STATUTORY INSTRUMENTS.

S.I. No. of 2026

PLANNING AND DEVELOPMENT (PART 6) (CONSULTATION WITH ENVIRONMENTAL PROTECTION AGENCY) 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(2) and 240(3)(b)(i) of the Planning and Development Act 2024 (No. 34 of 2024), hereby make the following regulations:

Citation

1. These Regulations may be cited as the Planning and Development (Part 6) (Consultation with Environmental Protection Agency) Regulations 2026.

Definitions

2. In these Regulations—

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

"Act of 1992" means Environmental Protection Agency Act 1992;

"Act of 1996" means Waste Management Act 1996;

"Act of 2022" means Water Environment (Abstractions and Associated Impoundments) Act 2022;

"Agency" means Environmental Protection Agency;

"applicant" means the person who has made an application for permission;

"competent authority" has the same meaning as it has in section 223 of the Act;

"Regulations of 2007" means Waste Water Discharge (Authorisation) Regulations 2007 (S.I. No. 684 of 2007).

Environmental impact assessment and integrated pollution control licences and industrial emissions licences

3. (1) In this Regulation—

"activity" has the meaning assigned to it by section 3 of the Act of 1992;

"application for a licence" means, in relation to a licence under Part IV of the Act of 1992, an application made to the Agency—

(a) for such a licence under section 83 of the Act of 1992, or

(b) by the licensee under section 90(1)(b) of the Act of 1992 for a review of such a licence or a revised licence.

(2) Where a competent authority is considering an application for permission and is requested by the applicant to confirm in writing that the relevant development the subject of the application for permission relates to an activity in respect of which a licence under Part IV of the Act of 1992 is required, the

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competent authority shall, as soon as possible, confirm in writing that the relevant development the subject of the application for permission—

(a) so relates to the activity, or

(b) does not relate to the activity.

(3) Where a request is made by an applicant under paragraph (2) and the application for permission concerned was not accompanied by an environmental impact assessment report and the competent authority has not given notice to the applicant requiring the preparation and submission of an environmental impact assessment report in relation to the relevant development concerned, the competent authority shall also provide written confirmation to the applicant that—

(a) an environmental impact assessment in respect of the relevant development concerned is not required to be carried out by the competent authority by or under the Act, or

(b) the relevant development concerned was exempted, in accordance with the Act from being so required.

(4) Where permission has been granted in respect of a relevant development comprising or for the purposes of an activity in respect of which a licence under Part IV of the Act of 1992 is required, and the application for permission concerned was not accompanied by an environmental impact assessment report and the competent authority has not given notice to the applicant requiring the preparation and submission of an environmental impact assessment report in relation to the relevant development concerned, the competent authority shall, upon request, provide written confirmation that—

(a) an environmental impact assessment in respect of the relevant development concerned is not required to be carried out by the competent authority by or under the Act, or

(b) the relevant development concerned was exempted, in accordance with the Act from being so required.

(5) Where a competent authority receives a notice and request from the Agency under section 87(1D)(a) or (1E)(a) of the Act of 1992, the competent authority shall—

(a) comply with the request within the period specified in the notice, and

(b) enter into consultations for the purpose of section 87(1D)(c) or (1E)(c) of the Act of 1992 with the Agency.

(6) Where a competent authority—

(a) is carrying out a screening for environmental impact assessment under section 229 or section 230 of the Act in respect of the relevant development, and

(b) considers that the relevant development relates to an activity in respect of which a licence under Part IV of the Act of 1992 is required,

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the competent authority shall request observations from the Agency to assist the competent authority in making its screening determination and shall take into account any such observations received when making that determination.

(7) Where the Agency receives a request from a competent authority under paragraph (6), it shall respond to the competent authority within 4 weeks or any period if specified in the request.

(8) Where a person—

(a) is making an application for permission in respect of relevant development, and

(b) has made, intends to make or is considering making an application for a licence in respect of an activity relating to that relevant development,

that person shall notify the competent authority of that fact, intention or consideration when making the application for permission.

(9) Where a planning authority receives a notice and request from the Agency that the Agency has received an application for a licence to which section 87(1I) of the Act of 1992 applies, the planning authority shall—

(a) respond to the Agency within 4 weeks or any period specified in the notice, if any, and furnish any observations that the authority has in relation to the application for a licence including any observations on the environmental impact assessment report, and

(b) enter into consultations with the Agency, as the Agency considers appropriate, in relation to any environmental impacts of the activity to which the application for a licence relates.

Environmental impact assessment and waste licences

4. (1) In this Regulation—

"activity" shall be construed in accordance with section 4 of the Act of 1996;

"application for a waste licence" means, in relation to a waste licence under Part V of the Act of 1996, an application made to the Agency—

(a) for such a licence under section 40 of the Act of 1996, or

(b) by the holder of the licence, for a review of a waste licence under section 46 of the Act of 1996.

(2) Where a competent authority is considering an application for permission and is requested by the applicant to confirm in writing that the relevant development the subject of the application for permission relates to an activity in respect of which a waste licence under Part V of the Act of 1996 is required, the competent authority shall, as soon as possible, confirm in writing that the relevant development the subject of the application for permission—

(a) so relates to the activity, or

(b) does not relate to the activity.

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(3) Where a request is made by an applicant under paragraph (2) and the application for permission concerned was not accompanied by an environmental impact assessment report and the competent authority has not given notice to the applicant requiring the preparation and submission of an environmental impact assessment report in relation to the relevant development concerned, the competent authority shall also provide written confirmation to the applicant that—

(a) an environmental impact assessment in respect of the relevant development concerned is not required to be carried out by the competent authority by or under the Act, or

(b) the relevant development concerned was exempted, in accordance with the Act, from being so required.

(4) Where permission has been granted in respect of a relevant development comprising or for the purposes of an activity in respect of which a waste licence under Part V of the Act of 1996 is required, and the application for permission concerned was not accompanied by an environmental impact assessment report and the competent authority has not given notice to the applicant requiring the preparation and submission of an environmental impact assessment report in relation to the relevant development concerned, the competent authority shall, upon request, provide written confirmation that—

(a) an environmental impact assessment in respect of the relevant development concerned was not required to be carried out by the competent authority by or under the Act, or

(b) the relevant development concerned was exempted, in accordance with the Act, from being so required.

(5) Where permission has been granted in respect of a relevant development comprising or for the purposes of an activity in respect of which a waste licence under Part V of the Act of 1996 is required, and where the competent authority is requested by the Agency, in connection with an application for a waste licence, to—

(a) state whether the activity to which the application for a waste licence relates is the subject of a grant of permission,

(b) furnish a copy of all documents relating to the environmental impact assessment carried out by the competent authority, if any, in respect of the relevant development, and

(c) furnish any observations the authority has in relation to the application for a waste licence,

the competent authority shall comply with the request within the period specified in the request by the Agency.

(6) Where a competent authority—

(a) is carrying out a screening for environmental impact assessment under section 229 or 230 of the Act in respect of the relevant development, and

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(b) considers that the relevant development relates to an activity in respect of which a waste licence under Part V of the Act of 1996 is required,

the competent authority shall request observations from the Agency to assist the competent authority in making its screening determination and shall take into account any such observations received when making that determination.

(7) Where the Agency receives a request from a competent authority under paragraph (6), it shall respond to the competent authority within 4 weeks or any period if specified in the request.

(8) Where a person—

(a) is making an application for permission in respect of a relevant development, and

(b) has made, intends to make or is considering making an application for a waste licence in respect of an activity relating to that development, that person shall notify the competent authority of that fact, intention or consideration when making the application for permission.

(9) Where a planning authority receives a notice and request from the Agency that it has received an application for a waste licence to which section 42(1I) of the Act of 1996 applies, the planning authority shall—

(a) respond to the Agency within 4 weeks or within the period specified in the notice, if any, and furnish any observations that the authority has in relation to the application for a waste licence including any observations on the environmental impact assessment report, and

(b) enter into consultations with the Agency, as the Agency considers appropriate, in relation to any environmental impacts of the activity to which the application for a licence relates.

Environmental impact assessment relating to waste water discharges

5. (1) Where a competent authority is considering an application for permission referred to in paragraph (3A)(a) of Regulation 16 of the Regulations of 2007, it shall, upon the request in writing of the person who made the application and not later than 3 working days from the date of the request, provide that person with—

(a) confirmation in writing that an application for permission comprising or for the purposes of a waste water discharge to which the application relates is currently under consideration, and

(b) in circumstances where an environmental impact assessment in relation to the application is not required, confirmation in writing that an environmental impact assessment is not required under the Act.

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(2) Where a competent authority grants permission referred to in paragraph (3A)(b) of Regulation 16 of the Regulations of 2007 but did not carry out an environmental impact assessment in relation to the application for that permission, it shall, upon the request in writing of the person to whom the permission was granted and not later than 3 working days from the date of the request provide that person with confirmation in writing that an environmental impact assessment was not required under the Act.

(3) A competent authority shall comply with a request under—

(a) paragraph (6)(a) of Regulation 21 of the Regulations of 2007, within 4 weeks of receipt of the request,

(b) paragraph (7)(a) of Regulation 21 of the Regulations of 2007, within 4 weeks of receipt of the request, or

(c) paragraph (8)(a) of Regulation 21 of the Regulations of 2007, within 5 weeks of receipt of the request.

(4) Where a competent authority is considering an application for permission referred to in paragraph (1)(a) of Regulation 24A of the Regulations of 2007, it shall, upon the request in writing of the person who made the application and not later than 3 working days from the date of the request, provide that person with—

(a) confirmation in writing that an application for permission comprising or for the purposes of the waste water discharge to which the application relates is currently under consideration, and

(b) in circumstances where an environmental impact assessment in relation to the application is not required, confirmation in writing that an environmental impact assessment is not required under the Act.

(5) Where a competent authority grants a permission referred to in paragraph (1)(b) of Regulation 24A of the Regulations of 2007 but did not require an environmental impact assessment in relation to the application for that permission, it shall, upon the request in writing of the person to whom the permission was granted and not later than 3 working days from the date of the request provide that person with confirmation in writing that an environmental impact assessment was not required under the Act.

(6) Where a competent authority—

(a) is carrying out a screening for environmental impact assessment under section 229 or section 230 of the Act in respect of a relevant development, and

(b) considers that the relevant development requires a waste water discharge licence authorisation under the Regulations of 2007,

the competent authority shall request observations from the Agency to assist the competent authority in making its screening determination and shall take into account any such observations received when making that determination.

(7) Where the Agency receives a request from a competent authority under paragraph (6), it shall respond to the competent authority within 4 weeks or any period if specified in the request.

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(8) A person who—

(a) makes an application for permission to a competent authority, and

(b) has made an application, or proposes to make an application, to the Agency for—

(i) a waste water discharge licence or review of such a licence, or

(ii) a certificate (within the meaning of section 2 of the Regulations of 2007), or review of such a certificate,

in connection with the application referred to in paragraph (a),

shall, when making the application referred to in paragraph (a), inform the competent authority, in writing, of his or her having so made the application referred to in paragraph (b) or his or her proposal to make such an application, as the case may be.

Environmental impact assessment relating to abstractions

6. (1) Where a competent authority is considering an application for permission referred to in section 25(2)(a) of the Act of 2022, it shall, upon the request in writing of the person who made the application and not later than 3 working days from the date of the request, provide that person with—

(a) confirmation in writing that an application for permission comprising or for the purposes of the abstraction is currently under consideration by the competent authority, and

(b) in circumstances where an environmental impact assessment is not required, confirmation in writing that an environmental impact assessment is not required under the Act.

(2) Where a competent authority grants a permission referred to in section 25(2)(b) of the Act of 2022 but did not require an environmental impact assessment in relation to the application for that permission, it shall, upon the request in writing of the person to whom the permission was granted, provide confirmation in writing that an environmental impact assessment was not required under the Act.

(3) A competent authority shall comply with a request of the Agency under—

(a) section 25(4)(a) of the Act of 2022,

(b) section 25(5)(a) of the Act of 2022, or

(c) under section 25(8)(a) of the Act of 2022

within 4 weeks of receipt of the request.

(4) Where a competent authority—

(a) is carrying out a screening for environmental impact assessment under section 229 or section 230 of the Act in respect of the relevant development, and

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(b) considers that the relevant development requires an abstraction licence,

the competent authority shall request observations from the Agency to assist the competent authority in making its screening determination and shall take into account any such observations received when making that determination.

(5) Where the Agency receives a request from a competent authority under paragraph (6), it shall respond to the competent authority within 4 weeks or any period if specified in the request.

(6) A person who—

(a) makes an application for permission to a competent authority, and

(b) has made an application, or proposes to make an application, for an abstraction licence in connection with an application referred to in paragraph (a),

shall, when making the application referred to in paragraph (a), inform the competent authority, in writing, of his or her having so made the application referred to in paragraph (b) or of his or her proposal to make such an application.

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GIVEN under my Official Seal,

____ _____2026.

Minister for Housing, Local Government and Heritage.

EXPLANATORY NOTE

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

These Regulations provide for consultation between a competent authority and the Environmental Protection Agency in relation to applications for permission under the Planning and Development Act 2024 and the following:

- an integrated pollution control licence;
- an industrial emissions licence;
- a waste licence;
- a waste water discharge licence;
- an abstraction licence.

The Regulations provide for the provision of confirmation when a competent authority has determined that a relevant development requires or does not require an environmental impact assessment.

The Regulations also provide for consultation with the Environmental Protection Agency in relation to the carrying out of a screening for environmental impact assessment for relevant development.

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