



STATUTORY INSTRUMENTS.

**S.I. No. 200 of 2011**

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EUROPEAN COMMUNITIES (ENVIRONMENTAL ASSESSMENT OF  
CERTAIN PLANS AND PROGRAMMES) (AMENDMENT)  
REGULATIONS, 2011.

**(Prn. A11/0663)**

EUROPEAN COMMUNITIES (ENVIRONMENTAL ASSESSMENT OF  
CERTAIN PLANS AND PROGRAMMES) (AMENDMENT)  
REGULATIONS, 2011.

I, PHILIP HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by Section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purposes of giving further effect to Directive 2001/42/EC of the European Parliament and Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (No. 2001/42/EC, O.J. No. L 197, 21 July 2001 P. 0030-0037), hereby make the following Regulations:

*Citation.*

1. (1) These Regulations may be cited as the European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011.

(2) These Regulations and the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 shall be construed as one and may be collectively cited as the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 to 2011.

*Interpretation.*

2. In these Regulations, except where the context otherwise requires, “the Regulations” means the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004).

*Amendment of the 2004 Regulations*

3. The Regulations are amended—

(a) in Article 9 by substituting the following for Article 9(1)(a):

“(a) which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism and town and country planning or land use, and which set the framework for future development consent of projects listed in Annexes I and II to the Environmental Impact Assessment Directive, or ”

(b) in Article 9 by substituting the following for Article 9(5)(c) the following:

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 6th May, 2011.*

“(c) where it appears to the competent authority that the plan or programme, or modification to a plan or programme, might have significant effects on fisheries or the marine environment, the Minister for Agriculture, Marine and Food, and the Minister for Communications, Energy and Natural Resources”

(c) in Article 9 by substituting the following for Article 9(7)(a):

“(a) make a copy of its decision, including, as appropriate, the reasons for not requiring an environmental assessment, available for public inspection at the offices of the competent authority during office hours and on the website of the authority, and ”

(d) in Article 13 by substituting for Article 13(2)(a):

“(a) a copy of the draft plan or programme, or modification to a draft plan or programme and associated environmental report are available for public inspection at the offices of the competent authority during office hours and on the website of the authority or any other stated place or places at the stated times during a specified period which shall be not less than 4 weeks from the date of the notice (and the copy shall be kept available for inspection accordingly), and ”

(e) in Article 14 by substituting the following for Article 14(4)(c):

“(c) a copy of the draft plan or programme, or modification to a draft plan or programme, and associated environmental report are available for public inspection at the offices of the competent authority during office hours and on the website of the authority or any other stated place or places at the stated times during a specified period which shall be not less than 4 weeks from the date of the notice (and the copy shall be kept available for inspection accordingly), and ”

(f) in Article 16 by substituting the following for Article 16(2)(a):

“(a) a copy of the plan or programme, or modification to a plan or programme, and associated environmental report are available for public inspection at the offices of the competent authority during office hours and on the website of the authority or any other stated place or places at the stated times during a specified period which shall be not less than 4 weeks from the date of the notice (and the copy shall be kept available for inspection accordingly), and ”



GIVEN under my Official Seal,  
3 May 2011.

PHILIP HOGAN, T.D.,  
Minister for the Environment, Community and Local  
Government.

## EXPLANATORY NOTE

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

The purpose of these Regulations is to amend the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004) and further transpose into Irish law the provisions of Directive 2001/42/EC of 27 June 2001 (O.J. No. L 197, 21 July 2001) on the assessment of the effects of certain plans and programmes on the environment — commonly known as the Strategic Environmental Assessment (SEA) Directive — insofar as the Directive relates to land use planning.

The main amendments provided for in these regulations include:

- the inclusion of “town and country planning or land use” within the definition of plans and programmes, together with consistent reference to ‘plans or programmes’, as provided for in the SEA Directive<sup>1</sup>;
- expansion of the Minister’s role as a designated environmental authority for the purposes of SEA, and the inclusion of the Minister for Arts, Heritage and Gaeltacht Affairs in light of the transfer of responsibilities for archaeological, architectural and natural heritage under the remit of that Department; and
- making plans, reports and decisions more accessible for public inspection, including on the website of the competent authority.

The Regulations comes into operation on the 3rd of May 2011.

<sup>1</sup>It should be noted that article 3 of SI 435 of 2004 specifically precludes application of these provisions to development plans and their variations, local area plans, regional planning guidelines and planning schemes for strategic development zones, which are covered separately in SI 436 of 2004.

BAILE ÁTHA CLIATH  
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