



STATUTORY INSTRUMENTS.

**S.I. No. 544 of 2014**

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EUROPEAN UNION (ENVIRONMENTAL IMPACT ASSESSMENT AND  
APPROPRIATE ASSESSMENT) (FORESHORE) REGULATIONS 2014

## EUROPEAN UNION (ENVIRONMENTAL IMPACT ASSESSMENT AND APPROPRIATE ASSESSMENT) (FORESHORE) REGULATIONS 2014

I, ALAN KELLY, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive No. 2011/92/EU of the European Parliament and of the Council of 13 December 2011<sup>1</sup> on the assessment of the effects of certain public and private projects on the environment, hereby make the following regulations:

*Citation and commencement*

1. (1) These Regulations may be cited as the European Union (Environmental Impact Assessment and Appropriate Assessment) (Foreshore) Regulations 2014.

(2) These Regulations come into operation on 5th December 2014.

*Amendment of section 13A of the Foreshore Act 1933*

2. Section 13A of the Foreshore Act 1933 (No. 12 of 1933) is amended—

(a) in subsection (1) by substituting the following for paragraph (b):

“(b) (i) An environmental impact assessment shall be carried out by the appropriate Minister in respect of a relevant application for consent where the proposed development would be of a class specified in—

(I) Part 1 of Schedule 5 of the Planning and Development Regulations 2001, and either—

(A) such development would exceed any relevant quantity, area or other limit specified in that Part, or

(B) no quantity, area or other limit is specified in that Part in respect of the development concerned,

or

(II) Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and either—

<sup>1</sup>OJ No. L 26, 28.1.2012, p.1

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 5th December, 2014.*

- (A) such development would exceed any relevant quantity, area or other limit specified in that Part, or
  - (B) no quantity, area or other limit is specified in that Part in respect of the development concerned.
- (ii) An environmental impact assessment shall be carried out by the appropriate Minister in respect of a proposed development where such development—
- (I) would be of a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 but does not exceed the relevant quantity, area or other limit specified in that Part, and
  - (II) the appropriate Minister determines that the proposed development would be likely to have significant effects on the environment.”,

and

- (b) in subsection (5) by substituting “sections 13B, 19A, 19C, 21A and 21B” for “sections 19A, 19C, 21A and 21B”.

*Environmental impact assessments, etc., carried out by the Minister for Communications, Energy and Natural Resources*

3. The Foreshore Act 1933 (No. 12 of 1933) is amended by inserting the following section after section 13A:

“13B. (1) When considering a relevant application in respect of a petroleum activity the appropriate Minister shall consult with the Minister for Communications, Energy and Natural Resources.

(2) Notwithstanding section 13A, the appropriate Minister shall not be required to carry out a screening or assessment, in relation to a relevant application in respect of a petroleum activity where the appropriate Minister—

- (a) confirms that the authorisation of the Minister for Communications, Energy and Natural Resources records that a screening or assessment has been carried out by that Minister, in respect of the underlying project to which the petroleum activity relates, for the purposes of—
  - (i) Part 5 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011),
  - (ii) section 40B of the Gas Act 1976 (inserted by Regulation 2 of the European Union (Environmental Impact

Assessment) (Gas) Regulations 2012 (S.I. No. 403 of 2012),

- (iii) section 13B of the Petroleum and Other Minerals Development Act 1960 (No. 7 of 1960) (inserted by the European Union (Environmental Impact Assessment) (Petroleum) Regulations 2012 (S.I. No. 404 of 2012)), or
- (iv) Regulation 4 of the European Union (Environmental Impact Assessment) (Petroleum Exploration) Regulations 2013 (S.I. No. 134 of 2013),

or

- (b) confirms with the Minister for Communications, Energy and Natural Resources that such screening or assessment will be so carried out by that Minister in respect of the underlying project to which the petroleum activity relates.

(3) Subject to subsection (2), the appropriate Minister shall proceed to carry out a screening or assessment in relation to a relevant application in respect of a petroleum activity in respect of which the Minister for Communications, Energy and Natural Resources has granted a petroleum authorisation if the petroleum activity is altered in a material way prior to the decision of the appropriate Minister in relation to a relevant application in respect of that petroleum activity.

(4) Subsections (1) to (3) do not apply to a relevant application to the appropriate Minister in respect of a petroleum activity where the application was made before 5th December 2014.

(5) In this section—

‘appropriate assessment’ has the meaning given to it by Regulation 2 of the European Communities (Birds and Natural Habitats) Regulations 2011;

‘petroleum activity’ has the meaning given to it by section 13A(2) (inserted by section 3 of the Petroleum (Exploration and Extraction) Safety Act 2010 (No. 4 of 2010)) of the Electricity Regulation Act 1999 (No. 23 of 1999);

‘petroleum authorisation’ has the meaning given to it by section 13A(1) (inserted by section 3 of the Petroleum (Exploration and Extraction) Safety Act 2010) of the Electricity Regulation Act 1999;

‘screening or assessment’ means—

- (a) a screening for an environmental impact assessment or an environmental impact assessment, or

(b) a screening for an appropriate assessment or an appropriate assessment.”.



GIVEN under my Official Seal,  
26 November 2014.

ALAN KELLY,  
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 give further effect in Irish law to Directive No. 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.

The primary purpose of the Regulations is to amend section 13A of the Foreshore Act to include all deep drilling within the scope of the Annex to the Directive. This section sets out the developments/activities that may require environmental impact assessment in relation to consents under the Foreshore Act 1933. The Regulations also provide that, in respect of a petroleum activity where a foreshore lease or licence is being sought, it is not necessary for the appropriate Minister to carry out a screening for an environmental impact assessment, or an environmental impact assessment, or a screening for an appropriate assessment, or an appropriate assessment, if the Minister for Communications, Energy and Natural Resources has already carried out such screening or assessment or will be doing so in respect of that petroleum activity.

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