

STATUTORY INSTRUMENTS

S.I. No. of 2014

**EUROPEAN UNION (ENVIRONMENTAL IMPACT ASSESSMENT) (PLANNING
AND DEVELOPMENT) REGULATIONS 2014**

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I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive No. 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, hereby make the following regulations:

1. These regulations may be cited as the European Union (Environmental Impact Assessment) (Planning and Development) Regulations 2014.

Amendment of the Planning and Development Act 2000 (No. 30 of 2000)

2. Section 172(1) of the Planning and Development Act 2000 (No. 30 of 2000)(amended by section 54 of the Planning and Development (Amendment) Act 2010 (No. 30 of 2010) and by the European Union (Environmental Impact Assessment and Habitats) Regulations 2011, S. I. No. 473 of 2011) is amended by the substitution of the following paragraphs for paragraphs (a) and (b):

“(a) proposed development where environmental impact assessment is mandatory under Part 10 and Schedule 5 of the Planning and Development Regulations 2001, and

(b) proposed development where environmental impact assessment is not mandatory by virtue of the fact that the development does not exceed a quantity area or other limit specified in Schedule 5 of the Planning and Development Regulations 2001, but the planning authority or the Board determines that the development would be likely to have significant effects on the environment.”

Amendment of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001)

3. Schedule 5, Part 2 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) is amended by the substitution of the following for paragraph 2(e):

“(e) Deep drilling as follows:

- (i) geothermal drilling, with the exception of drilling for investigating the stability of the soil;
- (ii) drilling for the storage of nuclear waste material, with the exception of drilling for investigating the stability of the soil;

¹ OJ No. L 26, 28.1.2012, p.1

- (iii) drilling for water supplies, where the expected supply would exceed 2 million cubic metres per annum, with the exception of drilling for investigating the stability of the soil;
- (iv) all other deep drilling, with the exception of drillings for investigating the stability of the soil, except -
 - (I) where the drilling does not exceed any threshold provided for by law, having regard to the criteria set out in Schedule 7, or
 - (II) where no threshold is so provided for, the competent authority, within the meaning of the Environmental Impact Assessment Directive, determines, having regard to the criteria set out in Schedule 7, that the drilling concerned would not have a significant effect on the environment.”

Amendment of the Foreshore Act 1933 (No. 12 of 1933)

4. Section 13A(1)(b) of the Foreshore Act 1933 (No. 12 of 1933) (inserted by Article 13(c) of the European Communities (Environmental Impact Assessment) Regulations 1989, (S.I. No. 349 of 1989) and amended by Article 3(c) of the European Communities (Environmental Impact Assessment)(Foreshore) Regulations 2012, (S.I. No. 433 of 2012)) is amended by the substitution of the following for paragraphs (i) and (ii):

“(i) development where environmental impact assessment is mandatory in accordance with regulations under section 176 of the Act of 2000, or

(ii) development where environmental impact assessment is not mandatory by virtue of the fact that the development does not exceed a quantity, area or other limit specified in regulations under section 176 of the Act of 2000, but the appropriate Minister determines that the development would be likely to have significant effects on the environment”.

GIVEN under my Official Seal,

2014.

Phil Hogan,
Minister for the Environment, Community
and Local Government.

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 give further effect in Irish law to Annexes 1 and II of Directive No. 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.

These primary purpose of the Regulations is to amend Schedule 5, Part 2 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) to include all deep drilling within the scope of the Annex. This Schedule sets out the development/activities that require environmental impact assessment in relation to consents under both the Planning and Development Act 2000 and the Foreshore Act 1933. The Regulations also amend the Planning and Development Act 2000, the Planning and Development Regulations 2001 and the Foreshore Act 1933 to clarify requirements in relation to environmental impact assessment.