



---

*Number 20 of 2011*

---

**ENVIRONMENT (MISCELLANEOUS PROVISIONS) ACT 2011**

**REVISED**

**Updated to 31 January 2019**

---

This Revised Act is an administrative consolidation of the *Environment (Miscellaneous Provisions) Act 2011*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975 (3/1975)* to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Local Government Act 2019 (1/2019)*, enacted 25 January 2019, and all statutory instruments up to and including *Environment (Miscellaneous Provisions) Act 2011 (Commencement) Order 2019 (S.I. No. 23 of 2019)*, made 30 January 2019, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to [revisedacts@lawreform.ie](mailto:revisedacts@lawreform.ie).





---

Number 20 of 2011

---

**ENVIRONMENT (MISCELLANEOUS PROVISIONS) ACT 2011**

**REVISED**

**Updated to 31 January 2019**

---

### **Introduction**

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

### **Related legislation**

***Planning and Development Acts 2000 to 2018***: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Planning and Development (Amendment) Act 2018* (16/2018), s. 1(2)). The Acts in this group are:

- *Planning and Development Act 2000* (30/2000)
- *Local Government Act 2001* (37/2001), ss. 2, 5(3) and sch. 4 (in so far as they relate to the *Planning and Development Act 2000* (30/2000) and s. 247)
- *Planning and Development (Amendment) Act 2002* (32/2002), Parts 2 and 3
- *Housing (Miscellaneous Provisions) Act 2004* (43/2004), s. 2
- *Planning and Development (Strategic Infrastructure) Act 2006* (27/2006)
- *Water Services Act 2007* (30/2007), ss. 114 and 1(6)
- *Harbours (Amendment) Act 2009* (26/2009), ss. 7(1), 7(2) and 21(3)
- *Compulsory Purchase Orders (Extension of Time Limits) Act 2010* (17/2010)
- *Planning and Development (Amendment) Act 2010* (30/2010), other than Part 3
- *Environment (Miscellaneous Provisions) Act 2011* (20/2011), Part 5
- *Electoral, Local Government and Planning and Development Act 2013* (27/2013), Part 8
- *Local Government Reform Act 2014* (1/2014), ss. 1(8), 5(7) and Schedule 2 Part 4
- *Urban Regeneration and Housing Act 2015* (33/2015)
- *Planning and Development (Amendment) Act 2015* (63/2015)
- *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), other than s. 1(2)(b), (c), Parts 3-5 and schedule
- *Planning and Development (Amendment) Act 2017* (20/2017)
- *Planning and Development (Amendment) Act 2018* (16/2018), other than Part 4 and sch. 3 refs. 12 to 18

***Waste Management Acts 1996 to 2011***: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Environment (Miscellaneous Provisions) Act 2011* (20/2011), s. 1(3)). The Acts in this group are:

- *Waste Management Act 1996* (10/1996)
- *Waste Management (Amendment) Act 2001* (36/2001), other than section 14
- *Protection of the Environment Act 2003* (27/2003), Part 3

- *Environment (Miscellaneous Provisions) Act 2011 (20/2011), Part 4*

**Air Pollution Acts 1987 and 2011:** this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Environment (Miscellaneous Provisions) Act 2011 (20/2011), s. 1(2)*). The Acts in this group are:

- *Air Pollution Act 1987 (6/1987)*
- *Environment (Miscellaneous Provisions) Act 2011 (20/2011), Part 3*

### **Annotations**

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at [www.lawreform.ie/annotations](http://www.lawreform.ie/annotations)

### **Material not updated in this revision**

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1976, may be found linked from the page of the Act or statutory instrument at [www.irishstatutebook.ie](http://www.irishstatutebook.ie).

### **Acts which affect or previously affected this revision**

- *Local Government Act 2019 (1/2019)*
- *Planning and Development (Amendment) Act 2018 (16/2018)*
- *Radiological Protection (Amendment) Act 2018 (8/2018)*
- *Minerals Development Act 2017 (23/2017)*
- *Planning and Development (Housing) and Residential Tenancies Act 2016 (17/2016)*
- *Forestry Act 2014 (31/2014)*
- *Local Government Reform Act 2014 (1/2014)*
- *Electoral, Local Government and Planning and Development Act 2013 (27/2013)*

All Acts up to and including *Local Government Act 2019 (1/2019)*, enacted 25 January 2019, were considered in the preparation of this revision.

### **Statutory instruments which affect or previously affected this revision**

- *Environment (Miscellaneous Provisions) Act 2011 (Commencement) Order 2019 (S.I. No. 23 of 2019)*
- *Supreme Court, Court of Appeal and High Court (Fees) Order 2014 (S.I. No. 492 of 2014)*
- *Supreme Court and High Court (Fees) Order 2014 (S.I. No. 24 of 2014)*
- *Supreme Court and High Court (Fees) (No. 2) Order 2013 (S.I. No. 466 of 2013)*
- *Supreme Court and High Court (Fees) Order 2013 (S.I. No. 239 of 2013)*
- *Environment (Miscellaneous Provisions) Act 2011 (Commencement) (Part 5) (No. 2) Order 2011 (S.I. No. 583 of 2011)*
- *Environment (Miscellaneous Provisions) Act 2011 (Commencement) (Part 5) Order 2011 (S.I. No. 474 of 2011)*
- *European Union (Environmental Impact Assessment and Habitats) Regulations 2011 (S.I. No. 473 of 2011)*
- *Environment (Miscellaneous Provisions) Act 2011 (Commencement) Order 2011 (S.I. No. 446 of 2011)*

- *Environment (Miscellaneous Provisions) Act 2011 (Commencement of Certain Provisions) Order 2011* (S.I. No. 433 of 2011)

All statutory instruments up to and including *Environment (Miscellaneous Provisions) Act 2011 (Commencement) Order 2019* (S.I. No. 23 of 2019), made 30 January 2019, were considered in the preparation of this revision.





---

*Number 20 of 2011*

---

**ENVIRONMENT (MISCELLANEOUS PROVISIONS) ACT 2011**

**REVISED**

**Updated to 31 January 2019**

---

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, collective citations, construction and commencement.
2. Definitions.

PART 2

COSTS OF CERTAIN PROCEEDINGS TO BE BORNE BY EACH PARTY IN  
CERTAIN CIRCUMSTANCES

3. Costs of proceedings to be borne by each party in certain circumstances.
4. Civil proceedings relating to certain licences, etc.
5. Proceedings relating to Information Regulations.
6. Additional proceedings to which *section 3* applies.
7. Application to court for determination that *section 3* applies to proceedings.
8. Judicial notice to be taken of Convention.

PART 3

AMENDMENT OF ACT OF 1987

9. Amendment of section 12 of Act of 1987.
10. Fixed payment notice.
11. Amendment of section 14 of Act of 1987.

PART 4

AMENDMENT OF ACT OF 1996

12. Amendment of section 72 of Act of 1996.
13. Amendment of section 73 of Act of 1996.
14. Amendment of section 74 of Act of 1996.

## PART 5

## AMENDMENT OF PLANNING AND DEVELOPMENT ACT 2000

15. Definitions.
16. Amendment of section 2 of Act of 2000.
17. Amendment of section 4 of Act of 2000.
18. Amendment of section 13 of Act of 2000.
19. Amendment of section 30 of Act of 2000.
20. Amendment of section 50A of Act of 2000.
21. Amendment of section 50B of Act of 2000.
22. Amendment of section 57 of Act of 2000.
23. Amendment of section 82 of Act of 2000.
24. Amendment of section 87 of Act of 2000.
25. Amendment of section 130 of Act of 2000.
26. Amendment of section 135 of Act of 2000.
27. Amendment of section 153 of Act of 2000.
28. Amendment of section 157 of Act of 2000.
29. Amendment of section 160 of Act of 2000.
30. Amendment of section 170 of Act of 2000.
31. Amendment of section 177R of Act of 2000.
32. European site that does not host priority habitat or species and draft Land use plan.
33. European site that hosts priority habitat or species and draft Land use plan.
34. Amendment of section 177Z of Act of 2000.
35. European site that does not host priority habitat or species.
36. European site that hosts priority habitat or species.
37. Amendment of section 181A of Act of 2000.
- 37A. Transitional provision regarding section 37.
38. Amendment of section 181B of Act of 2000.
- 38A. Transitional provision regarding section 38.
39. Amendment of section 182A of Act of 2000.
40. Amendment of section 182C of Act of 2000.
41. Amendment of Seventh Schedule to Act of 2000.



42. Repeal.

PART 6

MISCELLANEOUS

43. Amendment of Freedom of Information Act 1997.

44. Amendment of Local Government Act 1998.

45. Amendment of section 70 of Environmental Protection Agency Act 1992.

46. Repeal.

47. Savings and transitionals.

48. Placenames.

49. Amendment of section 32 of Official Languages Act 2003. (*Repealed*)

---

ACTS REFERRED TO

Air Pollution Act 1987	1987, No. 6
Dumping at Sea Act 1996	1996, No. 14
Environmental Protection Agency Act 1992	1992, No. 7
European Communities Act 1972	1972, No. 27
Foreshore Act 1933	1933, No. 12
Forestry Act 1946	1946, No. 13
Freedom of Information Act 1997	1997, No. 13
Gas Act 1976	1976, No. 30
Local Government Act 1998	1998, No. 16
Local Government Act 2001	2001, No. 37
Local Government (Business Improvement Districts) Act 2006	2006, No. 42
Local Government (Water Pollution) Act 1977	1977, No. 1
Minerals Development Act 1940	1940, No. 31
Mines and Quarries Act 1965	1965, No. 7
Nursing Homes Support Scheme Act 2009	2009, No. 15
Official Languages Act 2003	2003, No. 32
Petroleum and Other Minerals Development Act 1960	1960, No. 7
Planning and Development Act 2000	2000, No. 30
Planning and Development (Amendment) Act 2010	2010, No. 30
Planning and Development (Strategic Infrastructure) Act 2006	2006, No. 27
Planning and Development Acts 2000 to 2010	
Radiological Protection Act 1991	1991, No. 9
Roads Act 1993	1993, No. 14
Transport (Railway Infrastructure) Act 2001	2001, No. 55
Waste Management Act 1996	1996, No. 10
Waste Management Acts 1996 to 2003	

[No. 20.]

*Environment (Miscellaneous  
Provisions) Act 2011*

[2011.]

Water Services Act 2007

2007, No. 30

Wildlife Act 1976

1976, No. 39



---

Number 20 of 2011

---

**ENVIRONMENT (MISCELLANEOUS PROVISIONS) ACT 2011**

**REVISED**

**Updated to 31 January 2019**

---

AN ACT TO AMEND AND EXTEND THE AIR POLLUTION ACT 1987; THE ENVIRONMENTAL PROTECTION AGENCY ACT 1992; THE WASTE MANAGEMENT ACT 1996; AND THE FREEDOM OF INFORMATION ACT 1997; TO MAKE PROVISION FOR COSTS OF CERTAIN PROCEEDINGS; TO GIVE EFFECT TO CERTAIN ARTICLES OF THE CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS DONE AT AARHUS, DENMARK ON 25 JUNE 1998 AND FOR JUDICIAL NOTICE TO BE TAKEN OF THE CONVENTION; TO AMEND THE PLANNING AND DEVELOPMENT ACT 2000; THE LOCAL GOVERNMENT ACT 1998; THE LOCAL GOVERNMENT ACT 2001 AND THE OFFICIAL LANGUAGES ACT 2003; AND TO PROVIDE FOR RELATED MATTERS.

[2nd August, 2011]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

**Annotations**

**Modifications (not altering text):**

- C1** Application of collectively cited *Planning and Development Acts* restricted (3.07.2017) by *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), s. 4(1), S.I. No. 270 of 2017.

**Strategic housing developments and planning applications**

4. (1) Subject to *subsection (4)*, during the specified period and notwithstanding anything to the contrary contained in any other provision of the *Planning and Development Acts 2000 to 2016*—

(a) an application for permission for a strategic housing development shall—

- (i) be made to the Board under this section and not to a planning authority, other than an application for permission, the purpose of which is as set out in section 34(3A) of the Act of 2000,
- (ii) be so made only where *section 6 (7)(b)* applies or, in the case that a request is made under *section 7 (1)*, when the Board has complied with the request pursuant to *section 7 (2)*,
- (iii) be so made only where the applicant for permission has fulfilled the requirements set out in section 8,

(iv) be in such form and contain such information as is prescribed, and

(v) be accompanied by the appropriate fee,

and

(b) a copy of the application, shall be sent by the applicant to the planning authority or authorities in whose area or areas the proposed strategic housing development would be situated.

...

(4) In the case of an application for permission for a strategic housing development that is located in a strategic development zone, the applicant may elect to make the application to the planning authority under section 34 of the Act of 2000 rather than under this section and, accordingly, section 170 of that Act applies to the application to which the said section 34 relates.

...

**C2** References to “a county council or a city council” and “a county council and a city council” construed (1.06.2014) by *Local Government Reform Act 2014 (1/2014)*, s. 9(2)-(3), S.I. No. 214 of 2014.

**Cesser and amalgamation of certain local government areas**

**9...**

(2) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—

(a) to a county council or a city council (including a reference construed by section 3(2) of, and Schedule 2 to, the Principal Act as a reference to a county council or to a city council, as the case may be) shall, if the context permits, be read as a reference to a county council, a city council or a city and county council, and

(b) to a county council and a city council (including a reference so construed) shall, if the context permits, be read as a reference to a county council, a city council and a city and county council.

(3) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—

(a) to the administrative area of a county council or the administrative area of a city council shall, if the context permits, be read as a reference to the administrative area of a county council, the administrative area of a city council or the administrative area of a city and county council, and

(b) to the administrative area of a county council and the administrative area of a city council shall, if the context permits, be read as a reference to the administrative area of a county council, the administrative area of a city council and the administrative area of a city and county council.

## PART 1

### PRELIMINARY AND GENERAL

Short title,  
collective cita-  
tions, construc-  
tion and  
commencement.

**1.—** (1) This Act may be cited as the Environment (Miscellaneous Provisions) Act 2011.

(2) The Air Pollution Act 1987 and *Part 3* may be cited together as the Air Pollution Acts 1987 and 2011 and shall be read together as one.

(3) The Waste Management Acts 1996 to 2003 and *Part 4* may be cited together as the Waste Management Acts 1996 to 2011 and shall be read together as one.

(4) The Planning and Development Acts 2000 to 2010 and *Part 5* may be cited together as the Planning and Development Acts 2000 to 2011 and shall be read together as one.

(5) This Act shall come into operation on such day or days as the Minister for the Environment, Community and Local Government may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

#### Annotations

##### Editorial Notes:

- E1** Power pursuant to subs. (5) exercised (31.01.2019) by *Environment (Miscellaneous Provisions) Act 2011 (Commencement) Order 2019* (S.I. No. 23 of 2019).
2. The 31st day of January 2019 is appointed to be the day on which section 48 of the Environment (Miscellaneous Provisions) Act 2011 (No. 20 of 2011) shall, in so far as it is not already in operation, come into operation.
- E2** Power pursuant to section exercised (15.11.2011) by *Environment (Miscellaneous Provisions) Act 2011 (Commencement) (Part 5) (No. 2) Order 2011* (S.I. No. 583 of 2011).
2. The 15 day of November 2011 is appointed as the day on which the following provisions of the Environment (Miscellaneous Provisions) Act 2011 (No. 20 of 2011) come into operation:
- (a) section 28;
- (b) section 29.
- E3** Power pursuant to section exercised (21.09.2011) by *Environment (Miscellaneous Provisions) Act 2011 (Commencement) (Part 5) Order 2011* (S.I. No. 474 of 2011).
2. The 21st day of September 2011 is appointed as the day on which the following provisions of the Environment (Miscellaneous Provisions) Act 2011 (No. 20 of 2011) come into operation:
- (a) sections 15 to 19;
- (b) sections 22 to 27; and
- (c) sections 30 to 42.
- E4** Power pursuant to section exercised (7.09.2011) by *Environment (Miscellaneous Provisions) Act 2011 (Commencement) Order 2011* (S.I. No. 446 of 2011).
2. The 7th day of September 2011 is appointed as the day upon which section 48, in so far only as it relates to sections 188, 191 and 194(3) of the Local Government Act 2001 (No. 37 of 2001), of the Environment (Miscellaneous Provisions) Act 2011 (No. 20 of 2011) shall come into operation.
- E5** Power pursuant to section exercised (23.08.2011) by *Environment (Miscellaneous Provisions) Act 2011 (Commencement of Certain Provisions) Order 2011* (S.I. No. 433 of 2011).
2. The 23rd day of August 2011 is appointed as the day on which the following provisions of the Environment (Miscellaneous Provisions) Act 2011 (No. 20 of 2011) come into operation:
- (a) sections 1 to 14;
- (b) sections 20 and 21; and
- (c) sections 43 to 47.

Definitions.

**2.—** In this Act—

“Act of 1987” means the Air Pollution Act 1987;

“Act of 1996” means the Waste Management Act 1996.

## PART 2

### COSTS OF CERTAIN PROCEEDINGS TO BE BORNE BY EACH PARTY IN CERTAIN CIRCUMSTANCES

Costs of proceedings to be borne by each party in certain circumstances.

**3.—** (1) Notwithstanding anything contained in any other enactment or in—

(a) Order 99 of the Rules of the Superior Courts (S.I. No. 15 of 1986),

(b) Order 66 of the Circuit Court Rules (S.I. No. 510 of 2001), or

(c) Order 51 of the District Court Rules (S.I. No. 93 of 1997),

and subject to *subsections (2), (3) and (4)*, in proceedings to which this section applies, each party (including any notice party) shall bear its own costs.

(2) The costs of the proceedings, or a portion of such costs, as are appropriate, may be awarded to the applicant, or as the case may be, the plaintiff, to the extent that he or she succeeds in obtaining relief and any of those costs shall be borne by the respondent, or as the case may be, defendant or any notice party, to the extent that the acts or omissions of the respondent, or as the case may be, defendant or any notice party, contributed to the applicant, or as the case may be, plaintiff obtaining relief.

(3) A court may award costs against a party in proceedings to which this section applies if the court considers it appropriate to do so—

(a) where the court considers that a claim or counter-claim by the party is frivolous or vexatious,

(b) by reason of the manner in which the party has conducted the proceedings, or

(c) where the party is in contempt of the court.

(4) *Subsection (1)* does not affect the court’s entitlement to award costs in favour of a party in a matter of exceptional public importance and where in the special circumstances of the case it is in the interests of justice to do so.

(5) In this section a reference to “court” shall be construed as, in relation to particular proceedings to which this section applies, a reference to the District Court, the Circuit Court, the High Court or the Supreme Court, as may be appropriate.

#### Annotations

#### Editorial Notes:

- E6** Certain court fees excluded for proceedings to which section applies (30.10.2014) by *Supreme Court, Court of Appeal and High Court (Fees) Order 2014* (S.I. No. 492 of 2014), art. 8, in effect as per art. 1(2).
- E7** Previous affecting provision: certain court fees excluded for proceedings to which section applies (3.02.2014) by *Supreme and High Court (Fees) Order 2014* (S.I. No. 24 of 2014), art. 8; revoked (30.10.2014) by *Supreme Court, Court of Appeal and High Court (Fees) Order 2014* (S.I. No. 492 of 2014), art. 11.

- E8** Previous affecting provision: certain court fees excluded for proceedings to which section applies (3.12.2013) by *Supreme Court and High Court (Fees) (No. 2) Order 2013* (S.I. No. 466 of 2013), art. 7, in effect as per art. 1(2); revoked (3.02.2014) by *Supreme Court and High Court (Fees) Order 2014* (S.I. No. 24 of 2014), art. 11.
- E9** Previous affecting provision: certain court fees excluded for proceedings to which section applies (10.07.2013) by *Supreme Court and High Court (Fees) Order 2013* (S.I. No. 239 of 2013), art. 8, in effect as per art. 1(2); revoked (3.12.2013) by *Supreme Court and High Court (Fees) (No. 2) Order 2013* (S.I. No. 466 of 2013), art. 10.

Civil proceedings relating to certain licences, etc.

**4.— (1)** *Section 3* applies to civil proceedings, other than proceedings referred to in *subsection (3)*, instituted by a person—

(a) for the purpose of ensuring compliance with, or the enforcement of, a statutory requirement or condition or other requirement F1[specified in or attached to a licence, registration, permit], permission, lease F2[, notice] or consent specified in *subsection (4)*, or

(b) in respect of the contravention of, or the failure to comply with F1[such licence, registration, permit], permission, lease F2[, notice] or consent,

and where the failure to ensure such compliance with, or enforcement of, such statutory requirement, condition or other requirement referred to in *paragraph (a)*, or such contravention or failure to comply referred to in *paragraph (b)*, has caused, is causing, or is likely to cause, damage to the environment.

(2) Without prejudice to the generality of *subsection (1)*, damage to the environment includes damage to all or any of the following:

(a) air and the atmosphere;

(b) water, including coastal and marine areas;

(c) soil;

(d) land;

(e) landscapes and natural sites;

(f) biological diversity, including any component of such diversity, and genetically modified organisms;

(g) health and safety of persons and conditions of human life;

(h) cultural sites and built environment;

(i) the interaction between all or any of the matters specified in *paragraphs (a) to (h)*.

(3) *Section 3* shall not apply—

(a) to proceedings, or any part of proceedings, referred to in *subsection (1)* for which damages, arising from damage to persons or property, are sought, or

(b) to proceedings instituted by a statutory body or a Minister of the Government.

(4) For the purposes of *subsection (1)*, this section applies to—

(a) a licence, or a revised licence, granted under section 83 of the Environmental Protection Agency Act 1992,

(b) a licence granted pursuant to section 32 of the Act of 1987,

- (c) a licence granted under section 4 or 16 of the Local Government (Water Pollution) Act 1977,
- (d) a licence granted under section 63, or a water services licence granted under section 81, of the Water Services Act 2007,
- (e) a waste collection permit granted pursuant to section 34, or a waste licence granted pursuant to section 40, of the Act of 1996,
- (f) a licence granted pursuant to section 23(6), 26 or 29 of the Wildlife Act 1976,
- (g) a permit granted pursuant to section 5 of the Dumping at Sea Act 1996,
- F3[(h) a licence granted under section 7 of the Forestry Act 2014.]
- (i) F1[a licence or registration granted pursuant to regulations made under section 30 of the Radiological Protection Act 1991],
- (j) a lease made under section 2, or a licence granted under section 3 of the Foreshore Act 1933,
- (k) a prospecting licence granted under section 8, a State acquired minerals licence granted under section 22 or an ancillary rights licence granted under section 40, of the Minerals Development Act 1940,
- (l) an exploration licence granted under section 8, a petroleum prospecting licence granted under section 9, a reserved area licence granted under section 19, or a working facilities permit granted under section 26, of the Petroleum and Other Minerals Development Act 1960,
- (m) a consent pursuant to section 40 of the Gas Act 1976,
- (n) a permission or approval granted pursuant to the F4[Planning and Development Act 2000,]
- F2[(o) a consent to a plan or project for which a screening for appropriate assessment is required under regulation 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), and
- (p) a consent or notice under regulation 43 of those regulations.]

(5) In this section—

“damage”, in relation to the environment, includes any adverse effect on any matter specified in *paragraphs (a) to (i) of subsection (2)*;

“statutory body” means any of the following:

- (a) a body established by or under statute;
- (b) a county council within the meaning of the Local Government Act 2001;
- (c) a city council within the meaning of the Local Government Act 2001.

(6) In this section F1[a reference to a licence, registration, revised licence,] permit, permission, approval, lease or consent F1[is a reference to such licence, registration, permit, lease or consent and any conditions or other requirements specified in or attached to it] and to any renewal or revision of such licence, permit, permission, approval, lease or consent.



**Annotations****Amendments:**

- F1** Substituted (25.01.2019) by *Radiological Protection (Amendment) Act 2018* (8/2018), s. 33, S.I. No. 10 of 2019.
- F2** Inserted (19.07.2018) by *Planning and Development (Amendment) Act 2018* (16/2018), s. 61(a), (b)(ii), commenced on enactment.
- F3** Substituted (24.05.2017) by *Forestry Act 2014* (31/2014), s. 31(3), S.I. No. 189 of 2017.
- F4** Substituted (19.07.2018) by *Planning and Development (Amendment) Act 2018* (16/2018), s. 61(b)(i), commenced on enactment.
- F5** Substituted by *Minerals Development Act 2017* (23/2017), s. 250, not commenced as of date of revision.

**Modifications (not altering text):**

- C3** Prospective affecting provision: subs. (4)(k) substituted by *Minerals Development Act 2017* (23/2017), s. 250, not commenced as of date of revision.
- F5[(k) a prospecting licence granted under section 17, a retention licence granted under section 22, a mining licence granted under section 65 or continued under section 232, an ancillary surface rights licence granted under section 113, or a rehabilitation plan prepared or adopted under section 134 of the Minerals Development Act 2017,]

Proceedings relating to Information Regulations.

**5.—** (1) *Section 3* applies to civil proceedings, other than proceedings referred to in *subsection (2)*, instituted by a person relating to a request referred to in Regulation 6 of the Information Regulations.

(2) *Section 3* shall not apply to proceedings instituted by the Commissioner for Environmental Information or a public authority pursuant to the Information Regulations.

(3) In this section—

“Information Regulations” means the European Communities (Access to Information on the Environment) Regulations 2007 (S.I. No. 133 of 2007);

“public authority” has the meaning assigned to it by the Information Regulations.

Additional proceedings to which *section 3* applies.

**6.—** *Section 3* applies to—

(a) proceedings in the High Court by way of judicial review or of seeking leave to apply for judicial review, of proceedings referred to in *section 4* or *5*,

(b) an appeal (including an appeal by way of case stated) from the District Court, Circuit Court or High Court in any proceedings referred to in *section 4* or *5* or *paragraph (a)*, and

(c) proceedings for interim or interlocutory relief in relation to any proceedings referred to in *section 4* or *5* or *paragraph (a)*.

Application to court for determination that *section 3* applies to proceedings.

**7.—** (1) A party to proceedings to which *section 3* applies may at any time before, or during the course of, the proceedings apply to the court for a determination that *section 3* applies to those proceedings.

(2) Where an application is made under *subsection (1)*, the court may make a determination that *section 3* applies to those proceedings.

(3) Without prejudice to *subsection (1)*, the parties to proceedings referred to in *subsection (1)*, may, at any time, agree that *section 3* applies to those proceedings.

(4) Before proceedings referred to in *section 3* are instituted, the persons who would be the parties to those proceedings if those proceedings were instituted, may, before the institution of those proceedings and without prejudice to *subsection (1)*, agree that *section 3* applies to those proceedings.

(5) An application under *subsection (1)* shall be by motion on notice to the parties concerned.

Judicial notice to be taken of Convention.

**8.**— Judicial notice shall be taken of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters done at Aarhus, Denmark on 25 June 1998.

### PART 3

#### AMENDMENT OF ACT OF 1987

Amendment of section 12 of Act of 1987.

**9.**— Section 12(1) of the Act of 1987 is amended—

(a) in paragraph (a)—

(i) by substituting “a class A fine” for “a fine not exceeding £1,000”,

(ii) by substituting “a class E fine” for “a fine not exceeding £100”, and

(iii) by substituting “equals €5,000” for “equals £1,000”,

and

(b) in paragraph (b) by substituting—

(i) “€500,000” for “£10,000”, and

(ii) “€5,000” for “£1,000”.

Fixed payment notice.

**10.**— The Act of 1987 is amended by inserting the following. section after section 12:

“12A.— (1) Where an authorised person has reasonable grounds for believing that a person has committed a relevant offence and is liable to summary prosecution in respect thereof, the authorised person may give to the person a notice (in this Act referred to as a ‘fixed payment notice’) in writing and in the prescribed form stating that—

(a) the person is alleged to have committed that offence,

(b) the person may, during the period of 21 days beginning on the date of the notice, make to the local authority concerned at the address specified in the notice a payment of the amount specified in subsection (4) in respect of that offence, accompanied by the notice,

(c) the person is not obliged to make the payment specified in the notice, and

(d) a prosecution of the person to whom the notice is given in respect of the relevant offence concerned will not be instituted during the period of 21 days beginning on the date of the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of that offence will be instituted.