect of such application” for “The Board may, in respect of an application under section 182C for approval of proposed development”,

(c) in subsection (5A)—

(i) by the insertion of the following paragraphs after paragraph (a):

“(aa) the reasoned conclusion, in relation to the significant effects on the environment of the proposed development, on which the decision is based,

(ab) in relation to the approval of, or refusal to approve, the development, where a decision (being a decision which arises from the consideration of the environmental impact assessment report concerned) by the Board to approve or to refuse to approve such development is different from the recommendation in a report of a person assigned to report on the application on behalf of the Board, the main reasons for not accepting the recommendation in the last-mentioned report to approve or refuse to approve the development,”, and

(ii) by the insertion of the following paragraphs after paragraph (b):

“(ba) where a decision to impose a condition (being an environmental condition which arises from the consideration of the environmental impact assessment report concerned) in relation to any approval is materially different, in relation to the terms of such condition, from the recommendation in a report of a person assigned to report on the application for approval on behalf of the Board, the

main reasons for not accepting, or for varying, as the case may be, the recommendation in the last-mentioned report in relation to such condition,

(bb) in relation to the approval of, or refusal to approve, the development, subject to or without conditions, that the Board is satisfied that the reasoned conclusion on the significant effects on the environment of the development was up to date at the time of the taking of the decision, and”, and

(d) by the insertion of the following subsection after subsection (5A):

“(5AA) A decision of the Board given under subsection (5) and the notification of the decision shall include a summary of the results of consultations that have taken place and information gathered in the course of the environmental impact assessment and, where appropriate, the comments received from an affected Member State of the European Union or other party to the Transboundary Convention, and state how those results have been incorporated into the decision or otherwise addressed.”.

Amendment of section 182E of Act of 2000

35. Section 182E of the Act of 2000 is amended by the substitution of the following subsections for subsection (3):

“(3) (a) Paragraph (b) applies where a prospective applicant requests the Board to give to him or her an opinion in writing on the scope and level of detail of the information required to be included by the prospective applicant in an environmental impact assessment report in relation to the proposed development.

(b) The Board shall—

- (i) after consulting the prospective applicant and such bodies as may be specified by the Minister for the purpose, and
- (ii) after taking into account the information provided by the prospective applicant, in particular on the specific characteristics of the proposed development, including its location and technical capacity, and its likely impact on the environment,

give the opinion as soon as is practicable.

(3A) Where an opinion referred to in subsection (3) has been provided, the environmental impact assessment report shall be based on that opinion, and include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects

on the environment of the proposed development, taking into account current knowledge and methods of assessment.”.

Amendment of Act of 2000 in relation to references to environmental impact statement

36. (1) The provision of the Act of 2000 specified in column (2), opposite a reference number specified in column (1), is amended by the substitution of the words specified in column (4), opposite that reference number, for the words specified in column (3) opposite that reference number.

(2) In paragraph (1), a reference to a column is a reference to the Table set out in Schedule 1.

PART 3

AMENDMENT OF PLANNING AND DEVELOPMENT (HOUSING) AND RESIDENTIAL TENANCIES ACT 2016

Definition

37. In this Part and Schedule 2, “Act of 2016” means the Planning and Development (Housing) and Residential Tenancies Act 2016 (No. 17 of 2016).

Amendment of section 7 of Act of 2016

38. Section 7 of the Act of 2016 is amended—

(a) in subsection (1)(a)(i)(I), by the substitution of “does not equal or exceed, as the case may be,” for “does not exceed”,

(b) in subsection (2)(b)—

(i) in subparagraph (i), by the substitution of “subject to subsection (2A), shall”, for “shall” and

(ii) in subparagraph (ii), by the substitution of “subject to subsection (2B), shall” for “shall”, and

(c) by the insertion of the following subsections after subsection (2):

“(2A) (a) Subject to paragraph (b), where a prospective applicant makes a request to the Board to which clause (I) of subsection (1)(a)(i) applies, the Board shall not be required to comply with subsection (2)(b)(i) within the period specified in subsection (2)(b)(i) where it appears to the Board that it would not be possible or appropriate, because of the exceptional circumstances of the proposed development (including in relation to the nature, complexity, location or size of such development) to do so.

(b) Where paragraph (a) applies, the Board shall, by notice in writing served on the prospective applicant before the expiration of the period referred to in subsection (2)(b)(i),

inform him or her of the reasons why it would not be possible or appropriate to comply with that subsection within that period and shall specify in the notice the date before which the Board intends that the determination concerned shall be made.

- (2B) (a) The period referred to in subsection (2)(b)(ii) shall not apply where a notice under subsection (2A)(b) has been served.
- (b) Where paragraph (a) applies, the Board shall comply with the request under subsection (1)(b) within 8 weeks of making the determination concerned under subsection (1)(a)(i)(I).”.

Amendment of section 8 of Act of 2016

39. Section 8 of the Act of 2016 is amended—

- (a) in subsection (1), by the insertion of the following paragraph after paragraph (a):

“(aa) comply with section 172B of the Planning and Development Act 2000,”,

- (b) in subsection (3)(b), by the insertion of “subject to subsection (3A),” after “the Board shall,” and

- (c) by the insertion of the following subsection after subsection (3):

“(3A) (a) Subject to paragraph (b), the Board shall not be required to comply with subsection (3)(b), in so far as an environmental impact assessment report is concerned (including the originals referred to in that subsection and the information prescribed under section 12 referred to in that subsection to the extent that such originals or information relate to that report), within the period specified in the subsection where it appears to the Board that it would not be possible or appropriate, because of the exceptional circumstances of the proposed development (including in relation to the nature, complexity, location or size of such development) to do so.

- (b) Where paragraph (a) applies, the Board shall, by notice in writing served on the applicant before the expiration of the period referred to in subsection (3)(b), inform him or her of the reasons why it would not be possible or appropriate to comply with that subsection within that period and shall specify in the notice the date before which the Board intends to comply with that subsection.”.

Amendment of section 9 of Act of 2016

40. Section 9 of the Act of 2016 is amended, in subsection (5), by the insertion of “, or where an environmental impact assessment report is required, the application was not accompanied by such report” after “if such is required”.

Amendment of section 10 of Act of 2016

41. Section 10 of the Act of 2016 is amended—

(a) in subsection (3)—

(i) by the insertion of the following paragraphs after paragraph (a):

“(aa) the reasoned conclusion, in relation to the significant effects on the environment of the proposed development, on which the decision is based,

(ab) if that decision arises from the Board’s consideration of the environmental impact assessment report concerned and is different from the recommendation in a report of a person assigned to report on the application concerned on behalf of the Board, the main reasons for not accepting the recommendation in the last-mentioned report to refuse permission,”

(ii) in paragraph (b), by the substitution of “may be,” for “may be, and”,

(iii) in paragraph (c), by the substitution of “them,” for “them.”, and

(iv) by the insertion of the following paragraphs after paragraph (c):

“(d) where a decision to impose a condition (being an environmental condition which arises from the consideration of the environmental impact assessment report concerned) in relation to any permission is materially different, in relation to the terms of such condition, from the recommendation in a report of a person assigned to report on the application for permission on behalf of the Board, the main reasons for not accepting, or for varying, as the case may be, the recommendation in the last-mentioned report in relation to such condition, and

(e) in relation to the granting or refusal of a permission in respect of an application accompanied by an environmental impact assessment report, subject to or without conditions, that the Board is satisfied that the reasoned conclusion on the significant effects on the environment of the development was up to date at the time of the taking of the decision.”, and

(b) by the insertion of the following subsection after subsection (3):

“(3A) A decision given under section 9(4) in respect of an application accompanied by an environmental impact assessment report and the notification of the decision shall include a summary of the results of consultations that have taken place and information gathered in the course of the environmental impact assessment and, where appropriate, the comments received from an affected Member State of the European Union or other party to the Transboundary Convention, and specify how those results have been incorporated into the decision or otherwise addressed.”.

Construction of Fourth Schedule to Act of 2000 during remainder of specified period

42. The Fourth Schedule to the Act of 2000 has effect during the period commencing on 1 September 2018 and ending on the expiration of the specified period (within the meaning of section 3 of the Act of 2016) as if the following paragraph were inserted before paragraph 19:

“18B. In the case of proposed strategic housing development (within the meaning of Chapter 1 of the Planning and Development (Housing) and Residential Tenancies Act 2016), the environmental impact assessment report submitted with the application for permission under section 4 of that Act is inadequate or incomplete.”.

Amendment of Act of 2016 in relation to references to environmental impact statement

43. (1) The provision of the Act of 2016 specified in column (2), opposite a reference number specified in column (1), is amended by the substitution of the words specified in column (4), opposite that reference number, for the words specified in column (3) opposite that reference number.

(2) In paragraph (1), a reference to a column is a reference to the Table set out in Schedule 2.

PART 4

AMENDMENT OF PLANNING AND DEVELOPMENT (AMENDMENT) ACT 2018

Amendment of Schedule 2 to Planning and Development (Amendment) Act 2018

44. Schedule 2 to the Planning and Development (Amendment) Act 2018 (No. 16 of 2018) is amended, in reference No. 66, in column 3, by the substitution of “paragraph (b)(iv)” for “paragraphs (a), and (b)(iv)”.

PART 5

AMENDMENT OF PLANNING AND DEVELOPMENT REGULATIONS 2001

Definition

45. In this Part and Schedule 3, “Regulations of 2001” means the Planning and Development Regulations 2001 (S.I. No. 600 of 2001).

Amendment of article 3 of Regulations of 2001

46. Article 3 of the Regulation of 2001 is amended, in sub-article (3)—

(a) by the insertion of the following definitions:

“ ‘EIAR’ means an environmental impact assessment report;

‘remedial EIAR’ means a remedial environmental impact assessment report within the meaning of section 177F of the Act;”, and

(b) by the deletion of the definitions of “EIS” and “remedial EIS”.

Amendment of article 22 of Regulations of 2001

47. Article 22 of the Regulations of 2001 is amended—

(a) in sub-article (2)—

(i) in paragraph (g), by the deletion of “and”, and

(ii) by the insertion of the following paragraph after paragraph (g):

“(ga) where the application is accompanied by an EIAR, a copy of the confirmation notice, and”, and

(b) in sub-article (3), by the insertion of “searchable electronic or other” after “partly in”.

Amendment of article 26 of Regulations of 2001

48. Article 26 of the Regulations of 2001 is amended by the substitution of the following sub-article for sub-article (2):

“(2) Where a planning authority considers that a planning application complies with the requirements of articles 18, 19(1)(a) and 22 and, as may be appropriate, of article 24 or 25, it shall stamp each document with the date of its receipt and—

(a) send to the applicant an acknowledgement stating the date of receipt of the application, and

(b) if the application was accompanied by an EIAR, send to the EIA portal in electronic form in the manner set out on the portal—

(i) a copy of the confirmation notice received in accordance with article 22(2)(ga),

(ii) the reference number of the application on the register, and

(iii) the URL to the documents placed on its website pursuant to section 38(3)(b) of the Act.”.

Amendment of article 27 of Regulations of 2001

49. Article 27 of the Regulations of 2001 is amended, in sub-article (1), by the insertion of “, and display for inspection on its website,” after “make available”.

Amendment of article 31 of Regulations of 2001

50. Article 31 of the Regulations of 2001 is amended—

(a) by the insertion of the following paragraph after paragraph (h):

“(ha) in the case of a decision to grant permission for a proposed development to which article 103(3A) applies — a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset the significant adverse effects on the environment of the proposed development and such conditions, if any, as are necessary to ensure their implementation,”

(b) in paragraph (k), by the deletion of “and”,

(c) in paragraph (l), by the substitution of “refuse permission, and” for “refuse permission.”, and

(d) by the insertion of the following paragraph after paragraph (l):

“(m) in the case of a decision to impose a condition (being an environmental condition which arises from the consideration of the EIAR concerned) in relation to the grant of a permission where the condition is materially different, in relation to the terms of such condition, from the recommendation in the report or reports on the planning application to the chief executive (or such other person delegated to make the decision) — the main reasons for not accepting, or for varying, as the case may be, the recommendation in the report or reports in relation to such condition.”.

Amendment of article 33 of Regulations of 2001

51. Article 33 of the Regulations of 2001 is amended, in sub-article (2)—

(a) in paragraph (a), by the substitution of “assessed,” for “assessed, or”, and

(b) by the insertion of the following paragraph after paragraph (a):

“(aa) where information specified in Schedule 7A is requested pursuant to article 103(1)(b), or”.

Amendment of article 35 of Regulations of 2001

52. Article 35 of the Regulations of 2001 is amended, in sub-article (1)(c), by the insertion of “or, in the case of a planning application accompanied by an

EIAR, not later than 5 weeks after the receipt of the newspaper notice and site notice by the planning authority within the period specified in paragraph (a)” after “paragraph (a)”.

Inclusion of URL to appeal on planning authority’s website, etc

53. The Regulations of 2001 are amended by the insertion of the following article after article 68:

“68A. Where a copy of an appeal, accompanied by an EIAR, is sent to a planning authority by the Board pursuant to section 128 of the Act, the planning authority shall, as soon as may be after receipt of that copy, include the URL to the appeal on the Board’s website with the documents referred to in section 38(3)(b) of the Act.”.

Amendment of article 69 of Regulations of 2001

54. Article 69 of the Regulations of 2001 is amended, in sub-article (2), by the insertion of the following paragraph after paragraph (a):

“(aa) in the case of an appeal accompanied by an EIAR, specify the URL to the appeal on the Board’s website,”.

Amendment of article 72 of Regulations of 2001

55. Article 72 of the Regulations of 2001 is amended—

(a) in sub-article (1)—

(i) by the insertion of “, and display for inspection on its website,” after “make available”,

(ii) by the insertion of the following paragraph after paragraph (b):

“(ba) screening determinations made pursuant to article 120(3)(cc),”,

(iii) in paragraph (c), by the insertion of “section 181(3),” after “section 177AE(3),” and

(iv) in paragraph (d), by the insertion of “section 181(3),” after “section 177AE(3),”,

(b) in sub-article (6), by the insertion of “section 181(3),” after “section 177AE(3),”, and

(c) in sub-article (7), the insertion of “section 181(3),” after “section 177AE(3),”.

Amendment of article 74 of Regulations of 2001

56. Article 74 of the Regulations of 2001 is amended, in sub-article (2), by the insertion of the following paragraph after paragraph (h):

“(ha) in the case of a decision to grant permission for a proposed development to which article 103(3A) applies — a

description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset the significant adverse effects on the environment of the proposed development and such conditions, if any, as are necessary to ensure their implementation.”.

Amendment of article 81 of Regulations of 2001

57. Article 81 of the Regulations of 2001 is amended, in sub-article (2)—

(a) in paragraph (c), by the substitution of “this fact,” for “this fact, and”, and

(b) by the insertion of the following paragraph after paragraph (c):

“(ca) indicate its conclusion under article 120(1)(b)(i) or screening determination under article 120(1B)(b)(i), as the case may be (and, in the latter case, including, or referring to, the description, if any, provided under article 120(1A)(b) or 120(3)(cb)(ii), as the case may be), and”.

Amendment of article 82 of Regulations of 2001

58. Article 82 of the Regulations of 2001 is amended, in sub-article (2), by the substitution of “article 83, and its conclusion under article 120(1)(b)(i) or screening determination under article 120(1B)(b)(i), as the case may be (and, in the latter case, including, or referring to, the description, if any, provided under article 120(1A)(b) or 120(3)(cb)(ii), as the case may be)” for “article 84”.

Amendment of article 83 of Regulations of 2001

59. Article 83 of the Regulations of 2001 is amended, in sub-article (1)—

(a) in paragraph (e), by the substitution of “proposed development, and” for “proposed development.”, and

(b) by the insertion of the following paragraph after paragraph (e):

“(f) the conclusion under article 120(1)(b)(i) or the screening determination under article 120(1B)(b)(i), as the case may be (and, in the latter case, including, or referring to, the description, if any, provided under article 120(1A)(b) or 120(3)(cb)(ii), as the case may be),”.

Amendment of article 87 of Regulations of 2001

60. Article 87 of the Regulations of 2001 is amended, in sub-article (3)—

(a) by the insertion of “(or otherwise identify or refer to)” after “shall state”, and

(b) by the insertion of the following paragraph after paragraph (c):

“(ca) its conclusion under article 123A(1)(b)(i) or the screening determination under article 123A(1B)(b)(i), as the case may be (and, in the latter case, including, or referring to, the description, if any, provided under article 123A(1A)(b) or 123A(cb)(ii), as the case may be),”.

Amendment of article 88 of Regulations of 2001

61. Article 88 of the Regulations of 2001 is amended, in sub-article (3), by the substitution of the following paragraphs for paragraph (c):

“(c) be accompanied by—

- (i) a copy of the drawings and particulars of the proposed development made available for inspection in accordance with article 89, and
- (ii) the State authority’s conclusion under article 123A(1)(b)(i) or screening determination under article 123A(1B)(b)(i), as the case may be,

(ca) include the description if any, provided under article 123A(1A)(b) or 123A(cb)(ii), as the case may be,”.

Amendment of article 92 of Regulations of 2001

62. Article 92 of the Regulations of 2001 is amended—

(a) by the substitution of the following definition for the definition of “sub-threshold development”:

“‘sub-threshold development’ means development of a type set out in Part 2 of Schedule 5 which does not equal or exceed, as the case may be, a quantity, area or other limit specified in that Schedule in respect of the relevant class of development;”, and

(b) by the insertion of the following definitions:

“‘nuclear safety Directive’ means Council Directive 2009/71/Euratom of 25 June 2009⁵ establishing a Community framework for the nuclear safety of nuclear installations;

‘Seveso III Directive’ means Directive 2012/18/EU of the European Parliament and the Council of 4 July 2012⁶ on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC;”.

Content of EIAR

63. The Regulations of 2001 are amended by the substitution of the following article for article 94:

⁵OJ L 172, 2.7.2009, p.18

⁶OJ L 197, 24.7.2012, p.1

“94. An EIAR shall take into account the available results of other relevant assessments under European Union or national legislation with a view to avoiding duplication of assessments and shall contain—

- (a) the information specified in paragraph 1 of Schedule 6,
- (b) any additional information specified in paragraph 2 of Schedule 6 relevant to the specific characteristics of the development or type of development concerned and to the environmental features likely to be affected,
- (c) a summary in non-technical language of the information required under paragraphs (a) and (b),
- (d) a reference list detailing the sources used for the descriptions and assessments included in the report, and
- (e) a list of the experts who contributed to the preparation of the report, identifying for each such expert—
 - (i) the part or parts of the report which he or she is responsible for or to which he or she contributed,
 - (ii) his or her competence and experience, including relevant qualifications, if any, in relation to such parts, and
 - (iii) such additional information in relation to his or her expertise that the person or persons preparing the EIAR consider demonstrates the expert’s competence in the preparation of the report and ensures its completeness and quality.”.

Amendment of article 95 of Regulations of 2001

64. Article 95 of the Regulations of 2001 is amended—

- (a) in sub-article (1)—
 - (i) by the substitution of “section 146CA or 173” for “section 173”, and
 - (ii) by the substitution of the following paragraph for paragraph (c):
 - “(c) a description of—
 - (i) the nature of the proposed development,
 - (ii) the development’s specific characteristics, including its location and technical capacity, and
 - (iii) the development’s likely impact on the environment,”,

- (b) in sub-article (2)(a), by the insertion of “, under section 146CA or 173 of the Act or article 117,” after “receiving a request”.

Copies of EIAR

65. The Regulations of 2001 are amended by the substitution of the following article for article 97:

“97. (1) Subject to sub-article (2), where an EIAR is required to be submitted to—

(a) a planning authority in connection with a planning application, or

(b) the Board on appeal pursuant to a requirement under article 109,

the applicant for planning permission shall submit 10 copies and one electronic copy of the EIAR.

(2) The electronic copy of the EIAR submitted pursuant to sub-article (1) shall be searchable by electronic means as far as practicable.”.

Amendment of Regulations of 2001 — insertion of articles 97A to 97C

66. The Regulations of 2001 are amended by the insertion, in Part 10, in Chapter 1, of the following articles after article 97:

“Information to be provided to EIA portal

97A. The information prescribed for the purposes of section 172B of the Act is the following:

(a) the name of the applicant;

(b) a contact name, email address and phone number for correspondence with the applicant or his or her agent;

(c) the location of the proposed development in 256 characters or less;

(d) a description of the proposed development in 256 characters or less;

(e) the name of the planning authority or planning authorities, as the case may be, to which the application is to be made, or if this is being made to the Board or in the case of an appeal, a statement that the application or the appeal, as the case may be, has been made to the Board;

(f) a location map of sufficient size and containing details of features in the vicinity such as to permit the identification of the site to which the application relates, to a scale (which shall be identified thereon) of not less than 1:1000 in built up areas and 1:2500 in all

other areas, or other scale as may be agreed by the Minister in a particular case, and marked so as to identify clearly the land or structure to which the application relates and the boundaries thereof in red;

- (g) an electronic copy of the newspaper notice, searchable by electronic means as far as practicable, inserted or to be inserted pursuant to, as appropriate—
 - (i) section 37E(3)(a), 146C(4)(b), 175(4)(a), 181A(3)(a), 182A(4)(a) or 182C(4)(a) of the Act,
 - (ii) section 8(1)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (No. 17 of 2016), or
 - (iii) article 17(1)(a), 105(1), 112(1) or 223(1)(a).

Entry of information from applicant, etc., onto EIA portal

97B. (1) On receipt of information submitted pursuant to article 97A, or in respect of any other application for development consent, the Minister shall satisfy himself or herself whether or not—

- (a) the information provided is sufficient to identify—
 - (i) the name of the applicant,
 - (ii) the location and description of the proposed development, and
 - (iii) the planning authority or planning authorities, as the case may be, to whom the application is to be made, or the Board, or other competent authority, as appropriate, and
- (b) the copy of the newspaper notice concerned referred to in article 97A(g) is searchable by electronic means as far as practicable.

(2) Where the Minister is so satisfied, he or she shall enter the information concerned referred to in article 97A (other than the information referred to in article 97A(b)) onto the EIA portal and send a confirmation notice by email to the email address provided for correspondence stating that he or she is so satisfied and that such information has been entered onto the portal.

(3) Where the Minister is not so satisfied, he or she shall—

- (a) not enter the information onto the EIA portal, and
- (b) inform the applicant or his or her agent, as appropriate, at the email address provided for correspondence of the reasons why he or she is not so satisfied.

Entry of information of competent authority onto EIA portal

97C. On receipt of the information provided pursuant to article 26(2)(b), or in respect of any other application for development consent, the Minister shall, within 3 working days, associate this with the information entered onto the EIA portal pursuant to article 97B(2).”.

Amendment of article 103 of Regulations of 2001

67. Article 103 of the Regulations of 2001 is amended—

(a) by the substitution of the following sub-articles for sub-article (1):

“(1) (a) Where a planning application for sub-threshold development is not accompanied by an EIAR, the planning authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

(b) Where the planning authority concludes, based on such preliminary examination, that—

(i) there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required,

(ii) there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall, by notice in writing served on the applicant, require the applicant to submit to the authority the information specified in Schedule 7A for the purposes of a screening determination unless the applicant has already provided such information, or

(iii) there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—

(I) conclude that the development would be likely to have such effects, and

(II) by notice in writing served on the applicant, require the applicant to submit to the authority an EIAR and to comply with the requirements of article 105.

(1A) (a) Where an applicant is submitting to the planning authority the information specified in Schedule 7A, the information shall be accompanied by any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other

than the Environmental Impact Assessment Directive have been taken into account.

- (b) Where an applicant is submitting to the planning authority the information specified in Schedule 7A, the information may be accompanied by a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.
- (1B) (a) Where a planning application for sub-threshold development is not accompanied by an EIAR but is accompanied by the information specified in Schedule 7A and sub-article (1A), or where an applicant submits to the planning authority such information pursuant to a requirement issued under sub-article (1)(b)(ii), the planning authority shall carry out an examination of, at the least, the nature, size or location of the development for the purposes of a screening determination.
- (b) The planning authority shall make a screening determination and—
 - (i) if such determination is that there is no real likelihood of significant effects on the environment arising from the proposed development, it shall determine that an EIA is not required, or
 - (ii) if such determination is that there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—
 - (I) determine that the development would be likely to have such effects, and
 - (II) by notice in writing served on the applicant, require the applicant to submit to the authority an EIAR and to comply with the requirements of article 105.
- (1C) (a) Subject to paragraph (b), any conclusion under sub-article (1)(b)(ii) or (iii) on a preliminary examination, or a screening determination under sub-article (1B)(b)(ii), shall be notified by the planning authority to the applicant within 8 weeks of receipt of the information specified in Schedule 7A.
- (b) Subject to paragraph (c), a planning authority shall not be required to comply with paragraph (a) within the period specified in paragraph (a) where it appears to the planning authority that it would not be possible or appropriate,

because of the exceptional circumstances of the proposed development (including in relation to the nature, complexity, location or size of such development) to do so.

- (c) Where paragraph (b) applies, the planning authority shall, by notice in writing served on the applicant before the expiration of the period referred to in paragraph (a), inform him or her of the reasons why it would not be possible or appropriate to comply with paragraph (a) within that period and shall specify the date before which the authority intends that the conclusion or screening determination concerned, as the case may be, shall be reached or made, as the case may be.”,

(b) by the deletion of sub-article (2),

(c) by the substitution of the following sub-articles for sub-article (3):

“(3) (a) A planning authority shall, in making its screening determination under sub-article (1B)(b) whether there is no real likelihood of significant effects on the environment arising from a proposed development or there is a real likelihood of significant effects on the environment arising from a proposed development, have regard to—

- (i) the criteria set out in Schedule 7,
- (ii) the information submitted pursuant to Schedule 7A,
- (iii) the further relevant information, if any, referred to in sub-article (1A)(a) and the description, if any, referred to in sub-article (1A)(b),
- (iv) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and
- (v) in respect of a development which would be located on, or in, or have the potential to impact on—
 - (I) a European site,
 - (II) an area the subject of a notice under section 16 (2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),
 - (III) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,

- (IV) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976),
- (V) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976,
- (VI) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed, or
- (VII) a place or site which has been included by the Minister for Culture, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website,

the likely significant effects of the development on such site, area, land, place or feature, as appropriate.

- (b) The planning authority's screening determination under sub-article (1B)(b) whether there is no real likelihood of significant effects on the environment arising from a proposed development or there is a real likelihood of significant effects on the environment arising from a proposed development, as the case may be, including the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7, on which that determination is based, and any notice under sub-article (1C)(c), shall be placed and kept with the documents relating to the planning application.

(3A) Where the screening determination under sub-article (1B)(b) is that the proposed development would not be likely to have significant effects on the environment and the applicant has provided, under sub-article (1A)(b), a description of the features, if any, of the development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development, the planning authority shall specify such features, if any, and such measures, if any, in that determination.”, and

- (d) by the insertion of the following sub-article after sub-article (4):

“(5) This article shall not apply to a planning application for a proposed development in respect of which a screening for environmental impact assessment (within the meaning of section 176A(1)) of the Act) has been carried out by the planning authority

pursuant to section 176B(2) of the Act or in respect of which a determination on a determination review or on an application referral has been made by the Board pursuant to section 176C(6) of the Act.”.

Weekly list of planning applications

68. The Regulations of 2001 are amended by the substitution of the following article for article 106:

“106. A list referred to in article 27 shall identify any planning application in respect of which—

- (a) an EIAR has been received by the planning authority with a planning application,
- (b) a notice has been served by the planning authority under article 103,
- (c) a conclusion has been reached by the planning authority in respect of a planning application under article 103(1)(b),
- (d) a screening determination has been made by the planning authority under article 103(1B), or
- (e) an EIAR has been received by the planning authority pursuant to a notice under article 103.”.

Amendment of article 109 of Regulations of 2001

69. Article 109 of the Regulations of 2001 is amended—

(a) in sub-article (1), by the substitution of “equals or exceeds, as the case may be,” for “exceeds”,

(b) by the substitution of the following sub-articles for sub-article (2):

“(2) (a) Where an appeal relating to a planning application for sub-threshold development is not accompanied by an EIAR, the Board shall carry a preliminary examination of, at the least, the nature, size or location of the development.

(b) Where the Board concludes, based on such preliminary examination, that—

- (i) there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required,
- (ii) there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall, by notice in writing served on the applicant, require the applicant to submit to the Board the information

specified in Schedule 7A for the purposes of a screening determination unless the applicant has already provided such information, or

(iii) there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—

(I) conclude that the development would be likely to have such effects, and

(II) by notice in writing served on the applicant, require the applicant to submit to the Board an EIAR and to comply with the requirements of article 112.

(2A) (a) Where an applicant is submitting to the Board the information specified in Schedule 7A, the information shall be accompanied by any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.

(b) Where the applicant is submitting to the Board the information specified in Schedule 7A, the information may be accompanied by a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.

(2B) (a) Where a planning application for sub-threshold development is not accompanied by an EIAR but is accompanied by the information specified in Schedule 7A and sub-article (2A), or where an applicant submits to the Board such information pursuant to a requirement issued under sub-article (2)(b)(ii), the Board shall carry out an examination of, at the least, the nature, size or location of the development for the purposes of a screening determination.

(b) The Board shall make a screening determination and—

(i) if such determination is that there is no real likelihood of significant effects on the environment arising from the proposed development, it shall determine that an EIA is not required, or

(ii) if such determination is that there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—

(I) determine that the development would be likely to have such effects, and

(II) by notice in writing served on the applicant, require the applicant to submit to the Board an EIAR and to comply with the requirements of article 112.

(2C) (a) Subject to paragraph (b), any conclusion under sub-article (2)(b)(ii) or (iii) on a preliminary examination, or a screening determination under sub-article (2B)(b)(ii), shall be notified by the Board to the applicant within 8 weeks of receipt of the information specified in Schedule 7A.

(b) Subject to paragraph (c), the Board shall not be required to comply with paragraph (a) within the period specified in paragraph (a) where it appears to the Board that it would not be possible or appropriate, because of the exceptional circumstances of the proposed development (including in relation to the nature, complexity, location or size of such development) to do so.

(c) Where paragraph (b) applies, the Board shall, by notice in writing served on the applicant before the expiration of the period referred to in paragraph (a), inform him or her of the reasons why it would not be possible or appropriate to comply with paragraph (a) within that period and shall specify the date before which the Board intends that the conclusion or screening determination concerned, as the case may be, shall be reached or made, as the case may be.

(c) by the deletion of sub-article (3),

(d) by the substitution of the following sub-articles for sub-article (4):

“(4) (a) The Board shall, in making its screening determination under sub-article (2B) whether there is no real likelihood of significant effects on the environment arising from a proposed development or there is a real likelihood of significant effects on the environment arising from the proposed development, have regard to—

(i) the criteria set out in Schedule 7,

(ii) the information submitted pursuant to Schedule 7A,

- (iii) the further information, if any, referred to in sub-article (2A)(a) and the description, if any, referred to in sub-article (2A)(b),
- (iv) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and
- (v) in respect of a development which would be located on, or in, or have the potential to impact on—
 - (I) a European site,
 - (II) an area the subject of a notice under section 16 (2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),
 - (III) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,
 - (IV) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976),
 - (V) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976,
 - (VI) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed, or
 - (VII) a place or site which has been included by the Minister for Culture, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website,

the likely significant effects of the development on such site, area, land, place or feature, as appropriate.
- (b) The Board's screening determination under sub-article (2B) whether there is no real likelihood of significant effects on the environment arising from a proposed development or there is a real likelihood of significant effects on the environment arising from the proposed development, as the case may be, including the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7,

on which that determination is based, and any notice under sub-article (2C)(c), shall be placed and kept with the documents relating to the planning application.

(5) Where the screening determination under sub-article (2B) is that the proposed development would not be likely to have significant effects on the environment and the applicant has provided, under sub-article (2A)(b), a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment, the Board shall specify such features, if any, and such measures, if any, in that determination.”, and

(e) by the insertion of the following sub-article after sub-article (5):

“(6) This article shall not apply to an appeal relating to a planning application for a proposed development in respect of which a determination on a determination review or on an application referral in respect of a screening for environmental impact assessment (within the meaning of section 176A(1) of the Act) has been made by the Board pursuant to section 176C(6) of the Act.”.

Amendment of article 112 of Regulations of 2001

70. Article 112 of the Regulations of 2001 is amended—

(a) by the substitution of the following sub-article for sub-article (1):

“(1) Where an EIAR is required by the Board under article 109(1), (2) or (2B), the applicant shall—

(a) not more than 2 weeks before submitting the EIAR, publish notice of the intention to submit the EIAR in at least one approved newspaper, and

(b) comply with section 172B of the Act.”,

(b) by the substitution of the following sub-article for sub-article (3):

“(3) An EIAR submitted under article 109(1), (2) or (2B) shall be accompanied by—

(a) a copy of the relevant page of the newspaper in which a notice under sub-article (1)(a) was published, and

(b) a copy of the confirmation notice.”, and

(c) in sub-article (5)—

(i) by the substitution of “article 109(1), (2) or (2B)” for “article 109(1) or (2)”, and

(ii) by the insertion of the following paragraph after paragraph (c):

“(d) send to the EIA portal in electronic form in the manner set out on the portal—

- (i) a copy of the confirmation notice,
- (ii) the reference number of the appeal, and
- (iii) the URL to the documents placed on its website pursuant to section 146(4)(a) of the Act.”.

Amendment of article 114 of Regulations of 2001

71. Article 114 of the Regulations of 2001 is amended by the insertion of “on its website for inspection and” after “made available”.

Amendment of article 115 of Regulations of 2001

72. Article 115 of the Regulations of 2001 is amended—

- (a) in sub-article (1), by the insertion of “together with the URL to the EIAR on the Board’s website” after “authority”, and
- (b) in sub-article (2), by the insertion of “and shall include the URL to the EIAR on the Board’s website with the documents on its website referred to in section 38(3)(b) of the Act” after “in relation to that appeal”.

Scoping request to Board

73. The Regulations of 2001 are amended by the substitution of the following article for article 117:

“117. (1) Before making an application for approval to the Board under section 175(3) of the Act, a local authority may, in accordance with article 95, request the Board to provide an opinion in writing on the scope and level of detail of the information to be contained in the EIAR.

(2) Where an opinion referred to in sub-article (1) has been provided, the EIAR shall be based on that opinion, and include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects on the environment of the proposed development, taking into account current knowledge and methods of assessment.”.

Amendment of article 118 of Regulations of 2001

74. Article 118 of the Regulations of 2001 is amended—

- (a) in paragraph (b), by the insertion of “and one electronic copy of the EIAR, searchable by electronic means as far as practicable,” before “for the proposed development”, and
- (b) by the insertion of the following paragraph after paragraph (b):

“(ba) a copy of the confirmation notice,”.

Amendment of article 120 of Regulations of 2001

75. Article 120 of the Regulations of 2001 is amended—

(a) by the substitution of the following sub-articles for sub-article (1):

“(1) (a) Where a local authority proposes to carry out a sub-threshold development, the authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

(b) Where the local authority concludes, based on such preliminary examination, that—

(i) there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required,

(ii) there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall prepare, or cause to be prepared, the information specified in Schedule 7A for the purposes of a screening determination, or

(iii) there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—

(I) conclude that the development would be likely to have such effects, and

(II) prepare, or cause to be prepared, an EIAR in respect of the development.

(1A) (a) Where the local authority prepares, or causes to be prepared, the information specified in Schedule 7A, the information shall be accompanied by any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.

(b) Where the local authority prepares, or causes to be prepared, the information specified in Schedule 7A, the information may be accompanied by a description of the features, if any, of the proposed development and the measures, if any,

envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.

(1B) (a) Where the information specified in Schedule 7A and sub-article (1A) is prepared in respect of a proposed sub-threshold development, the local authority shall carry out an examination of, at the least, the nature, size or location of the development for the purposes of a screening determination.

(b) The local authority shall make a screening determination and—

(i) if such determination is that there is no real likelihood of significant effects on the environment arising from the proposed development, it shall determine that an EIA is not required, or

(ii) if such determination is that there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—

(I) determine that the development would be likely to have such effects, and

(II) prepare, or cause to be prepared, an EIAR in respect of the development.”,

(b) by the deletion of sub-article (2),

(c) in sub-article (3)—

(i) by the deletion of paragraph (a),

(ii) by the substitution of the following paragraph for paragraph (b):

“(b) Where any person considers that a development proposed to be carried out by a local authority would be likely to have significant effects on the environment, he or she may, at any time before the expiration of 4 weeks beginning on the date of publication of the notice referred to in article 81(2), apply to the Board for a screening determination as to whether the development would be likely to have such effects.”,

(iii) in paragraph (c), by the insertion of “screening” before “determination”,

(iv) by the insertion of the following paragraphs after paragraph (c):

“(ca) The Board shall, by notice in writing served on the local authority, require the local authority to submit to the Board the information specified in Schedule 7A for the purposes of a screening determination.

(cb) (i) Where a local authority is submitting to the Board the information specified in Schedule 7A, the information shall be accompanied by any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.

(ii) Where a local authority is submitting to the Board the information specified in Schedule 7A, the information may be accompanied by a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.

(cc) (i) Where a local authority submits the information specified in Schedule 7A and paragraph (cb) pursuant to a requirement under paragraph (ca), the Board shall carry out an examination of, at the least, the nature, size or location of the development for the purposes of a screening determination.

(ii) The Board shall make a screening determination and—

(I) if such determination is that there is no real likelihood of significant effects on the environment arising from the proposed development, it shall determine that an EIA is not required, or

(II) if such determination is that there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—

(A) determine that the development would be likely to have such effects, and

(B) by notice in writing served on the local authority, require the local authority to prepare, or cause to be prepared, an EIAR in respect of the development.”,

(v) by the deletion of paragraph (*d*), and

(vi) in paragraph (*e*), by the substitution of “paragraphs (*b*) and (*ca*)” for “paragraphs (*a*) and (*b*)”,

(*d*) by the insertion of the following sub-article after sub-article (3):

“(3A) (*a*) Subject to paragraph (*b*), the screening determination made by the Board under sub-article (3)(*cc*) shall be notified by the Board to the person who made the application under sub-article (3)(*b*) and the local authority within 8 weeks of receipt of the information specified in Schedule 7A.

(*b*) Subject to paragraph (*c*), the Board shall not be required to comply with paragraph (*a*) within the period specified in paragraph (*a*) where it appears to the Board that it would not be possible or appropriate, because of the exceptional circumstances of the proposed development (including in relation to the nature, complexity, location or size of such development) to do so.

(*c*) Where paragraph (*b*) applies, the Board shall, by notice in writing served on the person who made the application under sub-article (3)(*b*) and the local authority before the expiration of the period referred to in paragraph (*a*), inform them of the reasons why it would not be possible or appropriate to comply with paragraph (*a*) within that period and shall specify the date before which the Board intends that the screening determination concerned shall be made.”,

(*e*) by the substitution of the following sub-articles for sub-article (4):

“(4) (*a*) A local authority or the Board, as the case may be, shall, in making its screening determination under sub-article (1B) or (3)(*cc*), as the case may be, whether there is no real likelihood of significant effects on the environment arising from a proposed development or there is a real likelihood of significant effects on the environment arising from the proposed development, have regard to—

(i) the criteria set out in Schedule 7,

(ii) the information submitted pursuant to Schedule 7A,

- (iii) the further relevant information, if any, referred to in sub-article (1A)(a) or (3)(cb)(i), as the case may be and the description, if any, referred to in sub-article (1A)(b) or (3)(cb)(ii), as the case may be,
- (iv) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and
- (v) in respect of a development which would be located on, or in, or have the potential to impact on—
 - (I) a European site,
 - (II) an area the subject of a notice under section 16 (2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),
 - (III) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,
 - (IV) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976),
 - (V) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976,
 - (VI) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed, or
 - (VII) a place or site which has been included by the Minister for Culture, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website,

the likely significant effects of the development on such site, area, land, place or feature, as appropriate.
- (b) The screening determination of the local authority or the Board, as the case may be, under sub-article (1B) or (3)(cc), as the case may be, shall include, or refer to, the main reasons and considerations, with reference to the relevant

criteria listed in Schedule 7, on which the determination is based.

(4A) (a) Paragraph (b) applies where the screening determination of the local authority or the Board, as the case may be, under sub-article (1B) or (3)(cc), as the case may be, is that the proposed development would not be likely to have significant effects on the environment and the local authority has provided, under sub-article (1A)(b) or (3)(cb)(ii), as the case may be, a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.

(b) The local authority or the Board, as the case may be, shall specify such features, if any, and such measures, if any, in its screening determination under sub-article (1B) or (3)(cc), as the case may be.”, and

(f) by the substitution of the following sub-article for sub-article (7):

“(7) The local authority shall, in respect of its conclusion under sub-article (1)(b)(i) or its screening determination under sub-article (1B)(b)(i), as appropriate, and the description referred to in sub-article (4A)—

(a) in addition to the documents specified in article 83, make that conclusion or screening determination, as appropriate, and that description available for inspection or purchase (at a fee not exceeding the reasonable cost of making a copy) in accordance with that article, and

(b) publish that conclusion or screening determination, as appropriate, and that description for inspection on its website within 3 working days of the publication of the notice under article 83.”.

Notification of URL to EIA portal

76. The Regulations of 2001 are amended by the insertion of the following article after article 120:

“120A. The Board shall send to the EIA portal in electronic form in the manner set out on the portal—

(a) a copy of the confirmation notice,

(b) the reference number of the application for approval concerned under section 175(3) of the Act, and

- (c) the URL to the documents placed on its website pursuant to section 146(4)(a) of the Act.”.

Content of decision

77. The Regulations of 2001 are amended by the substitution of the following article for article 122:

“122. A decision by the Board on an application for approval under section 175 of the Act shall—

- (a) state the main reasons and considerations on which the decision is based,
- (b) in relation to the granting or refusal of approval, where a decision (being a decision which arises from the consideration of the EIAR concerned) by the Board to grant or to refuse approval is different from the recommendation in a report of a person assigned to report on the application on behalf of the Board, indicate the main reasons for not accepting the recommendation in the report to grant or refuse approval,
- (c) where a decision to impose a condition (being an environmental condition which arises from the consideration of the EIAR concerned) in relation to the approval is materially different, in relation to the terms of such condition, from the recommendation in a report of a person assigned to report on an application for approval on behalf of the Board, indicate the main reasons for not accepting, or for varying, as the case may be, the recommendation in the report in relation to such condition,
- (d) be accompanied by a statement that the Board is satisfied that the reasoned conclusion on the significant effects on the environment of the development was up to date at the time of the taking of the decision, and
- (e) include a summary of the results of consultations that have taken place and information gathered in the course of the environmental impact assessment and, where appropriate, the comments received from an affected Member State of the European Union or other party to the Transboundary Convention, and specify how those results have been incorporated into the decision or otherwise addressed.”.

Amendment of article 123 of Regulations of 2001

78. Article 123 of the Regulations of 2001 is amended—

- (a) by the insertion of the following sub-article after sub-article (1):

“(1A) The Board shall, within 3 working days of making its decision on an application for approval, place and maintain that decision on its website for inspection thereon in perpetuity.”, and

- (b) in sub-article (2), by the substitution of “sub-article (1), make a copy of the relevant EIAR available, and maintain such decision and EIAR, on its website for inspection thereon in perpetuity, and make such decision and EIAR available for inspection or purchase,” for “sub-article (1)(b), make a copy of the relevant EIS available for inspection or purchase,”.

Amendment of article 123A of Regulations of 2001

79. Article 123A of the Regulations of 2001 is amended—

- (a) by the substitution of the following sub-articles for sub-article (1):

“(1) (a) Where a State authority proposes to carry out a sub-threshold development prescribed under section 181 of the Act, the authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

(b) Where the State authority concludes, based on such preliminary examination, that—

(i) there is no real likelihood of significant effects on the environment arising from the proposed development, the authority shall conclude that an EIA is not required,

(ii) there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall prepare, or cause to be prepared, the information specified in Schedule 7A for the purposes of a screening determination, or

(iii) there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—

(I) conclude that the development would be likely to have such effects, and

(II) prepare, or cause to be prepared, an EIAR in respect of the development.

(1A) (a) Where the State authority prepares, or causes to be prepared, the information specified in Schedule 7A, the information shall be accompanied by any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to

European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.

(b) Where the State authority prepares, or causes to be prepared, the information specified in Schedule 7A, the information may be accompanied by a description of the features, if any, and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

(1B) (a) Where the information specified in Schedule 7A and sub-article (1A) is prepared in respect of a proposed sub-threshold development, the State authority shall carry out an examination of, at the least, the nature, size or location of the development for the purposes of a screening determination.

(b) The State authority shall make a screening determination and—

(i) if such determination is that there is no real likelihood of significant effects on the environment arising from the proposed development, it shall determine that an EIA is not required, or

(ii) if such determination is that there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—

(I) determine that the development would be likely to have such effects, and

(II) prepare, or cause to be prepared, an EIAR in respect of the development.”,

(b) by the deletion of sub-article (2),

(c) in sub-article (3)—

(i) by the deletion of paragraph (a),

(ii) by the substitution of the following paragraph for paragraph (b)—

“(b) Where any person considers that a development proposed to be carried out by a State authority under section 181 of the Act would be likely to have significant effects on the environment, he or she may, at any time before the expiration of 4 weeks beginning on the date of the publication of the notice referred to in article 87(3), apply to the Board for a

screening determination as to whether the development would be likely to have such effects.”,

(iii) in paragraph (c), by the insertion of “screening” before “determination”,

(iv) by the insertion of the following paragraphs after paragraph (c):

“(ca) The Board shall, by notice in writing served on the State authority, require the State authority to submit to the Board the information specified in Schedule 7A for the purposes of a screening determination.

(cb) (i) Where a State authority is submitting to the Board the information specified in Schedule 7A, the information shall be accompanied by any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.

(ii) Where a State authority is submitting to the Board the information specified in Schedule 7A, the information may be accompanied by a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.

(cc) (i) Where a State authority submits the information specified in Schedule 7A and paragraph (cb) pursuant to a requirement issued under paragraph (ca), the Board shall carry out an examination of, at the least, the nature, size or location of the development for the purposes of a screening determination.

(ii) The Board shall make a screening determination and—

(I) if such determination is that there is no real likelihood of significant effects on the environment arising from the proposed development, it shall determine that an EIA is not required, or

(II) if such determination is that there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—

(A) determine that the development would be likely to have such effects, and

(B) by notice in writing served on the State authority, require the authority to prepare, or cause to be prepared, an EIAR in respect of the development.”,

(v) by the deletion of paragraph (d), and

(vi) in paragraph (e), by the substitution of “paragraphs (b) and (ca)” for “paragraphs (a) and (b)”,

(d) by the insertion of the following sub-article after sub-article (3):

“(3A) (a) Subject to paragraph (b), the screening determination made by the Board under sub-article (3)(cc) shall be notified by the Board to the person who made the application under sub-article (3)(b) and the State authority within 8 weeks of receipt of the information specified in Schedule 7A.

(b) Subject to paragraph (c), the Board shall not be required to comply paragraph (a) where it appears to the Board that it would not be possible or appropriate, because of the exceptional circumstances of the proposed development (including in relation to the nature, complexity, location or size of such development) to do so.

(c) Where paragraph (b) applies, the Board shall, by notice in writing served on the person who made the application under sub-article (3)(b) and the State authority before the expiration of the period referred to in paragraph (a), inform them of the reasons why it would not be possible or appropriate to comply with paragraph (a) within that period and shall specify the date before which the Board intends that the screening determination concerned shall be made.”,

(e) by the substitution of the following sub-articles for sub-article (4):

“(4) (a) A State authority or the Board, as the case may be, shall, in making its screening determination under sub-article (1B) or (3)(cc), as the case may be, whether there is no real likelihood of significant effects on the environment arising from a proposed development or there is a real likelihood of significant effects on the environment arising from the proposed development, have regard to—

- (i) the criteria set out in Schedule 7,
- (ii) the information submitted pursuant to Schedule 7A,
- (iii) the further relevant information, if any, referred to in sub-article (1A)(a) or (3)(cb)(i), as the case may be, and the description, if any, referred to in sub-article (1A)(b) or (3)(cb)(ii), as the case may be,
- (iv) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and
- (v) in respect of a development which would be located on, or in, or have the potential to impact on—
 - (I) a European site,
 - (II) an area the subject of a notice under section 16 (2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),
 - (III) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,
 - (IV) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976),
 - (V) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976,
 - (VI) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed, or
 - (VII) a place or site which has been included by the Minister for Culture, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website,

the likely significant effects of the development on such site, area, land, place or feature as appropriate.

(b) The screening determination of the State authority or the Board, as the case may be, under sub-article (1B) or (3)(cc), as the case may be, shall include, or refer to, the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7, on which the determination is based.

(4A) (a) Paragraph (b) applies where the screening determination of the State authority or the Board, as the case may be, under sub-article (1B) or (3)(cc), as the case may be, is that the proposed development would not be likely to have significant effects on the environment and the State authority has provided, under sub-article (1A)(b) or (3)(cb)(ii), as the case may be, a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.

(b) The State authority or the Board, as the case may be, shall specify such features, if any, and such measures, if any, in its screening determination under sub-article (1B) or (3)(cc), as the case may be.”, and

(f) by the substitution of the following sub-article for sub-article (7):

“(7) The State authority shall, in respect of its conclusion under sub-article (1)(b)(i) or screening determination under article (1B)(b)(i), as appropriate, and the description referred to in sub-article (4A)—

(a) in addition to the documents specified in article 89, make that conclusion or screening determination, as appropriate, and that description available for inspection or purchase (at a fee not exceeding the reasonable cost of making a copy) in accordance with that article, and

(b) publish that conclusion or screening determination, as appropriate, and that description for inspection on its website within 3 working days of the publication of the notice under article 83.”.

Amendment of article 132 of Regulations of 2001

80. Article 132 of the Regulations of 2001 is amended, in sub-article (3)—

(a) by the insertion of the following paragraph after paragraph (i):

“(ia) the URL, if known, to the application for development consent on the website of the relevant competent authority in the transboundary State concerned,”, and

- (b) in paragraph (vi), by the insertion of “(being a period not earlier than 30 days after the publication of the notice)” after “specified period”.

Procedures for declarations and referrals under section 5 of Act

81. The Regulations of 2001 are amended, in Part 10, by the insertion of the following Chapter after Chapter 5:

“Chapter 6

Procedure for declarations and referrals under section 5 of Act

Definitions

132B. In this Chapter—

‘referral’ means a referral under section 5(3) or (4) of the Act;

‘relevant development’, in relation to a request or referral, means the development or proposed development identified in the request or referral, as the case may be;

‘relevant person’—

- (a) in relation to a request, means the person making the request, and
- (b) in relation to a referral, means—
 - (i) the person making the referral pursuant to section 5(3) of the Act, or
 - (ii) where a planning authority has made a referral under section 5(4) of the Act, the person, if any, who made the request that gave rise to that referral;

‘request’ means a request under section 5(1) of the Act.

Preliminary examination of whether request or referral relates to development or proposed development requiring environmental impact assessment

132C. (1) Where a request is made to a planning authority or a referral is made to the Board, the authority or the Board, as appropriate, shall carry out a preliminary examination of, at the least, the nature, size or location of the relevant development.

(2) Where the planning authority or the Board, as appropriate, concludes, based on such preliminary examination, that—

- (a) there is no real likelihood of significant effects on the environment arising from the relevant development, it shall conclude that an EIA is not required,

- (b) there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the relevant development, it shall, by notice in writing served on the relevant person, require the relevant person to submit to the planning authority or the Board, as appropriate, the information specified in Schedule 7A for the purposes of a screening determination unless the person has already provided such information, or
- (c) there is a real likelihood of significant effects on the environment arising from the relevant development, it shall—
 - (i) conclude that the development would be likely to have such effects, and
 - (ii) by notice in writing served on the relevant person, declare, in the case of the authority or decide, in the case of the Board, that an EIA is or was required.

Time limit for provision of specified information

132D. (1) Sub-article (2) applies where—

- (a) either—
 - (i) a request has been made by a relevant person other than the person who owns or occupies the land upon which the relevant development has taken place or may take place, or
 - (ii) such a request has become the subject of a referral, and
- (b) a notice has been sent to that relevant person pursuant to article 132C(2)(b).

(2) The request or referral, as the case may be, shall be deemed to be withdrawn where the information specified in Schedule 7A is not provided to the planning authority or the Board, as appropriate, within 4 weeks of the date of issue of the notice referred to in sub-article (1)(b).

Notification to landowner or occupier where there is requirement for screening determination

132E. (1) Where a request to which a requirement under article 132C(2)(b) applies has been made by a relevant person other than the person who owns or occupies the land upon which the relevant development has taken place or may take place, the planning authority shall send a copy of the request, as soon as may be, to such owner or occupier, as the case may be.

- (2) (a) The copy of the request sent to the owner or occupier pursuant to sub-article (1) shall be accompanied by a notice specifying the period, which shall be not less than 3 weeks, during which the owner or occupier may make submissions or observations—
- (i) on the request, or
 - (ii) in the event that the request becomes the subject of a referral, on the referral.
- (b) Such notice shall state that the owner or occupier may provide a description of the features, if any, of the relevant development and the measures, if any, incorporated or envisaged to avoid, prevent or reduce what might otherwise be or have been significant adverse effects on the environment of the relevant development.
- (3) (a) Paragraph (b) applies where—
- (i) a referral to which a requirement under article 132C(2)(b) applies has been made by a relevant person other than the person who owns or occupies the land upon which the relevant development has taken place or may take place, and
 - (ii) the planning authority has not sent a copy of the request to such owner or occupier.
- (b) The Board shall send a copy of the request as soon as may be to such owner or occupier, as the case may be.
- (4) (a) The copy of the request sent to the owner or occupier pursuant to sub-article (3) shall be accompanied by a notice specifying the period, which shall be not less than 3 weeks, during which the owner or occupier, as the case may be, may make submissions or observations on the referral.
- (b) Such notice shall state that the owner or occupier may provide a description of the features, if any, of the relevant development and the measures, if any, incorporated or envisaged to avoid, prevent or reduce what might otherwise be or have been significant adverse effects on the environment of the relevant development.

Information requirement for deciding if certain requests or referrals require environmental impact assessment

132F. (1) Where the relevant person is submitting to the planning authority or the Board, as appropriate, the information specified in Schedule 7A, the information shall be accompanied by any further relevant information on the characteristics of the relevant development

and its likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.

(2) Where the relevant person is submitting the information specified in Schedule 7A, the information may be accompanied by a description of the features, if any, of the relevant development and the measures, if any, incorporated or envisaged to avoid, prevent or reduce what might otherwise be or have been significant adverse effects on the environment of the relevant development.

Screening determination of whether request or referral with certain accompanying information relates to development requiring environmental impact assessment

132G. (1) Where the request or referral, as the case may be, is accompanied by the information specified in Schedule 7A and article 132F, or where information pursuant to a requirement issued under article 132C(2)(b) or a notification under article 132E(2) or (4) is provided, the planning authority or the Board, as appropriate, shall carry out an examination of, at the least, the nature, size or location of the relevant development for the purposes of a screening determination.

(2) The planning authority or the Board, as appropriate, shall make a screening determination and—

- (a) if such determination is that there is no real likelihood of significant effects on the environment arising from the relevant development, it shall determine that an EIA is not required, or
- (b) if such determination is that there is a real likelihood of significant effects on the environment arising from the relevant development, it shall—
 - (i) determine that such development would be likely to have such effects, and
 - (ii) by notice in writing served on the relevant person declare, in the case of the planning authority, or decide, in the case of the Board, that an EIA is or was required.

Extension of time for making screening determination on request or referral

132H. (1) Subject to sub-article (2), any screening determination made by the planning authority or the Board, as appropriate, shall be notified to—

- (a) the relevant person,
- (b) the owner of the land, where he or she is not the relevant person,
- (c) the occupier of the land, where he or she is not the relevant person or the owner of the land,
- (d) any person or body consulted by the Board, and
- (e) any person who has been consulted by the planning authority about the request,

within 8 weeks of receipt by the planning authority or the Board, as appropriate, of the information specified in Schedule 7A.

(2) Subject to sub-article (3), the planning authority or the Board, as appropriate, shall not be required to comply with sub-article (1) within the period specified in sub-article (1) where it appears to it that it would not be possible or appropriate, because of the exceptional circumstances of the relevant development (including in relation to the nature, complexity, location or size of such development) to do so.

(3) Where sub-article (2) applies, the planning authority or the Board, as appropriate, shall, by notice in writing served on the persons listed at sub-article (1)(a) to (e) before the expiration of the period referred to in sub-article (1), inform those persons of the reasons why it would not be possible or appropriate to comply with sub-article (1) within that period and shall specify the date before which it intends that the screening determination concerned shall be made.

Matters which must be regarded

132I. (1) The planning authority or the Board, as appropriate, shall, in making its screening determination on a request or referral, as the case may be, under this Chapter whether there is no real likelihood of significant effects on the environment arising from the relevant development or there is a real likelihood of significant effects on the environment arising from the relevant development, have regard to—

- (a) the criteria set out in Schedule 7,
- (b) the information submitted pursuant to Schedule 7A,
- (c) the further relevant information, if any, referred to in article 132F(1) and the description, if any, referred to in article 132F(2),
- (d) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union

legislation other than the Environmental Impact Assessment Directive, and

- (e) in respect of relevant development which is or would be located on, or in, or have the potential to impact on—
 - (i) a European site,
 - (ii) an area the subject of a notice under section 16 (2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),
 - (iii) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,
 - (iv) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976),
 - (v) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976,
 - (vi) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed, or
 - (vii) a place or site which has been included by the Minister for Culture, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website,

the likely significant effects of such development on such site, area, land, place or feature, as appropriate.

(2) The planning authority or the Board, as appropriate, shall include, or refer to, in its screening determination made on a request or referral, the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7, on which the determination is based.

Features or measures incorporated or envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment

132J. (1) Sub-article (2) applies where the screening determination made on a request or referral, as the case may be, is that the relevant development would not be likely to have, or does not have, as the case may be, significant effects on the environment and the owner or occupier of the land in question has provided, under article 132E, a description of the features, if any, of such development and the

measures, if any, incorporated or envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the relevant development.

(2) The planning authority or the Board, as appropriate, shall specify such features, if any, and such measures, if any, in its screening determination made on a request or referral.

Publication of declaration by planning authority

132K. Where a planning authority has made a screening determination under article 132G, it shall publish the declaration pursuant to section 5(1) of the Act on its website, or in a newspaper circulating in the area where the relevant development is or would be situated, or both on that website and in such newspaper, together with a notice—

- (a) stating that the declaration issued under section 5 of the Act may be referred to the Board for review by—
 - (i) the relevant person,
 - (ii) the owner of the land, where he or she is not the relevant person,
 - (iii) the occupier of the land, where he or she is not the relevant person or the owner of the land, or
 - (iv) any person or body consulted by the planning authority about the request,
- (b) stating that a person may question the validity of the screening determination by the planning authority as to whether an EIA is or is not required by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with sections 50 and 50A, and
- (c) identifying where practical information on the mechanism for questioning the validity of the screening determination can be found.

Publication of decision by Board

132L. Where the Board has made a screening determination under article 132G, it shall publish the decision, under section 5(3) or (4), as the case may be, of the Act on its website, or in a newspaper circulating in the area where the relevant development is or would be situated, or both on that website and in such newspaper, together with a notice—

- (a) stating that a person may question the validity of the screening determination by the Board as to whether an EIA is or is not required by way of an application for judicial

review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with sections 50 and 50A, and

- (b) identifying where practical information on the mechanism for questioning the validity of the screening determination can be found.”.

Amendment of article 210 of Regulations of 2001

82. Article 210 of the Regulations of 2001 is amended—

- (a) in sub-article (4)(ii), by the substitution of “subject to sub-article (4A), the provision” for “the provision”, and
- (b) by the insertion of the following sub-article after sub-article (4):

“(4A) Where the Board requires a website for the purpose of sub-article (4)(ii), the EIAR referred to in that sub-article shall be placed on that website in electronic form searchable by electronic means as far as practicable.”.

Amendment of article 214 of Regulations of 2001

83. Article 214 of the Regulations of 2001 is amended—

- (a) in sub-article (1)—
 - (i) by the substitution of “Subject to sub-article (2), when making” for “when making”, and
 - (ii) by the insertion of the following paragraph after paragraph (b):

“(ba) a copy of the confirmation notice,”, and

- (b) by the substitution of the following sub-article for sub-article (2):
 - “(2) (a) The EIAR shall be given in electronic form searchable by electronic means as far as practicable.
 - (b) Where the Board so consents or specifies, any or all of the copies or other information (other than the EIAR) specified in sub-article (1) shall be given in electronic form.”.

Notification of URL and reference number of application

84. The Regulations of 2001 are amended by the insertion of the following article after article 214B:

“214C. As soon as may be after placing any EIAR or any revised EIAR on its website, the Board shall send to the EIA portal in electronic form in the manner set out on the portal—

- (a) a copy of the confirmation notice or notices, as the case may be,

- (b) the Board’s file reference number of the application, and
- (c) the URL to the documents placed on its website pursuant to section 146(4)(a) of the Act.”.

Content of remedial EIAR

85. The Regulations of 2001 are amended, in Part 19, by the insertion of the following article before article 223:

“222A. A remedial EIAR shall—

- (a) take into account the available results of other relevant assessments under European Union or national legislation with a view to avoiding duplication of assessments, and
- (b) contain—
 - (i) a reference list detailing the sources used for the descriptions and assessments included in the report, and
 - (ii) a list of the experts who contributed to the preparation of the report, identifying for each such expert—
 - (I) the part or parts of the report which he or she is responsible for or to which he or she contributed,
 - (II) his or her competence and experience, including relevant qualifications, if any, in relation to such parts, and
 - (III) such additional information in relation to his or her expertise that the person or persons preparing the EIAR consider demonstrates the expert’s competence in the preparation of the report and ensures its completeness and quality.”.

Amendment of article 223 of Regulations of 2001

86. Article 223 of the Regulations of 2001 is amended, in sub-article (1)—

- (a) in paragraph (a), by the deletion of “and”, and
- (b) by the insertion of the following paragraph after paragraph (a):

“(aa) provide the information specified in article 223A in electronic form to the EIA portal in respect of both the remedial EIAR and, where relevant, the EIAR in the manner set out on the portal, and”.

Information to be provided to EIA portal

87. The Regulations of 2001 are amended by the insertion of the following article after article 223:

“223A. The information for the purposes of article 223(1)(aa) is—

- (a) the name of the applicant,
- (b) a contact name, email address and phone number for correspondence with the applicant or his or her agent,
- (c) the location of the development in 256 characters or less,
- (d) a description of the development in 256 characters or less,
- (e) a statement that the application is being made to the Board,
- (f) a location map of sufficient size and containing details of features in the vicinity such as to permit the identification of the site to which the application relates, to a scale (which shall be identified thereon) of not less than 1:1000 in built up areas and 1:2500 in all other areas, or other scale as may be agreed by the Minister in a particular case, and marked so as to identify clearly the land or structure to which the application relates and the boundaries thereof in red, and
- (g) an electronic copy, searchable by electronic means as far as practicable, of the newspaper notice inserted or to be inserted pursuant to article 224.”.

Amendment of article 227 of Regulations of 2001

88. Article 227 of the Regulations of 2001 is amended—

- (a) in sub-article (2)—
 - (i) by the insertion of the following paragraph after paragraph (a):

“(aa) be accompanied by a copy of the confirmation notice or notices, as the case may be,” and
 - (ii) by the insertion of the following paragraphs after paragraph (c):

“(ca) be accompanied by one copy of the remedial EIAR in electronic form and, where relevant, one copy of the EIAR in electronic form, each searchable by electronic means as far as practicable,

(cb) in the case where a screening determination as to whether an EIA was or is required, be accompanied by the information specified in Schedule 7A and any further relevant information on the characteristics of the development and its significant and likely significant effects on the environment, including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental

Impact Assessment Directive have been taken into account,”, and

(b) by the insertion of the following sub-article after sub-article (2):

“(2A) The information furnished under sub-article (2)(cb) may be accompanied by a description of the features, if any, of the development or the measures, if any, incorporated or envisaged to avoid, prevent or reduce what might otherwise be or have been significant adverse effects on the environment of the development.”.

Amendment of article 228 of Regulations of 2001

89. Article 228 of the Regulations of 2001 is amended by the substitution of the following sub-article for sub-article (2):

“(2) Where the Board considers that an application for substitute consent complies with the requirements of section 177E(2) of the Act and articles 224, 225 and 227 it shall—

- (a) send to the applicant an acknowledgement of the application, stating the date of its receipt, and
- (b) send to the EIA portal in electronic form in the manner set out on the portal—
 - (i) a copy of the confirmation notice or notices, as the case may be,
 - (ii) the Board’s file reference number of the application, and
 - (iii) the URL to the documents placed on its website pursuant to section 146(4)(a) of the Act.”.

Amendment of article 235 of Regulations of 2001

90. Article 235 of the Regulations of 2001 is amended—

(a) by the insertion of “, be placed on the Board’s website for inspection thereon in perpetuity within 3 working days of making the decision” after “possible after the decision”, and

(b) by the insertion of the following paragraphs after paragraph (e):

“(ea) the reasoned conclusion by the Board on the significant effects on the environment of the development, taking into account the results of the examination of the information contained in the remedial EIAR or EIAR concerned, or both such reports, as the case may be, and any supplementary information provided, where necessary, by the applicant and any relevant information received through consultations with prescribed authorities and, where appropriate, its own supplementary examination,

- (eb) the main reasons for not accepting, or for varying, as the case may be, the recommendation, in a report of a person assigned to report on the application on behalf of the Board, where the decision to impose a condition (being an environmental condition which arises from the consideration of the remedial EIAR or EIAR concerned, or both such reports, as the case may be) is materially different, in relation to the terms of such condition,
- (ec) the features, if any of the development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset significant adverse effects on the environment of the development,
- (ed) a statement that the Board is satisfied that the reasoned conclusion on the significant effects on the environment of the development was up to date at the time of the taking of the decision,
- (ee) measures, where appropriate, to monitor significant adverse effects on the environment, which measures shall, as regards the types of parameters to be monitored and the duration of the monitoring, be proportionate to the nature, location and size of the development and the significance of the effects on the environment of the development,
- (ef) if appropriate to avoid duplication of monitoring and without prejudice to existing monitoring arrangements pursuant to national or European Union legislation, other than the Environmental Impact Assessment Directive, such arrangements to be used for the purpose of paragraph (ee),
- (eg) a summary of the results of the consultations that have taken place and information gathered in the course of the EIA and, where appropriate, the comments received from an affected Member State of the European Union or other party to the Transboundary Convention, and specify how those results have been incorporated into the decision or otherwise addressed.”.

Amendment of article 286 of Regulations of 2001

91. Article 286 of the Regulations of 2001 is amended—

(a) in sub-article (1)—

- (i) in paragraph (c), by the deletion of “and its possible effects on the environment”, and
- (ii) by the insertion of the following paragraph after paragraph (c):

“(ca) in the case of a request pursuant to section 7(1)(a)(i)(I) of the Act of 2016, a description of the nature and extent of the proposed development, and its characteristics and its likely significant effects on the environment, including the information specified in Schedule 7A, and, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account,” and

(b) by the insertion of the following sub-article after sub-article (1):

“(1A) A request under section 7(1)(a)(i)(I) of the Act of 2016 may be accompanied by a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.”.

Amendment of article 289 of Regulations of 2001

92. Article 289 of the Regulations of 2001 is amended—

(a) by the substitution of the following sub-article for sub-article (1):

“(1) The Board shall, in making a determination under section 7(1)(a)(i)(I) of the Act of 2016, have regard to—

- (a) the criteria set out in Schedule 7,
- (b) the information submitted pursuant to Schedule 7A,
- (c) the information referred to in article 286(1)(ca) and the description, if any, referred to in article 286(1A), and
- (d) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive.”.

(b) in sub-article (2), by the insertion of “, and include, or refer to, in such determination the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7, on which the determination is based” after “as appropriate”, and

(c) by the insertion of the following sub-article after sub-article (3):

“(4) (a) Paragraph (b) applies where the determination is that the proposed development would not be likely to have significant effects on the environment and the applicant has

provided, under article 286(1A), a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.

- (b) The Board shall specify such features, if any, and such measures, if any, in its determination under section 7(1)(a)(i)(I) of the Act of 2016.”.

Amendment of article 297 of Regulations of 2001

93. Article 297 of the Regulations of 2001 is amended—

- (a) in sub-article (2), by the insertion of the following paragraph after paragraph (b):

“(ba) where the application is accompanied by an EIAR, a copy of the confirmation notice,”,

- (b) by the insertion of the following sub-article after sub-article (4):

“(4A) Where an opinion has been provided for the purposes of section 7(1)(b) of the Act of 2016 in respect of what information will be required to be contained in the EIAR, the EIAR shall be based on that opinion, and include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects on the environment of the proposed development, taking into account current knowledge and methods of assessment.”, and

- (c) by the insertion of the following sub-article after sub-article (6):

“(7) Where the application is accompanied by an EIAR, the EIAR shall be searchable by electronic means as far as practicable.”.

Amendment of Regulations of 2001 — insertion of articles 299A to 299C

94. The Regulations of 2001 are amended by the insertion of the following articles after article 299:

“EIAR submitted with sub-threshold application

299A. Where a planning application for a sub-threshold development is accompanied by an EIAR and a request for a determination under section 7(1)(a)(i)(I) of the Act of 2016 was not made, the application shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act.

Requirements in relation to environmental impact assessment for sub-threshold development where no screening determination was made under section 7 of Act of 2016

299B. (1) (a) Paragraph (b) applies where—

- (i) a planning application for a sub-threshold development is made and a request for a determination under section 7(1)(a)(i)(I) of the Act of 2016 was not made, and
 - (ii) such application is not accompanied by an EIAR.
- (b) (i) The Board shall carry out a preliminary examination of, at the least, the nature, size or location of the development.
- (ii) Where the Board concludes, based on such preliminary examination, that—
- (I) there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required,
 - (II) there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall satisfy itself that the applicant has provided to the Board—
 - (A) the information specified in Schedule 7A,
 - (B) any further relevant information on the characteristics of the proposed development and its likely significant effects on the environment, and
 - (C) a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.
- (c) The information referred to in paragraph (b)(ii)(II) may be accompanied by a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.
- (2) (a) Where the information referred to in sub-article (1)(b)(ii)(II) was not provided by the applicant, the Board shall refuse to deal with the application pursuant to section 8(3)(a) of the Act of 2016.

- (b) (i) Where the information referred to in sub-article (1)(b)(ii)(II) was provided by the applicant, the Board shall carry out an examination of, at the least, the nature, size or location of the development for the purposes of a screening determination.
- (ii) The Board shall make a screening determination and—
 - (I) if such determination is that there is no real likelihood of significant effects on the environment arising from the proposed development, it shall determine that an EIA is not required, or
 - (II) if such determination is that there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—
 - (A) determine that the development would be likely to have such effects, and
 - (B) refuse to deal with the application pursuant to section 8(3)(a) of the Act of 2016.

Screening determination for EIA for sub-threshold development where no screening determination was made under section 7 of Act of 2016

299C. (1) (a) The Board shall, in carrying out its screening determination under article 299B(2)(b) whether there is no real likelihood of significant effects on the environment arising from a proposed development or there is a real likelihood of significant effects on the environment arising from the proposed development, have regard to—

- (i) the criteria set out in Schedule 7,
- (ii) the information submitted pursuant to Schedule 7A,
- (iii) the information referred to in article 299B(1)(b)(ii)(II) and the description, if any, referred to in article 299B(1)(c),
- (iv) the available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive, and
- (v) in respect of a proposed development which would be located on, or in, or have the potential to impact on—
 - (I) a European site,

- (II) an area the subject of a notice under section 16 (2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),
- (III) an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,
- (IV) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976).
- (V) land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976,
- (VI) a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed, or
- (VII) a place or site which has been included by the Minister for Culture, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website,

the likely significant effects of the development on such site, area, land, place or feature, as appropriate.

(b) The Board shall—

- (i) include, or refer to, in its screening determination under article 299B the main reasons and considerations, with reference to the relevant criteria listed in Schedule 7, on which the determination is based, and
 - (ii) cause such determination to be placed and kept with the documents relating to the planning application.
- (2) (a) Paragraph (b) applies where the screening determination is that the proposed development would not be likely to have significant effects on the environment and the applicant has provided, under article 299B(1)(c), a description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the development.
- (b) The Board shall specify such features, if any, and such measures, if any, in the screening determination.

(3) Article 299B and this article shall not apply to an application for a proposed strategic housing development in respect of which a determination under section 7(1)(a)(i)(I) of the Act of 2016 has been made.”.

Amendment of article 301 of Regulations of 2001

95. Article 301 of the Regulations of 2001 is amended—

(a) by the insertion of the following sub-article after sub-article (2):

“(2A) Where an EIAR is submitted with an application, the Board shall place on its website for inspection by members of the public, from as soon as may be after receipt of such application, the following:

(i) the application;

(ii) the EIAR;

(iii) the notice or notices, as the case may be, published in one or more newspapers circulating in the area in which it is proposed to carry out the development, or in which the development is located, indicating the nature and location of the development;

(iv) any other relevant material or information.”, and

(b) by the insertion of the following sub-article after sub-article (3):

“(4) Where an EIAR is included with a copy of an application made available in accordance with sub-article (3), the EIAR shall be searchable by electronic means as far as practicable.”.

Notification of URL and reference number of application

96. The Regulations of 2001 are amended by the insertion of the following article after article 301:

“301A. As soon as may be after placing any EIAR on its website pursuant to article 301(2A), the Board shall send to the EIA portal in electronic form in the manner set out on the portal—

(a) a copy of the confirmation notice or notices, as the case may be,

(b) the Board’s file reference number of the application, and

(c) the URL to the documents placed on its website pursuant to article 301(2A).”.

Amendment of Regulations of 2001 — substitution of Schedules 6 and 7

97. The Regulations of 2001 are amended by the substitution of the following Schedules for Schedules 6 and 7:

“SCHEDULE 6

Article 94

INFORMATION TO BE CONTAINED IN EIAR

1. (a) A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development.

(b) A description of the likely significant effects on the environment of the proposed development.

(c) A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development.

(d) A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment.

2. Additional information, relevant to the specific characteristics of the development or type of development concerned and to the environmental features likely to be affected, on the following matters, by way of explanation or amplification of the information referred to in paragraph 1:

(a) a description of the proposed development, including, in particular—

(i) a description of the location of the proposed development,

(ii) a description of the physical characteristics of the whole proposed development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases,

(iii) a description of the main characteristics of the operational phase of the proposed development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used, and

(iv) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste produced during the construction and operation phases;

(b) a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main

reasons for selecting the chosen option, including a comparison of the environmental effects;

(c) a description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge;

(d) a description of the factors specified in paragraph (b)(i)(I) to (V) of the definition of ‘environmental impact assessment’ in section 171A of the Act likely to be significantly affected by the proposed development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape;

(e) (i) a description of the likely significant effects on the environment of the proposed development resulting from, among other things—

(I) the construction and existence of the proposed development, including, where relevant, demolition works,

(II) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources,

(III) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste,

(IV) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters),

(V) the cumulation of effects with other existing or approved developments, or both, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources,

(VI) the impact of the proposed development on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the proposed development to climate change, and

(VII) the technologies and the substances used, and

(ii) the description of the likely significant effects on the factors specified in paragraph (b)(i)(I) to (V) of the definition of ‘environmental impact assessment’ in section 171A of the Act should cover the direct

effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the proposed development, taking into account the environmental protection objectives established at European Union level or by a Member State of the European Union which are relevant to the proposed development;

(f) a description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved;

(g) a description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of an analysis after completion of the development), explaining the extent to which significant adverse effects on the environment are avoided, prevented, reduced or offset during both the construction and operational phases of the development;

(h) a description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it. Relevant information available and obtained through risk assessments pursuant to European Union legislation such as the Seveso III Directive or the Nuclear Safety Directive or relevant assessments carried out pursuant to national legislation may be used for this purpose, provided that the requirements of the Environmental Impact Assessment Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for, and proposed response to, emergencies arising from such events.

SCHEDULE 7

*Sections 146B, 176B, 176C, 177D and 177K of the Act
and articles 103, 109, 120, 123A, 132I, 289 and 299C*

CRITERIA FOR DETERMINING WHETHER DEVELOPMENT LISTED IN PART 2 OF
SCHEDULE 5 SHOULD BE SUBJECT TO AN ENVIRONMENTAL IMPACT ASSESSMENT

1. Characteristics of proposed development

The characteristics of proposed development, in particular—

- (a) the size and design of the whole of the proposed development,
- (b) cumulation with other existing development and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any

development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment,

- (c) the nature of any associated demolition works,
- (d) the use of natural resources, in particular land, soil, water and biodiversity,
- (e) the production of waste,
- (f) pollution and nuisances,
- (g) the risk of major accidents, and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge, and
- (h) the risks to human health (for example, due to water contamination or air pollution).

2. Location of proposed development

The environmental sensitivity of geographical areas likely to be affected by the proposed development, with particular regard to—

- (a) the existing and approved land use,
- (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground,
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas:
 - (i) wetlands, riparian areas, river mouths;
 - (ii) coastal zones and the marine environment;
 - (iii) mountain and forest areas;
 - (iv) nature reserves and parks;
 - (v) areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and;
 - (vi) areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure;
 - (vii) densely populated areas;

- (viii) landscapes and sites of historical, cultural or archaeological significance.

3. *Types and characteristics of potential impacts*

The likely significant effects on the environment of proposed development in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the project on the factors specified in paragraph (b)(i)(I) to (V) of the definition of ‘environmental impact assessment report’ in section 171A of the Act, taking into account—

- (a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected),
- (b) the nature of the impact,
- (c) the transboundary nature of the impact,
- (d) the intensity and complexity of the impact,
- (e) the probability of the impact,
- (f) the expected onset, duration, frequency and reversibility of the impact,
- (g) the cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment, and
- (h) the possibility of effectively reducing the impact.

Schedule 7A

*Sections 146B, 176A, 177C, 177D and 177K of the Act
and articles 33, 103, 109, 120, 123A, 132C, 132D, 132F, 132G,
132H, 132I, 227, 286, 289, 299B and 299C*

INFORMATION TO BE PROVIDED BY THE APPLICANT OR DEVELOPER FOR THE PURPOSES OF SCREENING SUB-THRESHOLD DEVELOPMENT FOR ENVIRONMENTAL IMPACT ASSESSMENT

1. A description of the proposed development, including in particular—
 - (a) a description of the physical characteristics of the whole proposed development and, where relevant, of demolition works, and
 - (b) a description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected.

2. A description of the aspects of the environment likely to be significantly affected by the proposed development.

3. A description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from—

- (a) the expected residues and emissions and the production of waste, where relevant, and
- (b) the use of natural resources, in particular soil, land, water and biodiversity.

4. The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7.”.

Amendment of Regulations of 2001 in relation to references to environmental impact statement

98. (1) The provisions of the Regulations of 2001 specified in column (2), opposite a reference number specified in column (1), is amended by the substitution of the words specified in column (4), opposite that reference number, for the words specified in column (3) opposite that reference number.

(2) In paragraph (1), a reference to a column is a reference to the Table set out in Schedule 3.

Amendment of Schedule 3 to Regulations of 2001

99. Schedule 3 to the Regulations of 2001 is amended—

- (a) by the substitution of the text set out in Schedule 4 for Form No. 1,
- (b) by the substitution of the text set out in Schedule 5 for Form No. 2,
- (c) by the substitution of the text set out in Schedule 6 for Form No. 6,
- (d) by the substitution of the text set out in Schedule 7 for Form No. 7,
- (e) by the substitution of the text set out in Schedule 8 for Form No. 8,
- (f) by the substitution of the text set out in Schedule 9 for Form No. 11,
- (g) by the substitution of the text set out in Schedule 10 for Form No. 12,
- (h) by the substitution of the text set out in Schedule 11 for Form No. 13, and
- (i) by the substitution of the text set out in Schedule 12 for Form No. 14.

SCHEDULE 1

Regulation 36

AMENDMENT OF ACT OF 2000 IN RELATION TO REFERENCES TO ENVIRONMENTAL
IMPACT STATEMENT

Table

Reference No. (1)	Provision of Act of 2000 (2)	Words to be substituted (3)	Substituting words (4)
1	section 7(2)(b)	environmental impact statement, remedial environmental impact statement	environmental impact assessment report, remedial environmental impact assessment report
2	section 34(1A)	Environmental Impact Statement	environmental impact assessment report
3	section 34(8)(c)	environmental impact statement	environmental impact assessment report
4	section 34(8)(ca)	Where an environmental impact statement	Where an environmental impact assessment report
5	section 34(8)(ca)(i)	environmental impact statement	environmental impact assessment report
6	section 34(8)(ca)(ii)	environmental impact statement submitted	environmental impact assessment report submitted
7	section 34(8)(ca)(ii)	to the environmental impact statement	to the environmental impact assessment report
8	section 37(4)(c)	environmental impact statement	environmental impact assessment report
9	section 37D(1)	environmental impact statement	environmental impact assessment report
10	section 37E(1)	environmental impact statement	environmental impact assessment report
11	section 37E(2)	environmental impact statement	environmental impact assessment report
12	section 37E(3)(a)(i)(II)	environmental impact statement	environmental impact assessment report
13	section 37E(3)(a)(ii)	environmental impact statement	environmental impact assessment report
14	section 37E(3)(b)	environmental impact statement	environmental impact assessment report
15	section 37E(3)(c)	environmental impact statement	environmental impact assessment report
16	section 37E(3)(d)	environmental impact statement	environmental impact assessment report
17	section 37F(1)(a)	environmental impact statement	environmental impact assessment report
18	section 37F(2)	environmental impact statement	environmental impact assessment report
19	section 37G(2)(a)	environmental impact statement	environmental impact assessment report
20	section 38(1)(a)	environmental impact statement	environmental impact assessment report

Reference No. (1)	Provision of Act of 2000 (2)	Words to be substituted (3)	Substituting words (4)
21	section 128(1)(a)(i)	environmental impact statement	environmental impact assessment report
22	section 130(3)(a)	environmental impact statement	environmental impact assessment report
23	section 144(1A)(g)	environmental impact statement	environmental impact assessment report
24	section 146C(2)	environmental impact statement	environmental impact assessment report
25	section 146C(3)	An environmental impact statement	An environmental impact assessment report
26	section 146C(3)(a)	environmental impact statements	environmental impact assessment reports
27	section 146C(4)	When an environmental impact statement	When an environmental impact assessment report
28	section 146C(4)(a)	statement	report
29	section 146C(4)(b)(i)	environmental impact statement	environmental impact assessment report
30	section 146C(4)(b)(ii)	environmental impact statement	environmental impact assessment report
31	section 146C(4)(b)(iii)	environmental impact statement	environmental impact assessment report
32	section 146C(4)(c)	environmental impact statement	environmental impact assessment report
33	section 146C(4)(c)(i)	statement	report
34	section 146C(4)(d)	environmental impact statement	environmental impact assessment report
35	section 146C(4)(d)(i)	statement	report
36	section 146C(6)(a)	environmental impact statement	environmental impact assessment report
37	section 172(1C)	accompanied by an environmental impact statement	accompanied by an environmental impact assessment report
38	section 172(1C)	environmental impact statement and where the environmental impact statement	environmental impact assessment report and where the environmental impact assessment report
39	section 172(1G)(a)	environmental impact statement	environmental impact assessment report
40	section 172(2)	environmental impact statements	environmental impact assessment reports
41	section 172(5)	environmental impact statements	environmental impact assessment reports
42	section 173(1)	environmental impact statement was submitted	environmental impact assessment report was submitted
43	section 173(1)	statement, any supplementary information furnished relating to the statement	report, any supplementary information furnished relating to the report

Reference No. (1)	Provision of Act of 2000 (2)	Words to be substituted (3)	Substituting words (4)
44	section 173(3)(b)	environmental impact statement	environmental impact assessment report
45	section 173A(3)	environmental impact statement and the planning authority or the Board did not require the submission of an environmental impact statement	environmental impact assessment report and the planning authority or the Board did not require the submission of an environmental impact assessment report
46	section 173A(7)(a)	environmental impact statement	environmental impact assessment report
47	section 173B(3)	environmental impact statement and the planning authority or the Board did not require the submission of an environmental impact statement	environmental impact assessment report and the planning authority or the Board did not require the submission of an environmental impact assessment report
48	section 173B(7)(a)	environmental impact statement	environmental impact assessment report
49	section 174(1)(a)	environmental impact statement	environmental impact assessment report
50	section 174(5)(b)	environmental impact statement	environmental impact assessment report
51	section 175(1)	environmental impact statement	environmental impact assessment report
52	section 175(2)	environmental impact statement	environmental impact assessment report
53	section 175(3)	environmental impact statement	environmental impact assessment report
54	section 175(4)(a)(i)(II)	environmental impact statement	environmental impact assessment report
55	section 175(4)(a)(ii)	environmental impact statement	environmental impact assessment report
56	section 175(4)(b)	environmental impact statement	environmental impact assessment report
57	section 175(5)(a)(ii)	environmental impact statement	environmental impact assessment report
58	section 175(5)(d)(i)(II)	environmental impact statement	environmental impact assessment report
59	section 175(5)(d)(i)	environmental impact statement referred to	environmental impact assessment report referred to
60	section 175(5)(d)(i)	information or statement	information or report
61	section 175(5)(d)(ii)(I)	statement	report
62	section 175(5)(d)(ii)(II)	statement	report
63	section 175(5)(d)(ii)	statement may	report may
64	section 175(6)(a)	environmental impact statement	environmental impact assessment report

Reference No. (1)	Provision of Act of 2000 (2)	Words to be substituted (3)	Substituting words (4)
65	section 175(6)(b)	environmental impact statement	environmental impact assessment report
66	section 175(11)(b)(i)	environmental impact statement	environmental impact assessment report
67	section 177(1)	environmental impact statement	environmental impact assessment report
68	section 177A(1)	remedial environmental impact statement	remedial environmental impact assessment report
69	section 177B(1)(i)	environmental impact statement or a Natura impact statement or both of those statements, as the case may be, or inadequacy of an environmental impact statement or a Natura impact statement or both of those statements	environmental impact assessment report or a Natura impact statement or both that report and that statement, as the case may be, or inadequacy of an environmental impact assessment report or a Natura impact statement or both that report and that statement
70	section 177B(2)(c)	remedial environmental impact statement or remedial Natura impact statement or both of those statements	remedial environmental impact assessment report or remedial Natura impact statement or both that report and that statement
71	section 177C(2)(a)(i)	environmental impact statement or a Natura impact statement or both of those statements, as the case may be, or inadequacy of an environmental impact statement or a Natura impact statement or both of those statements	environmental impact assessment report or a Natura impact statement or both that report and that statement, as the case may be, or inadequacy of an environmental impact assessment report or a Natura impact statement or both that report and that statement
72	section 177D(1)(a)(i)	environmental impact statement or a Natura impact statement or both of those statements as the case may be, or inadequacy of an environmental impact statement or a Natura impact statement or both of those statements	environmental impact assessment report or a Natura impact statement or both that report and that statement, as the case may be, or inadequacy of an environmental impact assessment report or a Natura impact statement or both that report and that statement
73	section 177D(7)(b)	remedial environmental impact statement or a remedial Natura impact statement, or both of those statements	remedial environmental impact assessment report or a remedial Natura impact statement, or both that report and that statement
74	section 177E(2)(c)	remedial environmental impact statement or remedial Natura impact statement or both of those statements	remedial environmental impact assessment report or remedial Natura impact statement or both that report and that statement
75	section 177E(2)(d)	remedial environmental impact statement or remedial Natura impact statement or both of those statements	remedial environmental impact assessment report or remedial Natura impact statement or both that report and that statement

Reference No. (1)	Provision of Act of 2000 (2)	Words to be substituted (3)	Substituting words (4)
76	section 177E(2A)(b)(I)	remedial environmental impact statement was issued in respect of the development under section 177B(2), 177D(7), 261A(3)(c), 261A(10) or 261A(12), an environmental impact statement	remedial environmental impact assessment report was issued in respect of the development under section 177B(2), 177D(7), 261A(3)(c), 261A(10) or 261A(12), an environmental impact assessment report
77	section 177E(5)	remedial environmental impact statement, or the remedial Natura impact statement, or both of those statements, as the case may be, and, where subsection (2A)(b) applies, the environmental impact statement or Natura impact statement or both of those statements	remedial environmental impact assessment report, or the remedial Natura impact statement, or both that report and that statement, as the case may be, and, where subsection (2A)(b) applies, the environmental impact assessment report or Natura impact statement or both that report and that statement
78	section 177F(1)	remedial environmental impact statement	remedial environmental impact assessment report
79	section 177I(1)	remedial environmental impact statement or a remedial Natura impact statement or both of those statements, as the case may be, and, where section 177E(2A)(b) applies, an environmental impact statement or Natura impact statement or both of those statements	remedial environmental impact assessment report or a remedial Natura impact statement or both that report and that statement, as the case may be, and, where section 177E(2A)(b) applies, an environmental impact assessment report or Natura impact statement or both that report and that statement
80	section 177K(2)(c)	remedial environmental impact statement, or remedial Natura impact statement, or both of those statements, as the case may be, and, where section 177E(2A)(b) applies, the environmental impact statement or Natura impact statement or both of those statements	remedial environmental impact assessment report, or remedial Natura impact statement, or both that report and that statement, as the case may be, and, where section 177E(2A)(b) applies, the environmental impact assessment report or Natura impact statement or both that report and that statement
81	section 177N(2)(i)	remedial environmental impact statement	remedial environmental impact assessment report
82	section 177P(2)(b)	remedial environmental impact statement or a remedial Natura impact statement, or both such statements	remedial environmental impact assessment report or a remedial Natura impact statement, or both that report and that statement
83	section 179(6)(d)	environmental impact statement	environmental impact assessment report
84	section 181(3)(d)(i)(I)	environmental impact statement	environmental impact assessment report
85	section 181(3)(e)	copy of the application and the environmental impact statement or Natura impact statement, or both of them	copy of the application and the environmental impact assessment report or Natura impact statement, or both that report and that statement

Reference No. (1)	Provision of Act of 2000 (2)	Words to be substituted (3)	Substituting words (4)
86	section 181(3)(e)	make the application, and the environmental impact statement or Natura impact statement, or both of them	make the application, and the environmental impact assessment report or Natura impact statement, or both that report and that statement
87	section 181A(1)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
88	section 181A(3)(a)(i)(II)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
89	section 181A(3)(a)(ii)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
90	section 181A(3)(b)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
91	section 181A(3)(c)	environmental impact statement	environmental impact assessment report
92	section 181A(4)(b)	revised environmental impact statement or revised Natura impact statement or both of those statements	revised environmental impact assessment report or revised Natura impact statement or both that report and that statement
93	section 181A(7)(a)(ii)	revised environmental impact statement or revised Natura impact statement or both of those statements	revised environmental impact assessment report or revised Natura impact statement or both that report and that statement
94	section 181A(7)(a)	information or the environmental impact statement or Natura impact statement or both of those statements	information or the environmental impact assessment report or Natura impact statement or both that report and that statement
95	section 181A(7)(a)	that information or statement	that information, report or statement
96	section 181A(7)(b)(i)	information or statement	information, report or statement
97	section 181A(b)(ii)	information or statement	information, report or statement
98	section 181A(7)(b)	in relation to that further information, information or statement	in relation to that further information, information, report or statement
99	section 181B(1)(a)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
100	section 181C(3)(b)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
101	section 182A(2)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement

Reference No. (1)	Provision of Act of 2000 (2)	Words to be substituted (3)	Substituting words (4)
102	section 182A(4)(a)(i)(II)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
103	section 182A(4)(a)(ii)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
104	section 182A(4)(b)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
105	section 182A(4)(c)	environmental impact statement	environmental impact assessment report
106	section 182A(5)(b)	revised environmental impact statement or revised Natura impact statement or both of those statements	revised environmental impact assessment report or revised Natura impact statement or both that report and that statement
107	section 182A(8)(a)(ii)	revised environmental impact statement or revised Natura impact statement or both of those statements	revised environmental impact assessment report or revised Natura impact statement or both that report and that statement
108	section 182A(8)(a)	information or the revised environmental impact statement or revised Natura impact statement or both of those statements	information or the revised environmental impact assessment report or revised Natura impact statement or both that report and that statement
109	section 182A(8)(a)	information or statement	information, report or statement
110	section 182A(8)(b)(i)	information or statement	information, report or statement
111	section 182A(8)(b)(ii)	information or statement	information, report or statement
112	section 182A(8)(b)	in relation to that further information, information or statement	in relation to that further information, information, report or statement
113	section 182B(1)(a)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
114	section 182C(1)(b)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
115	section 182C(4)(a)(i)(II)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
116	section 182C(4)(a)(ii)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement

Reference No. (1)	Provision of Act of 2000 (2)	Words to be substituted (3)	Substituting words (4)
117	section 182C(4)(b)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
118	section 182C(5)(b)	revised environmental impact statement or Natura impact statement or both of those statements	revised environmental impact assessment report or Natura impact statement or both that report and that statement
119	section 182C(8)(a)(ii)	revised environmental impact statement or revised Natura impact statement or both of those statements	revised environmental impact assessment report or revised Natura impact statement or both that report and that statement
120	section 182C(8)(a)	information or the revised environmental impact statement or revised Natura impact statement or both of those statements	information or the revised environmental impact assessment report or revised Natura impact statement or both that report and that statement
121	section 182C(8)(a)	in relation to that information or statement	in relation to that information, report or statement
122	section 182C(8)(b)(i)	information or statement	information, report or statement
123	section 182C(8)(b)(ii)	information or statement	information, report or statement
124	section 182C(8)(b)	in relation to that further information, information or statement	in relation to that further information, information, report or statement
125	section 182D(1)(a)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
126	section 217B(4)(b)	revised environmental impact statement	revised environmental impact assessment report
127	section 217B(7)(a)(ii)	revised environmental impact statement	revised environmental impact assessment report
128	section 217B(7)(a)	information or the environmental impact statement	information or the environmental impact assessment report
129	section 217B(7)(a)	in relation to that information or statement	in relation to that information, report or statement
130	section 217B(7)(b)(i)	information or statement	information, report or statement
131	section 217B(7)(b)(ii)	information or statement	information, report or statement
132	section 217B(7)(b)	in relation to that further information, information or statement	in relation to that further information, information, report or statement
133	section 217B(8)	revised environmental impact statement	revised environmental impact assessment report
134	section 226(4)(b)(i)	environmental impact statement	environmental impact assessment report
135	section 226(7)(a)(ii)	environmental impact statement	environmental impact assessment report

Reference No. (1)	Provision of Act of 2000 (2)	Words to be substituted (3)	Substituting words (4)
136	section 226(7)(a)	statement accordingly	report accordingly
137	section 227(5)	environmental impact statement	environmental impact assessment report
138	section 227(8)(b)(i)	environmental impact statement	environmental impact assessment report

SCHEDULE 2

Regulation 43

Amendment of Act of 2016 in relation to References to Environmental Impact Statement

Table

Reference No. (1)	Provision of Act of 2016 (2)	Words to be substituted (3)	Substituting words (4)
1	section 7(1)(b)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
2	section 8(1)(a)(iii)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
3	section 8(1)(a)(v)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
4	section 8(1)(b)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
5	section 8(1)(c)	environmental impact statement	environmental impact assessment report
6	section 8(2)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
7	section 8(3)(a)	environmental impact statement	environmental impact assessment report
8	section 8(3)(b)(i)(I)	environmental impact statement, or both of those statements	environmental impact assessment report or Natura impact statement, or both that report and that statement
9	section 8(4)(c)	environmental impact statement, or both of those statements	environmental impact assessment report or Natura impact statement, or both that report and that statement
10	section 9(1)(b)	environmental impact statement or Natura impact statement or both of those statements	environmental impact assessment report or Natura impact statement or both that report and that statement
11	section 9(5)	environmental impact statement	environmental impact assessment report

SCHEDULE 3

Regulation 98

AMENDMENT OF REGULATIONS OF 2001 IN RELATION TO REFERENCES TO ENVIRONMENTAL IMPACT STATEMENT

Table

Reference No. (1)	Provision of Regulations of 2001 (2)	Words to be substituted (3)	Substituting words (4)
1	article 16(1)	EIS	EIAR
2	article 35(1)(a)(v)	EIS	EIAR
3	article 66(1)	EIS	EIAR
4	article 67, in paragraph (b) of the definition of "relevant person"	EIS	EIAR
5	article 72(6)(d)	EIS	EIAR
6	article 72(7A)(d)	remedial EIS	remedial EIAR
7	article 95(1)	EIS	EIAR
8	article 95(2)(a)(i)	EIS	EIAR
9	article 95(2)(a)(ii)	EIS	EIAR
10	article 95(6)	EIS	EIAR
11	article 96(2)(b)	EIS	EIAR
12	article 98	by an EIS	by an EIAR
13	article 98(a)	EIS	EIAR
14	article 98(b)	EIS	EIAR
15	article 99(1)	EIS	EIAR
16	article 102	EIS, the application shall be dealt with as if the EIS	EIAR, the application shall be dealt with as if the EIAR
17	article 103(4)	Where an EIS	Where an EIAR
18	article 103(4)	EIS seek further information in relation to the EIS	EIAR seek further information in relation to the EIAR
19	article 105(1)	EIS is required under article 103, the applicant shall, not more than 2 weeks before submitting the EIS, publish notice of the intention to submit the EIS	EIAR is required under article 103, the applicant shall, not more than 2 weeks before submitting the EIAR, publish notice of the intention to submit the EIAR
20	article 105(2)(e)	EIS	EIAR
21	article 105(2)(f)	EIS	EIAR
22	article 105(2)(g)	EIS may be made in writing to the planning authority within 5 weeks of the date of receipt by the authority of the EIS	EIAR may be made in writing to the planning authority within 5 weeks of the date of receipt by the authority of the EIAR
23	article 105(3)	EIS	EIAR

Reference No. (1)	Provision of Regulations of 2001 (2)	Words to be substituted (3)	Substituting words (4)
24	article 107(1)	EIS, a notice given by a planning authority under article 28(2) shall indicate that fact and shall state that the EIS	EIAR, a notice given by a planning authority under article 28(2) shall indicate that fact and shall state that the EIAR
25	article 107(2)	EIS pursuant to a notice under article 103, it shall, as soon as may be following receipt of the EIS	EIAR pursuant to a notice under article 103, it shall as soon as may be following receipt of the EIAR
26	article 107(2)(a)	EIS will be	EIAR will be
27	article 107(2)(a)	EIS may	EIAR may
28	article 107(2)(a)	of the EIS	of the EIAR
29	article 107(2)(a)	for an EIS	for an EIAR
30	article 107(2)(b)(i)	EIS is available	EIAR is available
31	article 107(2)(b)(i)	EIS may	EIAR may
32	article 107(2)(b)(i)	of the EIS	of the EIAR
33	article 108(1)	EIS submitted	EIAR submitted
34	article 108(1)	EIS complies	EIAR complies
35	article 108(2)	EIS	EIAR
36	article 109(1)	EIS was	EIAR was
37	article 109(1)	EIS to	EIAR to
38	article 110(1)	EIS	EIAR
39	article 111(1)	EIS received	EIAR received
40	article 111(1)	EIS complies	EIAR complies
41	article 111(2)	EIS	EIAR
42	article 112(2)(f)	EIS	EIAR
43	article 112(2)(g)	EIS	EIAR
44	article 112(2)(h)	EIS may	EIAR may
45	article 112(2)(h)	of the EIS	of the EIAR
46	article 112(5)	EIS is received	EIAR is received
47	article 112(5)(a)	EIS will	EIAR will
48	article 112(5)(a)	EIS may	EIAR may
49	article 112(5)(a)	of the EIS	of the EIAR
50	article 112(5)(b)	EIS is available	EIAR is available
51	article 112(5)(b)	EIS may	EIAR may
52	article 112(5)(b)	of the EIS	of the EIAR
53	article 113	EIS	EIAR
54	article 114	EIS received	EIAR received
55	article 114	of the EIS	of the EIAR
56	article 115(1)	EIS	EIAR
57	article 115(2)	EIS under sub-article (1), make the EIS	EIAR under sub-article (1), make the EIAR
58	article 116	EIS	EIAR

Reference No. (1)	Provision of Regulations of 2001 (2)	Words to be substituted (3)	Substituting words (4)
59	article 118(b)	EIS	EIAR
60	article 120(5)	EIS	EIAR
61	article 123(2)	EIS	EIAR
62	article 123A(5)	EIS	EIAR
63	article 124(2)	EIS	EIAR
64	article 126(2)(f)	EIS	EIAR
65	article 126(3)	EIS	EIAR
66	article 128(2)(c)	Environmental Impact Statement	Environmental Impact Assessment Report
67	article 137(3)(d)	EIS	EIAR
68	article 141(3)(d)	where an EIS	where an EIAR
69	article 141(3)(d)	of the EIS	of the EIAR
70	article 143(3)(c)	EIS	EIAR
71	article 210(3)(a)(ii)	environmental impact statement	EIAR
72	article 210(4)(ii)	environmental impact statement	EIAR
73	article 211(2)	environmental impact statement	EIAR
74	article 213(2)	environmental impact statement	EIAR
75	article 213(3)	environmental impact statement	EIAR
76	article 214(1)(a)	environmental impact statement	EIAR
77	article 215(3)(b)	environmental impact statement	EIAR
78	article 221(1)(a)	environmental impact statement	EIAR
79	article 224(d)	remedial EIS or remedial NIS, or both of those statements	remedial EIAR or remedial NIS, or both that report and that statement
80	article 227(4)	remedial EIS	remedial EIAR
81	article 240(2)	EIS	EIAR
82	article 242	EIS	EIAR
83	article 244	EIS	EIAR
84	article 287	environmental impact statement	EIAR
85	article 288(1)	environmental impact statement	EIAR
86	article 289(3)	environmental impact statement	EIAR
87	article 291	to be contained in an environmental impact statement	to be contained in an EIAR

Reference No. (1)	Provision of Regulations of 2001 (2)	Words to be substituted (3)	Substituting words (4)
88	article 291	should be contained in the environmental impact statement	should be contained in the EIAR
89	article 296(1)	environmental impact statement	EIAR
90	article 296(2)	accompanying environmental impact statement	accompanying EIAR
91	article 296(2)	environmental impact statement sent	EIAR sent
92	article 300(3)(b)	environmental impact statement	EIAR
93	article 301(1)	environmental impact statement or Natura impact statement or both of those statements	EIAR or Natura impact statement or both that report and that statement

SCHEDULE 4

“Form No. 1

Article 19

Site notice

NAME OF PLANNING AUTHORITY¹

SITE NOTICE

I,², intend to apply for permission/retention permission
/outline permission/permission consequent on the grant of outline permission
(Ref. No. of outline permission)³ for development at this site
.....⁴

The development will consist/consists⁵ of
.....⁶

The planning application may be inspected, or purchased at a fee not exceeding
the reasonable cost of making a copy, at the offices of the planning authority
during its public opening hours.

A submission or observation in relation to the application may be made in
writing to the planning authority on payment of the prescribed fee, €20, within
the period of 5 weeks beginning on the date of receipt by the authority of
the application, and such submissions or observations will be considered by the
planning authority in making a decision on the application. The planning
authority may grant permission subject to or without conditions, or may refuse
to grant permission.

Signed:.....⁷

Date of erection of site notice.....⁸

Directions for completing this notice

1. The name of the planning authority to which the planning application will be made should be inserted here
2. The name of the applicant for permission (and not his or her agent) should be inserted here
3. Delete as appropriate. The types of permission which may be sought are—
 - (a) permission,
 - (b) retention permission,
 - (c) outline permission,
 - (d) permission consequent on the grant of outline permission. If this type of permission is being sought, the reference number on the planning register of the relevant outline permission should be included
4. The location, townland or postal address of the land or structure to which the application relates should be inserted here
5. Delete as appropriate. The present tense should be used where retention permission is being sought
6. A brief description of the nature and extent of the development should be inserted here. The description should include—
 - (a) where the application relates to development consisting of or comprising the provision of houses, the number of houses to be provided. 'Houses' includes buildings designed as 2 or more dwellings or flats, apartments or other dwellings within a building,
 - (b) where the application relates to the retention of a structure, the nature of the proposed use of the structure and, where appropriate, the period for which it is proposed to retain the structure,
 - (c) where the application relates to development which would consist of or comprise the carrying out of works to a protected structure or proposed protected structure, an indication of that fact,
 - (d) where an environmental impact assessment report or Natura impact statement has been prepared in respect of the planning application, an indication of that fact,
 - (e) where the application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact, or
 - (f) where a planning application relates to development consisting of the provision of, or modifications to an establishment within the meaning

of Part 11 of these Regulations (Major Accidents Directive), an indication of that fact

7. Either the signature of the applicant or the signature and contact address of the person acting on behalf of the applicant should be inserted here
8. The date that the notice is erected or fixed at the site should be inserted here.”.

SCHEDULE 5

*“Form No. 2**Article 22****Planning Application Form*****PLANNING APPLICATION FORM****BEFORE FILLING OUT THIS FORM PLEASE NOTE THE
FOLLOWING**

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application. Therefore please ensure that each section of this application form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to the application form.

ADDITIONAL INFORMATION

It should be noted that each planning authority has its own development plan, which sets out local development policies and objectives for its own area. The authority may therefore need supplementary information (i.e. other than that required in this form) in order to determine whether the application conforms with the development plan and may request this on a supplementary application form.

Failure to supply the supplementary information will not invalidate your planning application but may delay the decision-making process or lead to a refusal of permission. Therefore applicants should contact the relevant planning authority to determine what local policies and objectives would apply to the development proposed and whether additional information is required.

OTHER STATUTORY CODES

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Also any works causing the deterioration or destruction of the breeding and resting places of bats, otters, natterjack toads, Kerry slugs and certain marine animals constitute a criminal offence unless covered by a derogation licence issued by the Minister for Culture, Heritage and the Gaeltacht (pursuant to Article 16 of the Habitats Directive).

DATA PROTECTION

It is the responsibility of persons or entities wishing to use any personal data on a planning application form for direct marketing purposes to be satisfied that

they may do so legitimately under the requirements of the Data Protection Acts 1988 to 2018. The Office of the Data Protection Commissioner states that the sending of marketing material to individuals without consent may result in action by the Data Protection Commissioner against the sender including prosecution.

PLANNING APPLICATION FORM

1. NAME OF RELEVANT PLANNING AUTHORITY:

2. LOCATION OF DEVELOPMENT:	
<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	
<i>Ordnance Survey Map Ref No (and the Grid Reference where available)¹</i>	

3. TYPE OF PLANNING PERMISSION (PLEASE TICK APPROPRIATE BOX):
<input type="checkbox"/> Permission <input type="checkbox"/> Permission for retention <input type="checkbox"/> Outline Permission <input type="checkbox"/> Permission consequent on Grant of Outline Permission

4. WHERE PLANNING PERMISSION IS CONSEQUENT ON GRANT OF OUTLINE PERMISSION:
Outline Permission Register Reference Number:.....
Date of Grant of Outline Permission:...../...../.....

5. APPLICANT²:	
Name(s)	
	Contact details to be supplied at the end of this form. (Question: 24)

6. WHERE APPLICANT IS A COMPANY (REGISTERED UNDER THE COMPANIES ACTS):	
<i>Name(s) of company director(s)</i>	
<i>Registered Address (of company)</i>	
<i>Company Registration number</i>	

7. PERSON/AGENT ACTING ON BEHALF OF THE APPLICANT (IF ANY):	
Name	
	Address to be supplied at the end of this form. (Question 25)

8. PERSON RESPONSIBLE FOR PREPARATION OF DRAWINGS AND PLANS³:	
Name	
Firm/Company	

9. DESCRIPTION OF PROPOSED DEVELOPMENT:	
Brief description of nature and extent of development ⁴	

10. LEGAL INTEREST OF APPLICANT IN THE LAND OR STRUCTURE:		
Please tick appropriate box. Where legal interest is 'Other', please expand further on your interest in the land or structure	A. Owner	B. Occupier
	C. Other	
If you are not the legal owner, please state the name and address of the owner and supply a letter from the owner of consent to make the application as listed in the accompanying documentation		

11. SITE AREA:	
Area of site to which the application relates in hectaresha

12. WHERE THE APPLICATION RELATES TO A BUILDING OR BUILDINGS:	
Gross floor space ⁵ of any existing building(s) in m ²	
Gross floor space of proposed works in m ²	
Gross floor space of work to be retained in m ² (if appropriate)	
Gross floor space of any demolition in m ² (if appropriate)	

13. IN THE CASE OF MIXED DEVELOPMENT (E.G. RESIDENTIAL, COMMERCIAL, INDUSTRIAL, ETC), PLEASE PROVIDE BREAKDOWN OF THE DIFFERENT CLASSES OF DEVELOPMENT AND BREAKDOWN OF THE GROSS FLOOR AREA OF EACH CLASS OF DEVELOPMENT:	
Class of Development	Gross floor area in m ²

14. IN THE CASE OF RESIDENTIAL DEVELOPMENT PLEASE PROVIDE BREAKDOWN OF RESIDENTIAL MIX:							
<i>Number of</i>	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4+ Bed	Total
<i>Houses</i>							
<i>Apartments</i>							
<i>Number of car-parking spaces to be provided</i>							Total:

15. WHERE THE APPLICATION REFERS TO A MATERIAL CHANGE OF USE OF ANY LAND OR STRUCTURE OR THE RETENTION OF SUCH A MATERIAL CHANGE OF USE:	
<i>Existing use⁶ (or previous use where retention permission is sought)</i>	
<i>Proposed use (or use it is proposed to retain)</i>	
<i>Nature and extent of any such proposed use (or use it is proposed to retain)</i>	

16. SOCIAL AND AFFORDABLE HOUSING:		
(Please tick appropriate box)	<i>Yes</i>	<i>No</i>
<i>Is the application an application for permission for development to which Part V of the Planning and Development Act 2000 applies?⁷</i>		
<p>If the answer to the above question is 'yes' and the development is not exempt (see below), you must provide, as part of your application, details as to how you propose to comply with section 96 of Part V of the Act including, for example,</p> <p>(i) details of such part or parts of the land which is subject to the application for permission or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and</p> <p>(ii) details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions in Part V of the Act.</p> <p>If the answer to the above question is 'yes' but you consider the development to be exempt by virtue of section 97 of the Planning and Development Act 2000⁸, a copy of the Certificate of Exemption under section 97 must be submitted (or, where an application for a certificate of exemption has been made but has not yet been decided, a copy of the application should be submitted).</p> <p>If the answer to the above question is 'no' by virtue of section 96(13) of the Planning and Development Act 2000⁹, details indicating the basis on which section 96(13) is considered to apply to the development should be submitted.</p>		

17. DEVELOPMENT DETAILS:		
Please tick appropriate box	Yes	No
Does the proposed development consist of work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage?		
Does the proposed development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?		
Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Act 1994 ¹⁰ ?		
Does the proposed development require the preparation of an Environmental Impact Assessment Report ¹¹ ?		
Does the application relate to work within or close to a European Site (under S.I. No. 94 of 1997) or a Natural Heritage Area ¹² ?		
Does the application relate to a development which comprises or is for the purposes of an activity requiring an integrated pollution prevention and control licence?		
Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence?		
Do the Major Accident Regulations apply to the proposed development?		
Does the application relate to a development in a Strategic Development Zone?		
Does the proposed development involve the demolition of any structure?		

18. SITE HISTORY:
<i>Details regarding site history (if known)</i>
Has the site in question ever, to your knowledge, been flooded? Yes [] No [] If yes, please give details e.g. year, extent. Are you aware of previous uses of the site e.g. dumping or quarrying? Yes [] No [] If yes, please give details.
<i>Are you aware of any valid planning applications previously made in respect of this land/structure?</i>
Yes [] No [] If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known: Reference No.: Date: If a valid planning application has been made in respect of this land or structure in the 6 months prior to the submission of this application, then the site notice must be on a yellow background in accordance with article 19(4) of the Planning and Development Regulations 2001 as amended.
<i>Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development</i> ¹³ ?
Yes [] No [] An Bord Pleanála Reference No.:

19. PRE-APPLICATION CONSULTATION:
Has a pre-application consultation taken place in relation to the proposed development¹⁴?
Yes [] No []
If yes, please give details:
Reference No. (if any):
Date(s) of consultation:/...../.....
Persons involved:

20. SERVICES:
<i>Proposed Source of Water Supply</i>
Existing connection [] New connection []
Public Mains [] Group Water Scheme [] Private Well []
Other (please specify):
Name of Group Water Scheme (where applicable):
<i>Proposed Wastewater Management/Treatment</i>
Existing [] New []
Public Sewer [] Conventional septic tank system []
Other on-site treatment system [] Please specify.....
<i>Proposed Surface Water Disposal</i>
Public Sewer/Drain [] Soakpit []
Watercourse [] Other [] Please specify.....

21. DETAILS OF PUBLIC NOTICE:	
Approved newspaper¹⁵ in which notice was published	
<i>Date of publication</i>	
<i>Date on which site notice was erected</i>	

22. APPLICATION FEE:	
<i>Fee Payable</i>	
<i>Basis of Calculation</i>	

23. DECLARATION:	
<i>I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning & Development Act 2000, as amended, and the Regulations made thereunder.</i>	
<i>Signed</i>	
<i>(Applicant or Agent as appropriate)</i>	
<i>Date</i>	

CONTACT DETAILS — NOT TO BE PUBLISHED

24. APPLICANT ADDRESS/CONTACT DETAILS:	
<i>Address</i>	
<i>Email address</i>	
<i>Telephone number (optional)</i>	

25. AGENT'S (IF ANY) ADDRESS/CONTACT DETAILS:	
<i>Address</i>	
<i>Email address</i>	
<i>Telephone number (optional)</i>	
Should all correspondence be sent to the agent's address (where applicable)? Please tick appropriate box. (Please note that if the answer is 'No', all correspondence will be sent to the applicant's address)	
Yes [<input type="checkbox"/>] No [<input type="checkbox"/>]	

A contact address must be given, whether that of the applicant or that of the agent.

This form should be accompanied by the following documentation:

Please note that if the appropriate documentation is not included, your application will be deemed invalid.

ALL Planning Applications

- The relevant page of newspaper that contains notice of your application
- A copy of the site notice
- 6 copies of site location map¹⁶
- 6 copies of site or layout plan¹⁶⁺¹⁷
- 6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections — except in the case of outline permission)
- The appropriate Planning Fee

Where the applicant is not the legal owner of the land or structure in question:

- The written consent of the owner to make the application

Where the application is for residential development that is subject to Part V of the 2000 Act:

- Details of the manner in which it is proposed to comply with section 96 of Part V of the Act including, for example,
 - (i) details of such part or parts of the land which is subject to the application for permission or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and
 - (ii) details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions in Part V of the Act.

or

- A certificate of exemption from the requirements of Part V

or

- A copy of the application submitted for a certificate of exemption.

Where the application is for residential development that is not subject to Part V of the 2000 Act by virtue of section 96(13) of the Act:

- Information setting out the basis on which section 96(13) is considered to apply to the development.

Where the disposal of wastewater for the proposed development is other than to a public sewer:

- Information on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed.

Where the application refers to a protected structure/ proposed protected structure/ or the exterior of a structure which is located within an architectural conservation area (ACA):

- Photographs, plans and other particulars necessary to show how the development would affect the character of the structure.

Applications that refer to a material change of use or retention of such a material change of use:

- Plans (including a site or layout plan and drawings of floor plans, elevations and sections which comply with the requirements of article 23) and other particulars required describing the works proposed.

Where an application requires an Environmental Impact Assessment Report:

- An Environmental Impact Assessment Report, and
- A copy of the confirmation notice received from the EIA portal in accordance with article 97B(2) of the permission regulations

Applications that are exempt from planning fees:

- Proof of eligibility for exemption¹⁸

Directions for completing this form

1. Grid reference in terms of the Irish Transverse Mercator.
2. 'The applicant' means the person seeking the planning permission, not an agent acting on his or her behalf.
3. Where the plans have been drawn up by a firm/company the name of the person primarily responsible for the preparation of the drawings and plans, on behalf of that firm/company, should be given.
4. A brief description of the nature and extent of the development, including reference to the number and height of buildings, protected structures, etc.
5. Gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building, that is, floor areas must be measured from inside the external wall.
6. Where the existing land or structure is not in use please state most recent authorised use of the land or structure.
7. Part V of the Planning and Development Act 2000 applies where—
 - the land is zoned for residential use or for a mixture of residential and other uses,
 - there is an objective in the Development Plan for the area for a percentage of the land to be made available for social and/or affordable housing, and
 - the proposed development is not exempt from Part V.
8. Under section 97 of the Planning and Development Act 2000, applications involving development of 9 or fewer houses or development on land of less than 0.1 hectare may be exempt from Part V.
9. Under section 96(13) of the Planning and Development Act 2000, Part V does not apply to certain housing developments by approved voluntary housing bodies, certain conversions, the carrying out of works to an existing house or the development of houses under an agreement made under section 96 of the Act.
10. The Record of Monuments and Places, under section 12 of the National Monuments Amendment Act 1994, is available, for each county, in the local authorities and public libraries in that county. Please note also that if the proposed development affects or is close to a national monument which, under the National Monuments Acts 1930 to 2004, is in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a local authority, or is the subject of a preservation order or a temporary preservation order, a separate statutory consent is required, under the National Monuments Acts, from the Minister for Culture, Heritage and the Gaeltacht. For information on whether national monuments are in the ownership or guardianship of the Minister for Culture, Heritage and the

Gaeltacht or a local authority or are the subject of preservation orders, contact the National Monuments Section, Department of Culture, Heritage and the Gaeltacht.

11. An Environmental Impact Assessment Report (EIAR) and the confirmation notice from the EIA portal are required to accompany a planning application for development of a class set out in Schedule 5 of the Planning and Development Regulations 2001-2018 which equals or exceeds, as the case may be, a limit, quantity or threshold set for that class of development. An EIAR and confirmation notice from the EIA portal will also be required by the planning authority in respect of sub-threshold development where the authority considers that the development would be likely to have significant effects on the environment (article 103).
12. An appropriate assessment of proposed developments is required in cases where it cannot be excluded that the proposed development would have a significant effect on a European site. It is the responsibility of the planning authority to screen proposed developments to determine whether an appropriate assessment is required and where the authority determines that an appropriate assessment is required, the authority will normally require the applicant to submit a Natura impact statement (NIS). Where the applicant considers that the proposed development is likely to have a significant effect on a European site it is open to him/her to submit a NIS with the planning application.
13. The appeal must be determined or withdrawn before another similar application can be made.
14. A formal pre-application consultation may only occur under Section 247 of the Planning and Development Act 2000. An applicant should contact his or her planning authority if he/she wishes to avail of a pre-application consultation. In the case of residential development to which Part V of the 2000 Act applies, applicants are advised to avail of the pre-application consultation facility in order to ensure that a Part V agreement in principle can be reached in advance of the planning application being submitted.
15. The list of approved newspapers, for the purpose of giving notice of intention to make a planning application, is available from the planning authority to which the application will be submitted.
16. All plans, drawings and maps submitted to the planning authority should be in accordance with the requirements of the Planning and Development Regulations 2001-2018.
17. The location of the site notice(s) should be shown on the site location map.
18. See Schedule 9 of the Planning and Development Regulations 2001. If a reduced fee is tendered, details of previous relevant payments and planning permissions should be given. If exemption from payment of fees is being claimed under article 157 of the 2001 Regulations, evidence to prove eligibility for exemption should be submitted.”.

SCHEDULE 6

“Form No. 6

Article 225

Application to An Bord Pleanála for substitute consent: site notice

**APPLICATION TO AN BORD PLEANÁLA FOR SUBSTITUTE
CONSENT**

SITE NOTICE

I,....., ¹ intend to apply for substitute consent for development at
this site.....

.....²

The development consists of.....

.....³

The application is accompanied by a remedial Environmental Impact
Assessment Report and remedial Natura impact statement [delete as
appropriate].

Submissions or observations may be made on the application, to An Bord
Pleanála, Marlborough Street, Dublin 1, without charge. Submissions or
observations must be in writing and made within the period of 5 weeks
beginning on the date of receipt of the application by An Bord Pleanála and
such submissions and observations will be considered by An Bord Pleanála in
making a decision on the application. An Bord Pleanála may grant the consent
subject to or without conditions, or may refuse to grant it. The application for
consent may be inspected, or purchased at a fee not exceeding the reasonable
cost of making a copy, at the offices of An Bord Pleanála, or the relevant
planning authority during its public opening hours.

Signed:⁴

Date of erection of site notice.⁵

Directions for completing this notice

1. The name of the applicant for substitute consent (and not his or her agent) should be inserted here.
2. The location, townland or postal address of the land or structure to which the application relates should be inserted here.
3. A brief description of the nature and extent of the development should be inserted here. The description shall include—
 - (a) where the application relates to development which consisted or comprised of the carrying out of works to a protected structure or proposed protected structure, an indication of that fact,
 - (b) where the application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact, or
 - (c) where an application relates to development consisting of the provision of, or modifications to an establishment within the meaning of Part 11 of these Regulations (Major Accident Directive), an indication of that fact.
4. Either the signature of the applicant or the signature and contact address of the person acting on behalf of the applicant should be inserted here.
5. The date that the notice is erected or fixed at the site should be inserted here.”.

SCHEDULE 7

*“Form No. 7**Article 227****Application to An Bord Pleanála for substitute consent*****APPLICATION TO AN BORD PLEANÁLA FOR SUBSTITUTE
CONSENT****BEFORE FILLING OUT THIS FORM PLEASE NOTE THE
FOLLOWING**

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information will lead to the invalidation of your application. Therefore please ensure that each section of this application form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to the application form.

ADDITIONAL INFORMATION

It should be noted that each planning authority has its own development plan, which sets out local development policies and objectives for its own area. The authority may therefore need supplementary information (i.e. other than that required in this form) in order to determine whether the application conforms with the development plan and may request this on a supplementary application form.

Failure to supply the supplementary information will not invalidate your planning application but may delay the decision-making process or lead to a refusal of permission. Therefore applicants should contact the relevant planning authority to determine what local policies and objectives would apply to the development proposed and whether additional information is required.

OTHER STATUTORY CODES

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements. Also any works causing the deterioration or destruction of the breeding and resting places of bats, otters, natterjack toads, Kerry slugs and certain marine animals constitute a criminal offence unless covered by a derogation licence issued by the Minister for Culture, Heritage and the Gaeltacht (pursuant to Article 16 of the Habitats Directive).

DATA PROTECTION

It is the responsibility of persons or entities wishing to use any personal data on a planning application form for direct marketing purposes to be satisfied that

they may do so legitimately under the requirements of the Data Protection Acts 1988 to 2018. The Office of the Data Protection Commissioner states that the sending of marketing material to individuals without consent may result in action by the Data Protection Commissioner against the sender including prosecution.

APPLICATION FORM

1. NAME OF RELEVANT PLANNING AUTHORITY:	

2. LOCATION OF DEVELOPMENT:	
<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	
<i>Ordnance Survey Map Ref No (and the Grid Reference where available)¹</i>	

3. APPLICANT²:	
<i>Name(s)</i>	
	Address to be supplied at the end of this form (Question 19)

4. WHERE APPLICANT IS A COMPANY (REGISTERED UNDER THE COMPANIES ACTS):	
<i>Name(s) of company director(s)</i>	
<i>Registered Address (of company)</i>	
<i>Company Registration number</i>	

5. PERSON/AGENT ACTING ON BEHALF OF THE APPLICANT (IF ANY):	
<i>Name</i>	
	Address to be supplied at the end of this form (Question 20)

6. PERSON RESPONSIBLE FOR PREPARATION OF DRAWINGS AND PLANS³:	
<i>Name</i>	
<i>Firm/Company</i>	

7. DESCRIPTION OF DEVELOPMENT:	
<i>Brief description of nature and extent of development⁴</i>	

8. LEGAL INTEREST OF APPLICANT IN THE LAND OR STRUCTURE:		
Please tick appropriate box.	<i>A. Owner</i>	<i>B. Occupier</i>
	<i>C. Other</i>	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		

9. SITE AREA:	
<i>Area of site to which the application relates in hectares</i>ha

10. WHERE THE APPLICATION RELATES TO A BUILDING OR BUILDINGS:	
<i>Gross floor space⁵ of existing building(s) in square metres</i>	
<i>Gross floor space of any demolition in square metres (if appropriate)</i>	

11. IN THE CASE OF MIXED DEVELOPMENT (E.G. RESIDENTIAL, COMMERCIAL, INDUSTRIAL, ETC), PLEASE PROVIDE BREAKDOWN OF THE DIFFERENT CLASSES OF DEVELOPMENT AND BREAKDOWN OF THE GROSS FLOOR AREA OF EACH CLASS OF DEVELOPMENT:	
<i>Class of Development</i>	<i>Gross floor area in square metres</i>

12. IN THE CASE OF RESIDENTIAL DEVELOPMENT PLEASE PROVIDE BREAKDOWN OF RESIDENTIAL MIX:							
<i>Number of</i>	Studio	1 Bed	2 Bed	3 Bed	4 Bed	4+ Bed	Total
<i>Houses</i>							
<i>Apartments</i>							
<i>Number of car-parking spaces to be provided</i>							Total:

13. DEVELOPMENT DETAILS:		
<i>Please tick appropriate box</i>	Yes	No
Does the development consist of work to a protected structure and/or its curtilage or proposed protected structure and/or its curtilage?		
Does the development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?		
Does the application relate to development which affects or is close to a monument or place recorded under section 12 of the National Monuments (Amendment) Act 1994 ⁶		

Does the application relate to work within or close to a European Site or a Natural Heritage Area?		
Does the development require the preparation of a remedial Environmental Impact Assessment Report?		
Does the development require the preparation of a remedial Natura impact statement?		
Does the application relate to a development which comprises or is for the purposes of an activity requiring an integrated pollution prevention and control licence?		
Does the application relate to a development which comprises or is for the purposes of an activity requiring a waste licence?		
Do the Major Accident Regulations apply to the development?		
Does the application relate to a development in a Strategic Development Zone?		
Does the development involve the demolition of any structure?		

14. SITE HISTORY:
<i>Details regarding site history (if known)</i>
Has the site in question ever, to your knowledge, been flooded? Yes [] No [] If yes, please give details e.g. year, extent. Are you aware of previous uses of the site e.g. dumping or quarrying? Yes [] No [] If yes, please give details:
<i>Are you aware of any valid planning applications previously made in respect of this land/structure?</i>
Yes [] No [] If yes, please state planning reference number(s) and the date(s) of receipt of the planning application(s) by the planning authority if known: Reference No.:..... Date:.....

15. SERVICES:
Source of Water Supply
Public Mains [] Group Water Scheme [] Private Well [] Other (please specify):..... Name of Group Water Scheme (where applicable):.....
Wastewater Management/Treatment
Public Sewer [] Conventional septic tank system [] Other on-site treatment system [] Please specify.....
Surface Water Disposal
Public Sewer/Drain [] Soakpit [] Watercourse [] Other [] Please specify.....

16. DETAILS OF PUBLIC NOTICE:	
<i>Approved newspaper⁷ in which notice was published</i>	
<i>Date of publication</i>	
<i>Date on which site notice was erected</i>	

17. APPLICATION FEE:	
Fee Payable	
Basis of Calculation	

18. DECLARATION:	
<i>I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the Planning & Development Act 2000, as amended, and the Regulations made thereunder.</i>	
Signed <i>(Applicant or Agent as appropriate)</i>	
<i>Date</i>	

CONTACT DETAILS — NOT TO BE PUBLISHED

19. APPLICANT ADDRESS/CONTACT DETAILS:	
<i>Address</i>	
<i>Email address</i>	
<i>Telephone number (optional)</i>	

20. AGENT'S (IF ANY) ADDRESS/CONTACT DETAILS:	
<i>Address</i>	
<i>Email address</i>	
<i>Telephone number (optional)</i>	
Should all correspondence be sent to the agent's address? Please tick appropriate box. (Please note that if the answer is 'No', all correspondence will be sent to the applicant's address)	
Yes [<input type="checkbox"/>] No [<input type="checkbox"/>]	

A contact address must be given, whether that of the applicant or that of the agent.

This form should be accompanied by the following documentation:

Please note that if the appropriate documentation is not included, your application will be deemed invalid.

ALL Applications

- The relevant page of newspaper that contains notice of your application
- A copy of the site notice
- 6 copies of site location map⁸
- 6 copies of site or layout plan as appropriate⁸
- 6 copies of plans and other particulars required to describe the works to which the development relates (include detailed drawings of floor plans, elevations and sections) as appropriate⁸
- The appropriate Fee

Where the disposal of wastewater for the development is other than to a public sewer:

- Information on the on-site treatment system and evidence as to the suitability of the site for the system.

Where the application refers to a protected structure/ proposed protected structure/ or the exterior of a structure which is located within an architectural conservation area (ACA):

- Photographs, plans and other particulars necessary to show how the development affects the character of the structure.

Where an application requires an Environmental Impact Assessment Report or a Natura Impact Statement:

- An Environmental Impact Assessment Report, and
- A copy of the confirmation notice received from the EIA portal in accordance with article 97B(2) of the permission regulations
- A Natura Impact Statement

Directions for completing this form

1. Grid reference in terms of the Irish Transverse Mercator.
2. 'The applicant' means the person seeking the consent, not an agent acting on his or her behalf.
3. Where the plans have been drawn up by a firm/company the name of the person primarily responsible for the preparation of the drawings and plans, on behalf of that firm/company, should be given.
4. A brief description of the nature and extent of the development, including reference to the number and height of buildings, protected structures, etc.
5. Gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building, that is, floor areas must be measured from inside the external wall.
6. The Record of Monuments and Places, under section 12 of the National Monuments Amendment Act 1994, is available, for each county, in the local authorities and public libraries in that county. Please note also that if the proposed development affects or is close to a national monument which, under the National Monuments Acts 1930 to 2004, is in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a local authority, or is the subject of a preservation order or a temporary preservation order, a separate statutory consent is required, under the National Monuments Acts, from the Minister for Culture, Heritage and the Gaeltacht. For information on whether national monuments are in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a local authority or are the subject of preservation orders, contact the National Monuments Section, Department of Culture, Heritage and the Gaeltacht.
7. A list of approved newspapers, for the purpose of giving notice of intention to make a planning application, is available from the planning authority.
8. All plans, drawings and maps submitted to the planning authority should be in accordance with the requirements of the Planning and Development Regulations 2001-2018.”.

SCHEDULE 8

“Form No. 8

Article 256

Site Notice for additional notice under Part 21

NAME OF PLANNING AUTHORITY

ADDITIONAL SITE NOTICE: PLANNING APPLICATION NOT DECIDED WITHIN YEAR OF PERIOD FOR MAKING A DECISION UNDER SECTION 34 OF PLANNING AND DEVELOPMENT ACT 2000

Planning Register Reference:.....

I,¹, have applied for permission/retention permission/outline permission/permission consequent on the grant of outline permission (Ref. No. of outline permission) for development at this site²

The development will consist/ consists of³

This application is accompanied by an Environmental Impact Assessment Report and/or a Natura impact statement

[delete as appropriate]

The planning authority has failed to decide the planning application within 1 year of the period for deciding the application under section 34 of the Planning and Development Act 2000 (as amended) and submissions or observations/further submissions or observations may now be made on the application, to the planning authority, without charge. Submissions or observations must be in writing and made within the period of 5 weeks beginning on the date of receipt by the authority of copies of the newspaper and site notices: such submissions will be considered by the planning authority in making a decision on the application.

The planning authority may grant the application subject to or without conditions, or may refuse to grant it.

The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours and a submission or observation in relation to the application may be made to the authority.

Signed:.....⁴

Date of erection of additional site notice:⁵

Directions for completing this notice

1. The name of the applicant for permission (and not his or her agent) should be inserted here.
2. The location, townland or postal address of the land or structure to which the application relates should be inserted here.
3. A brief description of the nature and extent of the development should be inserted here. The description should include—
 - a) where the application relates to development which consisted or comprised of the carrying out of works to a protected structure or proposed protected structure, an indication of that fact,
 - b) where the application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact, or
 - c) where an application relates to development consisting of the provision of, or modifications to an establishment within the meaning of Part 11 of these Regulations (Major Accident Directive), an indication of that fact.
4. Either the signature of the applicant or the signature and contact address of the person acting on behalf of the applicant should be inserted here.
5. The date that the notice is erected or fixed at the site should be inserted here.”.

SCHEDULE 9

“Form No. 11

Article 285

Form of request to An Bord Pleanála to enter into consultations in relation to a proposed strategic housing development¹

BEFORE FILLING OUT THIS FORM PLEASE NOTE THE FOLLOWING

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information, will lead to the Board refusing to deal with your request. Therefore, ensure that each section of this request form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to the request form.

DATA PROTECTION

It is the responsibility of persons or entities wishing to use any personal data on a planning application form for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 to 2018. The Office of the Data Protection Commissioner states that the sending of marketing material to individuals without consent may result in action by the Data Protection Commissioner against the sender including prosecution.

HOLDING OF PRE-APPLICATION CONSULTATIONS WITH THE BOARD

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area or areas the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2018 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Declaration

I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the requirements of the Planning and Development Act 2000 and Chapter 1 of Part 2 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and the Regulations made thereunder.

Signed (Prospective applicant or Agent as Appropriate):

.....

Date

1. Name of prospective applicant²:

[Contact details to be supplied in section 24 of this form.]

2. Where applicant is a company registered under the Companies Act

Registered address of company:
Company registration number:

[Contact details to be supplied in section 24 of this form.]

3. Name of person/agent (if any) acting on behalf of the prospective applicant:

[Contact details to be supplied in section 25 of this form.]

4. Person responsible for preparation of maps, plans and drawings³

Name:

Firm/Company:

[Contact details to be supplied in section 26 of this form.]

5. Planning authority⁴

(A) Name:

(B) Has a copy of the consultation request been sent to the planning authority?

Yes [] No [] [Place X in appropriate box]

6. Site of proposed strategic housing development

(A) Is a site location map⁵ enclosed with this application?

Yes [] No [] [Place X in appropriate box]

(B) State postal address or townland or location (as may best identify the site in question):

(C) State Ordnance Survey Map Reference Number (and the Grid Reference where available)⁶:

(D) State the site zoning in current Development Plan or Local Area Plan for the area:

(E) State the existing use of the site and proposed use of the site:

(F) State the site area to which the application relates, in hectares: ha

7. Prospective applicant's interest in the site, etc.

Place X in appropriate box to indicate prospective applicant's interest in the site:

Site owner []

Site owner has consented to the prospective applicant making an application for permission for a proposed strategic housing development in respect of the site: []

State the name and address of the site owner and supply a letter of consent to the prospective applicant making an application for permission for a proposed strategic housing development in respect of the site, signed by the site owner:

8. Site history

(A) Is the prospective applicant aware of the site ever having been flooded?

Yes [] No [] *[Place X in appropriate box]*

If the answer to question 8(A) is 'Yes', give details e.g. year, extent:

(B) Is the prospective applicant aware of previous uses of the site e.g. dumping or quarrying?

Yes [] No [] *[Place X in appropriate box]*

If the answer to question 8(B) is 'Yes', give details:

(C) Is the prospective applicant aware of any valid planning applications previously made in respect of the site?

Yes [] No [] *[Place X in appropriate box]*

If the answer to question 8(C) is 'Yes', complete the following table:

Reg. Ref. No.	Nature of Proposed Development	Nature of final decision on application: grant or refusal by planning authority or An Bord Pleanála

(D) Is the site of the proposal subject to a current appeal to An Bord Pleanála in respect of a similar development?

Yes [] No [] *[Place X in appropriate box]*

If the answer to question 8(D) is 'Yes', specify the Board's reference number for that appeal:

9. Characteristics of proposed strategic housing development:

- (A) Provide a brief description of the nature and extent of the proposed development, including—
- the proposed types and numbers of houses, student accommodation units, or both,
 - in the case of student accommodation units, the combined number of bedspaces, and any other uses to which those units may be put,
 - proposed services ancillary to the residential development, and
 - other proposed uses in the development of the land, the zoning of which facilitates such use:
- (B) Provide a brief description of possible effects of the proposed development on the environment, highlighting any aspect of the development likely to have significant effects on the environment or significant effects on a European site:

10. Draft layout plan of proposed strategic housing development

Is a draft layout plan⁷ enclosed with this request?

Yes [] No [] *[Place X in appropriate box]*

11. Prior consultations in respect of proposed strategic housing development

- (A) State date(s) of consultation(s) with the planning authority under section 247 of the Planning and Development Act 2000:
- (B) State names and posts of participants in the consultation(s) referred to in paragraph (A):
- (C) Summarise the outcome of the consultation(s) referred to in paragraph (A):
- (D) Provide the following information about any previous pre-application consultations with An Bord Pleanála in relation to the proposed development:
- (i) Date(s) of consultation(s):
 - (ii) An Bord Pleanála Reference No.:
- (E) Provide details of any other consultations the prospective applicant has had with authorities prescribed under sections 8(1)(b) and (c) of the Planning and Development (Housing) and Residential Tenancies Act 2016 or with the public:

12. Particulars of proposed strategic housing development

Describe briefly, attaching outline plans, where appropriate—

- (A) the proposed types of houses or student accommodation units, or both, as appropriate, and their design, including proposed internal gross floor spaces, housing density, plot ratio, site coverage, building heights, proposed layout and aspect,
- (B) public and private open space provision, landscaping, play facilities, pedestrian permeability, vehicular access and parking provision, where relevant,
- (C) the provision of services ancillary to the proposed residential development, including child care facilities and communal facilities and amenities, and the proposed gross floor space for each such service. Where it is not proposed to provide one childcare facility for each 75 houses in the proposed development, the request should be accompanied by a statement of the rationale for this,
- (D) other proposed uses in the development, the zoning of which facilitates such use, including the proposed gross floor space for each such use,
- (E) any proposals to address or, where relevant, integrate the proposed development with surrounding land uses,
- (F) any proposals to provide for services infrastructure, for services other than water, (including cabling such as broadband provision) and any phasing proposals,
- (G) proposals under Part V of the Planning and Development Act 2000, where relevant, and
- (H) details of protected structures, national monuments or other monuments included in the Record of Monuments and Places, where relevant

13. Statements enclosed with request

- (A) Is the request accompanied by a statement that, in the prospective applicant's opinion, the proposed strategic housing development is consistent with relevant guidelines issued by the Minister under section 28 of the Planning and Development Act 2000?

Yes [] No [] *[Place X in appropriate box]*

The statement should be accompanied by a list of the guidelines considered by the prospective applicant in making the statement.

- (B) Is the request accompanied by a statement that, in the prospective applicant's opinion, subject to Statement (C) where appropriate, the proposed strategic housing development is consistent with relevant objectives of the development plan or local area plan concerned?

Yes [] No [] *[Place X in appropriate box]*

The statement should be accompanied by a list of the principal plan objectives considered by the prospective applicant in making the statement.

- (C) In the case where the proposed strategic housing development would materially contravene a relevant objective of the development plan or local area plan, other than in relation to the zoning of the land, is the request accompanied by a statement of the objective concerned and why permission should, nonetheless, be granted for the development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000?

- (D) Is the request accompanied by a statement that, in the prospective applicant's opinion, the proposed strategic housing development is consistent with the relevant planning scheme for a strategic development zone made under section 169 of the Planning and Development Act 2000?

Yes [] No [] *[Place X in appropriate box]*

The statement should be accompanied by a list of the principal provisions of the planning scheme considered by the prospective applicant in making the statement

14. Proposed residential development

(A) Provide an indicative breakdown of the proposed residential content of the development, as follows:

Houses		
Unit Type	No. of Units	Gross floor space⁸ in m²
1-bed		
2-bed		
3-bed		
4-bed		
4+bed		
Total		

Apartments		
Unit Type	No. of Units	Gross floor space⁸ in m²
1-bed		
2-bed		
3-bed		
4-bed		
4+bed		
Total		

Student Accommodation			
Unit Type	No. of Units	No. of bed spaces	Gross floor space⁸ in m²
1-bed			
2-bed			
3-bed			
4-bed			
4+bed			
Total			

(B) State total number of residential units in proposed development:

(C) State cumulative gross floor space⁸ of residential units, **in m²**:

- (J) Does the proposed development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?
Yes [] No [] *[Place X in appropriate box]*
- (K) Does the proposed development affect, or is it close to, a national monument in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a local authority, or is it the subject of a preservation order or temporary preservation order under the National Monuments Acts 1930 to 2004?¹²
Yes [] No [] *[Place X in appropriate box]*
- (L) Is the proposed development in a Strategic Development Zone?
Yes [] No [] *[Place X in appropriate box]*
- (M) Do any statutory notices (e.g. Fire Safety, Enforcement, Dangerous Buildings, Derelict Sites, Building Control, etc.) apply to the site and/or any building thereon?
Yes [] No [] *[Place X in appropriate box]*
- (N) Do the Major Accident Regulations apply to the proposed development?
Yes [] No [] *[Place X in appropriate box]*

17. Where the proposed strategic housing development relates to existing building(s)/structure(s)—

- (A) State estimated gross floor space⁸ of any existing building(s)/structure(s), in m²:
- (B) State estimated gross floor space⁸ of any proposed demolition, in m²:
- (C) State estimated gross floor space⁸ of any building(s)/structure(s) to be retained, in m²:
- (D) State estimated gross floor space⁸ of proposed works (excluding gross floor space of any building(s)/structure(s) to be retained), in m²:

18. Social housing (Part V)

- (A) Does Part V of the Planning and Development Act 2000 apply to the proposed strategic housing development?¹³
Yes [] No [] *[Place X in appropriate box]*
- (B) If the answer to Question 18(A) is 'Yes', provide details as to how the applicant proposes to comply with section 96 of Part V of the Act including, for example—
- (i) details of such part or parts of the land for the proposed development or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning authority's functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and
 - (ii) details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions in Part V of the Act, and
 - (iii) a layout plan showing the location of proposed Part V units in the development.
- (C) If the answer to Question 18(A) is 'No' by virtue of section 96(13) of the Planning and Development Act 2000¹⁴, provide details indicating the basis on which section 96(13) is considered to apply to the proposed development

19. Water services

Where it is proposed to connect the strategic housing development to a public water or wastewater network, the request must be accompanied by evidence that Irish Water has confirmed that there is or will be sufficient water network treatment capacity to service the proposed development.

(A) Proposed source of water supply [tick as appropriate]:

Existing connection: []

New connection: []

Public mains: []

Group Water Scheme: []

Private well: []

Other (specify):

Where applicable, state name of Group Water Scheme:

(B) Proposed wastewater management/treatment:

Existing: []

New: []

Public Sewer: []

Conventional septic tank system: []

Other on-site treatment system (specify):

Where the disposal of wastewater for the proposed development is other than to a public sewer, provide information on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed:

(C) Proposed surface water disposal:

Public sewer/drain: []

Soakpit: []

Watercourse: []

Other (specify):

20. Traffic and transportation and associated infrastructure:

Submit a statement on how the proposed strategic housing development would address traffic and transportation issues, including road infrastructure, traffic generation, pedestrian and cyclist linkages and safety, public transport availability and capacity and, where applicable, issues regarding scoping of a Traffic/Transportation Impact Assessment.

Is the statement enclosed?

Yes [] No [] *[Place X in appropriate box]*

21. Other information that prospective applicant wishes to provide:

Is any other information, drawings or representations that the prospective applicant wishes to provide or make available enclosed with the request?

Yes [] No [] *[Place X in appropriate box]*

22. Maps, plans and drawings¹⁵

List in a schedule accompanying this request all maps, plans and drawings enclosed with the request, stating title, scale and number:

23. Request Fee

Is the required fee enclosed with the request:

Yes [] No [] *[Place X in appropriate box]*

CONTACT DETAILS — NOT TO BE PUBLISHED

24. Applicant

Address:

Telephone number:

Mobile number (if any):

E-mail address (if any):

Where the applicant is a company:

Name(s) of company director(s):

Contact name:

Telephone number:

E-mail address:

25. Person/agent (if any) acting on behalf of the applicant

Address:

Telephone number:

Mobile number (if any):

E-mail address (if any):

Should all correspondence be sent to the agent's address above?

Yes: [] No: []

[Please note that if the answer is 'No', all correspondence will be sent to the applicant's address]

26. Person responsible for preparation of maps, plans and drawings

Address:

Telephone number:

Mobile number (if any):

E-mail address (if any):

27. Contact for arranging entry on site, if required

Name:

Mobile number:

E-mail address:

Directions for completing request form

- 1 A prospective applicant must send 2 printed copies of the request to the Board, together with 3 copies of the request in a machine readable form on digital devices. A prospective applicant must send 6 printed copies of the request, together with one copy of the request in a machine readable form on a digital device, to the planning authority or each authority where the proposed strategic housing development would be situated in the area of more than one authority.
- 2 In this form, 'prospective applicant' means the person seeking the planning permission, not an agent acting on his or her behalf. Where there is more than one applicant, the details of all applicants should be inserted, as required, on the form.
- 3 Where the plans have been drawn up by a firm/company the name of the person primarily responsible for the preparation of the drawings and plans, on behalf of that firm/company, should be stated.
- 4 In this form, 'planning authority' means the planning authority in whose area the proposed strategic housing development would be situated. Where the proposed development would be situated in the area of more than one planning authority, the relevant details should be supplied separately in respect of each such authority.
- 5 The site location map shall be drawn to a scale (which shall be indicated thereon) of not less than 1:500, with the site boundary clearly delineated in red.
- 6 Where available, please provide the application site boundary, as shown in the submitted plans/drawings, as an ESRI shapefile in the Irish Transverse Mercator (ITM IRENET95) co-ordinate reference system. Alternatively, a CAD file in.dwg format, with all geometry referenced to ITM, may be provided.
- 7 The draft layout plan shall be drawn to a scale (which shall be indicated thereon) of not less than 1:500, shall show buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant tree stands and other features on, adjoining or in the vicinity of the land or structure to which the application relates.
- 8 Gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions), i.e. floor areas must be measured from inside the external wall, disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to the primary purpose of the building.
- 9 Insert proposed number of childcare spaces.

- 10 An Environmental Impact Assessment Report (EIAR) is required to accompany an application for permission for strategic housing development of a class set out in Schedule 5 of the Planning and Development Regulations 2001-2018 which equals or exceeds, as the case may be, a limit, quantity or threshold set for that class of development. An EIAR will be required in respect of sub-threshold strategic housing development where the Board considers that the proposed development would be likely to have significant effects on the environment. Under section 7(1)(a)(i)(I) of the Planning and Development (Housing) and Residential Tenancies Act 2016, a prospective applicant may, following the pre-application consultation meeting with the Board, request the Board to make an EIA screening determination in respect of a proposed strategic housing development.
- 11 An appropriate assessment (AA) is required to accompany an application for permission for strategic housing development in cases where it cannot be excluded that the proposed development would have a significant effect on a European site. Under section 7(1)(a)(i)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, a prospective applicant may, following the pre-application consultation meeting with the Board, request the Board to carry out an AA screening in respect of a proposed strategic housing development.

12 (a) National Monuments

A list of national monuments in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht is available for download from the National Monuments Service website (www.archaeology.ie) under *National Monuments in State Care*. A list of preservation orders is similarly available from this website (under *Monument Protection*). The relevant local authority should be contacted in relation to national monuments in its ownership or guardianship. If a proposed strategic housing development affects or is close to a national monument that is in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a local authority, or is the subject of a preservation order or a temporary preservation order, a separate statutory consent for the development is required from that Minister under the National Monuments Acts.

(b) Other Monuments

The Record of Monuments and Places (RMP), established under section 12 of the National Monuments (Amendment) Act 1994, is available for each county in the public libraries and principal local authority offices in that county. It is also available for download from the National Monuments Service website (www.archaeology.ie) under *Publications, Forms & Legislation*. If a proposed strategic housing development affects or is close to a monument listed in the RMP, there is a separate requirement to give two months advance notice of any proposed work to the Minister for Culture, Heritage and the Gaeltacht. No work may commence within the two month period except in the case of urgent necessity and with the consent of that Minister.

13 Part V of the Planning and Development Act 2000 applies where—

- the land is zoned for residential use or for a mixture of residential and other uses,
- there is an objective in the Development Plan for the area for a percentage of the land to be made available for social and/or affordable housing, and
- the proposed development is not exempt from Part V.

14 Under section 96(13) of the Planning and Development Act 2000, Part V does not apply to certain housing developments by approved voluntary housing bodies, certain conversions, the carrying out of works to an existing house or the development of houses under an agreement made under section 96 of the Act.

15 All maps, plans and drawings, should, insofar as possible, comply with articles 297 and 298 of the Planning and Development Regulations 2001 to 2018.”.

SCHEDULE 10

“Form No. 12

Article 292

Site notice of strategic housing development application to An Bord Pleanála

I,.....¹, intend to apply to An Bord Pleanála: (the Board) for permission for a strategic housing development at this site.....²

The development will consist of.....³

The application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, during public opening hours at the offices of An Bord Pleanála and....⁴. The application may also be inspected online at the following website set up by the applicant:....⁵.

A submission or observation in relation to the application may be made in writing to An Bord Pleanála, 64 Marlborough Street, Dublin 1, on payment of the prescribed fee of €20, within the period of 5 weeks beginning on the date of receipt by the Board of the application, and such submission or observations will be considered by the Board in making a decision on the application. The Board may grant permission subject to or without conditions, or may refuse to grant permission.

Signed:.....⁶

Date of erection of site notice:⁷

Directions for completing site notice

- 1 The name of the applicant for permission (and not his or her agent) should be inserted here.
- 2 The location, townland or postal address of the land or structure to which the application relates should be inserted here.
- 3 A description of the nature and extent of the proposed strategic housing development should be inserted here. The description should include—
 - (a) the types and number of proposed houses or student accommodation units, as the case may be,
 - (b) in the case of student accommodation units, the combined number of bedspaces, and any other uses to which those units may be put,
 - (c) proposed services ancillary to the residential development,
 - (d) other proposed uses in the development of the land, the zoning of which facilitates such use,
 - (e) where an environmental impact assessment report or Natura impact statement has been prepared in respect of the application, an indication of that fact,
 - (f) where the development includes the retention of a structure, the nature of the proposed use of the structure and, where appropriate, the period for which it is proposed to retain the structure,
 - (g) where the proposed development includes the carrying out of works to a protected structure or proposed protected structure, an indication of that fact,
 - (h) where the proposed development includes an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact, and
 - (i) where the proposed development includes the provision of, or modifications to an establishment within the meaning of Part 11 of these Regulations (Major Accidents Directive), an indication of that fact.
- 4 The name of the planning authority or authorities in whose functional area or areas the proposed development would be situated should be entered here.
- 5 The website at which the application and related documents can be inspected online should be specified here.
- 6 Either the signature of the applicant or the signature of the person acting on behalf of the applicant should be inserted here.
- 7 The date that the notice is erected or fixed at the site should be inserted here.”.

SCHEDULE 11

*“Form No. 13**Article 294***Newspaper notice of strategic housing development application to An Bord Pleanála**

I,.....¹, intend to apply to An Bord Pleanála (the Board) for permission for a strategic housing development at.....²

The development will consist of.....³

The application contains a statement setting out how the proposal will be consistent with [the]⁴ objectives of the relevant development plan or local area plan.

[INSERT WHERE RELEVANT:]⁵

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

[INSERT WHERE RELEVANT:]⁶

A[n] [environmental impact assessment report] [and a] [Natura impact statement] [has][have] been prepared in respect of the proposed development.

[INSERT WHERE RELEVANT:]⁵

The proposed development is likely to have significant effects on the environment of a Member State of the European Union or a state that is a party to the Transboundary Convention.

The application[, together with a[n] [environmental impact assessment report] [and a] [Natura impact statement,]]⁴ may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, during public opening hours at the offices of the Board and....⁷. The application may also be inspected online at the following website set up by the applicant:....⁸. Any person may, within the period of 5 weeks beginning on the date of receipt by the Board of the application and on payment of the prescribed fee of €....⁹, make a submission or observations in writing to An Bord Pleanála, 64 Marlborough Street, Dublin 1, relating to the implications of the proposed development, if carried out, for proper planning and sustainable development in the area or areas concerned, and the likely effects on the environment or the likely effects on a European site, as the case may be, of the proposed development, if carried out. Submissions or observations duly made will be considered by the Board in making a decision on the application.

The Board may grant permission for the strategic housing development as proposed or subject to such modifications as it specifies in its decision or may grant permission for the development in part only, with or without any other modifications it may specify in its decision, or may refuse to grant permission for the development. The Board may attach to a grant of permission such conditions as it considers appropriate.

A person may question the validity of a decision of the Board by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts (S.I. No. 15 of 1986), in accordance with sections 50 and 50A of the Planning and Development Act 2000 (No. 30 of 2000), as amended. Practical information on the review mechanism is available at the following link.....¹⁰.

Signed:¹¹

Date of erection of site notice:¹²

Directions for completing newspaper notice

- 1 The name of the applicant for permission (and not his or her agent) should be inserted here.
- 2 The location, townland or postal address of the land or structure to which the application relates should be inserted here.
- 3 A description of the nature and extent of the proposed strategic housing development should be inserted here. The description should include—
 - (a) the types and number of proposed houses or student accommodation units, as the case may be,
 - (b) in the case of student accommodation units, the combined number of bedspaces, and any other uses to which those units may be put,
 - (c) proposed services ancillary to the residential development,
 - (d) other proposed uses in the development of the land, the zoning of which facilitates such use,
 - (e) where an environmental impact assessment report or Natura impact statement has been prepared in respect of the application, an indication of that fact,
 - (f) where the proposed development includes the retention of a structure, the nature of the proposed use of the structure and, where appropriate, the period for which it is proposed to retain the structure,
 - (g) where the proposed development includes the carrying out of works to a protected structure or proposed protected structure, an indication of that fact,
 - (h) where the proposed development includes an activity requiring an integrated pollution control licence or a waste licence, an indication of that fact, and
 - (i) where the proposed development includes the provision of, or modifications to an establishment within the meaning of Part 11 of these Regulations (Major Accidents Directive), an indication of that fact.
- 4 Delete text in square brackets, where appropriate.
- 5 This statement must be included in the notice where relevant.
- 6 This statement, with appropriate deletions of text in square brackets, must be included in the notice where one or both of the report or statement concerned accompany the application.

- 7 The name of the planning authority or authorities in whose functional area or areas the proposed development would be situated should be entered here.
- 8 The website at which the application and related documents may be inspected online should be specified here.
- 9 Insert amount of fee.
- 10 Insert relevant link to Board's website here.
- 11 Either the signature of the applicant or the signature of the person acting on behalf of the applicant should be inserted here.
- 12 The date that the notice is erected or fixed at the site should be inserted here.”.

SCHEDULE 12

“Form No. 14

Article 297

Form of application to An Bord Pleanála in respect of proposed strategic housing development¹

BEFORE FILLING OUT THIS FORM PLEASE NOTE THE FOLLOWING

Failure to complete this form or attach the necessary documentation, or the submission of incorrect information or omission of required information, will lead to the Board refusing to deal with your application. Therefore, ensure that each section of this application form is fully completed and signed, entering n/a (not applicable) where appropriate, and that all necessary documentation is attached to the application form.

OTHER STATUTORY CODES

An applicant will not be entitled solely by reason of a planning permission to carry out the development. The applicant may need other statutory consents, depending on the type of development. For example, all new buildings, extensions and alterations to, and certain changes of use of existing buildings must comply with building regulations, which set out basic design and construction requirements.

DATA PROTECTION

It is the responsibility of persons or entities wishing to use any personal data on a planning application form for direct marketing purposes to be satisfied that they may do so legitimately under the requirements of the Data Protection Acts 1988 to 2018. The Office of the Data Protection Commissioner states that the sending of marketing material to individuals without consent may result in action by the Data Protection Commissioner against the sender, including prosecution.

Declaration

I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct and accurate and fully compliant with the requirements of the Planning and Development Act 2000 and Chapter 1 of Part 2 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and the Regulations made thereunder. In this regard, I also hereby declare that, to the best of my knowledge and belief, the copies of the application documents sent to the planning authority, prescribed bodies, etc., and displayed on any website under the applicant’s control are identical to the application documents being deposited with the Board.

Signed (Applicant or Agent as appropriate):

.....

Date:

1. Name of applicant²:

[Contact details to be supplied in section 23 of this form.]

2. Where applicant is a company registered under the Companies Act:

Registered address of company:

Company registration number:

[Contact details to be supplied in section 23 of this form.]

3. Name of person/agent (if any) acting on behalf of the applicant:

[Contact details to be supplied in section 24 of this form.]

4. Person responsible for preparation of maps, plans and drawings³

Name:

Firm/Company:

[Contact details to be supplied in section 25 of this form]

5. Name of planning authority⁴:**6. Site of proposed strategic housing development**

(A) Is a site location map enclosed with this application⁵?

Yes [] No [] *[Place X in appropriate box]*

(B) State postal address or townland or location (as may best identify the site in question):

(C) State Ordnance Survey Map Reference Number (and the Grid Reference where available)⁶:

(D) State the zoning objective of the site in the current Development Plan or Local Area Plan for the area:

(E) State the existing use(s) of the site and proposed use(s) of the site:

(F) State the site area to which the application relates, in hectares: ha.

7. Applicant's interest in the site, etc.

(A) Place X in appropriate box to indicate applicant's interest in the site:

Owner []

Site owner has consented to applicant making an application for permission for a proposed strategic housing development in respect of the site: []

Please state the name and address of the site owner and supply a letter of consent to the making by the applicant of an application for permission for a proposed strategic housing development in respect of the site, signed by the site owner:

(B) Does the applicant own or control adjoining, abutting or adjacent lands?

Yes [] No [] *[Place X in appropriate box]*

If the answer to question 7(B) is 'Yes', identify the lands and the nature of the control involved:

8. Site history

(A) Is the applicant aware of the site ever having been flooded?

Yes [] No [] *[Place X in appropriate box]*

If the answer to question 8(A) is 'Yes', give details e.g. year, extent:

(B) Is the applicant aware of previous uses of the site e.g. dumping or quarrying?

Yes [] No [] *[Place X in appropriate box]*

If the answer to question 8(B) is 'Yes', give details:

(C) Is the applicant aware of any valid planning applications previously made in respect of the site?

Yes [] No [] *[Place X in appropriate box]*

If the answer to question 8(C) is 'Yes', complete the following table:

Reg. Ref. No.	Nature of Proposed Development	Nature of final decision on application: grant or refusal by planning authority or An Bord Pleanála

Note that if an application for permission for strategic housing development or a planning application under section 34 of the Planning and Development Act 2000 has been made in respect of this site in the 6 months prior to the submission of this application, the site notice for the current application in respect of strategic housing development must be on a yellow background⁷

9. Description of proposed strategic housing development:

Provide a description of the nature and extent of the proposed development, including—

- (a) the proposed types and numbers of houses, student accommodation units, or both,
- (b) in the case of student accommodation units, the combined number of bedspaces, and any other uses to which those units may be put,
- (c) proposed services ancillary to the residential development,
- (d) other proposed uses in the development of the land, the zoning of which facilitates such use, and
- (e) where an environmental impact assessment report or Natura impact statement has been prepared in respect of the application, an indication of that fact

10. Pre-application consultations

- (A) Consultation with planning authority
State the date(s) (and planning authority reference number) of the consultation meeting(s) with the planning authority under section 247 of the Planning and Development Act 2000:
- Meeting date(s):
- Board reference number:
- (B) Consultation with An Bord Pleanála
State the date(s) (and Board reference number) of the pre-application consultation meeting(s) with the Board:
- Meeting date(s):
- Board reference number:
- (C) Any consultation with prescribed authorities or the public
Provide details of any other consultations the applicant had with authorities prescribed under paragraphs (b) and (c) of section 8(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 or with the public:

11. Application requirements

- (A) (i) Is a copy of the page from the newspaper containing the notice relating to the proposed strategic housing development enclosed with this application?
Yes [] No [] *[Place X in appropriate box]*
- (ii) If the answer to question 11(A)(i) is 'Yes', state name(s) of newspaper(s) and date(s) of publication:
- (B) (i) Is a copy of the site notice relating to the proposed development enclosed with this application?
Yes [] No [] *[Place X in appropriate box]*
- (ii) If the answer to question 11(B)(i) is 'Yes', state date on which the site notice was erected:
- (iii) Note that the location of the site notice(s) should be shown on the site location map enclosed with this application.
- (C) (i) Is an Environmental Impact Assessment Report (EIAR) required for the proposed development?⁸
Yes [] No [] *[Place X in appropriate box]*
- (ii) If the answer to question 11(C)(i) is 'Yes', are an EIAR and a copy of the confirmation notice received from the EIA portal in accordance with article 97B(2) of the permission regulations enclosed with this application?
Yes [] No [] *[Place X in appropriate box]*
- (D) Is the proposed development, in whole or in part, within or close to a European site or a Natural Heritage Area?
Yes [] No [] *[Place X in appropriate box]*
- (E) (i) Is a Natura Impact Statement (NIS) required for the proposed development?⁹
Yes [] No [] *[Place X in appropriate box]*
- (ii) If the answer to the question 11(E)(i) is 'Yes', is a NIS enclosed with this application?
Yes [] No [] *[Place X in appropriate box]*
- (F) Has a copy of this application, and any EIAR and/or NIS required, been sent to the planning authority, in both printed and electronic form?
Yes [] No [] *[Place X in appropriate box]*

- (G) (i) Has a copy of this application, and any EIAR and/or NIS required, together with a notice stating that submissions or observations may be made in writing to An Bord Pleanála during the period of 5 weeks from the receipt by the Board of the application, been sent to the relevant prescribed authorities, in both printed and electronic format¹⁰?
 Yes [] No [] N/A [] *[Place X in appropriate box]*
- (ii) If the answer to Question 11(G)(i) is 'Yes', list the prescribed authorities concerned:
- (iii) If the answer to Question 11(G)(i) is 'Yes', state the date on which the required documents and electronic copy were sent to the relevant prescribed authorities:
- (H) (i) Is the proposed development likely to have significant effects on the environment of a Member State of the European Union or a state that is a party to the Transboundary Convention?
 Yes [] No [] *[Place X in appropriate box]*
- (ii) If the answer to Question 11(H)(i) is 'Yes', has a copy of this application and the accompanying EIAR, together with a notice stating that submissions or observations may be made in writing to An Bord Pleanála during the period of 5 weeks from the receipt by the Board of the application, been sent to the relevant authority in the state or states concerned, in both printed and electronic format?
 Yes [] No [] *[Place X in appropriate box]*
- (iii) If the answer to Question 11(H)(ii) is 'Yes', list the state(s) and the prescribed authorities concerned:
- (iv) *If the answer to Question 11(H)(ii) is 'Yes', state the date on which the required documents and electronic copy were sent to the relevant prescribed authorities:*

12. Statements enclosed with application

Are the following statements enclosed with the application?

- (A) A statement that, in the prospective applicant's opinion, the proposed strategic housing development is consistent with relevant guidelines issued by the Minister under section 28 of the Planning and Development Act 2000.

Enclosed? Yes [] No [] *[Place X in appropriate box]*

The statement should be accompanied by a list of the guidelines considered by the prospective applicant in making the statement and proposals forming part of the application that demonstrate the consistency of the proposed development with the guidelines.

- (B) A statement setting out how the proposed strategic housing development will be consistent with the relevant objectives of the relevant development plan.

Enclosed? Yes [] No [] *[Place X in appropriate box]*

The statement should be accompanied by a list of each relevant development plan objective considered by the prospective applicant in making the statement and proposals forming part of the application that demonstrate the consistency of the proposed development with that objective.

- (C) Where applicable, a statement setting out how the proposed strategic housing development will be consistent with the relevant objectives of the local area plan.

Enclosed? Yes [] No [] N/A [] *[Place X in appropriate box]*

The statement should be accompanied by a list of each relevant local area plan objective considered by the prospective applicant in making the statement and any proposals forming part of the application that demonstrate the consistency of the proposed development with that objective.

(D) Where applicable, a statement that, in the applicant’s opinion, the proposed strategic housing development is consistent with the planning scheme for a strategic development zone.

Enclosed? Yes [] No [] N/A [] *[Place X in appropriate box]*

The statement should be accompanied by a list of the principal provisions of the planning scheme considered by the prospective applicant in making the statement.

(E) Where the Board notified the prospective applicant of its opinion that the documents enclosed with the request for pre-application consultations required further consideration and amendment in order to constitute a reasonable basis for an application for permission, a statement of any changes made to the proposals in consequence.

Enclosed? Yes [] No [] N/A [] *[Place X in appropriate box]*

(F) Where the Board notified the prospective applicant that specified additional information should be submitted with any application for permission, a statement that such information accompanies the application.

Enclosed? Yes [] No [] N/A [] *[Place X in appropriate box]*

13. Material contravention of development/local area plan

Where the proposed strategic housing development materially contravenes the relevant development plan or local area plan, other than in relation to the zoning of the land, is a statement enclosed with the application indicating the plan objective concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000?

Enclosed? *[Place X in appropriate box]*

Yes [] No [] N/A []

14. Proposed residential development

(A) Provide a breakdown of the proposed residential content of the development, as follows:

Houses		
Unit Type	No. of Units	Gross floor space ¹¹ in m ²
1-bed		
2-bed		
3-bed		
4-bed		
4+bed		
Total		

Apartments		
Unit Type	No. of Units	Gross floor space ¹¹ in m ²
1-bed		
2-bed		
3-bed		
4-bed		
4+bed		
Total		

Student Accommodation			
Unit Type	No. of Units	No. of bed spaces	Gross floor space¹¹ in m²
1-bed			
2-bed			
3-bed			
4-bed			
4+bed			
Total			

(B) State total number of residential units in proposed development:

(C) State cumulative gross floor space¹¹ of residential units, in m²:

15. Proposed ancillary and other uses in the proposed strategic housing development

(A) Provide details of the different classes of development proposed as ancillary to residential development and other uses on the land, the zoning of which facilitates such uses, as follows:

Class of development	Gross floor space¹¹ in m²
Childcare facilities (... ¹² No. of child care spaces)	

Where it is not proposed to provide one childcare facility for each 75 houses in the proposed development, the application should be accompanied by a statement of the rationale for this.

(B) State cumulative gross floor space¹¹ of ancillary and other development, in m²:

(C) State cumulative gross floor space¹¹ of residential units, ancillary and other uses, in m²:

(D) Express 14(C) as a percentage of 15(C): %

16. Strategic housing development details

(A) Are details of housing density, plot ratio, site coverage, building heights, proposed layout and aspect enclosed with the application?

Yes [] No [] *[Place X in appropriate box]*

(B) Are details of public and private open space provision, landscaping, play facilities, pedestrian permeability, vehicular access and parking provision, where relevant, enclosed with the application?

Yes [] No [] *[Place X in appropriate box]*

(C) Are details of any proposals to address or, where relevant, integrate the proposed development with surrounding land uses enclosed with the application?

Yes [] No [] *[Place X in appropriate box]*

(D) Are details of any proposals to provide for services infrastructure other than water, such as cabling (including broadband provision) and any phasing proposals enclosed with the application?

Yes [] No [] *[Place X in appropriate box]*

(E) (i) Does the proposed development include an activity requiring an integrated pollution control licence or a waste licence?

Yes [] No [] *[Place X in appropriate box]*

(ii) If the answer to Question 16(E)(i) is 'Yes', give details:

(F) (i) Does the proposed development involve the demolition of any structure (including a habitable house), in whole or in part?

Yes [] No [] *[Place X in appropriate box]*

(ii) If the answer to Question 16(F)(i) is 'Yes', enclose a brief explanation with this application:

(G) (i) Does the proposed development involve the demolition of a protected structure(s), in whole or in part?

Yes [] No [] *[Place X in appropriate box]*

(ii) If the answer to Question 16(G)(i) is 'Yes', an explanation as to the need for the demolition of a protected structure(s) should be enclosed with this application.

(H) (i) Does the proposed development consist of work to a protected structure and/or its curtilage or a proposed protected structure and/or its curtilage?

Yes [] No [] *[Place X in appropriate box]*

(ii) If the answer to Question 16(H)(i) is 'Yes', provide photographs, plans and other particulars necessary to show how the proposed development would affect the character of the structure.

(I) (i) Does the proposed development consist of work to the exterior of a structure which is located within an architectural conservation area (ACA)?

Yes [] No [] *[Place X in appropriate box]*

(ii) If the answer to Question 16(I)(i) is 'Yes', provide photographs, plans and other particulars necessary to show how the proposed development would affect the character of the structure.

- (J) (i) Does the proposed development affect, or is it close to, a national monument in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a local authority, or is it the subject of a preservation order or temporary preservation order under the National Monuments Acts 1930 to 2004?¹³
- Yes [] No [] *[Place X in appropriate box]*
- (ii) If the answer to Question 16(J)(i) is 'Yes', enclose a brief explanation with this application.
- (K) (i) Is the proposed development in a Strategic Development Zone?
- Yes [] No [] *[Place X in appropriate box]*
- (ii) If the answer to Question 16(K)(i) is 'Yes', enclose a statement of how the proposed development is consistent with the planning scheme for the Zone.
- (L) (i) Do any statutory notices (e.g. Fire Safety, Enforcement, Dangerous Buildings, Derelict Sites, Building Control, etc.) apply to the site and/or any building thereon?
- Yes [] No [] *[Place X in appropriate box]*
- (ii) If the answer to Question 16(L)(i) is 'Yes', give details:
- (M) Do the Major Accident Regulations apply to the proposed development?
- Yes [] No [] *[Place X in appropriate box]*
- (N) (i) Is information specified by the Board as necessary for inclusion in any application for permission for the proposed development, so included?
- Yes [] No [] *[Place X in appropriate box]*
- (ii) If the answer to Question 16(N)(i) is 'Yes', give details of the specified information accompanying the application:

17. Where application relates to existing building(s)/structure(s)—

- (A) State gross floor space¹¹ of any existing building(s)/structure(s), in m²:
- (B) State gross floor space¹¹ of any proposed demolition, in m²:
- (C) State gross floor space¹¹ of any building(s)/structure(s) to be retained, in m²:
- (D) State gross floor space¹¹ of proposed works (excluding gross floor space of any building(s)/structure(s) to be retained), in m²:

18. Where application relates to material change of use of land or structure—

- (A) State existing use of land or structure:
.....
- (B) Where the existing land or structure is not in use, state most recent authorised use of the land or structure:.....
- (C) State proposed use:
- (D) State nature and extent of any such proposed use:
.....
- (E) Plans, including a site or layout plan and drawings of floor plans, elevations and sections that comply with the requirements of articles 297 and 298 and other particulars required describing the works proposed, should be enclosed with this application.

19. Social housing (Part V)

- (A) Does Part V of the Planning and Development Act 2000 apply to the proposed strategic housing development?¹⁴
 Yes [] No [] *[Place X in appropriate box]*
- (B) If the answer to Question 18(A) is ‘Yes’, the following must be enclosed with the application form—
- (a) details as to how the applicant proposes to comply with section 96 of Part V of the Act including, for example—
 - (i) details of such part or parts of the land for the proposed development that is subject to the application for permission or is or are specified by the Part V agreement, or houses situated on such aforementioned land or elsewhere in the planning authority’s functional area proposed to be transferred to the planning authority, or details of houses situated on such aforementioned land or elsewhere in the planning authority’s functional area proposed to be leased to the planning authority, or details of any combination of the foregoing, and
 - (ii) details of the calculations and methodology for calculating values of land, site costs, normal construction and development costs and profit on those costs and other related costs such as an appropriate share of any common development works as required to comply with the provisions in Part V of the Act, and
 - (b) a layout plan showing the location of proposed Part V units in the proposed development.
- (C) If the answer to Question 18(A) is ‘No’ by virtue of section 96(13) of the Planning and Development Act 2000¹⁵, details must be enclosed with this application form indicating the basis on which section 96(13) is considered to apply to the proposed development.

20. Water services

Note:

Where it is proposed to connect the strategic housing development to a public water or wastewater network or both, the application must be accompanied by—

- (a) evidence that Irish Water has confirmed that there is or will be sufficient water network treatment capacity to service the development,
- (b) a statement of the applicant’s opinion that the proposals for water or wastewater infrastructure, or both, is consistent with all relevant design standards and codes of practice specified by Irish Water; and
- (c) an indication of timelines and phasing for water demand or wastewater collection requirements, or both, as appropriate.

A) Proposed source of water supply [tick as appropriate]:

- Existing connection: [] New connection: []
- Public mains: [] Group Water Scheme: []
- Private well: []
- Other (specify):
- Where applicable, state name of Group Water Scheme:
- _____

(B) Proposed wastewater management/treatment:

Existing: []

New: []

Public Sewer: []

Conventional septic tank system: []

Other on-site treatment system (specify):

Where the disposal of wastewater for the proposed development is other than to a public sewer, provide information on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed:

(C) Proposed surface water disposal:

Public sewer/drain: []

Soakpit: []

Watercourse: []

Other (specify):

(D) Irish Water

(i) Where the proposed development has the potential to impact on a public water supply source, irrespective of whether or not a connection to a water/wastewater network is required, this application must be accompanied by evidence of engagement with Irish Water and its outcome.

(ii) Where the proposed development will impact on the assets of Irish Water, this application must be accompanied by details of proposals to protect, etc., such assets

21. Traffic and transportation

(A) Is a Traffic/Transportation Impact Assessment included with the application, having regard to the relevant Development Plan, Local Area Plan requirements and the Traffic Management Guidelines [DoT/DoEHLG/DTO, 2003]?

Yes [] No [] *[Place X in appropriate box]*

(B) Is a Travel Plan included with the application, having regard to the relevant Development Plan/ Local Area Plan requirements?

Yes [] No [] *[Place X in appropriate box]*

(C) Is a Road Safety Audit included with the application, having regard to the relevant Development Plan/ Local Area Plan requirements?

Yes [] No [] *[Place X in appropriate box]*

22. Taking in charge

Is it intended that any part of the proposed strategic housing development will be taken in charge by the planning authority?

Yes [] No [] *[Place X in appropriate box]*

If the answer is 'Yes', please attach site plan clearly showing area(s) intended for taking in charge.

23. Maps, plans and drawings¹⁶

List in a schedule accompanying this application all maps, plans and drawings enclosed with the application, stating title, scale and number.

24. Application Fee

(A) State fee payable for application:

(B) Set out basis of calculation of fee:

(C) Is fee enclosed with application?

Yes [] No [] *[Place X in appropriate box]***CONTACT DETAILS — NOT TO BE PUBLISHED****25. Applicant**

Address:

Telephone number:

Mobile number (if any):

E-mail address (if any):

Where the applicant is a company:

Name(s) of company director(s):

Contact name:

Telephone number:

E-mail address:

26. Person/agent (if any) acting on behalf of the applicant

Address:

Telephone number:

Mobile number (if any):

E-mail address (if any):

Should all correspondence be sent to the agent's address above-

Yes: [] No: []

[Please note that if the answer is 'No', all correspondence will be sent to the applicant's address.]

27. Person responsible for preparation of maps, plans and drawings

Address:

Telephone number:

Mobile number (if any):

E-mail address (if any):

28. Contact for arranging entry on site, if required

Name:

Mobile number:

E-mail address:

Directions for completing application form

- 1 An applicant must send 2 printed copies of the request to the Board, together with 3 copies of the request in a machine readable form on digital devices. An applicant must send 6 printed copies of the request, together with one copy of the request in a machine readable form on a digital device, to the planning authority or each authority where the proposed strategic housing development would be situated in the area of more than one authority.
- 2 In this form, ‘applicant’ means the person seeking the planning permission, not an agent acting on his or her behalf. Where there is more than one applicant, the details of all applicants should be inserted, as required, on the form.
- 3 Where the plans have been drawn up by a firm/company, the name of the person primarily responsible for the preparation of the drawings and plans, on behalf of that firm/company, should be stated.
- 4 In this form, ‘planning authority’ means the planning authority in whose area the proposed strategic housing development would be situated. Where the proposed development would be situated in the area of more than one planning authority, the relevant details should be supplied separately in respect of each such authority.
- 5 The site location map shall be drawn to a scale (which shall be indicated thereon) of not less than 1:500, with the site boundary clearly delineated in red.
- 6 Where available, please provide the application site boundary, as shown in the submitted plans/drawings, as an ESRI shapefile in the Irish Transverse Mercator (ITM IRENET95) co-ordinate reference system. Alternatively, a CAD file in .dwg format, with all geometry referenced to ITM, may be provided.
- 7 See article 292(5) of the Planning and Development Regulations 2001, as amended.
- 8 An Environmental Impact Assessment Report (EIAR) is required to accompany an application for permission for strategic housing development of a class set out in Schedule 5 of the Planning and Development Regulations 2001-2018 which equals or exceeds, as the case may be, a limit, quantity or threshold set for that class of development. An EIAR will be required in respect of sub-threshold strategic housing development where the Board considers that the proposed development would be likely to have significant effects on the environment. Under section 7(1)(a)(i)(I) of the Planning and Development (Housing) and Residential Tenancies Act 2016, a prospective applicant may request the Board to make an EIA screening determination in respect of a proposed strategic housing development. Where an EIAR is being submitted with an application, it must be accompanied with a copy of the confirmation notice received from the EIA

portal in accordance with article 97B(2) of the permission regulations that certain information in respect of the EIAR has been entered onto the portal.

- 9 An appropriate assessment (AA) is required to accompany an application for permission for strategic housing development in cases where it cannot be excluded that the proposed development would have a significant effect on a European site. Under section 7(1)(a)(i)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, a prospective applicant may request the Board to carry out an AA screening in respect of a proposed strategic housing development.
- 10 See article 295 of the Planning and Development Regulations 2001, as amended.
- 11 Gross floor space means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions), i.e. floor areas must be measured from inside the external wall, disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to the primary purpose of the building.
- 12 Insert number of childcare spaces.
- 13 (a) National Monuments

A list of national monuments in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht is available for download from the National Monuments Service website (www.archaeology.ie) under *National Monuments in State Care*. A list of preservation orders is similarly available from this website (under *Monument Protection*). The relevant local authority should be contacted in relation to national monuments in its ownership or guardianship. If a proposed strategic housing development affects or is close to a national monument that is in the ownership or guardianship of the Minister for Culture, Heritage and the Gaeltacht or a local authority, or is the subject of a preservation order or a temporary preservation order, a separate statutory consent for the development is required from that Minister under the National Monuments Acts.

(b) Other Monuments

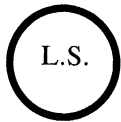
The Record of Monuments and Places (RMP), established under section 12 of the National Monuments (Amendment) Act 1994, is available for each county in the public libraries and principal local authority offices in that county. It is also available for download from the National Monuments Service website (www.archaeology.ie) under *Publications, Forms & Legislation*. If a proposed strategic housing development affects or is close to a monument listed in the RMP, there is a separate requirement to give two months advance notice of any proposed work to the Minister for Culture, Heritage and the Gaeltacht. No work may commence within the two month period except in the case of urgent necessity and with the consent of that Minister.

14 Part V of the Planning and Development Act 2000 applies where—

- the land is zoned for residential use or for a mixture of residential and other uses,
- there is an objective in the Development Plan for the area for a percentage of the land to be made available for social and/or affordable housing, and
- the proposed development is not exempt from Part V.

15 Under section 96(13) of the Planning and Development Act 2000, Part V does not apply to certain housing developments by approved voluntary housing bodies, certain conversions, the carrying out of works to an existing house or the development of houses under an agreement made under section 96 of the Act.

16 All maps, plans and drawings, should comply with articles 297 and 298 of the Planning and Development Regulations 2001 to 2018.”.



GIVEN under my Official Seal,
26 July 2018.

EOGHAN MURPHY,
Minister for Housing, Planning and Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations transpose into Irish law the provisions of Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment by amending the Planning and Development Act 2000, the Planning and Development (Housing) and Residential Tenancies Act 2016, the Planning and Development (Amendment) Act 2018 and the Planning and Development Regulations 2001.

The provisions of primary legislation affected are:

- Requests to planning authorities and referrals to An Bord Pleanála under section 5 of the 2000 Act concerning any question arising as to what, in any particular case, is or is not development or is or is not exempted development,
- Applications for permission to planning authorities for the development of land under section 34 of the 2000 Act,
- Appeals under section 37 of the 2000 Act to An Bord Pleanála against a decision of a planning authority under section 34 of the 2000 Act,
- Applications for permission to An Bord Pleanála for strategic infrastructure development under section 37E of the 2000 Act,
- Requests under section 146B of the 2000 Act to An Bord Pleanála to alter the terms of a strategic infrastructure development the subject of a planning permission, approval or other consent granted under the 2000 and 2016 Acts,
- Applications for approval to An Bord Pleanála for development by, on behalf of, or jointly or in partnership with, a local authority that is a planning authority under section 175 of the 2000 Act,
- Procedures to be followed under section 179 of the 2000 Act by a local authority that is a planning authority when carrying out development,
- Applications to planning authorities for screening determination for environmental impact assessment under section 176A of the 2000 Act,
- Applications to An Bord Pleanála under section 176C of the 2000 Act for reviews of screening determinations for environmental impact assessment given under section 176A of the 2000 Act,
- Applications to An Bord Pleanála for leave to apply for substitute consent under section 177C of the 2000 Act,

- Applications to An Bord Pleanála for substitute consent under section 177E of the 2000 Act,
- Applications to An Bord Pleanála under section 181(3) of the 2000 Act by a Minister for approval for a proposed development which is urgent in order to preserve, protect or improve the environment and in respect of which an environmental impact assessment is required,
- Applications to An Bord Pleanála for approval for a proposed development by a State authority under section 181A of the 2000 Act,
- Applications to An Bord Pleanála for approval for development comprising or for the purposes of electricity transmission under section 182A of the 2000 Act,
- Applications to An Bord Pleanála for approval to carry out a strategic gas infrastructure development under section 182C of the 2000 Act,
- Applications to An Bord Pleanála for approval for development by, on behalf of, or jointly or in partnership with, a local authority that is a planning authority under section 226 of the 2000 Act for approval for proposed development wholly or partly on the foreshore,
- Applications to An Bord Pleanála for permission for strategic housing development under section 4 of the 2016 Act, and
- Applications to An Bord Pleanála under section 7 of the 2016 Act for a determination in relation to a proposed strategic housing development as to whether it is likely to have significant effects on the environment.

Consequential and related amendments are made to the Planning and Development Regulations 2001.

The Regulations come into operation on 1 September 2018 except in relation to sections 176A, 176B and 176C of the 2000 Act (and certain related provisions). The provisions in relation to these sections come into operation on 1 January 2019.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
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