



STATUTORY INSTRUMENTS.

S.I. No. 456 of 2021



EUROPEAN UNION (PLANNING) (HABITATS, BIRDS AND
ENVIRONMENTAL IMPACT) REGULATIONS 2021

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I, DARRAGH O'BRIEN, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Council Directive 92/43/EEC of 21 May 1992¹, Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009², Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011³ and Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014⁴ hereby make the following regulations:

1. (1) These Regulations may be cited as the European Union (Planning) (Habitats, Birds and Environmental Impact) Regulations 2021.

(2) These Regulations shall come into operation on the 9th day of September 2021.

2. Section 42 (amended by subsection (1) of section 28 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (No. 17 of 2016)) of the Planning and Development Act 2000 (No. 30 of 2000) is amended –

(a) in subsection (1), by –

(i) the substitution of “On application to it in that behalf, but subject to subsection (8),” for “On application to it in that behalf”, and

(ii) the deletion of clause (II) of subparagraph (i) of paragraph (a),

(b) in subsection (1A), by –

(i) the substitution of “Notwithstanding anything to the contrary in subsection (1) or (4) but subject to subsection (8)” for “Notwithstanding anything to the contrary in subsection (1) or (4)”, and

(ii) the substitution of the following subparagraph for subparagraph (i) paragraph (a):

“(i) in relation to permission for development consisting of the construction of not less than 20 houses,”, and

(c) the insertion of the following subsection:

¹ OJ No. L206 of 27 July 1992, p.7

² OJ No. L20 of 26 January 2010, p.7

³ OJ No. L26 of 28 January 2012, p.1

⁴ OJ No. L124 of 25 April 2014, p.1

“(8) A planning authority shall not extend the appropriate period under this section in relation to a permission if an environmental impact assessment or an appropriate assessment would be required in relation to the proposed extension concerned.”.



GIVEN under my Official Seal,
8 September, 2021.

DARRAGH O'BRIEN,
Minister for Housing, Local Government and Heritage.

EXPLANATORY NOTE

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

These Regulations amend section 42 of the Planning and Development Act 2000 by deleting clause (II) of subparagraph (i) of paragraph (a) of subsection (1) of section 42, which requires a planning authority to be satisfied that an environmental impact assessment or an appropriate assessment was not required before the original permission was granted prior to consenting to an extension of duration of the appropriate period of a planning permission.

These Regulations insert a new subsection (8) into section 42 the Planning and Development Act 2000, which states that a planning authority shall not extend the appropriate period under this section in relation to a permission if an environmental impact assessment or an appropriate assessment would be required in relation to the proposed extension, and amend subsections (1) and (1A) of section 42 to require that any decision regarding the extension or further extension of an appropriate period of a permission under those subsections is subject to subsection (8) of that section. The Regulations come into force on 9 September 2021.

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