



STATUTORY INSTRUMENTS.

S.I. No. 279 of 2019



EUROPEAN UNION (ROADS ACT 1993) (ENVIRONMENTAL IMPACT
ASSESSMENT) (AMENDMENT) REGULATIONS 2019

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I, Shane Ross, Minister for Transport, Tourism and Sport, 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 Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011¹ as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014², hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Roads Act 1993) (Environmental Impact Assessment) (Amendment) Regulations 2019.

Interpretation

2. (1) In these Regulations “Principal Act” means the Roads Act 1993 (No. 14 of 1993).

(2) A word or expression that is used in these Regulations and that is also used in Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011¹ (as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014²) has the same meaning in these Regulations as it has in that Directive.

Amendment of section 2(1) of Principal Act

3. Section 2(1) of the Principal Act is amended -

(a) by the insertion of the following definitions after the definition of “development plan”:

“ ‘EIA Directive’ means Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011¹ as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014²;

‘environmental impact assessment’, in relation to a proposed road development, means a process in respect of the development -

(a) consisting of -

(i) the preparation of an environmental impact assessment report in accordance with section 50,

¹ OJ No. L 26, 28.1.2012, p. 1

² OJ No. L 124, 25.4.2014, p. 1

- (ii) the carrying out of consultation referred to in section 51(3),
- (iii) the examination by An Bord Pleanála of the information presented in the environmental impact assessment report, any additional information provided in accordance with section 51(4) and any relevant information received through consultation under section 51(3),
- (iv) the reaching by An Bord Pleanála of the reasoned conclusion referred to in section 51(5) on the significant effects of the proposed road development on the environment; and
- (v) the integration by An Bord Pleanála of its reasoned conclusion into its decision under section 51(6),

and

- (b) including an examination, analysis and evaluation by An Bord Pleanála under section 51(5) in order to identify, describe and assess the direct and indirect significant effects of the particular proposed road development, including significant effects derived from the vulnerability of the proposed road development to risks of major accidents and disasters relevant to it, on -
 - (i) population and human health,
 - (ii) biodiversity, with particular attention to species and habitats protected under Council Directive 92/43/EEC of 21 May 1992³ and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009⁴,
 - (iii) land, soil, water, air and climate,
 - (iv) material assets, cultural heritage and the landscape, and
 - (v) the interaction between the factors mentioned in subparagraphs (i) to (iv);

‘environmental impact assessment report’ shall be construed in accordance with section 50;”

- (b) in the definition of “proposed road development”, by the substitution of “which is subject to an environmental impact assessment” for “in respect of which an environmental impact statement is required to be prepared”;

³ OJ No. L 206, 22.7.1992, p. 7

⁴ OJ No. L 20, 26.1.2010, p. 7

and

- (c) by the insertion of the following subsection after subsection (6):
- “(6A) A reference in this Act to an Annex is a reference to an Annex to the EIA Directive.”.

Environmental impact assessment report

4. The Principal Act is amended by the substitution of “environmental impact assessment report” for “environmental impact statement” in each place where it occurs.

Road developments subject to environmental impact assessment

5. The Principal Act is amended by the substitution of the following section for section 50:

- “50. (1) (a) A road development that is proposed that comprises any of the following shall be subject to an environmental impact assessment:
- (i) the construction of a motorway;
 - (ii) the construction of a busway;
 - (iii) the construction of a service area;
 - (iv) any prescribed type of road development consisting of the construction of a proposed public road or the improvement of an existing public road.
- (b) If An Bord Pleanála considers that any road development proposed (other than development to which paragraph (a) applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be likely to have significant effects on the environment it shall direct that the development be subject to an environmental impact assessment.
- (c) Where a road authority or, as the case may be, the Authority considers that a road development that it proposes (other than development to which paragraph (a) applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be likely to have significant effects on the environment, it shall inform An Bord Pleanála in writing prior to making any application to the Bord for an approval referred to in section 51(1) in respect of the development.
- ”

- (d) In particular, where a proposed development (other than development to which paragraph (a) applies) consisting of the construction of a proposed public road or the improvement of an existing public road would be located on -
- (i) a European Site within the meaning of Regulation 2 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011),
 - (ii) land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976),
 - (iii) land designated as a refuge for fauna or flora under section 17 of the Wildlife Act 1976 (No. 39 of 1976), or
 - (iv) land designated a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,

the road authority or the Authority, as the case may be, proposing the development shall decide whether or not the proposed development would be likely to have significant effects on the environment.

- (e) Where a decision is being made pursuant to this subsection on whether a road development that is proposed would or would not be likely to have significant effects on the environment, An Bord Pleanála, or the road authority or the Authority concerned (as the case may be), shall take into account the relevant selection criteria specified in Annex III.
- (f) Where a road authority or the Authority, as the case may be, makes a decision under paragraph (d) it shall -
- (i) make the decision available for inspection by members of the public, and
 - (ii) make an electronic version of the decision available on its website.

- (1A) (a) Unless An Bord Pleanála is satisfied that a road development that is proposed consisting of the construction of a proposed public road or the improvement of an existing public road (other than development to which subsection (1)(a) applies) -
- (i) would not be likely to have significant effects on the environment, or

- (ii) would be likely to have significant effects on the environment,

An Bord Pleanála shall require the road authority, or as the case may be the Authority, proposing the road development to provide it with information on the characteristics of the road development proposed and its likely effects on the environment.

- (b) Where a road authority or the Authority is subject to a requirement by An Bord Pleanála under paragraph (a) it shall -
 - (i) provide the information specified in Annex IIA, and
 - (ii) where relevant, take into account the available results of other relevant assessments of the effects on the environment carried out pursuant to any Act of the Oireachtas or under European Union legislation (other than the EIA Directive).
- (c) Where a road authority or the Authority is subject to a requirement by An Bord Pleanála under paragraph (a) it may also provide a description of any features of the development or measures envisaged to avoid or prevent significant adverse effects on the environment.
- (d) Where An Bord Pleanála receives information from a road authority or the Authority under paragraph (b) it shall make a determination as to whether the road development proposed should be subject to an environmental impact assessment on the basis of such information, taking into account the relevant selection criteria specified in Annex III and, where relevant, the results of preliminary verifications or assessments of the effects on the environment carried out pursuant to any Act of the Oireachtas or under European Union legislation (other than the EIA Directive).
- (e) A determination under paragraph (d) shall -
 - (i) where An Bord Pleanála determines that the development should be subject to an environmental impact assessment, specify with reference to the relevant criteria listed in Annex III the main reasons for that determination, and
 - (ii) where An Bord Pleanála determines that the development should not be subject to an environmental impact assessment, specify -

- (I) the main reasons for that determination by reference to the relevant criteria listed in Annex III, and
 - (II) any features of the proposed road development and measures proposed by the road authority, or as the case may be the Authority, to avoid or prevent significant adverse effects on the environment.
- (f) Subject to paragraph (g), An Bord Pleanála shall make its determination under paragraph (d) as soon as possible and within 90 days from the date on which the road authority or, as the case may be, the Authority has submitted all the information required by An Bord Pleanála under paragraph (a).
- (g) An Bord Pleanála may, in exceptional cases, including where it is justified by the nature, complexity, location or size of the proposed road development, extend the 90 day period referred to in paragraph (f) in order to make its determination and in such cases it shall inform the road authority or, as the case may be, the Authority in writing of the reasons justifying the extension and of the date when its determination is expected.
- (h) An Bord Pleanála shall make an electronic version of any determination under paragraph (d) available to the public on its website.
- (1B) A road authority or, as the case may be the Authority, shall prepare an environmental impact assessment report in respect of any road development that it proposes that is subject to an environmental impact assessment under this section.
- (2) The road authority or the Authority, as the case may be, shall ensure that an environmental impact assessment report referred to in subsection (1B) -
- (a) is prepared by competent experts,
 - (b) subject to subsection (3), contains the following information:
 - (i) a description of the proposed road development comprising information on the site, design, size and other relevant features of the development;
 - (ii) a description of the likely significant effects of the proposed road development on the environment;
 - (iii) a description of any features of the proposed road development and of any measures

envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;

- (iv) a description of the reasonable alternatives studied by the road authority or the Authority, as the case may be, which are relevant to the proposed road development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed road development on the environment;
- (v) a non-technical summary of the information referred to in subparagraphs (i) to (iv);
- (vi) any additional information specified in Annex IV that is relevant to the specific characteristics of the particular proposed road development or type of proposed road development and to the environmental features likely to be affected,

and

- (c) takes into account the available results of other relevant assessments carried out pursuant to any Act of the Oireachtas or under European Union legislation with a view to avoiding duplication of assessments.

(3) Where An Bord Pleanála issues an opinion under subsection (4) the road authority or the Authority, as the case may be, shall

-

- (a) prepare the environmental impact assessment report referred to in subsection (1B) based on that opinion, and
- (b) include in the report the information that may reasonably be required for reaching a reasoned conclusion on the significant effects of the proposed road development on the environment, taking into account current knowledge and methods of assessment.

(4) (a) An Bord Pleanála shall, on the request of a road authority, or the Authority, that proposes a road development to which this section applies, made before the road authority or the Authority, as the case may be, has submitted an environmental impact assessment report -

- (i) consult with the road authority or the Authority, as the case may be,
- (ii) consult the authorities referred to in section 51(3)(b), and

- (iii) taking into account the information provided by the road authority or the Authority, as the case may be, in particular on the specific characteristics of the project, including its location and technical capacity, and its likely impact on the environment, issue an opinion on the scope, and level of detail, of the information to be included by the road authority or the Authority, as the case may be, in the environmental impact assessment report in accordance with subsection (2).
- (b) The issuing of an opinion under this subsection shall not prejudice the exercise by An Bord Pleanála of its powers pursuant to section 51(4) to require the road authority concerned or the Authority, as the case may be, to furnish it with specified additional information in relation to the likely effects on the environment of the proposed road development.
- (5) In this section, ‘construction of a proposed public road or the improvement of an existing public road’ includes any change or extension to a proposed road development already authorised, executed or in the process of being executed.”.

Amendments to section 51 of the Principal Act

6. Section 51 of the Principal Act is amended -

- (a) by the insertion of the following subsection after subsection (2):
 - “(2A) An Bord Pleanála shall ensure that it has, or has access as necessary to, sufficient expertise to examine the environmental impact assessment report.”,
- (b) in subsection (3) -
 - (i) by the insertion of “or the Authority” after “Where a road authority”,
 - (ii) by the insertion of the following paragraph after paragraph (a):
 - “(aa) send to An Bord Pleanála an electronic version of -
 - (i) the notice referred to in paragraph (a),
 - (ii) the environmental impact assessment report in respect of the proposed development, and
 - (iii) a map of the location of the proposed road development to a scale of not less than 1:1000 in relation to built-up areas and

1:2500 in relation to all other areas, or such other scale as may be agreed with the Minister for Housing, Planning and Local Government in a particular case, and marked so as to identify clearly the land or structure to which the application relates,”

(iii) in paragraph (b), by the substitution of the following subparagraphs for subparagraph (iv):

“(iv) the Environmental Protection Agency,

(v) any other prescribed body or person;”

(c) by the insertion of the following subsections after subsection (3):

“(3A) An Bord Pleanála shall make an electronic version of the documents specified in subsection (3) (aa) available to the public on its website (at the location referred to in subsection (3B) (g)).

(3B) An Bord Pleanála shall send to the Minister for Housing, Planning and Local Government each of the following:

- (a) the name of the road authority, or as the case may be, the Authority, proposing the road development together with a contact name, email address and phone number for correspondence;
- (b) a description of the location of the proposed development;
- (c) a description of the proposed development;
- (d) notice that An Bord Pleanála is the competent authority to which the application has been made;
- (e) a map of the location of the proposed road development to a scale of not less than 1:1000 in relation to built-up areas and 1:2500 in relation to all other areas, or such other scale as may be agreed with the Minister for Housing, Planning and Local Government in a particular case, and marked so as to identify clearly the land or structure to which the application relates;
- (f) a searchable electronic version of the notice referred to in subsection (3)(a);
- (g) notification of the location where information in electronic form that relates to the application, including any determination under section

50(1A) (d), is available on An Bord Pleanála’s website.”;

(d) by the substitution of the following subsection for subsection (4):

“(4) Where a road authority or the Authority has applied to An Bord Pleanála for an approval in accordance with subsection (2), An Bord Pleanála may require the road authority or the Authority, as the case may be, to furnish it with any additional information specified in Annex IV which is directly relevant to reaching a reasoned conclusion on the significant effects of the development on the environment and a road authority or, as the case may be the Authority shall comply with any such requirement.”,

(e) by the insertion of the following subsections after subsection (4A):

“(4B) Where An Bord Pleanála requires the relevant road authority, or as the case may be the Authority, to publish a notice in accordance with subsection (4A)(a) the relevant road authority, or as the case may be the Authority, shall provide An Bord Pleanála with an electronic version of that notice and An Bord Pleanála shall make the electronic version of the notice and an electronic version of the additional information referred to in subsection (4A) available at the location referred to in subsection (3B)(g).

(4C) Where An Bord Pleanála receives any submissions made in relation to the likely effects on the environment of the proposed road development it shall make them available in electronic form at the location referred to in subsection (3B)(g).”,

(f) by the substitution of the following subsection for subsection (5):

“(5) Before approving a proposed road development An Bord Pleanála shall -

(a) duly take into account -

- (i) the environmental impact assessment report submitted under subsection (2),
- (ii) any additional information furnished under subsection (4),
- (iii) any submissions made in relation to the likely effects on the environment of the proposed road development, and
- (iv) where a copy of the environmental impact assessment report was sent in accordance with subsection (3)(c), the results of consultations and the information gathered under subsection (3)(d),

(b) consider the report and any recommendation of the person conducting an inquiry referred to in subsection (7) where evidence is heard at such inquiry in relation to the likely effects on the environment of the proposed road development,

and

(c) taking into account the results of the examination referred to in paragraphs (a) and (b), reach a reasoned conclusion on the significant effects of the proposed road development on the environment.”,

(g) by the insertion of the following subsection after subsection (5):

“(5A) An Bord Pleanála shall make a decision under subsection (6) in relation to a proposed road development within a reasonable period of time following receipt of an environmental impact assessment report under subsection (2) or, where relevant, of receipt of additional information under subsection (4).”,

(h) by the substitution of the following subsection for subsection (6):

“(6) An Bord Pleanála, having reached a reasoned conclusion under subsection (5)(c) and being satisfied that the reasoned conclusion remains up-to-date, may, by order, approve a proposed road development, with or without modifications and subject to whatever environmental conditions (including conditions regarding monitoring measures, parameters to be monitored and the duration of monitoring) it considers appropriate, or may refuse to approve such development.”,

(i) by the substitution of the following subsection for subsection (6A):

“(6A) An order under subsection (6) approving a proposed road development shall include -

(a) the reasoned conclusion referred to in subsection (5),

(b) any environmental conditions, including conditions regarding monitoring measures, parameters to be monitored and the duration of monitoring, to which the approval is subject, and

(c) a description of any features of the proposed road development, or any measures envisaged, to avoid, prevent or reduce, or offset significant adverse effects on the environment.”,

(j) by the insertion of the following subsections after subsection (6A):

“(6B) An order under subsection (6) refusing to approve a proposed road development shall include the main reasons for the refusal.

(6C) Where An Bord Pleanála makes an order referred to in subsection (6) it shall -

- (a) publish in one or more newspapers circulating in the area in which the proposed road development would take place, and in electronic form at the location referred to in subsection (3B) (g), a notice stating -
 - (i) that An Bord Pleanála has approved or, as the case may be, refused to approve the proposed road development,
 - (ii) the main reasons and considerations on which the decision to approve or refuse to approve is based, including -
 - (I) information about the public participation process,
 - (II) a summary of the results of the consultations and the information gathered pursuant to section 50 and this section (in particular, where a copy of the environmental impact assessment report was sent in accordance with subsection (3)(c), the results of consultations and the information gathered under subsection (3)(d)), and,
 - (III) a description of how the results referred to in clause (II) have been incorporated or otherwise addressed,
 - (iii) where the proposed road development was approved subject to modifications or environmental conditions (including conditions regarding monitoring measures, parameters to be monitored and the duration of monitoring), particulars of those modifications or conditions,
 - (iv) that a copy of the order is available for inspection during specified hours, at a specified place, for a specified period of time, and in electronic form at the location referred to in subsection (3B)(g), and

- (v) that practical information regarding the judicial review procedures by which a person may seek to question the validity of a determination by An Bord Pleanála on a proposed road development can be found at the location referred to in subsection (3B)(g),
 - (b) forward to each of the bodies referred to in subsection (3)(b) a copy of the order under subsection (6),
- and
- (c) where a copy of the environmental impact assessment report was sent in accordance with subsection (3)(c), forward to the prescribed authority in Northern Ireland a copy of the order under subsection (6).”,
- (k) by the deletion of subsection (9),
- and
- (l) by the addition of the following subsection:

“(10) In carrying out an environmental impact assessment on a proposed road development under this section, An Bord Pleanála shall, where appropriate, coordinate the assessment with any assessment of the proposed development under Council Directive 92/43/EEC of 21 May 1992³ or Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009⁴.”.

Implementation of measures to avoid, prevent or reduce effects on environment

7. The Principal Act is amended by the insertion of the following sections after section 51A:

“Interpretation - sections 51C to 51G

51B. In sections 51C to 51G -

‘developer’, in relation to a road development, means -

- (a) the road authority that proposed the road development, or
- (b) where the Authority proposed the development, the Authority;

‘order’ means an order, under section 51(6), approving a road development either with modifications or subject to conditions relating to -

- (a) features of the road development or measures envisaged to avoid, prevent, reduce or offset significant adverse effects on the environment, or

- (b) the monitoring of significant adverse effects on the environment (including conditions regarding monitoring measures, parameters to be monitored and the duration of monitoring).

Duty to notify, and to comply with modifications and conditions of approval

51C. (1) Where An Bord Pleanála makes an order in respect of a national road proposed by a road authority, the road authority shall -

- (a) comply with, and
- (b) notify the Authority of,

the modifications and conditions specified in the order.

(2) Where An Bord Pleanála makes an order in respect of a regional road or a local road proposed by a road authority, the road authority shall -

- (a) comply with, and
- (b) notify the Minister of,

the modifications and conditions specified in the order.

(3) Where An Bord Pleanála makes an order in respect of a national road proposed by the Authority, the Authority shall -

- (a) comply with, and
- (b) notify the Minister of,

the modifications and conditions specified in the order.

(4) A person that fails to comply with this section shall be guilty of an offence and shall be liable -

- (a) on summary conviction, to a class A fine or to imprisonment for any term not exceeding 6 months or, at the discretion of the court, to both such fine and such imprisonment, or
- (b) on conviction on indictment, to a fine not exceeding €500,000 or to imprisonment for a term not exceeding 3 years or, at the discretion of the court, to both such fine and such imprisonment.

Minister or Authority to ensure compliance with modifications and conditions

51D. Without prejudice to section 68 of the Environmental Protection Agency Act 1992, where the Minister or the Authority receives a notification under section 51C in relation to an order the Minister or, as the case may be, the Authority shall take all reasonable steps to ensure that the developer complies with the modifications and conditions specified in the notification.

Power to request information regarding compliance with modification or condition

51E. (1) The Minister or, as the case may be, the Authority notified of a modification or condition under section 51C may request the developer to furnish, within a specified period, specified information in relation to the developer's compliance with the modification or condition, and that developer shall comply with such a request.

(2) A request under subsection (1) by the Minister to the Authority may include a request for information relating to -

- (a) the number and location of places within an area at which monitoring is being carried out and the frequency of such monitoring,
- (b) the manner in which samples and measurements are taken and analyses are carried out,
- (c) the equipment being used for the purposes of taking such samples and measurements, or of carrying out such analyses, and
- (d) the results of any monitoring carried out.

(3) A developer that fails to comply with a request under subsection (1) shall be guilty of an offence and shall be liable -

- (a) on summary conviction, to a class A fine or to imprisonment for any term not exceeding 6 months or, at the discretion of the court, to both such fine and such imprisonment, or
- (b) on conviction on indictment, to a fine not exceeding €500,000 or to imprisonment for a term not exceeding 3 years or, at the discretion of the court, to both such fine and such imprisonment.

Power to carry out assessment of developer's compliance with modification or condition

51F. (1) The Minister or, as the case may be, the Authority notified of a modification or condition under section 51C may, having notified the developer of its intention to do so, carry out an assessment of the developer's compliance with the modification or condition.

(2) During the course of an assessment under subsection (1) the developer shall comply with any request, made by the Minister or, as the case may be, the Authority for the purposes of that assessment, to -

- (a) furnish information, records or reports or the results of any monitoring by the developer in relation to the developer's compliance with the modification or condition, or
- (b) afford to the Minister or the Authority access to any land, premises or structure occupied by the developer,

for the purposes of assessing the developer's compliance with the modification or condition.

(3) A developer that fails to comply with a request under subsection (2) shall be guilty of an offence and shall be liable -

- (a) on summary conviction, to a class A fine or to imprisonment for any term not exceeding 6 months or, at the discretion of the court, to both such fine and such imprisonment, or
- (b) on conviction on indictment, to a fine not exceeding €500,000 or to imprisonment for a term not exceeding 3 years or, at the discretion of the court, to both such fine and such imprisonment.

Power to direct action to ensure compliance with modification or condition

51G. (1) The Minister, or as the case may be, the Authority having made a request under section 51E, or carried out an assessment under section 51F, and considered any information furnished to it or that has otherwise come into its possession as a result, may issue to the developer to whom the request was made, or whose compliance was assessed, the terms of a direction (in this section referred to as 'the proposed direction') that the Minister or, as the case may be, the Authority proposes to issue to the developer, requiring the developer to carry out, cause to be carried out, or arrange for, within a specified period, such action as the Minister or, as the case may be, the Authority considers necessary for the purposes of section 51D to ensure that that the developer complies with modifications and conditions specified in the order.

(2) The proposed direction shall specify a period within which the developer may make observations to the Minister or, as the case may be, the Authority in relation to the proposal to make the direction (and the developer may make such observations within that period accordingly).

(3) After the expiration of the period referred to in subsection (2) and having considered any observations made by the developer under that subsection, the Minister or, as the case may be, the Authority may confirm, with or without modification, or decide not to confirm the proposed direction and, in a case where the proposal is confirmed, the Minister or, as the case may be the Authority, shall accordingly issue to the developer the direction concerned and the developer shall comply with the direction within the period specified in the direction.

(4) A developer that fails to comply with a direction under subsection (3) shall be guilty of an offence and shall be liable -

- (a) on summary conviction, to a class A fine or to imprisonment for any term not exceeding 6 months or, at the discretion of the court, to both such fine and such imprisonment, or

(b) on conviction on indictment, to a fine not exceeding €500,000 or to imprisonment for a term not exceeding 3 years or, at the discretion of the court, to both such fine and such imprisonment.

(5) In imposing any penalty under subsection (4) the court shall, in particular, have regard to the risk or extent of damage to the environment and any remediation required arising from the act or omission constituting the offence.”.



GIVEN under my Official Seal,
24 June, 2019.

SHANE ROSS,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

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

These Regulations transpose Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment by amending the Roads Act, 1993.

The Regulations amend Sections 2, 50 and 51 of the Roads Act, 1993 and add new Sections, 51B to 51G.

Section 50 of the Roads Act, 1993 is substituted by Regulation 5 of these Regulations and provides for the circumstances in which an Environmental Impact Assessment (EIA) should be carried out; the obligations on An Bord Pleanála (ABP) and the road authority/Authority with regard to carrying out an EIA; the type of information to be included in an Environmental Impact Assessment Report (EIAR); and allows for the road authority/Authority to request a written opinion on scope and level of detail of the information to be included in the EIAR.

Section 51 of the Roads Act, 1993 is amended by Regulation 6 of these Regulations. The amendments to this Section set out the obligations on ABP and the road authority/Authority with regard to the dissemination of the EIAR both to the public and to a list of prescribed bodies. This Regulation also allows ABP to request supplementary information on the application from the road authority/Authority, and obligates them to provide such information as requested. ABP's powers for consideration and decision making are also set out in this Regulation.

Regulation 7 of these Regulations inserts new Sections 51B to 51G into the 1993 Act and this Regulation provides for new obligations on road developers to inform the competent authority of, and comply with, environmental modifications or conditions in an ABP Order. In addition, this Regulation provides that the competent authorities have powers to monitor that the environmental conditions or modifications are being complied with and to enforce compliance if this is not the case.

Consequential and related amendments are made to the Roads Regulations 1994 (S.I. No. 119 of 1994) and the Roads (Schemes) (Forms) Regulations, 2008 (S.I. No. 49 of 2008).

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