

**S.I. No. 419/2012 — European Union (Environmental Impact Assessment) (Planning and Development Act, 2000) Regulations 2012.**

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 2nd November, 2012.*

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, 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 No. 2011/92/EU of the European Parliament and of the Council of 13 December 2011<sup>1</sup> on the assessment of the effects of certain public and private projects on the environment, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Environmental Impact Assessment) (Planning and Development Act, 2000) Regulations 2012.

2. The Planning and Development Act, 2000 (No. 30 of 2000) is amended—

(a) in section 2—

(i) by substituting for the definition of “Environmental Impact Assessment Directive” the following definition:

“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”, and

(ii) in the definition of “environmental impact statement” by inserting the following words after “the environment”:

“and shall include the information specified in Annex IV of Council Directive No. 2011/92/EU”,

(b) in section 171A(1), by inserting the following words after “an assessment”:

“, which includes an examination, analysis and evaluation,” and

(c) in section 172, by inserting the following subsections after subsection (1C):

"(1D) The planning authority or the Board, as the case may be, shall consider whether an environmental impact statement submitted under this section identifies and describes adequately the direct and indirect effects on the environment of the proposed development and, where it considers that the environmental impact statement does not identify or adequately describe such effects, the planning authority or the Board shall require the applicant for consent to furnish, within a specified period, such further information as the planning authority or the Board considers necessary to remedy such defect.

(1E) In addition to any requirement arising under subsection (1D), the planning authority or the Board, as the case may be, shall require an applicant for consent to furnish, within a specified period, any further information that the planning authority or the Board considers necessary to enable it to carry out an environmental impact assessment under this section.

(1F) Where information required by the planning authority or the Board under subsection (1D) or subsection (1E) is not furnished by the applicant for consent within the period specified, or any further period as may be specified by the planning authority or the Board, the application for consent for the proposed development shall be deemed to be withdrawn.

(1G) In carrying out an environmental impact assessment under this section the planning authority or the Board, as the case may be, shall consider—

(a) the environmental impact statement;

(b) any further information furnished to the planning authority or the Board pursuant to

subsections (1D) or (1E);

(c) any submissions or observations validly made in relation to the environmental effects of the proposed development;

(d) the views, if any, provided by any other Member State under section 174 or Regulations made under that section.

(1H) In carrying out an environmental impact assessment under this section the planning authority or the Board, as the case may be, may have regard to and adopt in whole or in part any reports prepared by its officials or by consultants, experts or other advisers.

(1I) Where the planning authority or the Board, as the case may be, decides to grant consent for the proposed development, it may attach such conditions to the grant as it considers necessary, to avoid, reduce and, if possible, offset the major adverse effects on the environment (if any) of the proposed development.

(1J) When the planning authority or the Board, as the case may be, has decided whether to grant or to refuse consent for the proposed development, it shall inform the applicant for consent and the public of the decision and shall make the following information available to the applicant for consent and the public:

(a) the content of the decision and any conditions attached thereto;

(b) an evaluation of the direct and indirect effects of the proposed development on the matters set out in section 171A;

(c) having examined any submission or observation validly made,

(i) the main reasons and considerations on which the decision is based, and

(ii) the main reasons and considerations for the attachment of any conditions, including reasons and considerations arising from or related to submissions or observations made by a member of the public;

(d) where relevant, a description of the main measures to avoid, reduce and, if possible, offset the major adverse effects;

(e) any report referred to in subsection (1H);

(f) information for the public on the procedures available to review the substantive and procedural legality of the decision, and

(g) the views, if any, furnished by other Member States of the European Union pursuant to section 174.”.

L.S.

GIVEN under my Official Seal,

31 October 2012.

PHIL HOGAN,

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 Article 3 of 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.

These Regulations amend section 2, section 171A and section 172 the Planning and Development Act, 2000 (No. 30 of 2000).

1 OJ No. L 26, 28.1.2012, p.1