



STATUTORY INSTRUMENTS.

S.I. No. 456 of 2025

EUROPEAN UNION (LAND USE PLANNING – STRATEGIC
ENVIRONMENTAL ASSESSMENT) REGULATIONS 2025

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I, JAMES BROWNE, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purposes of giving further effect to Directive 2001/42/EC of the European Parliament and Council of 27 June 2001¹, in so far as it relates to town and country or land use planning, hereby make the following regulations:

Citation

1. (1) These Regulations may be cited as the European Union (Land Use Planning – Strategic Environmental Assessment) Regulations 2025.

(2) These Regulations (other than paragraphs (b), (c) and (d) of Regulation 15) come into operation on the 2nd day of October 2025.

(3) Paragraphs (b), (c) and (d) of Regulation 15 come into operation on the commencement of sections 25(8) and 25(9) and Chapters 5 and 6 of the Planning and Development Act 2024 (No. 34 of 2024).

Interpretation

2. (1) In these Regulations—

“Act” means Planning and Development Act 2024 (No. 34 of 2024);

“approved local newspaper” has the meaning assigned to it in section 2 of the Act;

“competent authority” has the meaning assigned to it in section 198(1) of the Act;

“development agency” has the meaning assigned to it in section 589 of the Act;

“development plan” means a development plan under Chapter 5 of Part 3 of the Act;

“environmental assessment” means the preparation of an environmental report, the carrying out of consultations, the taking into account of the environmental report and the results of the consultations in decision-making and the provision of information on the decision in accordance with these Regulations;

“environmental authority” means—

- (a) the Environmental Protection Agency,
- (b) the Minister,
- (c) where it appears to the competent authority concerned that the plan or programme or amendment, alteration, modification,

¹ OJ No L 197, 21.07. 2001, p. 30 -37

variation, revision or revocation of the plan or programme, as appropriate, might have significant effects—

- (i) on sea fisheries or the marine environment, the Minister for Agriculture, Food and the Marine and the Minister for Climate, Energy and the Environment, or
- (ii) in relation to the architectural or archaeological heritage or to nature conservation, the Minister;

“environmental report” means the part of the plan or programme documentation containing the information required in Regulation 8 and Schedule 1;

“European site” has the meaning assigned to it in section 2 of the Act;

“material alteration” includes an alteration that is likely to have a significant effect on the environment or on any European site;

“Minister” means Minister for Housing, Local Government and Heritage;

“national newspaper” has the meaning assigned to it in section 2 of the Act;

“plan” has the meaning assigned to it in section 198(1) of the Act;

“planning authority” means a local authority (within the meaning of the Local Government Act 2001 (No. 37 of 2001));

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

“prepare” means make, revise, amend, alter, vary, modify or revoke as appropriate;

“project” means—

- (a) the execution of construction works or of other installations or schemes, or
- (b) other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources;

“regional spatial and economic strategy” has the meaning assigned to it in section 28(1) of the Act;

“SEA Directive” means Directive 2001/42/EC of the European Parliament and Council of 27 June 2001¹;

“Transboundary Convention State” means any state, other than the State, which is a contracting party to the Transboundary Convention, the Convention on Environmental Impact Assessment in a Transboundary Context, done at Espoo (Finland) on 25 February 1991.

(2) A word or expression that is used in these Regulations and is also used in the SEA Directive has, unless the contrary intention occurs, the same meaning in these Regulations as it has in the SEA Directive.

Application

3. These Regulations apply to any plan which sets the framework for future development consent of projects.

Determination of need for environmental assessment of plan

4. (1) This Regulation applies to any plan referred to in Regulation 3 that meets the requirements of this Regulation, other than—

- (a) a regional spatial and economic strategy,
- (b) a development plan, or
- (c) a planning scheme.

(2) In paragraph (1), a reference to a regional spatial and economic strategy, a development plan or a planning scheme does not include a proposed amendment, alteration or modification to a proposed regional spatial and economic strategy, a proposed development plan or a proposed planning scheme.

(3) Where a competent authority proposes to prepare a plan referred to in paragraph (1), the competent authority shall, prior to giving notice of its intention to prepare the plan, in accordance with Part 3, 21 or 22 of the Act, consider whether or not the implementation of the plan would be likely to have significant effects on the environment, taking account of the relevant criteria set out in Schedule 2.

(4) Where a competent authority, following consideration under paragraph (3), determines that the implementation of a plan referred to in paragraph (1) would be likely to have significant effects on the environment, paragraphs (5) and (6) shall not apply.

(5) (a) Where, following consideration under paragraph (3), a determination under paragraph (4) has not been made by a competent authority, the authority shall give notice in accordance with subparagraph (b) to the environmental authorities and any adjoining planning authority whose area is contiguous to the area of a competent authority which prepared a plan.

(b) A notice under subparagraph (a) shall—

- (i) state that the competent authority intends to prepare a plan,
- (ii) state that the competent authority must determine whether or not the implementation of the plan would be likely to have significant effects on the environment and that, in so doing, it must take account of relevant criteria set out in Schedule 2, and
- (iii) indicate that a submission or observation, in relation to whether or not the implementation of the plan would be likely to have significant effects on the environment, may be made to the authority within a specified period which shall be not less than 4 weeks from the date of the notice.

(6) Following the period specified in paragraph (5)(b)(iii) or following receipt of submissions or observations from all the authorities referenced in paragraph (5)(a), whichever is the shortest, the competent authority shall determine whether or not the implementation of the plan would be likely to have significant effects on the environment, taking account of relevant criteria set out

in Schedule 2 and any submission or observation received in response to a notice under paragraph (5).

(7) As soon as practicable after making a determination under paragraph (4) or (6), the competent authority shall—

- (a) make a copy of its decision, including, as appropriate, the reasons for not requiring an environmental assessment, available for public inspection at the offices of the competent authority during office hours or on the website of the authority, or both, as appropriate, and
- (b) notify its decision to any environmental authority or any adjoining competent authority whose area is contiguous to the area of a competent authority which prepared a plan which was notified under paragraph (4).

Requirement to carry out environmental assessment

5. (1) An environmental assessment shall be carried out—

- (a) for a regional spatial and economic strategy, a development plan or a planning scheme,
- (b) where a competent authority determines under Regulation 4(4) or (5) that the implementation of a plan would be likely to have significant effects on the environment, or
- (c) for a plan which is not directly connected with or necessary to the management of a European site but, either individually or in combination with other plans, is likely to have a significant effect on any such site.

(2) A competent authority shall, when issuing a notice, in accordance with Part 3, 21 or 22 of the Act, of its intention to prepare a plan referenced in paragraph (1) state that the competent authority proposes to carry out an environmental assessment as part of the preparation of a new plan, and for this purpose, the competent authority shall prepare an environmental report of the likely significant effects on the environment of implementing the new plan.

Environmental report

6. Where an environmental assessment is required under these Regulations, an environmental report shall be prepared, during the preparation of a plan or modification to a plan, in accordance with Regulations 7 and 8.

Scoping of environmental report

7. (1) In relation to an environmental report—

- (a) a competent authority, as soon as practicable after the giving of notice of its intention to prepare a plan under the Act, and prior to making a decision on the scope and level of detail of the information to be given in the environmental report, or

- (b) a development agency, prior to making a decision on the scope and level of detail of the information to be given in the environmental report,

shall give notice in accordance with paragraph (2) to the environmental authorities and any adjoining planning authority whose area is contiguous to the area of a competent authority which prepared a plan, as appropriate.

(2) A notice under paragraph (1) shall—

- (a) state that, as part of the review of the existing plan and the preparation of a new plan, the competent authority or development agency will prepare an environmental report of the likely significant effects on the environment of implementing the plan,
- (b) state that the environmental report is required to include the information that may reasonably be required, taking into account—
 - (i) current knowledge and methods of assessment,
 - (ii) the contents and level of detail in the plan,
 - (iii) the stage of the plan in the decision-making process, and
 - (iv) the extent to which certain matters are more appropriately assessed at different levels in the decision-making process in order to avoid duplication of environmental assessment, and
- (c) indicate that a submission or observation in relation to the scope and level of detail of the information to be included in the environmental report may be made to the competent authority or development agency within a specified period which shall be not less than 4 weeks from the date of the notice.

(3) The specified period provided for paragraph (2) shall cease following receipt of submissions or observations from all the authorities notified under paragraph (1), where this time period is shorter than the period specified in paragraph (2).

Content of environmental report

8. (1) Subject to paragraph (2), an environmental report shall identify, describe and evaluate the likely significant effects on the environment of implementing the plan, and reasonable alternatives taking account of the objectives and the geographical scope of the plan, and, for this purpose, the report shall—

- (a) contain the information specified in Schedule 1,
- (b) take account of any submission or observation received in response to a notice under Regulation 7(1), and
- (c) be of sufficient quality to meet the requirements of these Regulations.

(2) An environmental report shall include the information that may reasonably be required taking into account—

- (a) current knowledge and methods of assessment,
- (b) the contents and level of detail in the plan,
- (c) the stage of the plan in the decision-making process, and
- (d) the extent to which certain matters are more appropriately assessed at different levels in the decision-making process in order to avoid duplication of environmental assessment.

Consultation

9. (1) A competent authority shall—

- (a) send notice and a copy of the draft plan, and associated environmental report to the environmental authorities, and any adjoining planning authority whose area is contiguous to the area of a competent authority which prepared a plan, as appropriate, and state that a written submission or observation with respect to the draft plan and associated environmental report made to the competent authority within a specified period of not less than 4 weeks from the date of the notice will be taken into consideration before the finalisation of the plan, and
- (b) publish a notice, in accordance with paragraph (2) on a website maintained by or on behalf of the competent authority or in an approved newspaper or national newspaper or both, as appropriate.

(2) A notice under paragraph (1)(b) shall state that—

- (a) a copy of the draft plan and associated environmental report will be available for public inspection, at the offices of the competent authority during office hours, on a website maintained by or on behalf of the competent authority or at a stated place or places at stated times, or all of the above, as appropriate, during a stated time of not less than 4 weeks from the date of the notice (and the copy shall be kept available for inspection accordingly), and
- (b) a written submission or observation with respect to the draft plan, and associated environmental report made to the competent authority within the period referred to in subparagraph (a), or such period as may be specified in law in respect of the draft plan will be taken into consideration before the finalisation of the plan.

(3) Where a competent authority—

- (a) complies with paragraphs (1) and (2), it shall, to the extent that any requirement under either of those paragraphs is a requirement under Part 3, 21 or 22 of the Act, be deemed to have complied with the said requirement under Part 3, 21 or 22 of the Act,
- (b) is required by this Regulation to give notice to any person of, or in relation to, any matter, neither this Regulation nor Part 3, 21 or

22 of the Act shall be construed as preventing the competent authority from using that notice to comply with a requirement under Part 3, 21 or 22 of the Act to give notice to that person of, or in relation to, any other matter, or

- (c) is required by this Regulation to publish any information or material, neither this Regulation nor Part 3, 21 or 22 of the Act shall be construed as preventing the competent authority from publishing, with that information or material, any information or material that the competent authority is required to publish under Part 3, 21 or 22 of the Act.

Transboundary environmental effects

10. (1) A competent authority shall, following consultation with the Minister, forward a copy of the draft plan and associated environmental report to another Member State or Transboundary Convention State—

- (a) where the competent authority considers that implementation of the plan is likely to have significant effects on the environment of such other Member State or Transboundary Convention State, or
- (b) where another Member State or Transboundary Convention State, likely to be significantly affected, so requests.

(2) Where another Member State or Transboundary Convention State is sent a copy of the documentation under paragraph (1) and it indicates that it wishes to enter into consultations before the adoption of the plan, the competent authority shall—

- (a) enter into consultations with the state concerned in relation to the likely transboundary environmental effects of implementing the plan or amended plan including, as appropriate, any likely transboundary environmental effects of implementing a proposed amendment under Part 3, 21 or 22 of the Act, and the measures envisaged to reduce or eliminate such effects, and
- (b) agree with the state concerned—
 - (i) a reasonable timeframe for the completion of the consultations, having regard to the timeframes for the making of a plan under Part 3, 21 or 22 of the Act, and
 - (ii) detailed arrangements to ensure that the authorities and the public designated by the other Member State or Transboundary Convention State concerned in accordance with Article 6(3) and (4) of the SEA Directive are informed and given an opportunity to forward their opinion within a reasonable timeframe.

(3) The report required of a chief executive officer under section 54(10), 55(6), 58(11), 58(15), 75(9), 75(12), 76(9), 76(19), 593(3), 607(6) or 610(8) of the Act and the report required of a planning authority under section 593(8), 595(8) or 617(4) shall take account of any transboundary consultations under this Regulation.

(4) Where, in response to a request to another Member State or Transboundary Convention State or otherwise, a competent authority receives from the other Member State or Transboundary Convention State, either directly from the other Member State or Transboundary Convention State or communicated by the Minister, a draft plan or programme or modification to a plan or programme and associated environmental report in relation to such State, or part thereof, the competent authority shall, as soon as may be following receipt of such plan and environmental report—

- (a) enter into consultations with the state concerned in relation to the likely transboundary environmental effects of implementing the draft plan or programme and the measures envisaged to reduce or eliminate such effects.
 - (b) agree with the state concerned—
 - (i) a reasonable timeframe for the completion of the consultations, having regard to any statutory or other timeframes for the adoption of or making of the plan, and
 - (ii) detailed arrangements to ensure that the environmental authorities and the public in the area likely to be significantly affected are informed and given an opportunity to forward their opinion within a reasonable timeframe,
 - (c) publish a notice in accordance with paragraph (5) on a website maintained by or on behalf of the competent authority or in an approved newspaper or national newspaper or both, as appropriate, and
 - (d) send notice of, and a copy of, the draft plan and associated environmental report to the environmental authorities specified in paragraph (3), as appropriate, indicating that a submission or observation in relation to the draft plan and associated environmental report may be made in writing to the competent authority within a specified period which shall be not less than 4 weeks from the date of the notice.
- (5) A notice in accordance with paragraph (4)(c) shall state that—
- (a) a draft plan and associated environmental report has been received from a Member State or Transboundary Convention State,
 - (b) the draft plan has potential transboundary environmental effects,
 - (c) a copy of the draft plan and associated environmental report will be available for public inspection, at the offices of the competent authority during office hours, on a website maintained by or on behalf of the competent authority or at a stated place or places at stated times, or all of the above during a specific period which shall be not less than 4 weeks from the date of the notice (and the copy shall be kept available for inspection accordingly), and

- (d) a submission or observation in relation to the draft plan and associated environmental report may be made in writing to the competent authority within the specified period.

(6) As soon as may be following receipt of any submission or observation in response to a notice under paragraph (4) or (5), or where the competent authority otherwise considers it necessary, the relevant competent authority shall consult with the State concerned in relation to the likely transboundary environmental effects of the draft plan and the measures envisaged to reduce or eliminate such effects.

Decision-making

11. A competent authority shall take account of—

- (a) the environmental report,
- (b) any submission or observation made to the competent authority in response to a notice under Part 3, 21 or 22 of the Act,
- (c) any consultations under Regulation 9, and
- (d) any consultations under Regulation 10,

during the preparation of the plan, and before its adoption.

Information on decision

12. (1) A notice under Part 3, 21 or 22 of the Act of the making of the plan shall state that a statement is also available, summarising—

- (a) how environmental considerations have been integrated into the plan,
- (b) how—
 - (i) the environmental report prepared under Regulation 8,
 - (ii) submissions and observations made to the competent authority in response to a notice under Regulation 9 or Part 3 of the Act, and
 - (iii) any consultations under Regulation 10,
 have been taken into account during the preparation of the plan,
- (c) the reasons for choosing the plan, as adopted, in the light of the other reasonable alternatives dealt with, and
- (d) the measures decided upon to monitor, in accordance with Regulation 14 the significant environmental effects of implementation of the plan.

(2) A competent authority shall send a copy of —

- (a) the statement referred to in paragraph (1) to the environmental authorities, and

- (b) the statement and plan to any other Member State or Transboundary Convention State consulted under Regulation 10.

Monitoring

13. (1) A competent authority shall monitor the significant environmental effects of implementation of the plan in order, inter alia, to identify at an early stage unforeseen adverse effects and to be able to undertake appropriate remedial action and, for this purpose, existing monitoring arrangements may be used, if appropriate, with a view to avoiding duplication of monitoring.

(2) A report required under sections 35 and 56 of the Act shall include information in relation to progress on, and the results of, monitoring the significant environmental effects of implementation of the regional spatial and economic strategies and development plan respectively.

Joint or coordinated assessments

14. Where in relation to a plan or programme, there is an obligation to carry out an assessment under these Regulations and Part 6 of the Act, a competent authority may for the purpose of avoiding duplication of effort—

- (a) carry out both assessments jointly to the extent that the carrying out of the assessments jointly, or
- (b) provide for a coordinated procedure in relation to both assessments to fulfil the requirements of these Regulations or that Article to the extent that the coordinated procedure,

would not hinder compliance with any of the requirements of these Regulations or Part 6 of the Act in relation to either such assessment.

Revocation

15. The following are revoked:

- (a) Articles 15A to 15H of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001),
- (b) Articles 13A to 13R, 14A to 14J, 179A to 179J of, and Schedules 2A and 2B to, the Planning and Development Regulations 2001 (S.I. No. 600 of 2001),
- (c) the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004), and
- (d) the Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011 (S.I. No. 201 of 2011).

Transitional

16. Notwithstanding Regulation 15, any screening for environmental assessment of a plan or environmental assessment of a plan commenced under the Regulations revoked under that Regulation or required under section 592(1) of the Act shall be carried on and completed under those Regulations.

SCHEDULE 1**Information to be contained in an environmental report**

The following information shall be included in an environmental report—

- (a) an outline of the contents and main objectives of the plan or programme and relationship with other relevant plans;
- (b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;
- (c) the environmental characteristics of areas likely to be significantly affected;
- (d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to the Birds Directive or Habitats Directive;
- (e) the environmental protection objectives, established at international, European Union or national level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;
- (f) the likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;
- (g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan;
- (h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;
- (i) a description of the measures envisaged concerning monitoring of the significant environmental effects of implementation of the plan or programme;
- (j) a non-technical summary of the information provided under the above.

SCHEDULE 2

Criteria for determining whether a plan or programme is likely to have significant effects on the environment

1. The characteristics of the plan or programme having regard, in particular, to:
 - the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
 - the degree to which the plan or programme influences other plans, including those in a hierarchy,
 - the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
 - environmental problems relevant to the plan,
 - the relevance of the plan or programme for the implementation of European Union legislation on the environment (e.g. plans linked to waste-management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:
 - the probability, duration, frequency and reversibility of the effects,
 - the cumulative nature of the effects,
 - the transboundary nature of the effects,
 - the risks to human health or the environment (e.g. due to accidents),
 - the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
 - the value and vulnerability of the area likely to be affected due to:
 - (a) special natural characteristics or cultural heritage,
 - (b) exceeded environmental quality standards or limit values,
 - (c) intensive land-use,
 - the effects on areas or landscapes which have a recognised national, European Union or international protection status.



GIVEN under my Official Seal,
2 October, 2025.

JAMES BROWNE,
Minister for Housing, Local Government and Heritage.

EXPLANATORY NOTE

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

These Regulations transpose Directive 2001/42/EC of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment — commonly known as the Strategic Environmental Assessment (SEA) Directive in relation to land-use planning.

The Regulations relate to the consideration of the likely significant effects on the environment of a plan made under Parts 3, 21 and 22 of the Planning and Development Act 2024.

These effects should include secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative effects.

The Regulations replace S.I. 436 of 2004. Notwithstanding the revocation of S.I. 436 of 2004, any SEA process (including screening for SEA) commenced under S.I. 436 of 2004 shall be completed in accordance with S.I. 436 of 2004.

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