



STATUTORY INSTRUMENTS.

S.I. No. 543 of 2014



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

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I, ALAN KELLY, 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:

Citation

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

2. Section 172 of the Planning and Development Act 2000 (No. 30 of 2000) is amended by substituting the following for subsection (1):

“(1) An environmental impact assessment shall be carried out by the planning authority or the Board, as the case may be, in respect of an application for consent for proposed development where either—

(a) the proposed development would be of a class specified in—

(i) Part 1 of Schedule 5 of the Planning and Development Regulations 2001, and either—

(I) such development would exceed any relevant quantity, area or other limit specified in that Part, or

(II) no quantity, area or other limit is specified in that Part in respect of the development concerned,

or

(ii) Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and either—

(I) such development would exceed any relevant quantity, area or other limit specified in that Part, or

(II) no quantity, area or other limit is specified in that Part in respect of the development concerned,

¹OJ No. L 26, 28.1.2012, p.1

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 5th December, 2014.

or

- (b) (i) the proposed development would be of a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 but does not exceed the relevant quantity, area or other limit specified in that Part, and
- (ii) the planning authority or the Board, as the case may be, determines that the proposed 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. Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001) is amended in paragraph 2 by substituting the following for subparagraph (e):

“(e) With the exception of drilling for investigating the stability of the soil, deep drilling, consisting of—

- (i) geothermal drilling,
- (ii) drilling for the storage of nuclear waste material,
- (iii) drilling for water supplies, where the expected supply would exceed 2 million cubic metres per annum, or
- (iv) any other deep drilling, except where, in considering whether or not to carry out an environmental impact assessment, either—
 - (I) the Board or a planning authority, for the purposes of Part X of the Planning and Development Act 2000, having regard to the criteria set out in Schedule 7, or
 - (II) the appropriate Minister (within the meaning of the Foreshore Act 1933) for the purposes of section 13A (as amended by the European Union (Environmental Impact Assessment and Appropriate Assessment) (Foreshore) Regulations 2014), or section 13B(3) (inserted by those Regulations) of the Foreshore Act 1933, having regard to the criteria referred to in section 13A(2B) of that Act,

determines that the drilling concerned would not have a significant effect on the environment.”.



GIVEN under my Official Seal,
26 November 2014.

ALAN KELLY,
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 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.

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

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