



STATUTORY INSTRUMENTS.

S.I. No. 184 of 2024



EUROPEAN UNION (TRANS-EUROPEAN TRANSPORT NETWORK
STREAMLINING) REGULATIONS 2024

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I, EAMON RYAN, Minister for Transport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving effect to Directive (EU) 2021/1187 of the European Parliament and of the Council of 7 July 2021¹, hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Trans-European Transport Network Streamlining) Regulations 2024.

Interpretation

2. (1) In these Regulations –

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

“authorising decision” means the decision or a set of decisions, which may be of an administrative nature, taken by the designated authority, not including administrative or judicial appeal authorities, that determine whether or not a project promoter is entitled to implement the project on the geographical area concerned in the State, without prejudice to any decision taken in the context of an administrative or judicial appeal procedure;

“Directive” means Directive (EU) 2021/1187 of the European Parliament and of the Council of 7 July 2021¹;

“designated authority” means An Bord Pleanála, being the point of contact for a project promoter to facilitate the efficient and structured process of permit-granting procedures in accordance with the Directive and these Regulations;

“permit-granting procedure” means any procedure that has to be followed related to an individual project falling within the scope of these Regulations in order to obtain the authorising decision including under —

- (a) a permission for development granted under Part III of the Act of 2000,
- (b) a railway order under Part III (as amended by section 49(b) of the Planning and Development (Strategic Infrastructure) Act 2006 and section 46(2) of the Dublin Transport Authority Act 2008) of the Transport (Railway Infrastructure) Act 2001, or
- (c) the approval of a proposed scheme or road development under Part IV (as amended by section 9 of the Roads Act 2007) of the Roads Act 1993, with the exception of urban or land use

¹ OJ L 258, 20.7.2021, p.1.

planning, of procedures related to the award of public procurements, and of steps undertaken at strategic level that do not refer to a specific project, such as national or regional transport plans;

“planning authority” has the meaning assigned to it in section 2 of the Act of 2000;

“project” means a proposal for the construction, adaptation or modification of a defined section of the transport infrastructure which aims to improve the capacity, safety and efficiency of that infrastructure and of which the implementation has to be approved by an authorising decision;

“project promoter” means the applicant for authorisation of the implementation of a project or the public authority which initiates a project.

(2) A word or expression that is used in these Regulations and is also used in the Directive has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive.

(3) In these Regulations, unless otherwise indicated, a reference to an Article is a reference to an Article of the Directive.

Scope

3. These Regulations apply to the permit-granting procedures required to authorise the implementation of projects referred to in Article 1(1) in so far as they relate to the State.

Priority status

4. (1) All authorities, including the designated authority, involved in the permit-granting procedure, excluding courts and tribunals, shall give priority to projects falling within the scope of the Directive or these Regulations.

(2) Where specific permit-granting procedures for priority projects exist all authorities shall, without prejudice to the objectives, requirements and time-limits of the Directive, or these Regulations, ensure that projects falling within the scope of the Directive or these Regulations are handled under those procedures. This shall not prevent authorities from testing specific permit-granting procedures on a limited number of projects, to evaluate their potential extension to other projects, without having to apply such procedures to projects falling within the scope of the Directive or these Regulations.

(3) This Regulation is without prejudice to any budgetary decisions.

Designated authority

5. (1) An Bord Pleanála is designated to act as the designated authority in the State for the purpose of the Directive and these Regulations.

(2) The designated authority shall –

(a) make the authorising decision,

- (b) verify that all the permits, decisions and opinions necessary for the adoption of the authorising decision have been obtained,
- (c) notify the authorising decision to the project promoter,
- (d) be the point of contact for information for the project promoter and for other relevant authorities involved in the procedure leading to the authorising decision for a given project,
- (e) provide the project promoter with the detailed application outline referred to in Article 6(4), including information on the indicative time-limits relating to the permit-granting procedures, in accordance with the four-year time-limit referred to in Regulation 6(1),
- (f) oversee the timeframe of the permit-granting procedure, and in particular record any extension of the time-limit referred to in Regulation 6(3), and
- (g) if requested, provide guidance to the project promoter concerning the submission of all relevant information and documents, including all the permits, decisions and opinions which have to be obtained and provided for the authorising decision.

(3) The designated authority may provide guidance to the project promoter as to what additional information or documents should be delivered in the event that the notification referred to in Regulation 7(1) has been rejected.

(4) Paragraph (1) is without prejudice to the competence of other authorities involved in the permit-granting procedure and to the possibility for the project promoter to contact the individual other authorities for the specific permits, decisions or opinions which form part of the authorising decision.

Duration of permit-granting procedure

6. (1) The designated authority shall provide for deadlines for the relevant permit-granting procedure which shall not exceed 4 years from the start of the permit-granting procedure. The designated authority may adopt necessary measures to break down the available period into different steps in accordance with European Union and Irish law.

(2) The four-year period referred to in paragraph (1) shall be without prejudice to obligations arising from international and European Union law and shall not include periods necessary to undertake administrative and judicial appeal procedures and to seek judicial remedies before a court or tribunal, as well as any periods necessary to implement any resulting decisions or remedies.

(3) The designated authority shall adopt the necessary measures to ensure that, in duly justified cases, an appropriate extension of the four-year period referred to in paragraph (1) may be granted. The duration of the extension shall be determined on a case-by-case basis, be duly justified and be limited to the purpose of completing the permit-granting procedure and delivering the authorising decision. When such an extension has been granted, the project

promoter shall be informed of the reasons for granting it. A further extension may be granted once, under the same conditions.

Organisation of permit-granting procedure

7. (1) The project promoter shall notify the project to the designated authority concerned. The notification of the project by the project promoter, shall serve as the start of the permit-granting procedure.

(2) To facilitate the assessment of the maturity of the project, the designated authority may define the level of detail of information and the relevant documents to be provided by the project promoter when notifying a project. If the project is not mature, the notification shall be rejected by a duly justified decision not later than 4 months after the receipt of the notification.

(3) The designated authority shall take the necessary measures to ensure that project promoters receive general information as a guide to notification, adapted, where relevant, to the mode of transport concerned, containing information about the permits, decisions and opinions that may be required for the implementation of a project.

That information shall —

- (a) for each permit, decision or opinion, include the following:
 - (i) general information about the material scope and the level of detail of the information to be submitted by the project promoter,
 - (ii) applicable time-limits or, if there are no such time-limits, indicative time-limits, and
 - (iii) details of the planning authorities and stakeholders normally involved in consultations linked to the different permits, decisions and opinions,
- and
- (b) be easily accessible to all relevant project promoters, in particular through electronic or physical information portals.

(4) The designated authority may establish, upon request by the project promoter, a detailed application outline comprising the information detailed in Article 6(4).

(5) The detailed application outline shall remain valid during the permit-granting procedure. Any amendment to the detailed application outline shall be duly justified.

(6) The designated authority may provide the project promoter, on request, with the information supplementing the elements referred to in Article 6(4).

(7) When the project promoter has submitted the complete project application file, the authorising decision shall be adopted within the time-limit referred to in Regulation 6(1).

(8) A planning authority involved in the permit-granting procedure shall notify An Bord Pleanála that the required permits, decisions, opinions, or the authorising decision, have been issued.

Transitional provisions

8. These Regulations shall not apply to projects for which the permit-granting procedures started before the making of these Regulations.

Reporting

9. An Bord Pleanála shall provide information to the European Commission, as referred to in Article 10, for the first time by 10 August 2026, and every 2 years after, concerning the number of permit-granting procedures falling within the scope of the Directive or these Regulations, the average length of the permit-granting procedures, and the number of permit-granting procedures exceeding the time-limit during the reporting period.



GIVEN under my Official Seal,
30 April, 2024.

EAMON RYAN,
Minister for Transport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The purpose of these Regulations is to transpose Directive (EU) 2021/1187 on streamlining measures for advancing the realisation of the trans-European transport network (TEN-T).

These Regulations designate An Bord Pleanála as the designated authority in the State.

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