



STATUTORY INSTRUMENTS.

S.I. No. 584 of 2011



EUROPEAN UNION (ENVIRONMENTAL IMPACT ASSESSMENT AND
HABITATS) (No. 2) REGULATIONS 2011

(Prn. A11/2052)

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TABLE OF CONTENTS

1. Citation and commencement
2. Interpretation
3. Amendment of section 2 the Act
4. Amendment of section 5 of the Act
5. Amendment of section 172 of the Act
6. Amendment of section 179 of the Act
7. Amendment of the Regulations

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EUROPEAN UNION (ENVIRONMENTAL IMPACT ASSESSMENT AND HABITATS) (No. 2) REGULATIONS 2011

I, PHIL 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), and for the purpose of giving further effect to Council Directive 85/337/EEC of 27 June 1985, as amended, and Council Directive 92/43/EEC of 21 May 1992, as amended, hereby make the following regulations:

Citation and commencement

1. (a) These Regulations may be cited as the European Union (Environmental Impact Assessment and Habitats) (No. 2) Regulations 2011.

(b) These Regulations shall come into operation on the date of signature.

Interpretation

2. In these Regulations—

“Act” means the Planning and Development Act 2000 (No. 30 of 2000), as amended;

“Regulations” means the Planning and Development Regulations 2001 (S.I. No. 600 of 2001), as amended.

Amendment of the section 2 of the Act

3. Section 2 of the Act is amended

(a) by the insertion of the following:

“ “mine” means an excavation or system of excavations made for the purpose of, or in connection with, the getting, wholly or substantially by means involving the employment of persons below ground, of minerals (whether in their natural state or in solution or suspension) or products of minerals;” and

“ “minerals” includes stone, slate, clay, gravel, sand and other natural deposits except peat;” and

(b) by the substitution of the following for the definition of “quarry”:

“ “quarry” means an excavation or system of excavations made for the purpose of, or in connection with, the getting of minerals (whether in their natural state or in solution or suspension) or products of minerals,

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 18th November, 2011.

being neither a mine nor merely a well or bore-hole or a well and bore-hole combined, and shall be deemed to include—

- (i) any place on the surface surrounding or adjacent to the quarry occupied together with the quarry for the storage or removal of the minerals or for the purposes of a process ancillary to the getting of minerals, including the breaking, crushing, grinding, screening, washing or dressing of such minerals but, subject thereto, does not include any place at which any manufacturing process is carried on;
- (ii) any place occupied by the owner of a quarry and used for depositing refuse from it but any place so used in connection with two or more quarries, and occupied by the owner of one of them, or by the owners of any two or more in common, shall be deemed to form part of such one of those quarries as the Minister may direct;
- (iii) any line or siding (not being part of a railway) serving a quarry but, if serving two or more quarries shall be deemed to form part of such one of them as the Minister may direct;
- (iv) a conveyer or aerial ropeway provided for the removal from a quarry of minerals or refuse.”

Amendment of the section 5 of the Act

4. Section 5(8) of the Act, as inserted by Regulation 4 of the European Union (Environmental Impact Assessment and Habitats) Regulations 2011 (S.I. 473 of 2011), is amended by the substitution of “pursuant to a notification under Regulation 4(2) of the European Communities (Natural Habitats) Regulations 1997 (S.I. No. 94 of 1997) or pursuant to a direction under Regulation 28(1) or 29(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011)” for “pursuant to a notification under Regulation 14(2) of the European Communities (Natural Habitats) Regulations 1997 (S.I. No. 94 of 1997)”.

Amendment of the section 172 of the Act

5. Section 172 of the Act is amended in subsection (1) by the substitution of “proposed development” for “development” in each place that it occurs.

Amendment of section 179 of the Act

6. Section 179 of the Act is amended in subsection (6) by the substitution of the following paragraphs for paragraphs (c) and (d)—

“(c) consists of works which a local authority is required to undertake—

- (i) by or under any enactment,

- (ii) by or under the law of the European Union, or a provision of any act adopted by an institution of the European Union, or
- (iii) by order of a court,
- (d) is development in respect of which an environmental impact statement is required under section 175 or under any other enactment, or
- (e) is development in respect of which an appropriate assessment is required under section 177AE, or under any other enactment.”

Amendment of Article 8 of the Regulations

7. The Regulations are amended by the substitution of following articles for article 8D:

“8D. Works consisting of the removal for the purposes of agriculture of field boundaries including stone walls, clay banks or wire or post fences shall be exempted development.

8E. Articles 8B to 8D shall not apply in an area to which a special amenity area order relates.”



GIVEN under my Official Seal,
15 November 2011.

PHIL HOGAN,
Minister for the Environment, Community and Local
Government.

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