S.I. No. 659 of 2006

EUROPEAN COMMUNITIES (ENVIRONMENTAL IMPACT ASSESSMENT) (AMENDMENT) REGULATIONS 2006


PART I

PRELIMINARY AND GENERAL

Citation. 1. These Regulations may be cited as the European Communities (Environmental Impact Assessment) (Amendment) Regulations 2006.

Commencement. 2. (1) Where a valid application for consent for development to which these Regulations refer is received by the planning authority before the date of coming into operation of these Regulations, the provisions of the appropriate enactment, shall continue to apply to said application (including any appeal that relates to that application) as if that enactment had not been amended.

(2) Subject to sub-article (1) where these Regulations provide for the amendment of an enactment, such amendment shall have effect on and from the coming into operation of these Regulations.
In this article, “application for consent for development” means -

(a) an application for planning permission under the Act, or

(b) an application for approval for a development to be carried out by or on behalf of a local authority or State authority to An Bord Pleanála under the Act.

Interpretation. 3. In these Regulations “the Act” means the Planning and Development Act 2000 (No. 30 of 2000) as amended.

PART II

AMENDMENT OF THE PLANNING AND DEVELOPMENT ACT 2000

Amendment of Section 172 of the Act.

4. The following paragraph is substituted for Section 172(3)(b) of the Act:

“(b) The Board shall, in granting an exemption under paragraph (a), -

(i) consider whether the effects, if any, of the proposed development on the environment should be assessed in some other form, and

(ii) make available to members of the public the information relating to the exemption decision referred to under paragraph (a), the reasons for granting such exemption and the information obtained under any other form of assessment referred to in subparagraph (i),
and the Board may apply such requirements regarding these matters in relation to the application for permission as it considers necessary or appropriate.”.

Amendment of Section 174 of the Act.

5. The following subsection is substituted for Section 174 (4) of the Act:

“(4) In any case where -

(a) notification has been received from another Member State of the European Communities or other party to the Transboundary Convention, in respect of any development, or

(b) a planning authority or a State authority requests, or in any other case where the Minister otherwise decides,

the Minister may request another Member State of the European Communities or other party to the Transboundary Convention to forward information in respect of any development which is subject to the Council Directive or Transboundary Convention and which is likely to have significant environmental effects in Ireland.”.

Amendment of Section 175 of the Act.

6.(1) The following clauses are inserted after clause (II) of Section 175(4)(a)(i):

“(III) it is notifying a Member State of the European Communities or any other party to the Transboundary Convention of its opinion that the proposed development to which the application for approval to An Bord Pleanála relates would be likely to have significant effects on the environment in that State,

(IV) the Board may give approval to the
application for development with or without conditions or may refuse the application for development.”.

6.(2) Section 175(8)(b) of the Act is substituted by the following paragraph:

“(b) The Board shall, in granting an exemption under paragraph (a), -

(i) consider whether the effects, if any, of the proposed development on the environment should be assessed in some other form, and

(ii) make available to members of the public the information relating to the exemption decision referred to under paragraph (a), the reasons for granting such exemption and the information obtained under any other form of assessment referred to in subparagraph (i),

and the Board may apply such requirements regarding these matters in relation to the application for approval as it considers necessary or appropriate.”.

GIVEN under the Official Seal of the Minister for the Environment, Heritage and Local Government this 19th day of December, 2006.

Dick Roche T.D.
Minister for the Environment, Heritage and Local Government
EXPLANATORY NOTE

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


These Regulations amend the provisions of the Planning and Development Act 2000 and the Planning and Development Regulations 2001 by providing for revised procedures to enhance public participation in the environmental impact assessment of projects having transboundary environmental impacts.