



STATUTORY INSTRUMENTS.

S.I. No. 451 of 2025

EUROPEAN UNION (BIRDS AND NATURAL HABITATS)
(AMENDMENT) 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) and for the purpose of giving further effect to Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009¹, and Council Directive 92/43/EEC of 21 May 1992², hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Birds and Natural Habitats) (Amendment) Regulations 2025.

Definition of “plan”

2. Regulation 2(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011) is amended, in the definition of “plan”, by substituting “land use plan within the meaning of the Planning and Development Act 2000 (No. 30 of 2000) or a plan within the meaning of section 198 of the Planning and Development Act 2024 (No. 34 of 2024)” for “land use plan within the meaning of the Planning Acts 2000 to 2011”.



GIVEN under my Official Seal,
2 October, 2025.

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

¹ OJ No. L 20, 26.01.2010, p. 7

² OJ No. L 206, 22.07.1992, p. 7

EXPLANATORY NOTE

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

These Regulations provide for a consequential amendment to the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011) (“the 2011 Regulations”) arising from the commencement of Chapter 2 of Part 6 of the Planning and Development Act 2024 (“Act of 2024”). Under Regulation 2(1) of the 2011 Regulations, ‘land use plans’ within the meaning of the Planning and Development Act 2000 are not within the scope, except where the contrary intention appears, of the definition of ‘plan’ for the purposes of the 2011 Regulations. These Regulations extend this exclusion from scope to also include “plans” within the meaning of section 198 of the Act of 2024. This amendment is on the basis that such plans (e.g. regional spatial and economic strategies, development plans) will be subject to appropriate assessment requirements under Chapter 2 of Part 6 of the Act of 2024 and therefore should not be within scope of the appropriate assessment requirements that apply to plans under the 2011 Regulations (except where the contrary intention appears).

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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