

Part 18 of the Planning and Development Regulations 2001 (S.I. No. 600/2001) as inserted by S.I. No. 685/2006 - Planning and Development Regulations 2006 with effect from 31 January 2007 and as amended by:

- S.I. No. 135/2007 - Planning and Development (No. 2) Regulations 2007
- S.I. No. 352/2010 - European Communities (Public Participation) Regulations 2010
- Act No. 10/2010 - Inland Fisheries Act 2010
- S.I. No. 262/2011 - Planning and Development (Amendment) Regulations 2011
- S.I. No. 476/2011 - Planning and Development (Amendment) (No. 3) Regulations 2011
- S.I. No. 520/2013 - Planning and Development (Amendment) (No. 2) Regulations 2013

## Part 18

### Strategic Infrastructure Development

Interpretation for this Part.	209.	<p>For the purposes of this Part, unless the context otherwise requires —</p> <p>“application” means an application for permission under section 37E or an application for approval under sections 181A, 182A or 182C of the Act in respect of a strategic infrastructure development,</p> <p>“pre-application consultation” means the consultations provided for in sections 37B(1), 181C(1) or 182E of the Act,</p> <p>“prospective applicant” means —</p> <p>(a) in the case of an application for permission under section 37E of the Act, the person referred to in section 37B(2) of the Act,</p> <p>(b) in the case of an application for approval under section 181A of the Act, the relevant State authority, or</p> <p>(c) in the case of an application for approval under sections 182A or 182C of the Act, the prospective applicant referred to in section 182E(1).</p>
Pre-application discussions.	210. (1)	<p>On receipt of a request to enter into pre-application consultations, the Board shall notify the relevant planning authority of the request.</p>

- (2) The Board shall, during the course of a pre-application consultation, indicate to a prospective applicant:
- (a) the plans, particulars or other information which the Board will require for the purposes of consideration of an application,
  - (b) the time frames and sequencing to be applied to the application process, and
  - (c) any other matters in relation to the application process as the Board considers appropriate.
- (3) (a) Where the Board is of the opinion that the proposed development would be likely to have significant effects on the environment in a transboundary State, it shall indicate to the prospective applicant:
- (i) which bodies, in which States, should be notified for the purposes of Section 37E(3)(d), 181A(3)(c), 182A(4)(c) or 182B(4)(b)(iv), as appropriate, and
  - (ii) how many copies of the application and environmental impact statement should be sent with the notification referred to in (i).
- (b) For the purposes of determining which bodies are to be included under paragraph (a), the Board may consult with—
- (i) the Minister,
  - (ii) the Minister for Arts, Heritage and the Gaeltacht,
  - (iii) the Environmental Protection Agency,
  - (iv) the Minister for Communications, Energy and Natural Resources, or
  - (v) the relevant planning authority,
- as it considers appropriate.

**Comment [AH(1)]:** Previous version (S.I. No. 685 of 2006) 31 January 2007 – 2 June 2011)

“(b) For the purposes of determining which bodies are to be included under paragraph (a), the Board may consult with -

- (i) the Minister for the Environment, Heritage and Local Government,
- (ii) the Environmental Protection Agency,
- (iii) the Minister for Communications, Marine and Natural Resources, or
- (iv) the relevant planning authority,

as it considers appropriate.”

**Comment [i2]:** Substituted by article 6 of S.I. No. 262/2011 – Planning and Development (Amendment) Regulations 2011 with effect from 3 June 2011

- (4) The Board may, during the course of a pre-application consultation, require a prospective applicant to give notice to the public or to carry out consultations with the public in advance of an application being submitted, including-
- (i) the erection or fixing of notice or notices on the site in a form to be specified by the Board,
  - (ii) the provision of a specific place or a specific website to make available the application, environmental impact statement and any other relevant documentation for inspection or purchase at a fee not exceeding the reasonable cost of making a copy,
  - (iii) the use of local or national media, or
  - (iv) the holding of meetings, with any person or body or for the public.
- (5) During the course of a pre-application consultation, the Board may indicate to a prospective applicant which of the bodies prescribed under article 213 should, in the opinion of the Board, be notified by the prospective applicant of the making of an application and the prospective applicant shall notify those bodies.
- (6) Notwithstanding any indication given under sub-articles (2), (3), (4) or (5), nothing shall prevent the Board from requiring a prospective applicant for permission under section 37E or for approval under sections 181A, 182A or 182C to submit further information or from giving further notice to the public or to any person or body.

Consultations on information to be contained in an environmental impact statement.

211. (1) The specified bodies for the purposes of sections 37D(2)(a), 181C(3) and 182E(3) shall be—
- (i) the Minister,
  - (ii) the Minister for Arts, Heritage and the Gaeltacht,
  - (iii) the Environmental Protection Agency,
  - (iv) the Minister for Communications, Energy and Natural Resources, and

		(v) the relevant planning authority.
	(2)	In addition to the provisions of sub-article (1), the Board may invite submissions or observations in relation to the information to be contained in the environmental impact statement from the bodies referred to in Article 213, as appropriate.
Additional requirement for public notice in respect of application.	212.	Any notice which an applicant is required to give to the public in respect of an application under sections 37E(3)(a), 181A(3)(a), 182A(4)(a) or 182C(4)(a) of the Act shall indicate the types of decision the Board can make in relation to the application.
Prescribed bodies.	213.	(1) The prescribed bodies for the purposes of section 37E(3)(c), 146C(4)(c), 181A(3)(b), 182A(4)(b) and 182C(4)(b) of the Act are: <ul style="list-style-type: none"> <li>(a) the Minister for the Environment, Heritage and Local Government,</li> <li>(b) the Minister for Communications, Marine and Natural Resources,</li> <li>(c) the planning authority or authorities in the area or areas in which it is proposed to situate the proposed development,</li> <li>(d) the National Roads Authority,</li> <li>(e) where the land or structure is situated in an area of special amenity, whether or not an order in respect of that area has been confirmed under section 203 (or deemed to be so confirmed under section 268(1)(c)) of the Act, or that the development or retention of the structure might obstruct any view or prospect of special amenity value or special interest - An Chomhairle Ealaíon, Fáilte Ireland and An Taisce - the National Trust for Ireland,</li> <li>(f) where the development might obstruct or detract from the value of any tourist amenity or tourist amenity works - Fáilte Ireland,</li> <li>(g) where the development —</li> </ul>

**Comment [i3]:** Substituted by article 7 of S.I. No. 262/2011 – Planning and Development (Amendment) Regulations 2011

**Comment [AH(4)]:** Previous version (S.I. No. 685 of 2006) 31 January 2007 – 2 June 2011)

“(1) The specified bodies for the purposes of sections 37D(2)(a), 181C(3) and 182E(3) shall be —

- (i) the Minister for the Environment, Heritage and Local Government,
- (ii) the Environmental Protection Agency,
- (iii) the Minister for Communications, Marine and Natural Resources,
- (iv) the relevant planning authority.”

- (i) would involve the carrying out of works to a protected structure or proposed protected structure, or to the exterior of a structure which is located within an architectural conservation area,
- (ii) might detract from the appearance of a structure referred to in sub-paragraph (i),
- (iii) might affect or be unduly close to —
  - (I) a cave, site, feature or other object of archaeological, geological, scientific, ecological or historical interest,
  - (II) a monument or place recorded under [section 12](#) of the [National Monuments \(Amendment\) Act, 1994](#) (No. 17 of 1994),
  - (III) a historic monument or archaeological area entered in the Register of Historic Monuments under [Section 5](#) of the [National Monuments \(Amendment\) Act, 1987](#) (No. 17 of 1987),
  - (IV) a national monument in the ownership or guardianship of the Minister under the National Monuments Acts, 1930 to 1994,

or

- (iv) might obstruct any scheme for improvement of the surroundings of or any means of access to any structure, place, feature or object referred to in sub-paragraph (iii),

— the Heritage Council and An Taisce - the National Trust for Ireland, and in the case of development of a type referred to in sub-paragraph (i) or (ii), An Chomhairle Ealaíon and Fáilte Ireland,

- (h) where the area of any local authority might be affected by the development - that local authority,

- (i) where the development would not be consistent with or would materially contravene any regional planning guidelines (or any objective thereof) of a regional authority - that regional authority,
- (j) where the development
  - (i) might cause the significant abstraction or addition of water either to or from surface or ground waters, whether naturally occurring or artificial,
  - (ii) might give rise to significant discharges of polluting matters or other materials to such waters or be likely to cause serious water pollution or the danger of such pollution, or
  - (iii) would involve the carrying out of works in, over, along or adjacent to the banks of such waters, or to any structure in, over or along the banks of such waters, which might materially affect the waters,

— Inland Fisheries Ireland and, in any case where the waters concerned are listed in Part 1 of Annex 1 of the Schedule to the British-Irish Agreement Act, 1999 (No. 1 of 1999), Waterways Ireland,

**Comment [AH(5)]:** Substituted by section 8 and Part 11, item 7 of Inland Fisheries Act 2010 (S.I. No. 10/2010) with effect from 1 July 2010

**Comment [AH(6)]:** Previous version (S.I. No. 685 of 2006) 31 January 2007 – 30 June 2010)

“— the appropriate Regional Fisheries Board and, in any case where the waters concerned are listed in Part 1 of Annex 1 of the Schedule to the British-Irish Agreement Act, 1999 (No. 1 of 1999), Waterways Ireland,”

- (k) where the development might endanger or interfere with the safety of, or the safe and efficient navigation of, aircraft - the Irish Aviation Authority,
- (l) where the development might interfere with the operation and development of a licensed airport, whose annual traffic is not less than 1 million passenger movements - the airport operator,
- (m) where the development may have an impact on bus or rail-based transport, C oras Iompair  ireann and the Railway Procurement Agency, as appropriate,
- (n) where the development might significantly impact on surface transport in the Greater Dublin Area, the Dublin Transportation Office (or any body that replaces that office),

- (o) where the development might significantly impact on transport or maritime navigation, the Minister for Transport,
- (p) where the development comprises or is for the purposes of an activity requiring an integrated pollution control licence or a waste licence — the Environmental Protection Agency;
- (q) where the development might have significant effects in relation to nature conservation — the Heritage Council and An Taisce - the National Trust for Ireland,
- (r) where the development is in a Gaeltacht area and it appears to the Board that it might materially affect the linguistic and cultural heritage of the Gaeltacht, including the promotion of Irish as the community language - the Minister for Community, Rural and Gaeltacht Affairs and Údarás na Gaeltachta,
- (s) where the development is in the vicinity of an explosives factory, storage magazine or local authority explosives store - the Minister for Justice, Equality and Law Reform,
- (t) where the application could result in, or requires initial afforestation or the removal of broadleaf high forest - the Minister for Agriculture and Food and the Heritage Council,
- (u) where the development might have significant effects on public health - the Health Service Executive,
- (v) where the application relates to the development of energy infrastructure, or may have an impact on energy infrastructure - the Commission for Energy Regulation, and
- (w) where the development might—
  - (i) give rise to a significant increase in the volume or type of traffic (including construction traffic) passing under a height restricted railway bridge, or using a railway level crossing, or a bridge

over a railway,

(ii) because of its proximity to a railway, impact on the structural integrity of railway infrastructure during construction of the development, or

(iii) endanger or interfere with the safe operation of a railway, during or after construction,

— the railway operator, the Railway Safety Commission, and, in the case of development which might impact on a light railway or metro, the Railway Procurement Agency,

(x) — to Irish Water.

(2) A notice to prescribed bodies under sections 37E(3)(c), 181A(3)(b), 182A(4)(a) or 182C(4)(a) shall indicate the types of decision the Board may make in relation to the application and shall include one copy of the application and environmental impact statement and, where the application is accompanied by an NIS, of the NIS (or where the person or body consents to the receiving of information in that form, in electronic form).

(3) The Board may, at any time, require the applicant to send copies or additional copies of an application and environmental impact statement and, where the application is accompanied by an NIS, of the NIS (including copies in electronic form) to any body or person as it may determine.

Application procedure.

214. (1) When making an application for strategic infrastructure development, the applicant shall send to the Board –

(a) 10 copies of the plans and particulars of the proposed development (including any plans, particulars or other information indicated by the Board under article 210(2) and of the environmental impact statement and, where the application is accompanied by an NIS, of the NIS,

(b) a copy of the notice published in accordance with sections 37E(3)(a), 181A(3)(a), 182A(4)(a) or 182C(4)(a) of the Act, as may be appropriate,

**Comment [i7]:** Substituted by article 10(1) of S.I. No. 520 of 2013 – Planning and Development (Amendment) (No. 2) Regulations 2013 with effect from 1 January 2014.

**Comment [AH(8):** Previous version (S.I. No. 685 of 2006) 31 January 2007 – 31 December 2013)

“(w) where the development might -

(i) give rise to a significant increase in the volume or type of traffic (including construction traffic) passing under a height restricted railway bridge, or using a railway level crossing, or a bridge over a railway,

(ii) because of its proximity to a railway, impact on the structural integrity of railway infrastructure

**Comment [i9]:** Amended by article 23 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011 with effect from 21 September 2011

**Comment [AH(10):** Previous version (S.I. No. 685 of 2006) 31 January 2007 – 20 June 2011)

“(2) A notice to prescribed bodies under sections 37E(3)(c), 181A(3)(b)

**Comment [i11]:** Amended by article 23 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011 with effect from 21 September 2011

**Comment [AH(12):** Previous version (S.I. No. 685 of 2006) 31 January 2007 – 20 June 2011)

“(3) The Board may, at any time, require the applicant to send copies or additional copies of an application a

**Comment [i13]:** Amended by article 24 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011 with effect from 21 September 2011

**Comment [AH(14):** Previous version (S.I. No. 685 of 2006) 31 January 2007 – 20 June 2011)

“(a) 10 copies of the plans and particulars of the proposed development (including any plans,



- (c) a list of the bodies notified of the application under sections 37E(3)(c), 181A(3)(b), 182A(4)(a) or 182C(4)(a) of the Act, as may be appropriate, and an indication of the date on which notice was sent, and
- (d) a list of any other public notice given or other public consultations conducted by the applicant, including any notice or consultations done on foot of a requirement by the Board under article 210, and an indication of the date or dates of such additional notice or consultations.

- (2) Where the Board so consents or specifies, any or all of the copies or other information specified in sub-article (1) shall be given in electronic form.

*Submission of NIS* 214A.

- (1) Where an application is made to the Board under section 37E of the Act and the applicant considers that the proposed development would be likely to have a significant effect on a European site he or she may submit an NIS with his or her application.
- (2) Where an NIS is submitted to the Board in accordance with sub-article (1),
  - (a) the notice published in a newspaper under section 37E(3) shall—
    - (i) state that a Natura impact statement has been prepared in respect of the proposed development,
    - (ii) specify the times and places at which and the period (not being less than 6 weeks) during which a copy of the Natura impact statement may be inspected free of charge or purchased at a specified fee (which fee shall not exceed the reasonable cost of making such copy),
    - (iii) invite the making of submissions in relation to the likely effects on a European site of the proposed development if carried out.
  - (b) the applicant shall, when complying with the requirements of section 37E(3)(b) and (c) of the Act, also send an equal number of copies of the NIS to

**Comment [i15]:** Inserted by article 25 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011 with effect from 21 September 2011

NIS required by the Board 214B. (1)

the planning authority or authorities and prescribed bodies concerned.

Where an application to the Board under sections 37E, 181A, 182A or 182C of the Act is not accompanied by an NIS, and an NIS is required by the Board under 177T(5), the applicant shall, not more than 2 weeks before submitting the NIS, publish a notice in at least one newspaper circulating in the area or areas in which it is proposed to carry out the development—

- (a) indicating the nature and location of the proposed development,
- (b) stating that he or she has made an application to the Board under sections 37E, 181A, 182A or 182C of the Act, as the case may be,
- (c) stating that the Board has requested the applicant to submit a Natura impact statement under section 177T(5) of the Act,
- (d) specifying the times and places at which, and the period (not being less than 4 weeks) during which a copy of the application and the Natura impact statement may be inspected free of charge or purchased on payment of a specified fee (which fee shall not exceed the reasonable cost of making such copy),
- (e) inviting the making, during such period, of submissions and observations to the Board relating to the effects on a European site of the proposed development, if carried out, and
- (f) specifying the types of decision the Board may make, under section 37G, 181B, 182B and 182D of the Act, as the case may be, in relation to the application.

- (2) Where an NIS is required by the Board under 177T(5) in respect of an application to the Board under sections 37E, 181A, 182A or 182C of the Act, the Board shall, as soon as possible after receipt of such NIS, send a copy of the NIS to the local authority or each local authority in whose area the proposed development would be situated

**Comment [i16]:** Inserted by article 25 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011 with effect from 21 September 2011

**Comment [i17]:** Inserted by article 25 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011 with effect from 21 September 2011

and to any bodies prescribed under the relevant sections as appropriate, together with a notice stating that submissions may be made to the Board, within a period specified by the Board in the notice, in relation to the likely effects of the proposed development on a European site if carried out.

Major Accidents.

215. (1)

In addition to the requirements of article 213, where the proposed development –

- (i) will be of a category listed in Table 1 of Schedule 8,
- (ii) will be located within the distance listed in column 2 of Table 2 of Schedule 8 from an establishment of the corresponding type listed in column 1 of Table 2, or be located within such distance from a particular establishment as has been specified by the Health and Safety Authority in technical advice provided under article 27 of the Major Accident Regulations,
- (iii) relates to the provision of, or modifications to, an establishment, or
- (iv) would, in the opinion of the Board be in the vicinity of, or would impact on, an establishment and be relevant to the risk or consequences of a major accident,

and the Health and Safety Authority has not previously provided to the Board, either in relation to the proposed development or on a generic basis, relevant technical advice on the risk or consequences of a major accident, the Board shall notify the Health and Safety Authority.

- (2) In forming an opinion pursuant to sub-article (1)(d), the Board shall have regard to Tables 1 and 2 of Schedule 8.
- (3) A notice sent by the Board under sub-article (1) shall –
  - (a) issue as soon as may be following receipt of the application,
  - (b) include a copy of the application and environmental impact statement,
  - (c) identify the relevant establishment or

**Comment [i18]:** Inserted by article 25 of S.I. No. 476/2011 – Planning and Development (Amendment) (No. 3) Regulations 2011 with effect from 21 September 2011

establishments, and

(d) request technical advice on the effects of the proposed development on the risk or consequences of a major accident.

(4) In addition to the requirements of article 216, in the case of an application to which article 215 refers, the list shall indicate that fact.

(5) Any notice which an applicant is required to give to the public in respect of an application under sections 37E(3)(a), 181A(3)(a), 182A(4)(a), 182C(4)(a) or 146C(4) of the Act shall, in the case of an application to which article 215 refers, indicate that fact.

Weekly list

216. (1) A list referred to in Article 72 shall also include:
- (a) any applications for strategic infrastructure development received, or
  - (b) any applications for strategic infrastructure development determined or otherwise disposed of by the Board.
- (2) A list referred to in sub-article (1) in respect of any applications in respect of strategic infrastructure development shall indicate:
- (a) the reference number of the application,
  - (b) the name of the applicant,
  - (c) the location of the proposed development,
  - (d) the nature and extent of the development, and
  - (e) the date of receipt of the application.
- (3) A list referred to in sub-article (1) in respect of any applications for strategic infrastructure development determined or dismissed by the Board, or withdrawn shall indicate:
- (a) the reference number of the application,

**Comment [i19]:** Deleted by article 15(a) of S.I. No. 135/2007 – Planning and Development (No. 2) Regulations 2007 with effect from 31 March 2007

**Comment [AH(20):** Previous version (S.I. No. 685 of 2006) 31 January 2007 – 30 March 2007)

“(b) the name and address of the applicant.”

Submissions or observations in relation to an application.

217. (1) (a) Any submission or observation to the Board in relation to an application shall be made within the period specified in the notice published in accordance with sections 37E(3)(a), 146C(4), 181A(3)(a), 182A(4)(a) or 182C(4)(a) of the Act, as may be appropriate, shall be accompanied by such fee (if any) as may be payable and shall state-
- (i) the name of the person making the submission or observation, the name of the person acting on his or her behalf, if any, and the address to which any correspondence relating to the application should be sent,
  - (ii) the subject matter of the submission or observation, and
  - (iii) the reasons, considerations and arguments on which the submission or observation is based in full.
- (b) Where the Board so consents, a submission or observation may be made in electronic form.
- (2) (a) The Board shall acknowledge in writing the receipt of any submission or observation referred to in sub-article (1) as soon as may be following receipt of the submission or observation.
- (b) The acknowledgement and any further correspondence from the Board in relation to the matter shall issue in the format in which the submission or observation was received unless otherwise agreed.

**Comment [i21]:** Deleted by article 15(b) of S.I. No. 135/2007 – Planning and Development (No. 2) Regulations 2007 with effect from 31 March 2007

**Comment [AH(22)]:** Previous version (S.I. No. 685 of 2006) 31 January 2007 – 30 March 2007

“(c) the name and address of the applicant.”

**Comment [i23]:** Substituted by article 16 of S.I. No. 135/2007 – Planning and Development (No. 2) Regulations 2007 with effect from 31 March 2007

**Comment [AH(24)]:** Previous version (S.I. No. 685 of 2006) 31 January 2007 – 30 March 2007

“(i) the name and address and the telephone number or e-mail address, if any, of the person making the submission or observation and the name and address and the telephone number or e-mail address, if any, of any person acting on his or her behalf.”

- (3) Any submissions or observations that do not comply with sub-article (1) shall not be considered by the Board.
- (4)
  - (a) Without prejudice to paragraph (b), a person who makes submissions or observations to the Board in accordance with this article shall not be entitled to elaborate upon the submissions or observations or make further submissions or observations in relation to the application and any such elaboration, submissions or observations that is or are received by the Board shall not be considered by it.
  - (b) The Board may, at any time before making its decision ask any person to make submissions or observations or elaborate upon submissions or observations in relation to an application.

Further information, submissions, meetings etc.

- 218. (1) Before determining any application for approval under Sections 181A, 182A or 182C, the Board may at any time, where it considers it necessary or expedient in respect of making a decision:
  - (a) request further submissions or observations from the applicant for permission, any person who made submissions or observations, or any other person who may, in the opinion of the Board, have information which is relevant to the determination of the application,
  - (b) make any information relating to the application available for inspection, notify any person or the public that the information is so available and, if it considers appropriate, invite further submissions or observations to be made to it within such period as it may specify, or
  - (c) hold meetings with the applicant for approval or any other person-
    - (i) where it appears to the Board to be expedient for the purpose of determining the application, or
    - (ii) where it appears to the Board to be necessary or expedient for the purpose of resolving any issue with the applicant for permission or any

disagreement between the applicant and any other party, including resolving any issue or disagreement in advance of an oral hearing.

- (2) The Board shall keep a record in writing of any consultation undertaken under sub-article (1) and a copy of such record shall be placed and kept with the documents to which any application in respect of the proposed development relates.

Content of notice of Board's decision on application for permission.

219. Any notice of a decision made by the Board in respect of an application for permission under section 37G(3) or a decision in respect of an application for approval under sections 181B(6), 182B(5) or 182D(5) of the Act shall state that, in making a decision, the Board has had regard to any submissions or observations received in accordance with the Act or these Regulations.

Content of decision on application for approval of strategic infrastructure development.

220. (1) The Board shall, as soon as may be following the making of its decision on an application for approval under sections 181B(6), 182B(5) or 182D(5) of the Act shall-
- (a) publish in an approved newspaper notice of its decision, and
  - (b) notify the applicant concerned, the planning authority or authorities in whose area the development would be situated and any person or body who made a submission or observation in respect of the application for approval concerned.
- (2) Notice of the decision of the Board under sub-article (1)(b) shall include-
- (a) the reference number of the application,
  - (b) the development to which the decision relates,
  - (c) the nature of the decision,
  - (d) the date of the decision,
  - (e) the main reasons and considerations on which the decision is based, and
  - (f) any conditions attached to a decision, including

conditions relating to community gain and the main reasons for the imposition of any such conditions.

- (g) a statement that a person may question the validity of any such decision by the Board by way of an application for judicial review, under Order 84 of the Rules of the Superior Courts ( S.I. No. 15 of 1986 ), in accordance with section 50 and
- (h) a statement describing where practical information on the review mechanism can be found.

**Comment [i25]:** Inserted by article 11 of S.I. No. 352/2010 – European Communities (Public Participation) Regulations 2010 with effect from 13 July 2010

Notice under 146C(4).

- 221. (1) (a) Where the requester is required to send a copy of the environmental impact statement, together with a notice, to a Member State of the European Communities or a state which is a party to the Transboundary Convention under Section 146C(4)(d) of the Act, the Board shall indicate to the requester which bodies, in which states, are to be notified.
- (b) For the purposes of determining which bodies are to be included under paragraph (a), the Board may consult with -
  - (i) the Minister for the Environment, Heritage and Local Government.
  - (ii) the Environmental Protection Agency,
  - (iii) the Minister for Communications, Marine and Natural Resources, or
  - (iv) the relevant planning authorityas appropriate.
- (2) A notice in accordance with Section 146C(4) of the Act shall include:
  - (a) a description of the development, including location,
  - (b) the reference number of the initial approval or permission,
  - (c) the nature and extent of the proposed alteration,



Application of this Part. 222.

- (d) the name of the requestor, and
- (e) the types of the decision the Board may make in relation to the application.

For the avoidance of doubt, this Part shall not apply to any development where an application has been lodged prior to the coming into force of this Part.

**Comment [i26]:** Deleted by article 17 of S.I. No. 135/2007 – Planning and Development (No. 2) Regulations 2007 with effect from 31 March 2007

**Comment [AH(27)]:** Previous version (S.I. No. 685 of 2006) 31 January 2007 – 30 March 2007)

“(d) the name and address of the requestor, and”