

S.I. No. 201/2011 — Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011.

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 6th May, 2011.

I, PHILIP HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by sections 10 (5), 13 (12), 19 (4), 23 (3), 168 (3) and 262 of the Planning and Development Act 2000 (No. 30 of 2000) hereby makes the following Regulations:

Citation.

1. (1) These Regulations may be cited as the Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011.

(2) These Regulations and the Planning and Development Regulations 2001 to 2010 shall be construed as one and may be collectively cited as the Planning and Development Regulations 2001 to 2011.

Interpretation.

2. In these Regulations, except where the context otherwise requires—

“the 2001 Regulations” mean the Planning and Development Regulations 2001 (S.I. No. 600 of 2001), as amended;

“the 2003 Regulations” mean the Planning and Development (Regional Planning Guidelines) Regulations 2003 (S.I. No. 175 of 2003);

“the 2004 Regulations” means the Planning and Development (Strategic Environmental Assessment) Regulations 2004. (S.I. No. 436 of 2004);

“the Act” means the Planning and Development Acts 2000-2010 (No. 30 of 2000), as amended.

Amendment of the 2001 Regulations

3. The 2001 Regulations are amended—

(a) in Article 13A(1) by substituting “population or the target population” for “population”

(b) in Article 13A(4)(a) by substituting the following for Article 13A(4)(a):

“(4)(a) Where, following consideration under sub-article (2), a determination under sub-article (3) has not been made by the planning authority, the authority shall give notice in accordance with paragraph (b) to the following environmental authorities and planning authorities—

(i) the Environmental Protection Agency,

(ii) the Minister for the Environment, Community and Local Government,

(iii) where it appears to the planning authority that the plan or programme, or modification of the plan or programme, might have significant effects on fisheries or the marine environment, the Minister for Agriculture, Marine and Food, and the Minister for Communications, Marine and Natural Resources,

(iv) where it appears to the competent authority that the plan or programme, or amendment to a plan or programme, might have significant effects in relation to the architectural or archaeological heritage or to nature conservation, the Minister for Arts, Heritage and Gaeltacht Affairs, and

(v) any adjoining planning authority whose area is contiguous to the area of a planning authority which prepared a draft plan, proposed variation, or local area plan.”

(c) in Article 13A(6)(a) by substituting the following for Article 13A(6)(a):

“(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 planning authority during office hours and on the website of the authority, and ”

(d) in Article 13B(a) by substituting “population or the target population” for “population”

(e) in Article 13F(5)(c) by substituting the following for Article 13F(5)(c):

“(c) a copy of the draft plan and associated environmental report are available for public inspection at the offices of the planning authority during office hours and on the website of the authority or any other stated place or places at the stated times during a specified 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 ”

(f) in Article 13G by substituting the following for Article 13G:

“13G.A notice under section 12(7) of the Act shall, as appropriate, in addition to the requirements of paragraph (b), state that information on the likely significant effects on the environment of implementing the proposed amendment will also be available for inspection at the offices of the planning authority during office hours and on the website of the authority and that a submission or observation in relation to such information made to the planning authority within the period stated in the notice will also be taken into consideration before the making of any amendment.”

(g) in Article 13K(5)(a) by substituting the following for Article 13K(5)(a):

“(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 planning authority during office hours and on the website of the authority, and”

(h) in Article 13 O(5)(c): by substituting the following for Article 13 O(5)(c):

“(c) a copy of the draft plan and associated environmental report are available for public inspection at the offices of the planning authority during office hours and on the website of the planning authority or any other stated place or places at the stated times during a specified 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 ”

(i) in Article 14A(1) by substituting the following for Article 14A(1):

“(1) This article applies to a local area plan or an amendment to a local area plan for an area the population or the target population of which is less than 5,000 persons or where the area covered by the local area plan is less than 50 square kilometres. ”

(j) in Article 14A(6)(a) by substituting the following for Article 14A(6)(a):

“(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 planning authority during office hours and on the website of the authority, and”

(k) in Article 14B by substituting the following for Article 14B:

“Where—

(a) the population or the target population of the area of a local area plan is 5,000 persons or more, or

(b) the area covered by the local area plan is greater than 50 square kilometres,
or

(c) the local area plan is being prepared for a town and its environs area, or

(d) where the planning authority determines under article 14A(3) or (5) that the implementation of a local area plan, an amended plan or an amendment to a local area plan would be likely to have significant effects on the environment,

the planning authority shall, prior to giving notice under section 20(3) of the Act, prepare an environmental report of the likely significant effects on the environment of implementing the local area plan, an amended plan or an amendment to a local area plan, and the provisions of articles 14C to 14J shall apply. ”

(l) in Article 14I(3) by substituting the following for Article 14I(3):

“(3) A notice under sub-article (2)(i) shall state that a copy of the draft plan and associated environmental report are available for public inspection at the offices of the planning authority during office hours and on the website of the authority or any other stated place or places at the stated times during a specified 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 ”

(m) in Article 15B by substituting the following for Article 15B:

“15B. Draft regional planning guidelines prepared by the regional authority under section 24(4) of the Act shall be accompanied by or include an environmental report and any reference to draft guidelines in subsections (4)(a) and (b) or (5) of section 24 of the Act shall be construed as also referring to the environmental report, and in addition to the requirements of subsection (5)(a) make the draft guidelines and environmental report available on the website of the authority.”

(n) in Schedule 2A by substituting in schedule 2A “plan or programme” for “plan” in each place where it occurs

(o) in Schedule 2B by substituting in schedule 2B “plan or programme” for “plan” in each place where it occurs.

GIVEN under my Official Seal,

3 May 2011.

PHILIP HOGAN T.D.,

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 amend the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004) and further transpose into Irish law the provisions of Directive 2001/42/EC of 27 June 2001 (O.J. No. L 197, 21 July 2001) on the assessment of the effects of certain plans and programmes on the environment — commonly known as the Strategic Environmental Assessment (SEA) Directive — insofar as the Directive relates to land use planning.

These amending regulations introduce changes for SEA relating to consideration of the likely significant effects on the environment of a development plan, a variation of a development plan, a local area plan (or an amendment thereto), regional planning guidelines or a planning scheme in respect of a Strategic Development Zone.

The main amendments provided for in these regulations include:

- a reduction in the threshold in the case of the mandatory undertaking of an environmental assessment of a local area plan with a target population of more than 10,000 persons to 5,000 persons, or where the area covered by the plan is greater than 50 square kilometres, or where the local area plan is being prepared for a town and its environs;
- a requirement for the making of a determination as to the need for an environmental assessment of a local area plan with a target population under 5,000 persons or where the area covered by the local area plan is less than 50 square kilometres;
- expansion of the Minister's role as a designated environmental authority for the purposes of SEA, and the inclusion of the Minister for Arts, Heritage and Gaeltacht Affairs in light of the transfer of responsibilities for archaeological, architectural and natural heritage under the remit of that Department;
- making plans, reports and decisions more accessible for public inspection, including on the website of the authority; and
- specific inclusion of both plans and programmes in Schedule 2A and 2B.

The Regulations come into operation on the 3rd of May 2011.

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