To: Directors of Planning Services, City and County Councils  
Senior Planners, City and County Councils  
An Bord Pleanála  
Cc: Chief Executives, City and County Councils  
Directors of Regional Assemblies

Circular Letter: PL 05/2018

27th August 2018

Transposition into Planning Law of Directive 2014/52/EU amending Directive 2011/92/EU on the effects of certain public and private projects on the environment (the EIA Directive) and

Revised Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment

I have been asked by Mr. Eoghan Murphy, T.D., Minister for Housing, Planning and Local Government, to forward copies of the:

- European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018), and

The new Regulations transpose the requirements of Directive 2014/52/EU, amending previous Directive 2011/52/EU, on the assessment of the effects of certain public and private projects on the environment (the EIA Directive) into planning law with effect from 1 September 2018. The associated revised Guidelines are issued under section 28 of the Planning and Development Act 2000, as amended, replacing the Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment issued by the Department in March 2013, and accordingly planning authorities and An Bord Pleanála are required to have regard to the revised guidelines in the performance of their planning functions.

1 The commencement date for the amendment to all existing EIA requirements is 1 September 2018. A separate commencement date of 1 January 2019 is provided for the introduction of applications for screening for EIA in advance of making a planning application under sections 176A to 176C of the 2000 Act as provided for in the Planning and Development (Housing) and Residential Tenancies Act 2016 (not commenced to date). The provisions in the 2016 Act have been repealed and replaced with similar provisions transposing the requirements of Directive 2014/52/EU. A further circular letter will issue in advance of the commencement of sections 176A to 176C of the 2000 Act.
Planning authorities and An Bord Pleanála have previously been advised (by way of Circular Letter PL 1/2017 of 15 May 2017) to consider applying the requirements of Directive 2014/52/EU by way of administrative provisions in advance of its transposition into Irish law. Preparatory notice was also issued in Circular Letter PL 8/2017 of anticipated electronic notification requirements arising from the requirements of Directive 2014/52/EU.

**NEW REQUIREMENTS ARISING FROM DIRECTIVE 2014/52/EU**

Key amendments arising from Directive 2014/52/EU include the following:

- **Reduced administrative burdens**, through the use of joint or coordinated procedures when Appropriate Assessment is required; this has been a feature of EIA requirements in planning law to date and will not require significant adjustment to current practices.

- **Broadening of environmental factors** to be considered in the assessment – population and human health, resource efficiency, climate change, biodiversity and disaster prevention; these are discussed in detail in the new *Guidelines*.

- **Strengthened screening procedures** to determine whether EIA is required in respect of development consent proposals. In this regard, there are new requirements on the information to be provided by the developer to the competent authority for the purposes of a screening determination (Annex IIA of the Directive), and expanded selection criteria to be used by the competent authority in making a screening determination (Annex III). Where a structured screening determination on the foregoing basis is not required, it will be necessary, in the case of each planning application or appeal, for the competent authority to conclude, based on a preliminary examination, that there is no real likelihood of significant effects on the environment arising from the proposed development.

- **The information to be contained in the re-titled Environmental Impact Assessment Report (EIAR)** is set out in Article 5(1)(a) to (e) of the amended Directive. Annex IV, which is expanded, identifies additional information to be included in the EIAR where relevant to the specific project and the environmental features likely to be affected.

- **There is a requirement for the developer to employ/engage competent experts** prepare the EIAR and for the competent authority to have, or have access to, sufficient expertise to examine the EIAR.

- **Decisions of the competent authority must include the reasoned conclusion on the significant effects of the project on the environment.**

- **There are enhanced requirements for public access to information**, including by electronic means.

There are requirements to put arrangements in place to avoid, prevent or reduce and, if possible, offset significant adverse effects on the environment, including monitoring of these, where appropriate.

**CHANGES TO PLANNING LEGISLATION NECESSITATED BY THE TRANSPPOSITION OF DIRECTIVE 2014/52/EU**

The European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) – which were signed into law by the Minister under powers conferred by
section 3 of the European Communities Act 1972 for the purpose of transposing EU legislation and which thereby enable the making of necessary amendments to both primary and secondary legislation for this purpose – (comprising 200 pages, 99 articles, new Schedules and changes to existing Schedules) make significant changes to the planning code, specifically the following legislation:

- the Planning and Development Act 2000 (‘2000 Act’),
- the Planning and Development (Housing) and Residential Tenancies Act 2016 (‘2016 Act’), and
- the Planning and Development Regulations 2001 (‘2001 Regulations’).

Insofar as planning authorities are concerned, the following key changes to existing legal requirements (listed sequentially as they appear in the new SI 296/2018) should be noted. In all cases, the legal provision must be consulted for full information. There are similar provisions in relation to other development consent procedures provided for in planning law, mainly of relevance to applications, etc., made to An Bord Pleanála.

**Article 2 of the 2018 Regulations**: The new Regulations transposing Directive 2014/52/EC come into effect on 1 September 2018 in respect of development consent applications requiring EIA made on or after that date (save for specific provisions referred to below which come into effect on 1 January 2019).

**Article 3 of the 2018 Regulations**: The following categories of applications fall to be dealt with under the pre-existing Directive 2011/92/EU, before amendment by Directive 2014/52/EU:

- EIA screening determinations initiated before 16 May 2017,
- EIA scoping requests made before 16 May 2017, and
- planning applications accompanied by an EIS (environmental impact statement) made before 16 May 2017

**Amendments to the 2000 Act**

**Section 2**: Definitions, including of the EIA Directive, EIAR, EIA Portal and of the Confirmation Notice to be issued following the uploading of information from the applicant to the Portal.

**Section 5**: In the case of a section 5 referral to a planning authority on whether a proposed development requires development consent or is exempted development, the planning authority is required to comply with the screening requirements of Directive 2014/52/EU. Included are provisions for extension of time for deciding referrals in exceptional cases, specification as to whether development or proposed development requires EIA, making public the documents relating to the decision for a minimum of 8 weeks (this period is related to the permitted time for making applications for judicial review under section 50). The detailed procedures to be followed in relation to complying with the screening requirements of Directive 2014/52/EU in the case of a section 5 referral are set out in a new Chapter 6 of Part 10 of the 2001 Regulations (articles 132B to 132L, dealt with below).

**Section 34**: Allows 8 weeks for a decision on a planning application requiring EIA following receipt of further information; a requirement to state why conditions attached to a permission vary from those recommended by the planner; a requirement that the planning authority state that it is satisfied that the reasoned conclusions are up to date on the date of the planning decision; a requirement that the decision includes a summary of the consultation process on the application, including comments received from a Transboundary State, and states how these have been incorporated or addressed.
**Section 38:** Setting out the requirements for electronic publication of the file in the case of a planning application involving EIA. All documents referred to in section 38(1) are required to be made available on the planning authority’s website, and to be left there in perpetuity (this latter requirement arises in light of the ongoing monitoring now required in EIA cases).

**Section 171A:** The definition of EIA has been replaced to conform to the process set out in the new Directive 2014/52/EU. The environmental factors which must be addressed are also identified.

**Section 172:** Requirement that a developer submit an EIAR prepared by competent experts (new subsection 1B); assessment by the planning authority as to whether the EIAR is adequate and power to request further information to ensure that it is (new subsection 1D); mandatory coordination of EIA and Appropriate Assessment, where both arise (new subsection 1GA); requirement that the planning authority have, or have access to, sufficient expertise to examine the EIAR (new subsection 1H); requirement that a planning authority attach conditions to address significant effects on the environment, identify features and measures to address significant effects, and include monitoring conditions relevant to the project (including the possibility of using existing monitoring arrangements) (new subsection 1I).

**Sections 172A to 172C:** Management of the EIA Portal; requirement that an applicant notifies the Portal before submitting a planning application requiring EIA; requirements that the Minister must fulfil in relation to information received for inclusion on the Portal; requirement that the Portal Confirmation Notice must be submitted to the planning authority as part of the planning application documents in order for the application to be considered.

**Section 173:** Provision for scoping the content of a proposed EIAR by a planning authority prior to the making of a planning application taking account of specific information provided by the applicant; the EIAR must in due course be in line with the scoping opinion of the planning authority and include the necessary information to enable the EIA to be carried out.

**Section 175:** Extends the time for the consideration by An Bord Pleanála of a local authority own development EIA case to 5 weeks upon receipt of further information from the local authority; amendment of the circumstances in which the Board can exempt from EIA a proposed local authority development otherwise subject to EIA.

**Sections 176A to 176C** (Application for EIA screening prior to making a planning application): To be addressed in a further Circular Letter prior to commencement of these provisions on 1 January 2019.

**Section 179:** Requirement on the local authority chief executive, in the case of a proposed development by a local authority where the Board has screened out EIA, to include the Board’s screening determination in his or her report to the council and specify in the report any features or measures envisaged to avoid or prevent significant adverse environmental effects of the proposed development.

**Amendments to the 2001 Regulations**

**Article 22:** Mandatory submission of the Confirmation Notice from the EIA Portal with a planning application involving EIA; making it a requirement that where the planning application is to be submitted electronically, it must be electronically searchable.

**Article 26:** Once the EIA related planning application has been accepted as valid by a planning authority, submission to the EIA Portal by the planning authority of the register reference number as well as the URL to the planning application documents placed on the planning authority’s website.
Article 27: Requirement for the weekly planning list to be displayed for public inspection on the planning authority’s website.

Article 31: Where a screening determination is that EIA is not required, and the applicant has described features and/or measures to address significant environmental effects, the inclusion of information on these in the planning decision and associated conditions, as appropriate, to ensure their implementation.

Article 33: Extension of the saver in relation to requests for further information to include a request for the information specified in new Schedule 7A to enable an EIA screening determination to be made.

Article 35: 5 weeks to be allowed for submissions or observations to be made to a planning authority following the receipt of further information in an EIA related planning application.

Article 68A: Inclusion by a planning authority of the URL relating to an EIA related planning appeal, as notified by the Board, with the documents held by the planning authority (including on its website) in relation to the original planning application.

Article 69: Provision by a planning authority of the URL relating to the appeal on the Board’s website to persons who made submissions or observations on the original planning application.

Articles 81 to 83: Inclusion with the notices of proposed development by a local authority, and keeping with the public file, of the conclusions of the preliminary examination or screening determination (that an EIA is not required) and any features and/or measures to address significant environmental effects.

Article 94: Revision of the requirements for an EIAR to conform with the requirements of Directive 2014/52/EU, including the requirements of revised Schedule 6 to the 2001 Regulations, a reference list of the sources used in its compilation, and information on the competence of the experts who compiled the EIAR.

Article 97: The EIAR must be searchable by electronic means as far as practicable.

Article 97A: Lists the information to be provided by the applicant to the EIA Portal.

Article 97C: Requirement that the Minister upload onto the EIA Portal the URL to the planning file when received from the planning authority.

Article 103: Requirements in relation to submitting an EIAR with a sub-threshold planning application –

- requirement that the planning authority, on receipt of a planning application, carry out a preliminary examination of at least, the nature, size or location of the development, and if there is no real likelihood of significant effects on the environment, conclude an EIA is not required;
- where it is considered that there is a real likelihood of such effects, to require an EIAR to be submitted, and where there is significant and realistic doubt as to the likelihood of such effects,
to require the submission of the information necessary to enable a screening determination to be made (set out in new Schedule 7A) (see sub-article 1);
- requirements in relation to additional information to be submitted by the applicant accompanying the information required in new Schedule 7A to the 2001 Regulations (including information available from other assessments) and optional information on features and/or measures to address significant environmental effects on the environment (sub-article 1A);
- carrying out a screening determination and determining that an EIA is or is not required (sub-article 1B);
- notification of the screening determination within 8 weeks of the availability of the information in new Schedule 7A, subject to an extension of time in exceptional circumstances (sub-article 1C);
- specification of the criteria to which regard must be had in making a screening determination, and keeping the main reasons and considerations for the screening determination with the planning file (sub-article 3);
- where the applicant has provided information on features and/or measures to address significant environmental effects on the environment and the screening determination is that no EIA is required, the specification of these in the determination (sub-article 3A);
- the disapplication of the provisions of this article if a screening determination has been made under section 176A of the 2000 Act (to commence with effect from 1 January 2019) (sub-article 5).

Article 106: The identification in the weekly planning list of conclusions on preliminary examination in relation to environmental effects, or EIA screening determinations, in respect of planning applications for sub-threshold development.

Article 117: Where a local authority has received a scoping opinion from An Bord Pleanála, the subsequent EIAR must 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.

Article 118: The EIAR submitted by a local authority to An Bord Pleanála in respect of a proposed local authority development shall be electronically searchable, and the local authority must attach a copy of the Confirmation Notice from the EIA Portal with its application.

Article 120: Essentially the same obligations as outlined in article 103 above are placed on the local authority in carrying out its own preliminary examination, and if necessary its screening determination, in respect of its own development proposals subject to section 179 of the 2000 Act, and similarly on the Board upon application for a screening determination by any person within 4 weeks of publication by the local authority of its intention to carry out a proposed development. There is also a requirement in relation to publication of the local authority’s conclusion on preliminary examination of environmental effects, or its EIA screening determination, in relation to a proposed development on its website.

Article 132: On receipt of notice from another State of an EIA case with potential significant transboundary environmental effects, the planning authority must include in any newspaper notice the URL (if known) to the file on the website of the competent authority in that State, and allow at least 30 days for the making of submissions or observations on the proposed development.

Articles 132B to 132L deal with the procedures for complying with the screening requirements of Directive 2014/52/EU in relation to referrals under section 5 of the 2000 Act.
Article 132C: Provides for a planning authority or the Board, as the case may be, to carry out a preliminary examination of at least the nature, size and location of the relevant development, and if there is no real likelihood of significant effects on the environment, to conclude that an EIA is not required; where there is a real likelihood of such effects, to declare that an EIA is required, and where there is significant and realistic doubt as to the likelihood of such effects, to require the submission of the information necessary (set out in new Schedule 7A) to enable a screening determination to be made.

Article 132D: 4 week time limit is set for the submission of Schedule 7A information.

Article 132E: If he or she is not the person who made the request, notification to be sent to the landowner/occupier, including an invitation to submit information, if desired, on features and/or measures to address significant environmental effects on the environment of the proposed development, within 3 weeks.

Article 132F: Mandatory and optional requirements in relation to the submission of relevant additional information to accompany Schedule 7A information.

Article 132G: Sets out the screening determination requirements in receipt of Schedule 7A information, and a determination that EIA is required or not required.

Article 132H: 8 week time limit set for the making of an EIA screening determination by the planning authority or the Board, subject to extension in exceptional circumstances.

Article 132I: Matters to which regard must be had when making an EIA screening determination, and the content of the determination.

Article 132J: Reference to the features and/or measures to address significant effects on the environment of the relevant development, if provided by the landowner/occupier, in the determination.

Article 132K: Publication of the EIA screening determination (in a newspaper or on the planning authority’s website), including reference to the option for judicial review, the time limit for this (8 weeks under section 50 of the 2000 Act) and identifying where practical information on the mechanism for questioning the validity of a screening determination by way of judicial review may be found.

Schedule 6 to the 2001 Regulations: This replaces the existing Schedule 6, setting out the updated requirements in relation to the information to be contained in the EIAR (see article 97 of the transposing Regulations (S.I. No. 296 of 2018)).

Schedule 7 to the 2001 Regulations: This replaces the existing Schedule 7, setting out the updated criteria for determining whether sub-threshold development should be subject to EIA(see article 97 of the transposing Regulations).

Schedule 7A to the 2001 Regulations: This is new and sets out the information to be provided by the applicant where an EIA screening determination is required for sub-threshold development (see article 97 of the transposing Regulations).

Schedules 4, 5 and 8 to the 2018 Regulations: These update the site notices and the planning application form to reflect the changes arising from the transposition of Directive 2014/52/EU.
EIA Portal

The text below and in the attached Appendix 1 replaces and updates the text in Circular Letter PL 8/2017 in relation to the ‘Central’ Portal (now renamed as the ‘EIA Portal’).

A publicly accessible EIA portal has been provided by the Department of Housing, Planning and Local Government and can be accessed here. It may also be accessed from the Planning page on the Department’s website. The EIA portal is an additional tool to inform the public, in a timely manner, of all EIA applications made countrywide and offshore across all legislative codes, and provides a URL link to the relevant competent authority(s) website where detailed information pertaining to the application is to be found.

In this regard, it should be clear that the portal will not be a replacement or alternative source of information to the website(s) of the competent authority(ies) website. It contains only the information necessary to function as a single national access point to the detailed information held on the relevant competent authority’s website. The requirements to inform the public in a timely manner, and to make relevant information electronically accessible to the public in all EIA related planning applications is the responsibility of the relevant competent authority(ies) and should be met by the publication of all relevant information on the website(s) of the competent authority(ies). In EIA-related cases, the applicant is required to provide relevant information to the Department to populate the EIA portal initially, and the competent authority must provide the file case reference number and a URL link to their website to the Department as soon as the application has been registered and allocated a file case reference number.

The information to be provided by the applicant includes brief details of the proposed project, together with an electronically searchable copy of the public newspaper notice and site location map. The EIA portal contains a downloadable form which must be completed and submitted to the Department by the applicant before an application for development consent is made. A Confirmation Notice that the information provided by the applicant has been uploaded to the portal, as issued by the Department to the applicant, must also be included with the planning application documents. (As flagged, details in respect of the practical operation of the EIA portal are contained in the attached Appendix 1 to this Circular letter).

Content of Planning Authority/An Bord Pleanála Website (Development Consent Applications).

Circular Letter PL 8/2017 also set out requirements in respect of the Content of Planning Authority/An Bord Pleanála Website (Development Consent Applications). The requirements in relation to the information to be published on these websites remains as set out in that Circular Letter except in one important respect:- while many planning authorities publish copies of submissions or observations received from persons during the course of the consideration of the application, it is not a requirement of the Regulations transposing the Directive that this be done, and competent authorities are free to continue their existing practices in this regard. For convenience, the updated part of Circular Letter PL 8/2017 under this heading is reproduced in Appendix 2.

Updated consolidated texts of the Planning Act and Regulations

The Law Reform Commission maintains a consolidated text of certain Acts, including the Planning Act, which is available under the heading “Revised Acts” on the Commission’s website at www.lawreform.ie, and will publish in the coming months the up-to-date text of the Planning and Development Act 2000, as amended, incorporating the amendments made in S.I. No. 296 of 2018 transposing the requirements of Directive 2014/52/EU, as well as the amendments made by the recent Planning and Development (Amendment) Act 2018 notified by way of previous Circular PL 04/18 dated 13 August last.
The Department is also compiling an up-to-date administrative consolidation of the Planning and Development Regulations 2001, as amended, incorporating the amendments made in S.I. No. 296 of 2018, as well as other amendments made since the last consolidation in 2015. The up-to-date text of the Planning Regulations will be made available on the Department’s website at [www.housing.gov.ie](http://www.housing.gov.ie) as soon as possible.

The Department will notify planning authorities when the consolidated texts of both the Planning Act and the Planning Regulations are available.

**Workshops for planning authorities and An Bord Pleanala**

Having regard to the breadth and complexity of the changes made to the planning legislative code by S.I. No. 296 of 2018 transposing the 2014 EIA Directive, it is proposed to organise a workshop for planning authorities in the near future for the purpose of explaining the legislative changes made and providing planning officials with a greater understanding of the changes. It is also proposed to hold a separate workshop for An Bord Pleanala focusing on those provisions of specific relevance to the Board. A separate notification outlining the details of the workshop will issue in the coming weeks.

Any enquires in relation to this Circular can be emailed to planning@housing.gov.ie or EIAtransposition@housing.gov.ie. Any queries specific to the EIA Portal should be emailed to EIAPortal@housing.gov.ie

Yours sincerely,

[Signature]

Terry Sheridan
Principal
Planning Policy

Cc       All Government Departments operating development consent regimes
Environmental Protection Agency
Appendix 1

Operation of the EIA Portal

The EIA Portal will host access details to all EIA cases nationally, including offshore projects, across all legislative codes.

Colour coding will be used to identify the type of competent authority (a single colour for all planning authorities, and a different colour for An Bord Pleanála), and different colours again for each of the other competent authorities (e.g. EPA, Minister for Agriculture, Food and the Marine).

EIA cases will be identified by single points (not polygons), and linear projects by points at each end and significant waypoints and, where it crosses a local authority boundary, at the boundary.

The EIA Portal will be operated in 2 stages:

- The applicant will provide sufficient information to identify the location and type of development, together with a copy of the newspaper notice, and the Department will upload this to the Portal within 3 working days of the receipt of satisfactory information. The EIA Portal will show details of EIA cases before the application is lodged with the competent authority.

- Once the application is registered by the planning authority/An Bord Pleanála, the planning authority/An Bord Pleanála will forward the case reference number and a unique URL link to the page of their website where the application may be accessed (not to the general Planning or Development Control page on the website), and the Department will add this information to the information provided by the developer.

Applicant’s* Role

1. Within 2 weeks prior to making an EIA application to the planning authority/An Bord Pleanála, submit the following to the Department of Housing, Planning and Local Government, contact email address is EIAPortal@housing.gov.ie, (also accessible at the EIA Portal page on the Department’s website):
   - A downloadable form, with the applicant’s name and a brief description of the location (limited to 256 characters) and the development (limited to 256 characters), whether the development is a linear development, and the name(s) of the competent authority(s) to whom the application will be made;
   - Contact details for the applicant/agent (not to be published);
   - Electronic copy of the public newspaper notice in electronically searchable format, which will be hosted on the Portal to enable interested persons to access the full public notice;
   - Electronic copy of the site location map (to assist the Department correctly identify the site, but not to be made publicly available through the Portal).

2. On submitting application documents to the planning authority/An Bord Pleanála, enclose a copy of the Confirmation Notice issued by the DHPLG to the applicant acknowledging uploading of the information detailed in paragraph 1 to the Portal. (Note: the Confirmation Notice issued by the Department is an essential part of the required application documentation, without which the application cannot be validated).

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* Applicant includes a local authority and State authority in respect of an application under Part XI of the 2000 Act.
**Department’s Role**

3. Within 3 working days of receipt of sufficient information, create a point on a GIS map showing the location of the development and incorporating the details provided by the applicant, and as the point on map will be associated with the brief description only of the development, include a URL link to the copy of the newspaper notice (to be hosted on the Department’s website).

4. The Department will include an EIA Portal reference to identify each project on the EIA Portal. The assignment of the same code to related applications (e.g. for planning permission and a licence from the EPA) will allow all EIAs arising for a particular project to be found through a filter function.

5. Issue to the applicant a Confirmation Notice to the effect that the information on the proposed development has been uploaded to the Portal.

6. Associate the file reference and URL link, within 3 working days of receipt from the planning authority /An Bord Pleanála, with the information provided by the applicant.

**Competent Authority’s Role**

7. Before registering an EIA application, ensure that a copy of the Confirmation Notice issued by the DHPLG is included with the application documents.

8. Upon registering the EIA application, within 3 working days inform the DHPLG (contact email address is EIAPortal@housing.gov.ie), (also accessible at the EIA Portal page on the Department’s website) of the file reference number and the URL link to the file containing the relevant detailed information relating to the application. The competent authority should also include a copy of the Confirmation Notice received from the applicant to assist the Department associate the URL and file reference number with the application information.

**Public’s Role**

9. Access the EIA Portal to be informed of EIA applications, operational since 16 May 2017, for development consent throughout the country and offshore, and across all legislative codes.

10. Use the EIA Portal to obtain the URL link to the website(s) of the relevant competent authority(ies), giving access to detailed information in respect of the application and to timelines and procedures for public participation during the decision making process.

11. Use the URL link to the website(s) of the relevant competent authority(ies) to access details of the decision made to grant or refuse development consent, and the matters taken into consideration in making the decision.

12. A filter function will enable applications to be located by date (e.g. most recent), by area or by type.
Appendix 2

Content of Planning Authority/An Bord Pleanála Website (Development Consent Applications)

Currently, there are requirements to make available for inspection a copy of the file (the ‘public file’) in the offices of the local authority or An Bord Pleanála, as appropriate. Many planning authorities and An Bord Pleanála place the public file on their website as a matter of course, and this will now become a statutory requirement for all EIA related cases.

The planning authority/An Bord Pleanála will be required to place the following information for all EIA related applications made to them on their website within 3 working days of a registered application:

- The request for development consent.
- The fact that the project is subject to an EIA procedure.
- Where appropriate, the fact that the project is likely to have significant transboundary effects on the environment of another Member State.
- Confirmation that the planning authority/An Bord Pleanála is responsible for making the decision on the application.
- Details of the time schedule for transmitting comments or questions.
- The nature of possible decisions.
- The Environmental Impact Assessment Report (EIAR) and any scoping opinion on which the EIAR is based (*The applicant must submit a copy of the EIAR in an electronically searchable format to the competent authority*).
- Details of the times and places at which, and the means by which, the relevant information will be made available (normally, the offices of the authority for hard copies and the website for soft copies of the relevant information).
- Details of the arrangements for public participation in the decision-making procedures.

The planning authority/An Bord Pleanála will be required to place the following information for all EIA related applications on their website within 3 working days of creation/receipt:

- The bodies notified of the application and informed that any submissions or observations made (within the specified time schedule for such submissions or observations) will (where relevant) be taken into account in the decision making procedure.
- A copy of all submissions or observations received from the prescribed bodies and from another Member State (received within the specified time schedule for such submissions or observations).
- Additional information on the environment relevant to the proposed project that becomes available after the commencement of the public consultation process.\(^5\,^6\)

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3 Applies in the case of planning applications made to the planning authority or direct applications made to An Bord Pleanála. Where an application is made to the planning authority or An Bord Pleanála, it is the responsibility of that body to provide the detailed information on its website. Where an application is made to the planning authority, there is no requirement in respect of the Board’s website until such time as a valid appeal is lodged.

4 The current arrangements for returning late submissions and observations, and accompanying fee, will remain unchanged.

5 Article 6(3)(c) of the 2011 Directive, as amended.

6 This list may need to be extended.
The planning authority/An Bord Pleanála will be required to place the following information on their website within 3 working days of a formal decision being made in respect of an EIA application:

- Content of the decision and any environmental conditions attached (see Notes 1 and 2 below).
- Main reasons and considerations on which the decision is based.
- Main reports and advice provided to the competent authority and relevant to the application at the time of informing the public of the application\(^7\).
- Information about the public participation process including a summary of the results of consultations and information gathered through consultations with the public and Prescribed Bodies, and affected Member States, if appropriate (see Note 3).
- How results of consultations and information gathered has been incorporated or otherwise addressed, in particular comments received from an affected Member State (if any) (see Note 3).

Note 1: In the case of a GRANT of permission, the decision must include at least the following\(^8\):
- the ‘reasoned conclusion’ reached in respect of EIA,
- the environmental conditions attached to the decision and a description of any features of the project and/or measures envisaged to avoid, prevent or reduce and, if possible, offset significant adverse effects on the environment,
- where appropriate, monitoring measures.

Note 2: In the case of REFUSAL – the main reasons for the refusal\(^9\).

Note 3: Information about public participation and consultations carried out may be provided through cross-referencing/adopting findings and conclusions in the Planner’s/Inspector’s report. Where such an approach is to be adopted, a comprehensive Planner’s/Inspector’s report detailing the public participation process and consultations carried out would be a necessity in respect of all EIA related applications\(^10\).

In the event of the planning authority’s decision being appealed, the planning authority’s website will be required to record this fact within 3 working days of receipt of notification of the appeal from An Bord Pleanála and provide a URL link to the page on An Bord Pleanála’s website where further relevant information should be provided.

**An Bord Pleanála’s Website (Appeal)**
This following information should be placed on the Board’s website within 3 working days of the receipt of an appeal:

- Description of the development.
- Applicant’s name.
- Planning Authority, Planning Authority file reference and URL link to planning authority file.

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\(^7\) Article 6(3)(b) of the 2011 Directive, as amended.

\(^8\) Article 8a(1) of the 2011 Directive, as amended.

\(^9\) Article 8a(2) of the 2011 Directive, as amended.

\(^10\) Article 9(1)(b) of the 2011 Directive, as amended.
An Bord Pleanála will be required to place details of the formal decision in respect of an EIA related application within 3 working days of the decision being taken. The information to be provided is the same as detailed in the previous section of this Circular letter.

The above requirements will apply to all cases where the Board requests an EIAR or a revised EIAR to be submitted. They will also apply to requests made under Section 146B of the Planning & Development Act 2000, as amended, where it is decided that material alterations should be the subject of EIA. They will further apply to all other applications for ‘consent for proposed development’ within the meaning of Section 172(1A)(b) of the Planning and Development Act 2000, as amended.

11 The information on the website should be updated as the appeal progresses, e.g. holding of an oral hearing.