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

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

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

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

(a) in subsection (1), by –

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

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

(b) in subsection (1A), by –

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

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

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

(c) the insertion of the following subsection:

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2 OJ No. L20 of 26 January 2010, p.7
3 OJ No. L26 of 28 January 2012, p.1
4 OJ No. L124 of 25 April 2014, p.1

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 10th September, 2021.
“(8) A planning authority shall not extend the appropriate period under this section in relation to a permission if an environmental impact assessment or an appropriate assessment would be required in relation to the proposed extension concerned.”.

GIVEN under my Official Seal,
8 September, 2021.

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

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