STATUTORY INSTRUMENTS.

S.I. No. of 2026

PLANNING AND DEVELOPMENT (MAJOR ACCIDENT) REGULATIONS 2026

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I, JAMES BROWNE, Minister for Housing, Local Government and Heritage, in exercise of the powers conferred on me by sections 4(1) and (2), 10(13), 95(1) and (2), 101(3), 102(4)(c), 103(2) and (8), 107(1)(c), 113(2), 120(1) and (2)(a), 122(3)(c), 126(4), 140(3)(iii), (8) and (10), 146(13), 147(3), 153(1), 158(1)(b) and (2)(a) and 83(1) of the Planning and Development Act 2024 (No. 34 of 2024), hereby make the following regulations:

Part 1

Preliminary

Citation

1. These Regulations may be cited as the Planning and Development (Major Accident) Regulations 2026.

Definitions

2. In these Regulations—

"Act" means the Planning and Development Act 2024 (No. 34 of 2024);

"dangerous substance" has the meaning assigned to it by the Seveso III Directive;

"hazard" has the meaning assigned to it by the Seveso III Directive;

"HSA" means Health and Safety Authority;

"Major Accident Regulations" means the Chemicals Act (Control of Major Accident Hazards involving Dangerous Substances) Regulations 2015 (S.I. 209 of 2015);

"risk" has the meaning assigned to it by the Seveso III Directive.

Part 2

Declarations under section 10 of Act

Notice of declaration to Health and Safety Authority

3. (1) Where—

(a) a planning authority receives a request for a declaration under section 10(2) of the Act, or

(b) the Commission receives a request for a declaration under sections 10(14) or (15) of the Act,

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relating to the provision of, or modifications to, a major accident establishment, and, in the opinion of the planning authority or the Commission as the case may be, the development could have significant repercussions on major accident hazards, the planning authority or the Commission shall send notice to the HSA.

(2) A notice sent under paragraph (1) shall—

(a) issue as soon as may be following receipt of the request for a declaration,

(b) include a copy of the relevant request for a declaration, and

(c) request technical advice on the effects of the proposed development on the risk or consequences of a major accident.

Health and Safety Authority advice to be included in documentation supplied to Commission by planning authority

4. Where a planning authority submits information or documentation to the Commission in respect of an appeal under section 10(8) of the Act, it shall include a copy of any relevant technical advice received from the HSA under Regulation 3.

Notice of Appeal under section 10 of Act to Health and Safety Authority

5. (1) Where the Commission receives an appeal under section 10(8) of the Act relating to the provision of, or modifications to, a major accident establishment, and which, in the opinion of the Commission, could have significant repercussions on major accident hazards, and the planning authority has not already done so, the Commission shall notify the HSA.

(2) A notice sent by the Commission under paragraph (1) shall—

(a) issue as soon as may be following receipt of the referral,

(b) include a copy of the relevant appeal, and

(c) request technical advice on the effects of the proposed development on the risk or consequences of a major accident.

Commission's weekly list

6. Where an appeal or request under section 10 of the Act relates to the provision of, or modifications to, a major accident establishment, the weekly list prepared by the Commission regarding appeals or requests shall indicate that fact.

Public notice of Appeal under section 10 of Act

7. Where a notice is required by the Commission under sections 362 or 367 of the Act in respect of an appeal under section 10(8) of the Act which relates to the provision of, or modifications to, a major accident establishment, and which,

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in the opinion of the Commission, could have significant repercussions on major accident hazards, the notice shall indicate that fact.

Part 3

Planning applications under Act

Newspaper notice – planning application

8. Where a planning application relates to the provision of, or modifications to, a major accident establishment, any newspaper notice required in respect of that planning application shall indicate that fact.

Content of planning application

9. Where a planning application relates to the provision of, or modifications to, a major accident establishment, the planning application shall be accompanied by the information specified in Regulation 8(1) of the Major Accident Regulations.

Weekly list of planning applications

10. Where a planning application relates to the provision of, or modifications to, a major accident establishment, any weekly list of planning applications made available by a planning authority or the Commission shall indicate that fact.

Notice to Health and Safety Authority

11. (1) Where a planning authority or the Commission receives a planning application relating to the provision of, or modifications to, a major accident establishment, and, in the authority's or Commission's opinion, the development would be relevant to the risk or consequences of a major accident and the HSA has not previously provided, either in relation to the development to which the planning application relates or on a generic basis, relevant technical advice on the risk or consequences of a major accident, the planning authority or the Commission shall notify the HSA.

(2) Where a planning authority or the Commission receives a planning application relating to development which would—

(a) be of a category listed in Part 1 of the Schedule, and

(b) be located within the distance listed in column (2) of Part 2 of the Schedule from a major accident establishment of the corresponding type listed in column (1) of Part 2 of the Schedule, or be located within such distance from a particular major accident establishment as has been specified by the HSA in technical advice provided under Regulation 24 of the Major Accident Regulations,

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and the HSA has not previously provided, either in relation to the development to which the planning application relates or on a generic basis, relevant technical advice on the risk or consequences of a major accident, the planning authority or the Commission shall notify the HSA.

(3) Where a planning authority or the Commission receives a planning application which would, in its opinion, be—

(a) in the vicinity of a major accident establishment, and

(b) relevant to the risk or consequences of a major accident,

and the HSA has not previously provided, either in relation to the development to which the planning application relates or on a generic basis, relevant technical advice on the risk or consequences of a major accident, the planning authority or the Commission shall notify the HSA.

(4) In forming an opinion under paragraph (3), a planning authority or the Commission shall have regard to Parts 1 and 2 of the Schedule.

(5) A notice sent by a planning authority or the Commission under paragraph (1), (2) or (3) shall—

(a) issue within 3 weeks of receipt of the planning application,

(b) include a copy of the relevant planning application,

(c) where the planning application relates to development referred to in paragraphs (2) or (3), identify the relevant major accident establishment or establishments,

(d) where an environmental impact assessment report has been submitted with the planning application, include a copy of the report,

(e) where the planning application relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence, an industrial emissions licence, a waste licence, a waste water discharge licence or an abstraction licence, indicate that fact,

(f) request a determination from the HSA as to whether the Major Accident Regulations apply to the proposed development, and

(g) request that, where the HSA determines under subparagraph (f) above that the Major Accidents Regulations apply to the proposed development, technical advice on the effects of the proposed development on the risk or consequences of a major accident be provided to the planning authority or the Commission as the case may be.

Restriction on application for outline permission

12. An application for outline permission under section 96 of the Act may not be made in respect of the provision of, or modifications to, a major accident establishment.

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Part 4

Planning Appeals

Health and Safety Authority advice to be submitted to Commission by planning authority

13. Where an appeal relates to development in respect of which the planning authority received technical advice from the HSA, the planning authority concerned shall, in addition to the requirements of section 102 of the Act, submit a copy of the relevant technical advice to the Commission.

Newspaper notice – appeal

14. Where any newspaper notice is required regarding an appeal and the appeal relates to the provision of, or modifications to, a major accident establishment, the notice shall indicate that fact.

Commission's weekly list

15. Where an appeal relates to development which consists of the provision of, or modifications to, a major accident establishment, any weekly list regarding appeals made available by the Commission shall indicate that fact.

Notice to Health and Safety Authority

16. (1) Where the Commission receives an appeal relating to the provision of, or modifications to, a major accident establishment, and, in the Commission's opinion, the development would be relevant to the risk or consequences of a major accident, and the planning authority has not already sent notice under Regulation 11 to the HSA, the Commission shall notify the HSA.

(2) Where the Commission receives an appeal relating to development which would, in its opinion—

(a) be of a category listed in Part 1 of the Schedule, and

(b) be located within the distance listed in column (2) of Part 2 of the Schedule from a major accident establishment of the corresponding type listed in column (1) of Part 2 of the Schedule, or be located within such distance from a particular major accident establishment as has been specified by the HSA in technical advice provided under Regulation 24 of the Major Accident Regulations,

and the HSA has not previously provided to the planning authority or the Commission, either in relation to the development to which the appeal relates or on a generic basis, relevant technical advice on the risk or consequences of a major accident, the Commission shall notify the HSA.

(3) Where the Commission receives an appeal relating to development which would, in its opinion, be—

(a) in the vicinity of a major accident establishment, and

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(b) relevant to the risk or consequences of a major accident,

and the HSA has not previously provided to the planning authority or the Commission, either in relation to the development to which the appeal relates or on a generic basis, relevant technical advice on the risk or consequences of a major accident, the Commission shall notify the HSA.

(4) In forming an opinion pursuant to paragraph (3), the Commission shall have regard to Parts 1 and 2 of the Schedule.

(5) A notice sent by the Commission under paragraph (1), (2) or (3) shall—

(a) issue as soon as may be following receipt from the planning authority of documentation referred to in section 105 of the Act,

(b) include a copy of the relevant appeal and any documentation received from the planning authority under section 105 of the Act,

(c) where the appeal relates to development referred to in paragraph (2) or (3), identify the relevant major accident establishment or establishments,

(d) where an environmental impact assessment report has been submitted with the planning application, include a copy of the report,

(e) where the appeal relates to development which comprises or is for the purposes of an activity requiring an integrated pollution control licence, an industrial emissions licence, a waste licence, a waste water discharge licence or an abstraction licence, indicate that fact,

(f) request a determination from the HSA as to whether the Major Accident Regulations apply to the proposed development, and

(g) request that, where the HSA determines under subparagraph (f) above that the Major Accident Regulations apply to the proposed development, technical advice on the effects of the proposed development on the risk or consequences of a major accident be provided to the Commission.

Part 5

Local Authority Development not requiring environmental impact assessment

Local authority prescribed development

17. Where a proposed local authority development relates to the provision of, or modifications to, a major accident establishment and which could have significant repercussions on major accident hazards but does not require an environmental impact assessment report, the development shall be prescribed for the purposes of section 153(1) of the Act and the provisions of sections 158 and 159 of the Act and the Planning and Development (Local Authority Own Development) Regulations 2026 (S. I. No. **XXX** of 2026) shall apply.

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Newspaper notice of proposed local authority development

18. Any newspaper notice regarding local authority development where development relates to the provision of, or modifications to, a major accident establishment and which could have significant repercussions on major accident hazards, shall indicate that fact.

Notice of proposed local authority development to Health and Safety Authority

19. (1) Where a proposed development is of a type referred to in Regulation 17 and the HSA has not previously provided to the local authority, either in relation to the proposed development or on a generic basis, relevant technical advice on the risk or consequences of a major accident, the local authority shall notify the HSA.

(2) Where a proposed development of a type referred to in Regulation 17 would—

(a) be of a category listed in Part 1 of the Schedule, and

(b) be located within the distance listed in column (2) of Part 2 of the Schedule from a major accident establishment of the corresponding type listed in column (1) of Part 2, or be located within such distance from a particular major accident establishment as has been specified by the HSA in technical advice provided under Regulation 24 of the Major Accident Regulations,

and the HSA has not previously provided to the local authority, either in relation to the proposed development or on a generic basis, relevant technical advice on the risk or consequences of a major accident, the local authority shall notify the HSA.

(3) Where a proposed development of a type referred to in Regulation 17 would, in the opinion of the local authority—

(a) be in the vicinity of a major accident establishment, and

(b) be relevant to the risk or consequences of a major accident,

and the HSA has not previously provided to the local authority, either in relation to the proposed development or on a generic basis, relevant technical advice on the risk or consequences of a major accident, the local authority shall notify the HSA.

(4) In forming an opinion pursuant to paragraph (3), a local authority shall have regard to Parts 1 and 2 of the Schedule.

(5) A notice sent by a local authority under paragraph (1), (2) or (3) shall—

(a) include details of the proposed development,

(b) where the proposed development is development referred to in paragraphs (2) or (3), identify the relevant major accident establishment or establishments,

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(c) where the proposed development comprises or is for the purposes of an activity requiring an integrated pollution control licence, an industrial emissions licence, a waste licence, a waste water discharge licence or an abstraction licence, indicate that fact, and

(d) request technical advice from the HSA on the effects of the proposed development on the risk or consequences of a major accident.

Chief Executive's report to members of local authority

20. A report prepared under section 159 of the Act shall include a copy of any relevant technical advice received from the HSA.

Notice of Decision to Health and Safety Authority

21. The notice in respect of the decision under section 159(3) of the Act regarding a proposed development prescribed in Regulation 17 shall also be sent to the HSA.

Part 6

State Authority Development

Notice of proposed State authority development to Health and Safety Authority

22. (1) Where a proposed State authority development would—

(a) be of a category listed in Part 1 of Schedule 1, and

(b) be located within the distance listed in column (2) of Part 2 of the Schedule from a major accident establishment of the corresponding type listed in column (1) of Part 2 of the Schedule, or be located within such distance from a particular major accident establishment as has been specified by the HSA in technical advice provided under Regulation 24 of the Major Accident Regulations,

and the HSA has not previously provided to the State authority, either in relation to the proposed State authority development or on a generic basis, relevant technical advice on the risk or consequences of a major accident, the State authority shall notify the HSA.

(2) Where a proposed State authority development would, in the opinion of the State authority—

(a) be in the vicinity of a major accident establishment, and

(b) be relevant to the risk or consequences of a major accident,

and the HSA has not previously provided to the State authority, either in relation to the proposed State authority development or on a generic basis, relevant

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technical advice on the risk or consequences of a major accident, the State authority shall notify the HSA.

(3) In forming an opinion pursuant to paragraph (2), a State authority shall have regard to Parts 1 and 2 of the Schedule.

(4) A notice sent by a State authority under paragraphs (1) or (2) shall—

(a) include details of the proposed State authority development,

(b) identify the relevant major accident establishment or establishments, and

(c) request technical advice from the HSA on the effects of the proposed State authority development on the risk or consequences of a major accident.

(5) In this Regulation and Regulation 23, "proposed State authority development" means—

(a) State authority prescribed development that does not require appropriate assessment or environmental impact assessment, and

(b) Chapter 6 State authority emergency development in respect of which compliance with sections 158 and 160 is required pursuant to an order under subsection (1) of section 155 of the Act.

Notice of Decision to Health and Safety Authority

23. The notice in respect of the decision under section 160(4) of the Act regarding a proposed State authority development shall also be sent to the HSA.

Timeline for Decisions

24. Where a planning authority or the Commission consults the HSA, in accordance with these regulations, for the purpose of obtaining technical advice, the period from the issuing of the notification to the receipt of the technical advice requested from the HSA shall be disregarded in reckoning the relevant period for the purposes of sections 101(11), 113(7), 126(10), 146(15) and 147(9) of the Act.

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SCHEDULE

Regulations 11, 16, 19 and 22

Part 1

Development Categories

1. Provision of hotel, hostel or holiday accommodation, or housing.
2. Provision of schools, crèches or other educational or childcare facilities, training centres, hospitals, convalescent homes, homes for the elderly or sheltered accommodation.
3. Retail developments greater than 250 square metres in gross floor space.
4. Structures for community and leisure facilities, greater than 100 square metres in gross floor space.
5. Provision of facilities or use of land for activities likely to attract more than 1,000 people at any one time.
6. Commercial or industrial development designed to accommodate 20 or more employees.
7. Provision of parking facilities for more than 200 motor vehicles.
8. Transport links, including public roads.
9. Any development adjoining, or separated only by a road from, a major accident establishment and which poses a risk of fire or explosion.
10. Modifications to categories 2, 3, 4, 6 or 7 which would give rise to an increase in size or capacity of 20 per cent or more.

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Part 2

Distances from major accident establishments

Column (1) *Type of major accident establishment*	Column (2) *Distance from establishment perimeter (metres)*
Major Accident Establishment where pressurised flammable substances (including liquefied petroleum gas) are stored in bulk—	
- above ground	600
- mounded/underground	
≤ 100 tonnes	100
> 100 tonnes.	200
Major Accident Establishment where pressurised or refrigerated toxic substances (including ammonia) are present—	
- in bulk storage	2,000
- in cylinder or drum storage.	700
Major Accident Establishment consisting of or comprising a warehouse where chemicals are present.	700
Major Accident Establishment where non-pressurised flammable substances are stored in bulk.	300
Major Accident Establishment where chemical processing involving flammable or toxic substances takes place.	1,000
Major Accident Establishment where chemical processing, which involves the risk of dust explosion, takes place.	300

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Major Accident Establishment where explosives are manufactured.	1,000

GIVEN under my Official Seal,

_____2026.

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Minister for Housing, Local Government and Heritage.

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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 set out additional procedures/ requirements for:

- declarations under Section 10 of the Planning and Development Act 2024 as to whether works are development and if so whether they are exempted development;
- planning applications;
- planning appeals; and
- local authority and State Authority development

relating to development consisting of the provision of, or modifications to a major accident establishment which could have significant repercussions on major accident hazards or where specified proposed development is located within a specified distance from a major accident establishment.

The regulations provide for, inter alia:

- notifications to the Health and Safety Authority;
- requests for technical advice from the Health and Safety Authority;
- additional information to be provided in newspaper notices and weekly lists;
- restrictions on applications for outline permission;
- notice of decisions to the Health and Safety Authority; and
- timelines for decisions when the Health and Safety Authority has been consulted.

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