

S.I. No. 349/1989 — European Communities (Environmental Impact Assessment) Regulations, 1989.

S.I. No. 349/1989:

EUROPEAN COMMUNITIES (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS, 1989.

EUROPEAN COMMUNITIES (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS, 1989.

CONTENTS

PART I

PRELIMINARY AND GENERAL

Article

1. Citation.
2. Commencement.
3. Interpretation.

PART II

AMENDMENT OF LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS, 1963 TO 1983

4. Definitions for Part II.

5. Amendment of section 2 of Act of 1963.

6. Amendment of section 4 of Act of 1963.

7. Amendment of section 25 of Act of 1963.

8. Amendment of section 26 of Act of 1963.

9. Amendment of section 41 of Act of 1963.

10. Amendment of section 78 of Act of 1963.

11. Amendment of section 20 of Act of 1976.

PART III

AMENDMENT OF OTHER ENACTMENTS

12. Amendment of Public Health (Ireland) Act, 1878.

13. Amendment of Foreshore Act, 1933.

14. Amendment of Air Navigation and Transport Act, 1936.

15. Amendment of Water Supplies Act, 1942.

16. Amendment of Arterial Drainage Act, 1945.

17. Amendment of Harbours Act, 1946.

18. Amendment of Fisheries (Consolidation) Act, 1959.

19. Amendment of Petroleum and Other Minerals Development Act, 1960.

20. Amendment of Gas Act, 1976.

21. Amendment of Fisheries Act, 1980.

22. Amendment of Urban Renewal Act, 1986.

PART IV

ENVIRONMENTAL IMPACT ASSESSMENT OF CERTAIN DEVELOPMENT BY STATE AUTHORITIES

23. Environmental impact assessment of certain development by State authorities.

PART V

MISCELLANEOUS

24. Specified development.

25. Specified information to be contained in an environmental impact statement.

26. Saver for certain development.

FIRST SCHEDULE

Development for the purposes of these Regulations.

SECOND SCHEDULE

Information to be contained in an environmental impact statement.

S.I. No. 349 of 1989.

EUROPEAN COMMUNITIES (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS, 1989.

The Minister for the Environment, in exercise of the powers conferred on him by section 3 of the European Communities Act, 1972 (No. 27 of 1972) and for the purpose of giving effect to the Council Directive of 27 June, 1985 (No. 85/337/EEC, O.J. No. L175/40, 5 July, 1985), hereby makes the following Regulations:—

PART I PRELIMINARY AND GENERAL

Citation.

1. These Regulations may be cited as the European Communities (Environmental Impact Assessment) Regulations, 1989.

Commencement.

2. (1) These Regulations shall come into operation on the 1st day of February, 1990.

(2) Where these Regulations provide for the amendment of an enactment, such enactment shall, notwithstanding any provision of the enactment as to commencement, have effect on and from the coming into operation of these Regulations.

Interpretation.

3. (1) In these Regulations:—

"Council Directive" means the Council Directive of 27 June, 1985 (No. 85/337/EEC, O.J. No. L175/40, 5 July, 1985) on the assessment of the effects of certain public and private projects on the environment;

"environmental impact statement" means a statement, prepared in accordance with a requirement of or under any enactment (including these Regulations), other than the European Communities (Environmental Impact Assessment) (Motorways) Regulations, 1988 (S.I. No. 221 of 1988), of the effects, if any, which proposed development, if carried out, would have on the environment.

(2) In these Regulations, save where the context otherwise requires:—

(*a*) any reference to a Part or Schedule which is not otherwise identified is a reference to a Part or Schedule of these Regulations,

(*b*) a reference to any enactment shall be construed as a reference to that enactment as amended or adapted by any subsequent enactment, including these Regulations.

PART II AMENDMENT OF LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1983

Definitions for Part II.

4. In this Part:—

"the Act of 1963" means the Local Government (Planning and Development) Act, 1963 (No. 28 of 1963);

"the Act of 1976" means the Local Government (Planning and Development) Act, 1976 (No. 20 of 1976).

Amendment of section 2 of Act of 1963.

5. Subsection (1) of section 2 of the Act of 1963 is hereby amended by:—

(*a*) the insertion after the definition of "car park" of the following definition:

"'Council Directive' means the Council Directive of 27 June, 1985 (No. 85/337/EEC, O.J. No. L175/40, 5 July, 1985) on the assessment of the effects of certain public and private projects on the environment, and any Directive amending or replacing that Directive;"

(*b*) the insertion after the definition of "development plan" of the following definition:

"'environmental impact statement' means a statement of the effects, if any, which proposed development, if carried out, would have on the environment;"

Amendment of section 4 of Act of 1963.

6. Section 4 of the Act of 1963 is hereby amended by the insertion of the following subsection after subsection (3) of that section:—

"(4) (*a*) The Minister may, in connection with the Council Directive,

prescribe development or classes of development for the purposes of this subsection.

(*b*) Notwithstanding paragraph (*a*) of subsection (1) of this section, development which is prescribed for the purposes of this subsection shall not be exempted development."

Amendment of section 25 of Act of 1963.

7. Section 25 of the Act of 1963 is hereby amended by:—

(*a*) the substitution for paragraph (*cc*) of subsection (2) of the following paragraph:

"(*cc*) in connection with the Council Directive—

(i) the submission to the planning authority, in the case of specified applications or classes of applications, of an environmental impact statement in respect of the development to which the application relates,

(ii) enabling planning authorities to require, in the case of specified applications or classes of applications, the submission by the applicant of an environmental impact statement in respect of the development to which the application relates,

(iii) the information to be contained in an environmental impact statement,

(iv) the determination by planning authorities, for the purposes of dealing with applications, of the adequacy of information contained in environmental impact statements,

(v) the making of submissions or observations to the planning authority by persons other than the applicant in relation to the effects on the environment of development in respect of which the authority has received an environmental impact statement,

(vi) the making available for purchase of copies of environmental impact statements,

(vii) requiring the giving of notice by planning authorities of any application in respect of development which is likely to have significant effects on the environment in another Member State of the European Communities,";

(*b*) the insertion after subsection (2) of the following subsections:

"(3) (*a*) At the request of an applicant or of a person intending to apply for permission the Minister may, by order, having afforded the planning authority concerned an opportunity to furnish observations on the request, and where he is satisfied that exceptional circumstances so warrant, grant in respect of proposed development an exemption from a requirement of or under regulations under this section to prepare an environmental impact statement.

(*b*) The Minister in granting an exemption under paragraph (*a*) of this subsection may, by order, apply such requirements (being requirements additional to those provided for in regulations under this section) in relation to the application for permission as he considers necessary or appropriate.

(*c*) The Minister shall, as soon as may be, notify the planning authority concerned of his decision on any request made to him under paragraph (*a*) of this subsection, and of any requirements applied under paragraph (*b*) of this subsection.

(*d*) Notice of any exemption granted under paragraph (*a*) of this subsection, of the reasons for granting it and of any requirements applied under paragraph (*b*) of this subsection shall be published in the *Iris Oifigiúil* and in at least one daily newspaper published in the State.

(4) (*a*) A person who makes a request to the Minister for an exemption under subsection (3) of this section shall, as soon as may be, inform the planning authority concerned of the making of the request and the date on which it was made.

(*b*) Notwithstanding subsection (4) of section 26 of this Act, the appropriate period referred to in that subsection shall not, in a case in which a request is made to the Minister under subsection (3) of this section, include the period beginning on the day of the making of the request and ending on the day of receipt by the planning authority concerned of notice of the Minister's decision on the request."

Amendment of section 26 of Act of 1963.

8. Section 26 of the Act of 1963 is hereby amended by:—

(*a*) the insertion after subsection (1) of the following subsection:

"(1A) Without prejudice to subsection (1) of this section, a planning authority shall, in dealing with an application for permission for the development of land in respect of which an environmental impact statement was submitted to them in accordance with a requirement of or under regulations under section 25 (as amended by the European Communities (Environmental Impact Assessment) Regulations, 1989) of this Act, have regard to that statement and to—

(*a*) any supplementary information relating to the statement furnished to them by the applicant in accordance with regulations under that section,

(*b*) any submissions or observations concerning the effects on the environment of the proposed development made to them by persons other than the applicant in accordance with regulations under that section, and

(*c*) where appropriate, the views of other Member States of the

European Communities in relation to the effects on the environment of the proposed development.";

(*b*) the insertion after subsection (4A) of the following subsection:

"(4AA) (*a*) The Minister may, by order, before the expiration of the appropriate period within the meaning of subsection (4) (*a*) of this section, extend the said period in such manner as he considers appropriate in the case of an application for permission for the development of land where such development would be likely to have significant effects on the environment in another Member State of the European Communities, and subsection (4) (*b*) of this section shall, in case such an order is made, be construed and have effect accordingly.

(*b*) The Minister shall, as soon as may be, notify the applicant and the planning authority concerned of any order made under paragraph (*a*) of this subsection.";

(*c*) the insertion after subsection (5) of the following subsection:

"(5A) Without prejudice to subsection (5) of this section, the Board shall, in determining on appeal an application in respect of which an environmental impact statement was submitted by the applicant (whether at the instance of the Board or otherwise), have regard to that statement, to such supplementary information, if any, relating to the statement as may have been furnished to the Board or to the planning authority by the applicant, and to other submissions or observations, if any, made to them concerning the effects on the environment of the proposed development.".

Amendment of section 41 of Act of 1963.

9. Section 41 of the Act of 1963 is hereby amended by the insertion after paragraph (*a*) of subsection (1) of the following paragraph:—

"(*aa*) where an environmental impact statement was submitted in respect of an application, an indication of this fact,".

Amendment of section 78 of Act of 1963.

10. Section 78 of the Act of 1963 is hereby amended by the insertion of the following subsections:—

"(2) For the purposes of the Council Directive, regulations made in relation to any specified cases or classes of cases of development proposed to be carried out by or on behalf of local authorities who are planning authorities may—

(*a*) require the authority to prepare an environmental impact statement in respect of specified proposed development,

(*b*) empower the Minister to require the authority to prepare an environmental impact statement in respect of other proposed development,

(*c*) require the authority to have, in respect of proposed development for

which an environmental impact statement is required to be prepared, the certification of the Minister that the proposed development (or the proposed development as varied or modified by him) will not, in his opinion, have significant adverse effects on the environment, or will embody the best practicable means to prevent or limit such effects,

(*d*) require the Minister, before certifying proposed development, to have regard to an environmental impact statement prepared in respect of that development, to any submissions or observations made to him in accordance with regulations under this subsection, and to the views of other Member States of the European Communities arising from consultation, if any, in accordance with regulations under this subsection,

(*e*) enable the Minister, in relation to the certification referred to in paragraph (*c*) of this subsection, to vary or modify a proposed development in respect of which certification is sought,

(*f*) require the authority to give public notice in any specified form and manner, or to give notice to any specified persons, of applications for the certification referred to in paragraph (*c*) of this subsection,

(*g*) require the public availability of environmental impact statements, the availability for purchase of copies of such statements and the furnishing of copies of such statements to the Minister and to any other specified persons,

(*h*) require the authority to furnish to the Minister further information in relation to proposed development in respect of which an environmental impact statement has been prepared,

(*i*) provide for the making of submissions or observations to the Minister in relation to the effects on the environment of proposed development in respect of which an environmental impact statement has been prepared,

(*j*) provide for consultation with other Member States of the European Communities in relation to proposed development,

(*k*) require the Minister to give notice of his decision in relation to proposed development for which certification is sought in accordance with regulations under this subsection,

(*l*) require a planning authority, in dealing with an application by a local authority for permission under Part IV of this Act for development outside the functional area of that local authority, to have regard to any certification of the development by the Minister under regulations in accordance with this subsection.

(3) (*a*) The Minister may, by order, where he is satisfied that exceptional circumstances so warrant, grant an exemption in respect of proposed development from a requirement of regulations under subsection (2) of this section to prepare an environmental impact statement.

(*b*) The Minister in granting an exemption in respect of proposed development under paragraph (*a*) of this subsection may, by order, apply such other requirements as he considers necessary or appropriate.

(*c*) Notice of any exemption granted under paragraph (*a*) of this subsection, of the reasons for granting it and of any other requirements applied under paragraph (*b*) of this subsection shall be published in the *Iris Oifigiúil* and in at least one daily newspaper published in the State."

Amendment of section 20 of Act of 1976.

11. Section 20 of the Act of 1976 is hereby amended by the insertion after subsection (4) of the following subsection:—

"(5) Without prejudice to the generality of subsection (1) of this section, the Minister may, for the purposes of the Council Directive, make regulations enabling the Board when considering an appeal under section 26 of the Principal Act to require the submission to the Board by the applicant of an environmental impact statement in respect of the development to which the appeal relates, to determine the adequacy for the purposes of their consideration of an appeal of the information contained in an environmental impact statement (whether prepared at the instance of the Board or otherwise), and to require the submission to the Board by the applicant of such additional information in relation to the effects on the environment of the proposed development as the Board considers necessary or appropriate."

PART III AMENDMENT OF OTHER ENACTMENTS

Amendment of Public Health (Ireland) Act, 1878.

12. The Public Health (Ireland) Act, 1878 (41 and 42 Vict. c. 52) is hereby amended by:—

(*a*) the insertion after section 37 of the following section:

"Restriction of certain inquiries.

37A.—An inquiry held pursuant to section 37 of this Act shall not, in the case of intended work in respect of which the certification of the Minister has been given under regulations in accordance with section 78 (as amended by the European Communities (Environmental Impact Assessment) Regulations, 1989) of the Local Government (Planning and Development) Act, 1963 (No. 28 of 1963), consider the effects which the intended work, if carried out, would have on the environment.";

(*b*) the insertion after section 63 of the following section:

"Restriction of certain inquiries.

63A.—An inquiry held pursuant to section 63 of this Act shall not, in the

case of intended work in respect of which the certification of the Minister has been given under regulations in accordance with section 78 (as amended by the European Communities (Environmental Impact Assessment) Regulations, 1989) of the Local Government (Planning and Development) Act, 1963 (No. 28 of 1963), consider the effects which the intended work, if carried out, would have on the environment."

Amendment of Foreshore Act, 1933 .

13. The Foreshore Act, 1933 (No. 12 of 1933) is hereby amended by:—

(*a*) the insertion in section 1, after the definition of "term", of the following definition:

"the expression 'development' has the meaning assigned to it by section 3 of the Local Government (Planning and Development) Act, 1963 (No. 28 of 1963);";

(*b*) the addition to subsection (2) of section 10 of the words "or would have or be likely to have significant adverse effects on the environment";

(*c*) the insertion after section 13 of the following section:

"Environmental impact assessment of certain proposals relating to the foreshore.

13A.—(1) A relevant application to the Minister which proposes the undertaking of development of a class for the time being specified under Article 24 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 24, shall be accompanied by a statement of the likely effects on the environment (hereinafter in this Act referred to as an "environmental impact statement") of such proposed development.

(2) Where a relevant application would involve the undertaking of development which would be of a class referred to in subsection (1) of this section but for not exceeding a quantity, area or other limit for the time being specified in relation to that class, and where the Minister considers that the said development would be likely to have significant effects on the environment, he shall require the applicant to submit an environmental impact statement in respect of such development.

(3) An environmental impact statement shall contain the information for the time being specified under Article 25 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 25.

(4) (*a*) The Minister may, by order, where he is satisfied that exceptional circumstances so warrant and after consultation with the Minister for the Environment, exempt a relevant application or a proposed relevant application from the requirement of subsection (1) of this section.

(*b*) The Minister in granting an exemption under paragraph (*a*) of this subsection may, by order, apply such other

requirements in relation to the relevant application or the proposed relevant application as he considers necessary or appropriate.

(*c*) Notice of any exemption granted under paragraph (*a*) of this subsection, of the reasons for granting it and of any other requirements applied under paragraph (*b*) of this subsection shall be published in the *Iris Oifigiúil* and in one or more newspapers circulating in the district in which is situated the foreshore to which the relevant application or the proposed relevant application relates.

(5) In this section and in sections 19A, 19C and 21A "relevant application" means, as the case may be—

(*a*) an application to the Minister for a lease under section 2 of this Act,

(*b*) an application to the Minister for a licence under section 3 of this Act,

(*c*) an application to the Minister for his approval under section 10 of this Act for maps, plans, and specifications for erection of structures on the foreshore,

(*d*) an application to the Minister for his consent under section 13 of this Act for the deposit of material on the foreshore.";

(*d*) the insertion after section 19 of the following sections:

"Procedure in regard to certain relevant applications.

19A.—(1) Notwithstanding section 19 of this Act, a person who has submitted an environmental impact statement in accordance with a requirement of or under section 13A of this Act shall, as soon as may be, publish in one or more newspapers circulating in the district in which is situated the foreshore to which the relevant application relates a notice—

(*a*) stating that he has made the application and indicating the location and nature of the proposal to which the application relates,

(*b*) stating that an environmental impact statement has been prepared in respect of the proposal,

(*c*) naming a place where a copy of the environmental impact statement may be inspected free of charge or purchased by any interested person,

(*d*) specifying the times and the period (being the prescribed period) during which the environmental impact statement can be so inspected or purchased,

(*e*) stating that any person may during the prescribed period make objections and representations to the Minister in relation

to the effects on the environment of the proposal.

(2) Copies of the environmental impact statement shall be available for purchase by interested persons for a fee not exceeding the reasonable cost of making a copy.

(3) A person who has submitted an environmental impact statement in accordance with a requirement of or under section 13A of this Act shall, as soon as may be, furnish copies of the statement to the prescribed bodies, and shall indicate that objections and representations may be made to the Minister during the prescribed period in relation to the effects on the environment of the proposal.

(4) In this section and in section 19B "prescribed" means prescribed by the Minister by regulations.

Minister to have regard to certain matters in considering certain relevant applications.

19B.—(1) Where an environmental impact statement has been submitted in accordance with a requirement of or under section 13A of this Act, the Minister shall have regard to the said statement, to any objections and representations made to him during the prescribed period in relation to the effects on the environment of the proposal, and to the views of other Member States of the European Communities arising from consultation, if any, pursuant to section 19C of this Act.

(2) The Minister may, where he considers it necessary so to do, require an applicant who has submitted an environmental impact statement to furnish to him such further information in relation to the effects on the environment of the proposal as the Minister may specify.

Consultation with other Member States of European Communities.

19C.—(1) Where the Minister considers that development proposed in a relevant application in respect of which an environmental impact statement has been submitted in accordance with a requirement of or under section 13A of this Act would be likely to have significant effects on the environment in another Member State of the European Communities, or where another Member State likely to be significantly affected so requests, he shall consult that Member State in relation to the effects on the environment of the proposal.

(2) The Minister shall notify any Member State of the European Communities with which consultation takes place under subsection (1) of this section of his decision on the particular relevant application.";

(e) the insertion after section 21 of the following section:

"Publication of notice of Minister's decision in relation to certain relevant applications.

21A.—Notice of the Minister's decision on a relevant application in respect of which an environmental impact statement was submitted in accordance with a requirement of or under section 13A of this Act shall be published in the *Iris Oifigiúil* and in one or more newspapers circulating in

the district in which is situated the foreshore to which the relevant application relates."

Amendment of Air Navigation and Transport Act, 1936 .

14. The Air Navigation and Transport Act, 1936 (No. 40 of 1936) is hereby amended by the insertion after section 37 of the following section:

"Environmental impact assessment of certain aerodromes proposed to be established by local authorities.

37A.—(1) (a) An application by a local authority under section 37 of this Act for the consent of the Minister to the establishment of an aerodrome which is of a class for the time being specified under Article 24 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 24, shall be accompanied by a statement of the likely effects on the environment (hereinafter referred to as an "environmental impact statement") of the proposed aerodrome.

(b) Where an application is made to the Minister for consent to the establishment of an aerodrome which would be of a class referred to in paragraph (a) of this subsection but for not exceeding a quantity, area or other limit for the time being specified in relation to that class, and where the Minister considers that the proposed aerodrome would be likely to have significant effects on the environment, he shall require the local authority to submit an environmental impact statement in respect of the proposed aerodrome.

(c) An environmental impact statement shall contain the information for the time being specified under Article 25 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 25.

(2) Where an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section, the local authority shall, as soon as may be, publish in one or more newspapers circulating in the area of the proposed aerodrome a notice—

(a) stating that they have applied to the Minister for his consent to establishment of the aerodrome and indicating, the location and nature of the proposed aerodrome,

(b) stating that an environmental impact statement has been prepared in respect of the proposed aerodrome,

(c) naming a place where a copy of the environmental impact statement may be inspected free of charge or purchased by any interested person,

(d) specifying the times and the period (being the prescribed period) during which the environmental impact statement can

be so inspected or purchased,

(*e*) stating that any person may during the prescribed period make submissions or observations to the Minister in relation to the effects on the environment of the proposed aerodrome.

(3) Copies of the environmental impact statement shall be available for purchase by interested persons for such fee not exceeding the reasonable cost of making a copy as the local authority may fix.

(4) Where a local authority have submitted an environmental impact statement in accordance with a requirement of or under subsection (1) of this section they shall, as soon as may be, furnish copies of the statement to the prescribed bodies, and shall indicate that submissions or observations may be made to the Minister during the prescribed period in relation to the effects on the environment of the proposed aerodrome.

(5) (*a*) Where an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section, the Minister shall have regard to the said statement, to any submissions or observations made to him during the prescribed period in relation to the effects on the environment of the proposed aerodrome, and to the views of other Member States of the European Communities arising from consultation, if any, pursuant to subsection (7) of this section.

(*b*) The Minister may, where he considers it necessary so to do, require a local authority who have submitted an environmental impact statement to furnish to him such further information in relation to the effects on the environment of the proposed aerodrome as the Minister may specify.

(6) (*a*) The Minister may, by order, where he is satisfied that exceptional circumstances so warrant and after consultation with the Minister for the Environment, exempt an application or a proposed application for his consent to establishment of an aerodrome from the requirement of subsection (1) (*a*) of this section.

(*b*) The Minister in granting an exemption under paragraph (*a*) of this subsection may, by order, apply such other requirements in relation to the application or the proposed application as he considers necessary or appropriate.

(*c*) Notice of any exemption granted under paragraph (*a*) of this subsection, of the reasons for granting it and of any other requirements applied under paragraph (*b*) of this subsection shall be published in the *Iris Oifigiúil* and in one or more newspapers circulating in the area of the proposed aerodrome.

(7) (*a*) Where the Minister considers that a proposed aerodrome in respect of which an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section would be likely to have significant effects on the environment in

another Member State of the European Communities, or where another Member State likely to be significantly affected so requests, he shall consult that Member State in relation to the effects on the environment of the proposed aerodrome.

(*b*) The Minister shall notify any Member State of the European Communities with which consultation takes place under paragraph (*a*) of this subsection of his decision in relation to the proposed aerodrome.

(8) Notice of the Minister's decision on an application in respect of which an environmental impact statement was submitted in accordance with a requirement of or under subsection (1) of this section shall be published in the *Iris Oifigiúil* and in one or more newspapers circulating in the area of the proposed aerodrome."

Amendment of Water Supplies Act, 1942 .

15. The Water Supplies Act, 1942 (No. 1 of 1942) is hereby amended by the insertion after section 10 of the following section:—

"10A.—(1) In this section "relevant development" means a dam or other installation designed for the holding or storage of water.

(2) An inquiry held in relation to an application to the Minister for a provisional order which would allow the coming into force of a proposal for, inter alia, the construction of a relevant development shall not consider the effects on the environment of such relevant development where it has been certified by the Minister under regulations in accordance with section 78 (as amended by the European Communities (Environmental Impact Assessment) Regulations, 1989) of the Local Government (Planning and Development) Act, 1963 (No. 28 of 1963).".

Amendment of Arterial Drainage Act, 1945 .

16. The Arterial Drainage Act, 1945 (No. 3 of 1945) is hereby amended by:—

(*a*) the substitution for "engineering and valuation surveys" in subsection (1) of section 4 of "engineering, environmental and valuation surveys";

(*b*) the insertion after subsection (2) of section 4 of the following subsections:

"(2A) (*a*) Every drainage scheme which would involve the execution of drainage works of a class for the time being specified under Article 24 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 24, shall contain, as a schedule annexed thereto, in addition to the matters set out in subsection (2) of this section, a statement of the likely effects on the environment (hereinafter in this Act referred to as an "environmental impact statement") of the proposed works.

(*b*) (i) The Commissioners shall, before preparing a drainage scheme which would involve the execution of drainage works

which would be of a class referred to in paragraph (a) of this subsection but for not exceeding a quantity, area or other limit for the time being specified in relation to that class, consult the Minister.

(ii) Where the Minister is consulted pursuant to sub-paragraph (i) of this paragraph and he considers that the proposed drainage works would be likely to have significant effects on the environment, he shall direct that the drainage scheme shall contain, as a schedule annexed thereto, in addition to the matters set out in subsection (2) of this section, an environmental impact statement.

(c) An environmental impact statement contained in a drainage scheme in accordance with paragraph (a) or (b) of this subsection shall contain the information for the time being specified under Article 25 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 25.

(2B) (a) The Minister may, by order, where he is satisfied that exceptional circumstances so warrant and after consultation with the Minister for the Environment, exempt a proposed drainage scheme from the requirement of paragraph (a) of subsection (2A) of this section.

(b) The Minister in granting an exemption under paragraph (a) of this subsection may, by order, apply such other requirements in relation to the proposed drainage scheme as he considers necessary or appropriate.

(c) Notice of any exemption granted under paragraph (a) of this subsection, of the reasons for granting it and of any other requirements applied under paragraph (b) of this subsection shall be published in the *Iris Oifigiúil* and in one or more newspapers circulating in the area proposed by such proposed scheme to be constituted a separate drainage district.";

(c) the insertion after paragraph (a) of subsection (1) of section 5 of the following paragraph:

"(aa) where, in accordance with subsection (2A) of section 4 of this Act, the scheme contains an environmental impact statement, send a copy of the statement to such bodies as may be prescribed by the Minister by regulations, indicating that observations may be sent to the Commissioners in relation to the effects on the environment of the proposed drainage works within such period as may be specified, not being less than one month after the sending to the body concerned of the statement,";

(d) the insertion after subsection (1) of section 5 of the following subsection:

"(1A) Where, in accordance with subsection (2A) of section 4 of this Act, the scheme contains an environmental impact statement, the notice published pursuant to paragraph (b) of subsection (1) of this section shall so indicate and shall state that copies of the statement will be available for purchase during the period specified in the said notice, and that any person may within that period

send to the Commissioners observations in relation to the effects on the environment of the proposed drainage works.";

(*e*) the insertion after paragraph (*a*) of subsection (2) of section 5 of the following paragraph:

"(*aa*) shall, where in accordance with subsection (2A) of section 4 of this Act the scheme contains an environmental impact statement, cause copies of the statement to be available for purchase by interested persons for a fee not exceeding the reasonable cost of making a copy of the statement,";

(*f*) the insertion in subsection (1) of section 7, after "drainage scheme" of "for the sending by prescribed bodies and interested persons of observations in relation to the effects on the environment of the proposed drainage works";

(*g*) the insertion after paragraph (*c*) of subsection (1) of section 7 of the following paragraph:

"(*d*) where, in accordance with subsection (2A) of section 4 of this Act, the drainage scheme contains an environmental impact statement, submit to the Minister details of observations received by them in relation to the effects on the environment of the proposed drainage works.";

(*h*) the insertion after subsection (2) of section 7 of the following subsections:

"(3) Where, in accordance with subsection (2A) of section 4 of this Act, a drainage scheme contains an environmental impact statement, the Minister shall—

(*a*) have regard to the said statement, to any observations received by the Commissioners and submitted to him in accordance with paragraph (*d*) of subsection (1) of this section, and to the views of other Member States of the European Communities arising from consultation, if any, pursuant to subsection (4) of this section,

(*b*) publish in the *Iris Oifigiúil*, and in one or more newspapers circulating in the area proposed by such scheme to be constituted a separate drainage district, notice of his decision in relation to the scheme.

(4) (*a*) Where the Minister considers that drainage works envisaged in a proposed drainage scheme which, in accordance with subsection (2A) of section 4 of this Act, contains an environmental impact statement would be likely to have significant effects on the environment in another Member State of the European Communities, or where another Member State likely to be significantly affected so requests, he shall consult that Member State in relation to the effects on the environment of the proposed works.

(*b*) The Minister shall notify any Member State of the European Communities with which consultation takes place under paragraph (*a*) of this subsection of his decision in relation to the particular drainage scheme."

Amendment of Harbours Act, 1946 .

17. The Harbours Act, 1946 (No. 9 of 1946) is hereby amended by:—

(*a*) the insertion after subsection (8) of section 134 of the following subsection:

"(9) The Minister shall, as soon as may be, publish in the *Iris Oifigiúil* and in two newspapers circulating in the county in which is situate the principal office of the harbour authority to whom the order relates notice of the making of any harbour works order which authorises works in respect of which an environmental impact statement was prepared in accordance with subsection (2A) of section 138 of this Act.";

(*b*) the insertion after paragraph (*a*) of subsection (1) of section 136 of the following paragraph:

"(*aa*) A notice published pursuant to paragraph (*a*) of this subsection in respect of a proposed harbour works order which would authorise works in respect of which an environmental impact statement has been prepared in accordance with subsection (2A) of section 138 of this Act shall, without prejudice to that paragraph—

(i) state that an environmental impact statement has been prepared in respect of the proposed works to which the proposed order relates,

(ii) state that a copy of the environmental impact statement may be inspected free of charge or purchased by any interested person at the principal office of the harbour authority, and

(iii) specify the times and the period (being the period specified pursuant to paragraph (*b*) of this subsection during which objections and representations in relation to the order may be furnished to the Minister) during which the environmental impact statement may be so inspected or purchased,";

(*c*) the insertion after subsection (1) of section 136 of the following subsection:

"(1A) Copies of an environmental impact statement shall be available, in accordance with the terms of the notice published pursuant to paragraphs (*a*), (*aa*) and (*b*) of subsection (1) of this section, for purchase by interested persons for a fee not exceeding the reasonable cost of making a copy.";

(*d*) the insertion after paragraph (*b*) of subsection (1) of section 136 of the following paragraph:

"(*bb*) the harbour authority to whom the proposed order relates shall, where the proposed order would authorise works in respect of which an environmental impact statement has been prepared in accordance with subsection (2A) of section 138 of this Act, send copies of the statement to such bodies as may be specified by the Minister and shall indicate to those bodies that objections and representations in

relation to the effects on the environment of the works which the order would authorise may be made to the Minister during a specified period,";

(e) the insertion after paragraph (c) of subsection (1) of section 136 of the following paragraphs:

"(cc) in making the order the Minister shall, where the order would authorise works in respect of which an environmental impact statement has been prepared in accordance with subsection (2A) of section 138 of this Act, have regard, in addition to the matters mentioned in paragraph (c) of this subsection, to the environmental impact statement prepared by the harbour authority, and to the views of other Member States of the European Communities arising from consultation, if any, pursuant to paragraph (ccc) of this subsection,

(ccc) (i) the Minister shall, where he considers that proposed works in respect of which an environmental impact statement has been prepared in accordance with subsection (2A) of section 138 of this Act would be likely to have significant effects on the environment in another Member State of the European Communities, or where another Member State likely to be significantly affected so requests, consult that Member State in relation to the effects on the environment of the proposed works,

(ii) The Minister shall notify any Member State of the European Communities with which consultation takes place under sub-paragraph (i) of this paragraph of his decision on the relevant application for a harbour works order.";

(f) the insertion after subsection (2) of section 138 of the following subsections:

"(2A) (a) Without prejudice to the generality of subsection (2) of this section, an application for a harbour works order authorising works of a class for the time being specified under Article 24 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 24, shall contain a statement of the likely effects on the environment (elsewhere in this Part referred to as an "environmental impact statement") of the proposed works.

(b) (i) A harbour authority which proposes to apply to the Minister for a harbour works order authorising works which would be of a class referred to in paragraph (a) of this subsection but for not exceeding a quantity, area or other limit for the time being specified in relation to that class shall consult the Minister before making such application.

(ii) Where the Minister is consulted pursuant to sub-paragraph (i) of this paragraph and he considers that the proposed works would be likely to have significant effects on the environment, he shall direct that the

application for a harbour works order shall contain an environmental impact statement.

(c) An environmental impact statement shall contain the information for the time being specified under Article 25 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 25.

(2B) (a) The Minister may, by order, where he is satisfied that exceptional circumstances so warrant and after consultation with the Minister for the Environment, exempt proposed works from the requirement of paragraph (a) of subsection (2A) of this section.

(b) The Minister in granting an exemption under paragraph (a) of this subsection may, by order, apply such other requirements in relation to the application for the harbour works order as he considers necessary or appropriate.

(c) Notice of any exemption granted under paragraph (a) of this subsection, of the reasons for granting it and of any other requirements applied under paragraph (b) of this subsection shall be published in the *Iris Oifigiúil* and in two newspapers circulating in the county in which is situate the principal office of the harbour authority concerned."

Amendment of Fisheries (Consolidation) Act, 1959 .

18. The Fisheries (Consolidation) Act, 1959 (No. 14 of 1959) is hereby amended by the insertion after section 15 of the following section:—

"Environmental impact assessment in relation to certain applications for fish culture licences.

15A.—(1) (a) An application to the Minister under section 15 of this Act for a fish culture licence authorising culture of salmonid fish in an area of the sea shall, where the proposed culture is of a class for the time being specified under Article 24 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 24, be accompanied by a statement of the likely effects on the environment (hereinafter referred to as an "environmental impact statement") of the proposed culture.

(b) Where an application to the Minister under section 15 of this Act for a licence authorising the culture of salmonid fish in an area of the sea relates to culture which would be of a class referred to in paragraph (a) of this subsection but for not exceeding a quantity, area or other limit for the time being specified in relation to that class, and where

the Minister considers that the proposed culture would be likely to have significant effects on the environment, he shall require the applicant to submit an environmental impact statement in respect of the proposed culture.

(*c*) An environmental impact statement shall contain the information for the time being specified under Article 25 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 25.

(2) Where an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section, the applicant shall, as soon as may be, publish in one or more newspapers circulating in the vicinity of the location of the proposed culture a notice—

(*a*) stating that he has applied to the Minister for a fish culture licence and indicating the location and nature of the proposed culture,

(*b*) stating that an environmental impact statement has been prepared in respect of the proposed culture,

(*c*) naming a place where a copy of the environmental impact statement may be inspected free of charge or purchased by any interested person,

(*d*) specifying the times and the period (being the prescribed period) during which the environmental impact statement can be so inspected or purchased,

(*e*) stating that any person may during the prescribed period make submissions or observations to the Minister in relation to the effects on the environment of the proposed culture.

(3) Copies of the environmental impact statement shall be available for purchase by interested persons for a fee not exceeding the reasonable cost of making a copy.

(4) Where an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section the applicant shall, as soon as may be, furnish copies of the statement to the prescribed bodies, and shall indicate that submissions or observations may be made to the Minister during the prescribed period in relation to the effects on the environment of the proposed culture.

(5) (*a*) Where an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section, the Minister shall have regard to the said statement, to any submissions or observations made to him during the prescribed

period in relation to the effects on the environment of the proposed culture, and to the views of other Member States of the European Communities arising from consultation if any, pursuant to subsection (7) of this section.

(*b*) The Minister may, where he considers it necessary so to do, require an applicant who has submitted an environmental impact statement to furnish to him such further information in relation to the effects on the environment of the proposed culture as the Minister may specify.

(6) (*a*) The Minister may, by order, where he is satisfied that exceptional circumstances so warrant and after consultation with the Minister for the Environment, exempt an application or a proposed application from the requirement of subsection (1) (*a*) of this section.

(*b*) The Minister in granting an exemption under paragraph (*a*) of this subsection may, by order, apply such other requirements in relation to the application or the proposed application as he considers necessary or appropriate.

(*c*) Notice of any exemption granted under paragraph (*a*) of this sub-section, of the reasons for granting it and of any other requirements applied under paragraph (*b*) of this subsection shall be published in the *Iris Oifigiúil* and in one or more newspapers circulating in the vicinity of the location of the proposed culture.

(7) (*a*) Where the Minister considers that proposed fish culture in respect of which an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section would be likely to have significant effects on the environment in another Member State of the European Communities, or where another Member State likely to be significantly affected so requests, he shall consult that Member State in relation to the effects on the environment of the proposed culture.

(*b*) The Minister shall notify any Member State of the European Communities with which consultation takes place under paragraph (*a*) of this subsection of his decision in relation to the relevant application for a fish culture licence.

(8) Notice of the Minister's decision in relation to an application for a fish culture licence in respect of which an environmental impact statement was submitted in accordance with a requirement of or under subsection (1) of this section shall be published in the *Iris Oifigiúil* and in one or more newspapers circulating in the vicinity of the location of the proposed culture."

Amendment of Petroleum and Other Minerals Development Act, 1960 .

19. The Petroleum and Other Minerals Development Act, 1960 (No. 7 of 1960) is hereby amended by the insertion after section 13 of the following section:—

"Environmental impact assessment of certain working of petroleum.

13A.—(1) (*a*) A plan submitted to the Minister under the terms of a lease under section 13 of this Act seeking his approval for working of petroleum under land (not being land situate within the functional area of a planning authority within the meaning of the Local Government (Planning and Development) Acts, 1963 to 1983) shall, where the proposed working is of a class for the time being specified under Article 24 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 24, be accompanied by a statement of the likely effects on the environment (hereinafter referred to as an "environmental impact statement") of the proposed working.

(*b*) Where a plan submitted to the Minister under the terms of a lease under section 13 of this Act seeks his approval for working of petroleum which would be of a class referred to in paragraph (*a*) of this subsection but for not exceeding a quantity, area or other limit for the time being specified in relation to that class, and where the Minister considers that the proposed working would be likely to have significant effects on the environment, he shall require the applicant to submit an environmental impact statement in respect of the proposed working.

(*c*) An environmental impact statement shall contain the information for the time being specified under Article 25 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 25.

(2) Where an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section, the applicant shall, as soon as may be, publish in at least one daily newspaper published in the State a notice—

(*a*) stating that he has applied to the Minister for approval to the working of petroleum and indicating the location and nature of the proposed working,

(*b*) stating that an environmental impact statement has been prepared in respect of the proposed working,

(*c*) naming a place where a copy of the environmental impact statement may be inspected free of charge or purchased by any interested person,

(*d*) specifying the times and the period (being the prescribed period) during which the environmental impact statement can be so inspected or purchased,

(*e*) stating that any person may during the prescribed period make submissions or observations to the Minister in relation to the effects on the environment of the proposed working.

(3) Copies of the environmental impact statement shall be available for purchase by interested persons for a fee not exceeding the reasonable cost of making a copy.

(4) Where an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section, the applicant shall, as soon as may be, furnish copies of the statement to the prescribed bodies, and shall indicate that submissions or observations may be made to the Minister during the prescribed period in relation to the effects on the environment of the proposed working of petroleum.

(5) (*a*) Where an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section, the Minister shall have regard to the said statement, to any submissions or observations made to him during the prescribed period in relation to the effects on the environment of the proposed working of petroleum, and to the views of other Member States of the European Communities arising from consultation, if any, pursuant to subsection (7) of this section.

(*b*) The Minister may, where he considers it necessary so to do, require an applicant who has submitted an environmental impact statement to furnish to him such further information in relation to the effects on the environment of the proposed working of petroleum as the Minister may specify.

(6) (*a*) The Minister may, by order, where he is satisfied that exceptional circumstances so warrant and after consultation with the Minister for the Environment, exempt a plan or a proposed plan seeking approval for working of petroleum from the requirement of subsection (1) (*a*) of this section.

(*b*) The Minister in granting an exemption under paragraph (*a*) of this subsection may, by order, apply such other requirements in relation to the plan or the proposed plan as he considers necessary or appropriate.

(*c*) Notice of any exemption granted under paragraph (*a*) of this subsection, of the reasons for granting it and of any other requirements applied under paragraph (*b*) of this subsection shall be published in the *Iris Oifigiúil* and in at least one daily newspaper published in the State.

(7) (*a*) Where the Minister considers that proposed working of petroleum in respect of which an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section would be likely to have significant effects on the environment in another Member State of the European Communities, or where another Member State likely to be significantly affected so requests, he shall consult that Member State in relation to the effects on the environment of the proposed working.

(*b*) The Minister shall notify any Member State of the European Communities with which consultation takes place under paragraph (*a*) of this subsection of his decision on the relevant application for approval to the working of petroleum.

(8) Notice of the Minister's decision on an application for approval to working of petroleum in respect of which an environmental impact statement was submitted in accordance with a requirement of or under subsection (1) of this section shall be published in the *Iris Oifigiúil* and in at least one daily newspaper published in the State."

Amendment of Gas Act, 1976 .

20. The Gas Act, 1976 (No. 30 of 1976) is hereby amended by the insertion after section 40 of the following section:—

"Environmental impact assessment of certain pipelines.

40A.—(1) (*a*) An application to the Minister by the Board for his consent under subsection (7) of section 8 to the construction of a pipeline, or a notice given to the Minister by a person, other than the Board, under subsection (1) of section 40 in relation to the proposed construction of a pipeline, shall, where the proposed pipeline is of a class for the time being specified under Article 24 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 24, be accompanied by a statement of the likely effects on the environment (hereinafter referred to as an "environmental impact statement") of the proposed pipeline.

(*b*) Where an application is made by the Board or a notice is given by a person, other than the Board, in

relation to a proposed pipeline which would be of a class referred to in paragraph (a) of this subsection but for not exceeding a quantity, area or other limit for the time being specified in relation to that class, and where the Minister considers that the proposed pipeline would be likely to have significant effects on the environment, he shall require the Board or other person, as the case may be, to submit an environmental impact statement in respect of the proposed pipeline.

(c) An environmental impact statement shall contain the information for the time being specified under Article 25 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 25.

(2) Where an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section, the Board or other person, as the case may be, shall, as soon as may be, publish in one or more newspapers circulating in the area of the proposed pipeline a notice—

(a) stating that application has been made, or notice has been given, as the case may be, in relation to the proposed construction of the pipeline and indicating the location and nature of the proposed pipeline,

(b) stating that an environmental impact statement has been prepared in respect of the proposed pipeline,

(c) naming a place where a copy of the environmental impact statement may be inspected free of charge or purchased by any interested person,

(d) specifying the times and the period (being the prescribed period) during which the environmental impact statement can be so inspected or purchased,

(e) stating that any person may during the prescribed period make submissions or observations to the Minister in relation to the effects on the environment of the proposed pipeline.

(3) Copies of the environmental impact statement shall be available for purchase by interested persons for a fee not exceeding the reasonable cost of making a copy.

(4) Where an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section, the Board or other person, as the case may be, shall, as soon as may be, furnish copies of the statement to the prescribed bodies, and shall indicate that submissions or observations may be made to the Minister during the prescribed period in relation to the effects on the environment of the proposed pipeline.

(5) (*a*) Where an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section, the Minister shall have regard to the said statement, to any submissions or observations made to him during the prescribed period in relation to the effects on the environment of the proposed pipeline, and to the views of other Member States of the European Communities arising from consultation, if any, pursuant to subsection (7) of this section.

(*b*) The Minister may, where an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section and where he considers it necessary so to do, require the Board or other person, as the case may be, to furnish to him such further information in relation to the effects on the environment of the proposed pipeline as the Minister may specify.

(6) (*a*) The Minister may, by order, where he is satisfied that exceptional circumstances so warrant and after consultation with the Minister for the Environment, exempt an application or notice or a proposed application or notice from the requirement of subsection (1) (*a*) of this section.

(*b*) The Minister in granting an exemption under paragraph (*a*) of this subsection may, by order, apply such other requirements in relation to the application or notice, or the proposed application or notice, as the case may be, as he considers necessary or appropriate.

(*c*) Notice of any exemption granted under paragraph (*a*) of this subsection, of the reasons for granting it and of any other requirements applied under paragraph (*b*) of this subsection shall be published in the *Iris Oifigiúil* and in one or more newspapers circulating in the area of the proposed pipeline.

(7) (*a*) Where the Minister considers that a proposed pipeline in respect of which an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section would be likely to have significant effects on the environment in another Member State of the European Communities, or where another Member State likely to be significantly affected so requests, he shall consult that Member State in relation to the effects on the environment of the proposed pipeline.

(*b*) The Minister shall notify any Member State of the European Communities with which consultation takes place under paragraph (*a*) of this subsection of his decision on an application made to him by the Board or arising from notice given to him by a person other

than the Board, as the case may be.

(8) Notice of the Minister's decision on an application by the Board or arising from notice given to him by a person other than the Board shall, in the case of a proposed pipeline in respect of which an environmental impact statement was submitted in accordance with a requirement of or under subsection (1) of this section, be published in the *Iris Oifigiúil* and in one or more newspapers circulating in the area of the proposed pipeline.

(9) The provisions of this section are without prejudice to section 8 (9) of this Act."

Amendment of Fisheries Act, 1980 .

21. The Fisheries Act, 1980 (No. 1 of 1980) is hereby amended by the insertion after section 54 of the following section:—

"Environmental impact assessment in relation to certain applications for aquaculture licences.

54A.—(1) (*a*) An application to the Minister under section 54 (9) for an aquaculture licence for the culture of salmonid fish shall, where the proposed aquaculture is of a class for the time being specified under Article 24 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 24, be accompanied by a statement of the likely effects on the environment (hereinafter referred to as an "environmental impact statement") of the proposed aquaculture.

(*b*) Where an application under section 54 (9) for an aquaculture licence for the culture of salmonid fish relates to aquaculture which would be of a class referred to in paragraph (*a*) of this subsection but for not exceeding a quantity, area or other limit for the time being specified in relation to that class, and where the Minister considers that the proposed aquaculture would be likely to have significant effects on the environment, he shall require the applicant to submit an environmental impact statement in respect of the proposed aquaculture.

(*c*) An environmental impact statement shall contain the information for the time being specified under Article 25 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 25.

(2) Where an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section, the applicant shall, as soon as may be, publish in one or

more newspapers circulating in the vicinity of the location of the proposed aquaculture a notice—

(*a*) stating that he has applied to the Minister for an aquaculture licence and indicating the location and nature of the proposed aquaculture,

(*b*) stating that an environmental impact statement has been prepared in respect of the proposed aquaculture,

(*c*) naming a place where a copy of the environmental impact statement may be inspected free of charge or purchased by any interested person,

(*d*) specifying the times and the period (being the prescribed period) during which the environmental impact statement can be so inspected or purchased,

(*e*) stating that any person may during the prescribed period make submissions or observations to the Minister in relation to the effects on the environment of the proposed aquaculture.

(3) Copies of the environmental impact statement shall be available for purchase by interested persons for a fee not exceeding the reasonable cost of making a copy.

(4) Where an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section the applicant shall, as soon as may be, furnish copies of the statement to the prescribed bodies, and shall indicate that submissions or observations may be made to the Minister during the prescribed period in relation to the effects on the environment of the proposed aquaculture.

(5) (*a*) Where an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section, the Minister shall have regard to the said statement, to any submissions or observations made to him during the prescribed period in relation to the effects on the environment of the proposed aquaculture, and to the views of other Member States of the European Communities arising from consultation, if any, pursuant to subsection (7) of this section.

(*b*) The Minister may, where he considers it necessary so to do, require an applicant who has submitted an environmental impact statement to furnish to him such further information in relation to the effects on the environment of the proposed aquaculture as the Minister may specify.

(6) (*a*) The Minister may, by order, where he is satisfied that exceptional circumstances so warrant and

after consultation with the Minister for the Environment, exempt an application or a proposed application from the requirement of subsection (1) (a) of this section.

(b) The Minister in granting an exemption under paragraph (a) of this subsection may, by order, apply such other requirements in relation to the application or the proposed application as he considers necessary or appropriate.

(c) Notice of any exemption granted under paragraph (a) of this subsection, of the reasons for granting it and of any other requirements applied under paragraph (b) of this subsection shall be published in the *Iris Oifigiúil* and in one or more newspapers circulating in the vicinity of the location of the proposed aquaculture.

(7) (a) Where the Minister considers that proposed aquaculture in respect of which an environmental impact statement has been submitted in accordance with a requirement of or under subsection (1) of this section would be likely to have significant effects on the environment in another Member State of the European Communities, or where another Member State likely to be significantly affected so requests, he shall consult that Member State in relation to the effects on the environment of the proposed aquaculture.

(b) The Minister shall notify any Member State of the European Communities with which consultation takes place under paragraph (a) of this subsection of his decision in relation to the relevant application for an aquaculture licence.

(8) Notice of the Minister's decision in relation to an application for an aquaculture licence in respect of which an environmental impact assessment was submitted in accordance with a requirement of or under subsection (1) of this section shall be published in the *Iris Oifigiúil* and in one or more newspapers circulating in the vicinity of the location of the proposed aquaculture."

Amendment of Urban Renewal Act, 1986 .

22. The Urban Renewal Act, 1986 (No. 19 of 1986) is hereby amended by:—

(a) the insertion after section 12 of the following section:

"Environmental impact assessment of certain redevelopment in Custom House Docks Area

12A.—(1) (a) Where development proposed in a planning scheme being prepared pursuant to section 12 is of a class for the time being specified under

Article 24 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 24, or where such a development would be of such a class but for not exceeding a quantity, area or other limit for the time being specified in relation to that class and the Authority consider it likely to have significant effects on the environment, the Authority shall prepare a statement of the likely effects on the environment (hereinafter referred to as an "environmental impact statement") of that development.

(*b*) An environmental impact statement prepared pursuant to paragraph (*a*) shall contain the information for the time being specified under Article 25 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 25.

(2) The Authority shall, when consulting with Dublin Corporation pursuant to section 12 (3) (*b*), furnish to the Corporation a copy of any environmental impact statement prepared pursuant to subsection (1) (*a*).

(3) The Authority shall, in arranging for making of submissions by interested persons pursuant to section 12 (3) (*d*), make available to such persons, for inspection or for purchase on payment of such fee as may be fixed by the Authority not exceeding the reasonable cost of making the copy, any environmental impact statement prepared pursuant to subsection (1) (*a*).

(4) The Authority before submitting a planning scheme to the Minister pursuant to section 12 (4) shall have regard to any environmental impact statement prepared pursuant to subsection (1) (*a*), and to the views of Dublin Corporation and interested persons in relation to the effects on the environment of the proposed development in respect of which the environmental impact statement was prepared.

(5) The Authority shall, when submitting a planning scheme for approval of the Minister pursuant to section 12 (4), furnish to the Minister a copy of any environmental impact statement prepared pursuant to subsection (1) (*a*) in respect of development proposed in the scheme and the views, in any, of Dublin Corporation and interested persons in relation to the effects on the environment of the development concerned.

(6) Before modifying or approving a planning scheme under section 12 (5) the Minister shall have regard to any environmental impact statement prepared by the Authority pursuant to subsection (1) (*a*) and to the views, if any, of Dublin Corporation and interested persons in relation to the effects on the environment of the development concerned.

(7) (*a*) The Minister may, by order, where he is

satisfied that exceptional circumstances so warrant, grant an exemption from the requirement under this section to prepare an environmental impact statement in respect of proposed development.

(*b*) The Minister in granting an exemption under paragraph (*a*) may, by order, apply such other requirements as he considers necessary or appropriate.

(*c*) Notice of any exemption granted under paragraph (*a*), of the reasons for granting it and of any other requirement applied under paragraph (*b*) shall be published in the *Iris Oifigiúil* and in at least one daily newspaper published in the State.";

(*b*) the insertion after section 12 (5) of the following subsection:

"(5A) Notice of approval by the Minister of a planning scheme incorporating development in respect of which an environmental impact statement was prepared in accordance with section 12A (1) (*a*) (as inserted by the European Communities (Environmental Impact Assessment) Regulations, 1989) shall be published in the *Iris Oifigiúil* and in at least one daily newspaper published in the State."

PART IV ENVIRONMENTAL IMPACT ASSESSMENT OF CERTAIN DEVELOPMENT BY STATE AUTHORITIES

Environmental impact assessment of certain development by State authorities.

23. (1) (*a*) A State authority shall, before undertaking any development of a class specified under Article 24 of these Regulations, or any development which would be of such a class but for not exceeding a quantity, area or other limit specified in relation to such class and which in the view of the State authority would be likely to have significant effects on the environment, prepare a statement of the likely effects on the environment (hereinafter referred to as an "environmental impact statement") of the proposed development.

(*b*) An environmental impact statement shall contain the information specified under Article 25 of these Regulations.

(2) (*a*) A State authority may, where it considers that exceptional circumstances so warrant and after consultation with the Minister for the Environment, decide that subarticle (1) (*a*) of this article shall not apply in relation to proposed development.

(*b*) Where a State authority decides that the provisions of the said subarticle shall not apply in relation to proposed development, it may apply such other requirements to such proposed development as it

considers necessary or appropriate.

(*c*) Notice of any decision made under paragraph (*a*) of this subarticle, of the reasons for it and of any other requirements applied under paragraph (*b*) of this subarticle shall be published in the *Iris Oifigiúil* and in one or more newspapers circulating in the area in which the proposed development would be situated.

(3) Where an environmental impact statement has been prepared in accordance with subarticle (1) of this article the State authority concerned shall, as soon as may be—

(*a*) publish in one or more newspapers circulating in the area in which the proposed development would be situated a notice—

(i) indicating the location and nature of the proposed development,

(ii) stating that an environmental impact statement has been prepared in respect of the proposed development,

(iii) naming a place where a copy of the environmental impact statement may be inspected free of charge or purchased by any interested person,

(iv) specifying the times and the period (being a period of not less than one month) during which the environmental impact statement can be so inspected or purchased,

(v) stating that any person may during the said period make submissions or observations to the State authority in relation to the effects on the environment of the proposed development.

(*b*) furnish copies of the environmental impact statement to the planning authority in whose functional area the proposed development would be situated and to such other bodies as may be concerned with the proposal by virtue of their statutory functions, and shall indicate that submissions or observations may be submitted to the State authority in relation to the effects on the environment of the proposed development during the period specified in the notice published pursuant to the foregoing paragraph.

(4) Where a State authority considers that proposed development in respect of which an environmental impact statement has been prepared in accordance with subarticle (1) of this article would be likely to have significant effects on the environment in another Member State of the European Communities, or where another Member State likely to be significantly affected so requests, the authority shall consult that Member State in relation to the effects on the environment of the proposed development.

(5) Copies of the environmental impact statement shall be available for purchase by interested persons for a fee not exceeding the reasonable cost of making a copy of the statement.

(6) A State authority shall, before making a decision to undertake development in

respect of which an environmental impact statement has been prepared in accordance with subarticle (1) of this article, have regard to the environmental impact statement, to any submissions or observations received in accordance with this article in relation to the effects on the environment of the proposed development, and to the views of other Member States of the European Communities arising from consultation, if any, pursuant to subarticle (4) of this article.

(7) (a) Notice of the decision of a State authority in relation to proposed development in respect of which an environmental impact statement has been prepared in accordance with subarticle (1) of this article shall be published in the *Iris Oifigiúil* and in one or more newspapers circulating in the area in which the proposed development would be situated.

(b) The State authority shall notify any Member State of the European Communities with which consultation has taken place under subarticle (4) of this article of their decision in relation to the proposed development concerned.

(8) In this article "State authority" means any authority being a Minister of the Government or the Commissioners of Public Works in Ireland.

(9) This article shall not apply to any case where proposed development is otherwise required, under these Regulations or any other statutory provision, to comply with procedures for the purpose of giving effect to the Council Directive.

PART V MISCELLANEOUS

Specified development.

24. Development of the classes set out in Part I and Part II of the First Schedule is hereby specified for the purposes of these Regulations.

Specified information to be contained in an environmental impact statement.

25. An environmental impact statement for the purposes of these Regulations or of any enactment as amended or adapted by these Regulations shall contain the information specified in paragraph 2 of the Second Schedule and may also contain the information specified in paragraph 3 of that Schedule.

Saver for certain development.

26. Statutory provisions (including these Regulations) relating to the Council Directive shall not apply in relation to any development for the purposes of the defence of the

State.

Article 24

FIRST SCHEDULE

DEVELOPMENT FOR THE PURPOSES OF THESE REGULATIONS

PART I

1. A crude-oil refinery (excluding an undertaking manufacturing only lubricants from crude oil) or an installation for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.
2. A thermal power station or other combustion installation with a heat output of 300 megawatts or more, or a nuclear power station or other nuclear reactor (except a research installation for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).
3. An installation designed solely for the permanent storage or final disposal of radioactive waste.
4. An integrated works for the initial melting of cast-iron and steel.
5. An installation for the extraction of asbestos or for the processing and transformation of asbestos or products containing asbestos:—
 - (*a*) where the installation produces asbestos-cement products, with an annual production of more than 20,000 tonnes of finished products; or
 - (*b*) where the installation produces friction material, with an annual production of more than 50 tonnes of finished products; or
 - (*c*) in other cases, where the installation would utilise more than 200 tonnes of asbestos per year.
6. An integrated chemical installation.
7. A line for long-distance railway traffic, or an aerodrome with a basic runway length of 2,100 metres or more.

8. A trading port, or an inland waterway which permits the passage of vessels of over 1,350 tonnes or a port for inland waterway traffic capable of handling such vessels.

9. A waste disposal installation for the incineration or chemical treatment of hazardous waste, or the filling of land with such waste.

PART II

1. *Agriculture*

(*a*) The use of uncultivated land or semi-natural areas for intensive agricultural purposes, where the area involved would be greater than 100 hectares.

(*b*) Water-management projects for agriculture, where the catchment area involved would be greater than 1,000 hectares, or where more than 50 hectares of wetlands would be affected.

(*c*) (i) Initial afforestation, where the area involved would be greater than 200 hectares; the replacement of broadleaf high forest by conifer species, where the area involved would be greater than 10 hectares.

(ii) Land reclamation for the purposes of conversion to another type of land use, where the area involved would be greater than 100 hectares.

(*d*) Poultry-rearing installations, where the capacity would exceed 100,000 units and where units have the following equivalents;

1 broiler = 1 unit

1 layer, turkey or other fowl = 2 units.

(*e*) Pig-rearing installations, where the capacity would exceed 1,000 units on gley soils or 3,000 units on other soils and where units have the following equivalents;

1 pig = 1 unit

1 sow = 10 units.

(*f*) Seawater salmonid breeding installations with an output which would exceed 100 tonnes per annum; all salmonid breeding installations consisting of cage rearing in lakes; all salmonid breeding installations upstream of drinking water intakes; other freshwater salmonid breeding installations which would exceed 1 million smolts and with less than 1 cubic metre per second per 1 million smolts low flow diluting water.

(*g*) Reclamation of land from the sea, where the area of reclaimed land would be greater than 20 hectares.

2. Extractive Industry

- (*a*) Peat extraction which would involve a new or extended area of 50 hectares.
- (*b*) All geothermal drilling and drilling for the storage of nuclear waste material; drilling for water supplies where the expected supply would exceed 5,000 cubic metres per day.
- (*c*) All extraction of minerals within the meaning of the Minerals Development Acts, 1940 to 1979.
- (*d*) Extraction of stone, gravel, sand or clay, where the area involved would be greater than 5 hectares.
- (*e*) All extraction of petroleum (excluding natural gas).
- (*f*) All onshore extraction of natural gas; offshore extraction of natural gas where the extraction would take place within 10 kilometres of the shoreline.
- (*g*) All surface industrial installations for the extraction of coal, petroleum (excluding natural gas), natural gas, ores, or bituminous shale.
- (*h*) All coke ovens (dry coal distillation).
- (*i*) All installations for the manufacture of cement.

3. Energy industry

- (*a*) Industrial installations for the production of electricity, steam and hot water (other than installations comprehended by Part I of this Schedule) with a heat output of 300 megawatts or more.
- (*b*) Industrial installations for carrying gas, steam and hot water with a potential heat output of 300 megawatts or more; transmission of electrical energy by overhead cables where the voltage would be 200 KV or more.
- (*c*) Installations for surface storage of natural gas, where the storage capacity would exceed 200 tonnes.
- (*d*) Installations for underground storage of combustible gases, where the storage capacity would exceed 200 tonnes.
- (*e*) Installations for surface storage of fossil fuels, where the storage capacity would exceed 100,000 tonnes.
- (*f*) Installations for industrial briquetting of coal and lignite, where the production capacity would exceed 150 tonnes per day.
- (*g*) All installations for the production or enrichment of nuclear fuels.
- (*h*) All installations for the reprocessing of irradiated nuclear fuels.

(*i*) All installations for the collection and processing of radioactive waste (other than installations comprehended by Part I of this Schedule).

(*j*) Installations for hydroelectric energy production with an output of 20 megawatts or more, or where the new or extended superficial area of water impounded would be 30 hectares or more, or where there would be a 30 per cent. change in the maximum, minimum or mean flows in the main river channel.

4. *Processing of metals*

(*a*) Iron and steelworks, including foundries with a batch capacity of 5 tonnes or more, and forges, drawing plants and rolling mills where the production area would be greater than 500 square metres (other than installations comprehended by Part I of this Schedule).

(*b*) Installations for the production (including smelting, refining, drawing and rolling) of non-ferrous metals excluding precious metals, where the melting capacity would exceed 0.5 tonnes or where the production area would be greater than 500 square metres.

(*c*) Installations for pressing, drawing and stamping of large castings, where the production area would be greater than 500 square metres.

(*d*) Installations for surface treatment and coating of metals, where the production area would be greater than 100 square metres.

(*e*) Installations for boilermaking, manufacture of reservoirs, tanks and other sheet-metal containers, where the production area would be greater than 500 square metres.

(*f*) All installations for manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines.

(*g*) Shipyards, where the area would be 5 hectares or more, or with capacity for vessels of 10,000 tonnes or more (deadweight).

(*h*) All installations for the construction of aircraft with a seating capacity exceeding 10 passengers.

(*i*) Manufacture of railway equipment, where the production area would be greater than 3,000 square metres.

(*j*) Swaging by explosives, where the floor area involved would be greater than 100 square metres.

(*k*) All installations for the roasting and sintering of metallic ores.

5. *Manufacture of glass*

Installations for the manufacture of glass, where the production capacity would exceed 5,000 tonnes per annum.

6. *Chemical Industry*

- (a) All installations for treatment of intermediate products and production of chemicals (other than installations comprehended by Part I of this Schedule).
- (b) All installations for production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides.
- (c) (i) Storage facilities for petroleum, where the storage capacity would exceed 50,000 tonnes,
- (ii) Storage facilities for petrochemical and chemical products, where such facilities are isolated storage to which the provisions of Regulations 12 to 18 of the European Communities (Major Accident Hazards of Certain Industrial Activities) Regulations, 1986 (S.I. No. 292 of 1986) apply.

7. *Food industry*

- (a) Installations for manufacture of vegetable and animal oils and fats, where the capacity for processing raw materials would exceed 40 tonnes per day.
- (b) Installations for packing and canning of animal and vegetable products, where the capacity for processing raw materials would exceed 100 tonnes per day.
- (c) Installations for manufacture of dairy products, where the processing capacity would exceed 50 million gallons of milk equivalent per annum.
- (d) All installations for commercial brewing and distilling; installations for malting, where the production capacity would exceed 100,000 tonnes per annum.
- (e) Installations for confectionery and syrup manufacture, where the production capacity would exceed 50,000 tonnes per annum.
- (f) Installations for the slaughter of animals, where the daily capacity would exceed 1,500 units and where units have the following equivalents;
 - 1 sheep = 1 unit
 - 1 pig = 2 units
 - 1 head of cattle = 5 units.
- (g) All industrial starch manufacturing installations.
- (h) All fish-meal and fish-oil factories.
- (i) All sugar factories.

8. *Textile, leather, wood and paper industries*

- (a) All wool scouring, degreasing or bleaching factories.
- (b) All installations for manufacture of fibre board, particle board or plywood.
- (c) All installations for manufacture of pulp, paper or board.
- (d) Fibre-dyeing factories, where the dyeing capacity would exceed 1 tonne per day of fibre or yarn.
- (e) Cellulose-processing and production installations, where the production capacity would exceed 10,000 tonnes per annum.
- (f) Tannery, leather-dressing or fell-mongering factories, where the capacity would exceed 100 skins per day.

9. *Rubber industry*

Installations for manufacture and treatment of elastomer-based products, where the production capacity would exceed 10,000 tonnes per annum.

10. *Infrastructure projects*

- (a) Industrial-estate development projects, where the area would exceed 15 hectares.
- (b) Urban-development projects which would involve an area greater than 50 hectares in the case of projects for new or extended urban areas, and an area greater than 2 hectares within existing urban areas.
- (c) Ski-lifts and cable-cars, where the length would exceed 500 metres.
- (d) (i) construction of a new road (other than a motorway comprehended by the European Communities (Environmental Impact Assessment) (Motorways) Regulations, 1988 (S.I. No. 221 of 1988)) of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500 metres or more in length in an urban area.
- (ii) construction of a new bridge which would be 100 metres or more in length.
- (iii) new or extended harbours (other than a trading port comprehended by Part I of this Schedule), where the area, or additional area, of water enclosed would be 20 hectares or more, or which would involve the reclamation of 5 hectares or more of land, or which would involve the construction of additional quays exceeding 500 metres in length.
- (iv) all aerodromes (other than aerodromes comprehended by Part I of this

Schedule) with paved runways exceeding 800 metres in length.

(*e*) Canalization and flood-relief works, where the catchment area involved would be greater than 5,000 hectares.

(*f*) Dams and other installations designed to hold water or to store it on a long-term basis, where the new or extended area of water impounded would be 30 hectares or more.

(*g*) All tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport.

(*h*) Oil and gas pipelines exceeding 80 kilometres in length.

(*i*) Installation of overground aqueducts with a diameter of 1,000 millimetres or more and a length of 500 metres or more.

(*j*) Sea water marinas where the number of berths would exceed 300 and fresh water marinas where the number of berths would exceed 100.

11. *Other projects*

(*a*) Holiday villages involving more than 100 holiday homes, stationary caravans or trailers; hotel complexes having an area of 20 hectares or more or an accommodation capacity exceeding 400 beds.

(*b*) All permanent racing and test tracks for cars and motor cycles.

(*c*) Installations for the disposal of industrial and domestic waste with an annual intake greater than 25,000 tonnes (other than installations comprehended by Part I of this Schedule).

(*d*) Waste water treatment plants with a capacity greater than 10,000 population equivalent.

(*e*) Sludge-deposition sites where the expected annual deposition is 5,000 tonnes of sludge (wet).

(*f*) Storage of scrap iron, where the site area would be greater than 5 hectares.

(*g*) Test benches for engines, turbines or reactors, where the floor area would exceed 500 square metres.

(*h*) All installations for manufacture of artificial mineral fibres.

(*i*) All installations for manufacture, packing, loading or placing in cartridges of gunpowder and explosives.

(*j*) All knackers' yards in built-up areas.

12. (*a*) All modifications of developments of a class mentioned in paragraph 3 or paragraph 9 of Part I of this Schedule; all modifications of nuclear power stations or other nuclear reactors (except research

installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed one kilowatt continuous thermal load).

(*b*) Modifications of developments of a class mentioned in paragraphs 1, 2 (other than nuclear installations), 4, 5, or 6 of Part I of this Schedule which would increase the productive capacity of the development concerned by 20 per cent. or more.

(*c*) (i) Any extension of the runways of an aerodrome of a class mentioned in paragraph 7 of Part I of this Schedule which would increase the runway length by 30 per cent. or more.

(ii) Any modification of a port, inland waterway or inland waterway port of a class mentioned in paragraph 8 of Part I of this Schedule which would increase its traffic handling capacity by 20 per cent. or more.

Article 25

SECOND SCHEDULE

INFORMATION TO BE CONTAINED IN AN ENVIRONMENTAL IMPACT STATEMENT

1. An environmental impact statement shall contain the information specified in paragraph 2 (referred to in this Schedule as "the specified information").

2. The specified information is—

(*a*) a description of the development proposed, comprising information about the site and the design and size or scale of the development;

(*b*) the data necessary to identify and assess the main effects which that development is likely to have on the environment;

(*c*) a description of the likely significant effects, direct and indirect, on the environment of the development, explained by reference to its possible impact on—

human beings;

flora;

fauna;

soil;

water;

air;

climate;

the landscape;

the inter-action between any of the foregoing;

material assets;

the cultural heritage;

(*d*) where significant adverse effects are identified with respect to any of the foregoing, a description of the measures envisaged in order to avoid, reduce or remedy those effects; and

(*e*) a summary in non-technical language of the information specified above.

3. An environmental impact statement may include, by way of explanation or amplification of any specified information, further information on any of the following matters—

(*a*) the physical characteristics of the proposed development, and the land-use requirements during the construction and operational phases;

(*b*) the main characteristics of the production processes proposed, including the nature and quantity of the materials to be used;

(*c*) the estimated type and quantity of expected residues and emissions (including pollutants of surface water and groundwater, air, soil and substrata, noise, vibration, light, heat and radiation) resulting from the proposed development when in operation;

(*d*) (in outline) the main alternatives (if any) studied by the applicant, appellant or authority and an indication of the main reasons for choosing the development proposed, taking into account the environmental effects;

(*e*) the likely significant direct and indirect effects on the environment of the development proposed which may result from—

(i) the use of natural resources;

(ii) the emission of pollutants, the creation of nuisances, and the elimination of waste;

(*f*) the forecasting methods used to assess any effects on the environment about which information is given under subparagraph (*e*); and

(*g*) any difficulties, such as technical deficiencies or lack of knowledge, encountered in compiling any specified information.

In paragraph (*e*), "effects" includes secondary, cumulative, short, medium and long term, permanent, temporary, positive and negative effects.

4. Where further information is included in an environmental impact statement pursuant to paragraph 3, a non-technical summary of that information shall also be provided.

GIVEN under the Official Seal of the Minister for the Environment

this 19th day of December, 1989.

PADRAIG FLYNN,

Minister for the Environment.

EXPLANATORY NOTE.

These Regulations provide for the incorporation into Irish law, in respect of relevant development other than motorways, of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment. Effect was given to this Directive in respect of motorways by the European Communities (Environmental Impact Assessment) (motorways) Regulations, 1988 (S.I. No. 221 of 1988).

The Regulations modify the provisions of the Local Government (Planning and Development) Acts, 1963 to 1983 so as to provide a framework for the application of Environmental Impact Assessment (EIA) to the planning control procedures under those Acts, and for the application of EIA to relevant development by local authorities. They also modify development consent procedures under 9 other enactments in light of the Directive's requirements, and they establish an EIA procedure for relevant development by State authorities. The Regulations specify, in the First and Second Schedules respectively, the development for which EIA will be required and the information which must be furnished in an environmental impact statement prepared in connection with proposed development.